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List of CFR Parts Affected

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

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3951

FURTHER EXTENSION OF REMAINING INCREASED DUTIES ON IMPORTS OF SHEET GLASS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to Section 7 of the Trade Agreements Extension Act of 1951 and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 U.S.T. (pt. 2) 1786), the President by Proclamation No. 3455 of March 19, 1962 (76 Stat. 1454), as modified by Proclamation No. 3458 of March 27, 1962 (76 Stat. 1457), proclaimed, effective after the close of business June 17, 1962, and until the President otherwise proclaimed, increased duties on imports of certain types of sheet glass;

2. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 3455 by providing for the increased duties on imports of such types of sheet glass in items 923.11 through 923.99 and item 924.00 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States;

3. WHEREAS, pursuant to Section 351(c)(1)(A) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(c)(1)(A)) and in accordance with Article XIX of the General Agreement on Tariffs and Trade, the President by Proclamation No. 3762 of January 11, 1967 (81 Stat. 1076), terminated the increased duties on imports of sheet glass provided for in items 923.11 through 923.25, items 923.42 through 923.67, items 923.92 through 923.99, and item 924.00, and reduced the increased duties provided for in items 923.31 through 923.37, and items 923.71 through 923.77;

4. WHEREAS, pursuant to Section 351(c)(2) of the Trade Expansion Act of 1962 and in accordance with Article XIX of the General Agreement on Tariffs and Trade, the President by Proclamation No. 3816 of October 11, 1967 (81 Stat. 1139), extended the remaining increased rates of duty on imports of sheet glass provided for in items 923.31 through 923.77 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States to the close of December 31, 1969;

5. WHEREAS, pursuant to Section 301(b)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(b)(1)), the Tariff Commission, on July 2, 1969, instituted an investigation, the report to the President on which is to be made not later than December 27, 1969, to determine whether glass of the kinds provided for in items 541.11 through 541.31, 542.11 through 542.98, 543.11 through 543.69, 544.31, and 544.32 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive products;

6. WHEREAS, in relation to the possible further extension of such remaining increased duties, I have taken into account advice received from the Tariff Commission on December 1, 1969, and the advice of the Secretary of Commerce and the Secretary of Labor in accordance with Section 351(c)(2) of the Trade Expansion Act of 1962, recommendations of the Special Representative for Trade Negotiations in accordance with Sections 3(b), 3(j), and 5(c) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(b), 1.3(j), and 1.5(c)), and advice of other interested agencies of the Government; and

7. WHEREAS, pursuant to Section 351(c)(2) of the Trade Expansion Act of 1962, I have determined that the provisional further extension, as herein proclaimed, of the remaining increased duties on imports of sheet glass provided for in items 923.31 through 923.77 is in the national interest:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 351(c)(2) of the Trade Expansion Act of 1962, do proclaim that the remaining increased rates of duty on imports of sheet glass provided for in items 923.31 through 923.77 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States are extended to articles entered, or withdrawn from warehouse, for consumption during the period beginning on January 1, 1970, and ending at the close of March 31, 1970, unless the President proclaims otherwise with respect to any such glass, pursuant to Section 351(c)(2) or (a)(1) of the Trade Expansion Act of 1962, following receipt by the President of the report of the Tariff Commission referred to in the fifth recital.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of December in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-15522; Filed, Dec. 29, 1969; 4:45 p.m.]

Rules and Regulations

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

SUBCHAPTER A—GENERAL

SUBCHAPTER B—GOVERNMENT INVENTIONS JURISDICTION

EDITORIAL NOTE: Chapter I of Title 37 of the Code of Federal Regulations is changed by designating the existing text as Subchapter A—General, and inserting a new Subchapter B—Government Inventions Jurisdiction, containing former Parts 300, 301, and 302 which are transferred from Chapter III of this title and redesignated as follows:

Part
100 Administration of a uniform patent policy with respect to the domestic rights in inventions made by Government employees.
101 Acquisition and protection of foreign rights in inventions.
102 Licensing of foreign patents acquired by the Government.

Accordingly, all references to sections in former Parts 300, 301, or 302 shall be deemed to be to sections in Parts 100, 101, and 102. Thus, a reference to former § 300.1 shall be considered a reference to § 100.1.

Chapter III—Government Inventions Jurisdiction, Patent Office, Department of Commerce

TRANSFER OF REGULATIONS

The text of Chapter III of Title 37 of the Code of Federal Regulations is transferred to Chapter I of this title as Subchapter B—Government Inventions Jurisdiction. Former Parts 300, 301, and 302 are redesignated Parts 100, 101, and 102 respectively.

Title 7—AGRICULTURE

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

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

MISCELLANEOUS AMENDMENTS TO CHAPTER

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Domestic Rabbits and Edible Products Thereof and U.S. Specifications for Classes, Standards, and Grades With Respect Thereto (7 CFR Part 54), the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55), the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and U.S. Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70) as set forth below:

Statement of considerations. Congress has passed a provision to increase the agency's contribution to the retirement fund from 6½ percent to 7 percent. The Department has authorized an increase in the per diem to graders who perform relief work from $14 to $18 per day plus lodging with a maximum of $25.

The agency obtains the funds for the contribution to the Civil Service retirement fund, and obtains the funds to pay per diem from the 25 percent factor added to the salary charge.

As the grading program is a voluntary, self-supporting program, it becomes necessary to increase the charges so that the program costs and the charges are on a self-supporting basis. To recover these costs, it is necessary that the 25 percent factor be increased to 27 percent.

A slight change is made in § 70.132 relating to appeal fees for grading and other service for poultry and poultry products to provide for "no fee" only when a material error was made in the quality or class examination in the original grading of poultry or poultry products.

A new section is added to Part 70 to provide that when laboratory analyses and examinations are made on poultry and poultry products, the fees for such services shall be those set forth in 7 CFR Part 55 for comparable services.

The amendments are as follows:

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 54:

§ 54.108 [Amended]

Section 54.108(a)(6) is amended by deleting the figure "25" and substituting in lieu thereof the figure "27."

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

As to Part 55:

§ 55.68 [Amended]

Section 55.68(a)(6) is amended by deleting the figure "25" and substituting in lieu thereof the figure "27."

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

As to Part 56:

§ 56.52 [Amended]

Section 56.52(a)(6) is amended by deleting the figure "25" and substituting in lieu thereof the figure "27."

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 70:

§ 70.138 [Amended]

1. Section 70.138(a)(6) is amended by deleting the figure "25" and substituting in lieu thereof the figure "27."

2. Section 70.132 is amended to read:

§ 70.132 Fees for appeal service.

The fee to be charged for any appeal grading or laboratory analysis or examination shall be based on the rates as specified in § 70.131 (b) or (c). If the result of an appeal grading for class or quality of ready-to-cook poultry or poultry products discloses any material error was made in the original grading, no fee will be charged.

3. A new § 70.133 is added to read:

§ 70.133 Laboratory analyses.

Fees and charges for any laboratory analysis or examination for poultry or poultry products made under this part shall be assessed and collected in accordance with the provisions for fees and charges for such services as contained in Part 55 of this chapter.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended; 33 F.R. 10750)

Legislation requires that the fees and charges for inspection and grading services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), be reasonable and shall, as nearly as possible, cover the cost of such services. Therefore, the increase in fees and charges to cover such costs should be made effective promptly.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department.

The change in the appeal grading section to provide that no fee be charged when a material error was made for class or quality at origin is not a material change since such change merely conforms to the present administrative interpretation of the regulations and the

addition of a section to provide for fees for laboratory analysis of poultry and poultry products is in accord with present practices. It does not appear that rulemaking would result in the Department receiving additional information on these matters.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 23d day of December 1969 to become effective on January 11, 1970.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 69-15407; Filed, Dec. 30, 1969; 8:45 a.m.]

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Miscellaneous Amendments

Correction

In F.R. Doc. 69-15095, appearing at page 20036, in the issue of Tuesday, December 23, 1969, in § 55.101(b), Table I, the third entry in the last column now reading "3." should read "3.5".

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.6, Amdt. 2]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1969

Correction

In F.R. Doc. 69-15203 appearing at page 20041 in the issue for Tuesday, December 23, 1969, in the table for § 813.6(a), second column, opposite the entry "Great Western Sugar Co., the", the figure now reading "759,447" should read "759,449".

[Sugar Reg. 815.10, Amdt. 2]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1969

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 815.10 (34 F.R. 425 and 6964), which established allotments of the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1969.

This amendment of Sugar Regulation 815.10 is necessary to determine a deficit in the allotment of each named allottee and to set aside the total of such deficits as a residual balance available to all persons since no allottee is able to market additional sugar.

The data in the following table shows in column (1) the allotments in effect prior to the determination and allocation of the deficits made herein, in column (2) the latest information available to the Department as to each allottee's 1969 ability to market sugar and in column (3) the quantity of the deficit determined and allocated.

Allottees	1969 allotments prior to determinations of deficits	Maximum 1969 marketing ability	Deficits determined (−) and allocated (+)
	(1)	(2)	(3)
	(Short tons, raw value)		
Central Aguirre Sugar Co., a Trust	6,679	4,260	−2,419
Central Roig Refining Co.	21,851	14,900	−6,951
Central San Francisco	1,183	407	−776
Puerto Rican American Sugar Refinery Inc.	107,552	98,000	−9,552
Western Sugar Refining Co.	24,710	19,954	−4,756
Liquid sugar reserve for persons other than named above	25		0
Residual balance available to all persons	0		+24,454
Total	162,000	137,521	0

Findings heretofore made and the order issued by the Secretary in the course of this proceeding (34 F.R. 425) provides that this order shall be revised without further notice or hearing by the Administrator, Agricultural Stabilization and Conservation Service for the purpose indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with paragraph (c) of § 815.10 of this chapter, it is hereby ordered that paragraph (a) of § 815.10 be amended to read as follows:

§ 815.10 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1969.

(a) *Allotments.* The direct-consumption portion of the 1969 mainland sugar quota for Puerto Rico, amounting to 162,000 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	4,260
Central Roig Refining Co	14,900
Central San Francisco	407
Puerto Rican American Sugar Refinery, Inc	98,000
Western Sugar Refining Co	19,954
Liquid sugar reserve for persons other than named above	25
Residual balance available to all persons	24,454
Total	162,000

* * * * *

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928 as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. This amendment reduces the allotments of all the allottees and establishes a residual balance which is available to all persons. To allow other persons as much time as possible to plan their marketings of sugar for the remainder of 1969 it is imperative that this order be effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirements in 5 U.S.C. 553 is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 24, 1969.

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

[F.R. Doc. 69-15443; Filed, Dec. 30, 1969; 8:47 a.m.]

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

[Navel Orange Reg. 188, Amdt. 1]

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

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended

marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.488 (Navel Orange Reg. 188, 34 F.R. 19811) are hereby amended to read as follows:

§ 907.488 Navel Orange Regulation 188.

* * * * *

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

(i) District 1: 623,000 cartons;

(ii) District 2: 60,000 cartons;

(iii) District 3: 77,000 cartons.

* * * * *

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

Dated: December 24, 1969.

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

[F.R. Doc. 69-15444; Filed, Dec. 30, 1969; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 36; Docket No. AO-179-A32]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Amending Order

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued November 6, 1969, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 5, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1036.51, paragraph (a) is revised to read as follows:

§ 1036.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.67 for plants in the Cleveland-Erie district and $1.77 for plants in the Pittsburgh district, plus 20 cents for each district. At a plant outside the marketing area, add to the basic formula price for the preceding month the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest (by the shortest hard-surfaced highway distance as determined by the market administrator such plant: Canton and Cleveland, Ohio; Erie, Pittsburgh and Uniontown, Pa.; and Clarksburg, W. Va.

* * * * *

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

Effective date: January 1, 1970.

Signed at Washington, D.C., on December 23, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-15409; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 114g, 115,

117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by deleting the name of the State of Tennessee, and paragraph (e)(10) relating to the State of Tennessee is deleted.

2. In § 76.2, paragraph (e)(6) relating to the State of Missouri is amended to read:

(6) *Missouri.* Lincoln County; that portion of Clinton County bounded by a line beginning at the junction of the northern and eastern boundaries of Clinton County and following the northern boundary line in a westerly direction to U.S. Highway 69; thence, following U.S. Highway 69 in a southerly direction to County Road A; thence, following County Road A in a southwesterly direction to County Road H; thence, following County Road H in an easterly direction to U.S. Highway 69; thence, following U.S. Highway 69 in a southerly direction to Deer Creek Road; thence, following Deer Creek Road in an easterly direction to the eastern boundary of Clinton County; thence, following the eastern boundary line north to the northern boundary of Clinton County; and that portion of Worth County lying south of the Iowa-Missouri State line, east of County Roads K and Z, north of County Roads M and W, and west of the Harrison County line.

3. In § 76.2, paragraph (e)(7) relating to the State of New York is amended to read:

(7) *New York.* That portion of Montgomery County lying south of the Mohawk River, east of County Roads 27 and 145, north of the New York State Thruway, and west of State Highway 30.

4. In § 76.2, paragraph (f) is amended by adding the State of Tennessee to the States listed therein.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, §§ 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3, 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude certain areas in the States of Missouri, New York, and Tennessee from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas contained in said Part 76 will apply thereto. In addition, the amendments restore the State of Tennessee to the list of hog cholera eradication States, and the special provisions of Part 76 pertaining to the interstate movement of swine from and to the eradication States are again applicable to Tennessee.

Insofar as the amendments relieve certain restrictions presently imposed, they must be made effective immediately to be of maximum benefit to affected persons. Insofar as the amendments impose restrictions, they should be made effective without delay in order to protect the livestock of the United States. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of December 1969.

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

[F.R. Doc. 69-15442; Filed, Dec. 30, 1969; 8:47 a.m.]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Prohibition of Use of Paprika or Oleoresin Paprika in Certain Products

On October 8, 1968, there was published in the FEDERAL REGISTER (33 F.R. 15027) a proposal to amend the Meat Inspection Regulations under the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584; 21 U.S.C. 601 et seq.) to prohibit the use of paprika or oleoresin paprika in certain fresh meat and fresh meat food products prepared by establishments operating under the Act. A 30-day period was provided for interested persons to submit written data, views, and arguments on the proposed amendment. A FEDERAL REGISTER notice on November 15, 1968 (33 F.R. 16657) extended this period for an additional 30 days.

After due consideration of all information submitted and other relevant matters in connection with the notice and under the authority of the Federal Meat Inspection Act, § 318.7 of the Federal Meat Inspection Regulations (9 CFR 318.7) is amended by adding thereto the following new paragraph (c):

§ 318.7 Approval of substances for use in the preparation of meat food products.

* * * * *

(c) No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore, paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat food products, such as chopped and formed steaks or patties; or in any other meat food product consisting of fresh meat (with or without seasonings), except chorizo sausage and Italian brand sausage, and except other meat food products in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in Part 328 of this subchapter.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C., Supp. sec. 621; 29 F.R. 16210, as amended; 33 F.R. 10750)

On the basis of all information before this Department in connection with this proceeding, it has been determined that the amendment is necessary to assure that federally inspected meats and meat food products are not adulterated through the use of substances that conceal damage or inferiority or make the products appear to be better or of greater value than they are. The Federal Meat Inspection Act prohibits the preparation for, or distribution in, "commerce" as defined in the Act, of adulterated meats or meat food products, and the amendment would conform operations under the Act to the current interpretation of the requirements of the statute. Therefore under the administrative procedure provisions in 5 U.S.C. 552, good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER. However, it is recognized that the amendment will requrie changes in the operations of some members of the affected industry and that in order to avoid unfair hardship to them a reasonable and brief period of time should be allowed for them to adjust their operations to comply with the amendment. Therefore, it is hereby ordered that this amendment shall become effective upon the 15th day after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., on December 22, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-15408; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 73—PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL IN TRANSIT

Miscellaneous Amendments

The Atomic Energy Commission has adopted clarifying amendments of its regulation, 10 CFR Part 73, Physical Protection of Special Nuclear Material in Transit.

The amendments set out below require each license who delivers to a carrier for

transport more than 5,000 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope), uranium-233, or plutonium, or any combination of these in a single shipment, to notify immediately the consignee of the time of departure of the shipment and to notify or confirm with the consignee the method of transportation, including names of carriers, and the estimated time of arrival of the shipment. Each licensee who exports such material is required to make arrangements with the foreign consignee to be notified immediately if the shipment is lost or unaccounted for after the estimated arrival time. If a shipment fails to arrive at its destination at the estimated time, the consignee, if a licensee, or in the case of export shipments, the licensee who exported the shipment, is required to report the matter to the Commission and to the licensee or other person who delivered the material to a carrier for transport when arrangements were made for physical protection by such licensee or other person. Each licensee who makes arrangements for physical protection of a shipment is required to trace immediately any shipment that is lost or unaccounted for after the estimated arrival time and file appropriate reports concerning his trace investigation.

Under the amendments, each licensee who takes delivery of special nuclear material free on board (f.o.b.) the point where it is delivered to a carrier for transport is responsible for arranging the required physical protection of the shipment to destination.

Since the protection of the common defense and security requires immediate adoption of the following amendments, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as impracticable.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 73, are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions in connection with the regulation to 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. Consideration will be given such submission with the view to possible amendments. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 73.31 of 10 CFR Part 73, is amended to read as follows:

§ 73.31 Physical protection of special nuclear material in transit.

(a) Each licensee who transports or who delivers to a carrier for transport in a single shipment special nuclear material, subject to the regulations in this part, shall make arrangements to assure that such special nuclear material will be protected in transit as follows:

(1) Special nuclear material will be transported in the continuous personal custody of an authorized individual, or,

(2) Special nuclear material will be transported under the established procedures of a common or contract carrier which provide a system for the physical protection of valuable material in transit and require an exchange of hand-to-hand receipts at origin and destination and at all points en route where there is a transfer of custody. When a licensee takes delivery of a single shipment of special nuclear material, subject to the regulations in this part, free on board (f.o.b.) the point where it is delivered to a carrier for transport, that licensee shall make the arrangements to assure protection of special nuclear material in transit prescribed by this paragraph, rather than the licensee who delivers the shipment to a carrier for transport.

(b) Each licensee who delivers to a carrier for transport special nuclear material, subject to the regulations in this part, shall immediately notify the consignee by telephone, telegram, or teletype, of the time of departure of the shipment and shall notify or confirm with the consignee the method of transportation, including names of carriers, and the estimated time of arrival of the shipment at its destination.

(c) In addition to the requirements specified in paragraphs (a), (b), and (e) of this section, each licensee who exports special nuclear material, subject to the regulations in this part, shall make arrangements with the consignee to be notified immediately by telephone, telegraph, or teletype, of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination.

(d) In the event that a shipment of special nuclear material, subject to the regulations in this part, fails to arrive at its destination at the estimated time, the consignee, if a licensee, or in the case of an export shipment, the licensee who exported the shipment, shall immediately notify by telephone, telegram, or teletype, the Director of the appropriate Atomic Energy Commission District Safeguards Office listed in Appendix A, and the licensee or other person who delivered the material to a carrier for transport when arrangements were made for physical protection by such licensee or other person.

(e) Each licensee who makes arrangements for physical protection of a shipment of special nuclear material as required by this section, shall immediately conduct a trace investigation of any shipment that is lost or unaccounted for after the estimated arrival time and file a report with the Commission as specified in § 73.42. If the licensee who conducts the trace investigation is not the consignee, he shall also immediately report the results of his investigation by telephone, telegram, or teletype to the consignee.

2. Section 73.42 of 10 CFR Part 73 is amended to read as follows:

§ 73.42 Reports of unaccounted for shipments, suspected theft, or unlawful diversion.

(a) Each licensee who conducts a trace investigation of a lost or unaccounted for shipment pursuant to § 73.31(e) shall immediately report to the Director of the appropriate Atomic Energy Commission District Safeguards Office listed in Appendix A, by telephone, telegram, or teletype, the results of his trace investigation and shall file within a period of fifteen (15) days a written report to the Director, Division of Nuclear Materials Safeguards, Washington, D.C. 20545, with a copy to the Director of the appropriate District Safeguards Office, setting forth the details and results of the trace investigation.

(b) Each licensee shall report immediately to the Director of the appropriate Atomic Energy Commission District Safeguards Office listed in Appendix A, by telephone, telegram, or teletype, any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which he is licensed to possess and which is subject to the regulations of this part. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, Washington, D.C. 20545, with a copy to the Director of the appropriate Atomic Energy Commission District Safeguards Office, setting forth the details of the incident. Subsequent to the submission of the written report required by this paragraph a licensee shall immediately inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to the licensee, concerning the incident.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 18th day of December 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-15448; Filed, Dec. 30, 1969; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Part 0 of Title 28 is revised to read as follows:

Sec.

§ 0.0 Supersedure of prior documents and exceptions.

(a) *Supersedure of documents relating to departmental organization and functions.* The following-described orders are incorporated in this part and are hereby superseded: No. 271–62 of May 29, 1962; No. 273–62 of June 14, 1962; No. 274–62 of June 14, 1962; No. 275–62 of July 10, 1962; No. 276–62 of July 11, 1962; No. 281–62 of September 28, 1962; No. 291–62 of December 13, 1962, except for section 5 thereof; No. 299–63 of July 19, 1963; No. 303–63 of August 20, 1963; No. 308–63 of December 12, 1963; No. 310–64 of January 28, 1964; No. 315–64 of June 1, 1964; No. 316–64 of June 23, 1964; No. 319–64 of July 31, 1964; No. 327–64 of November 24, 1964; No. 329–65 of January 12, 1965; No. 331–65 of February 18, 1965, except for section 1 thereof; No. 334–65 of April 19, 1965; No. 335–65 of April 22, 1965; No. 339–65 of May 26, 1965; No. 343–65 of June 8, 1965; No. 347–65 of September 20, 1965; No. 348–65 of October 8, 1965, insofar as it applies to 28 CFR Part 0; No. 352–66 of January 13, 1966; No. 353–66 of January 26, 1966; No. 354–66 of February 21, 1966; No. 355–66 of March 25, 1966; No. 356–66 of March 25, 1966; No. 360–66 of April 20, 1966; No. 361–66 of April 22, 1966; No. 362–66 of May 6, 1966; No. 367–66 of August 31, 1966; No. 370–66 of November 10, 1966; No. 374–67 of January 20, 1967; No. 377–67 of April 28, 1967; No. 378–67 of May 29, 1967; No. 381–67 of June 29, 1967, insofar as it amends 28 CFR Part 0; No. 382–67 of July 24, 1967; No. 385–67 of October 30, 1967; No. 386–67 of November 28, 1967; No. 387–67 of November 29, 1967; No. 395–68 of May 28, 1968; No. 397–68 of July 2, 1968, insofar as it amends 28 CFR Part 0; No. 400–68 of July 29, 1968; No. 402–68 of August 8, 1968; No. 405–68 of November 4, 1968; No. 406–68 of November 18, 1968; No. 412–69 of March 21, 1969, insofar as it amends 28 CFR Part 0; No. 415–69 of May 12, 1969; No. 417–69 of June 5, 1969; No. 418–69 of June 30, 1969; No. 419–69 of July 7, 1969. Any existing delegation of authority made pursuant to the foregoing superseded orders shall continue in force and effect until modified or revoked: *Provided*, That nothing in this section shall be construed to modify the provisions of any other part of this title, or to modify any orders or regulations of the Attorney General issued pursuant to Executive Order No. 10450 of April 27, 1953, or No. 10501 of November 5, 1953, as amended.

(b) *Existing delegations or assignments to U.S. Attorneys or U.S. Marshals.* Unless otherwise indicated herein this part shall not be construed as superseding any part of any document making an assignment or delegation to U.S. Attorneys or U.S. Marshals.

(c) All references to sections of these regulations in departmental memoranda and directives are changed to conform to the section designations in this part.[1]

Subpart A—Organizational Structure of the Department of Justice

§ 0.1 Organizational units.

The Department of Justice shall consist of the following principal organizational units:

OFFICES

Office of the Attorney General.
Office of the Deputy Attorney General.
Office of the Solicitor General.
Office of Legal Counsel.
Community Relations Service.
Office of the Pardon Attorney.

DIVISIONS

Antitrust Division.
Civil Division.
Civil Rights Division.
Criminal Division.
Internal Security Division.
Land and Natural Resources Division.
Tax Division.
Administrative Division.

BUREAUS

Federal Bureau of Investigation.
Bureau of Prisons.
Bureau of Narcotics and Dangerous Drugs.
Immigration and Naturalization Service.
Law Enforcement Assistance Administration.

BOARDS

Board of Immigration Appeals.
Board of Parole.

Subpart B—Office of the Attorney General

§ 0.5 Attorney General.

The Attorney General shall:

(a) Supervise and direct the administration and operation of the Department of Justice, including the offices of U.S. Attorneys and U.S. Marshals, which are within the Department of Justice.

(b) Represent the United States in legal matters generally.

(c) Furnish advice and opinions, formal and informal, on legal matters to the President and the Cabinet and to the heads of the executive departments and agencies of the Government, as provided by law.

(d) Appear in person to represent the Government in the Supreme Court of the United States, or in any other court, in which he may deem it appropriate.

(e) Designate, pursuant to Executive Orders No. 9788 of October 4, 1946, and No. 10254 of June 15, 1951, officers and agencies of the Department of Justice to act as disbursing officers for the Office of Alien Property.

(f) Perform or supervise the performance of other duties required by statute or Executive order.

§ 0.6 Executive Assistant.

The Executive Assistant to the Attorney General established in the Office of the Attorney General shall:

(a) Assist the Attorney General in the review of opinions, interpretations, decisions of the Board of Immigration Appeals, applications for pardon and other forms of Executive clemency, antitrust complaints, contracts, agreements, and proposed offers in compromise, and other matters submitted for the Attorney General's action.

(b) Perform such other duties and functions as may be specially assigned from time to time by the Attorney General.

§ 0.7 Director of Public Information.

There shall be in the Office of the Attorney General a Director of Public Information who shall:

(a) Handle matters pertaining to relations with the public generally.

(b) Disseminate information to the press, the radio and television services, the public, members of Congress, officials of Government, schools, colleges, and civic organizations.

(c) Coordinate the relations of the Department of Justice with news media.

(d) Serve as a central agency for information relating to the work and activities of all agencies of the Department.

(e) Prepare public statements and news releases.

(f) Coordinate departmental publications.

§ 0.8 Incentive Awards Board.

The Incentive Awards Board shall consist of the Deputy Attorney General, who shall be the chairman, and four members selected by the Attorney General from among the Assistant Attorney Generals, bureau heads or persons of equivalent rank in the Department. The duties of the Board shall be:

(a) Consider and make recommendations to the Attorney General concerning honorary awards and cash awards in excess of $1,000 to be granted for suggestions or inventions, sustained superior performance, or special acts or services in the public interest.

(b) Consider and make recommendations to the Attorney General for transmittal to the Civil Service Commission and the President for Presidential awards under 5 U.S.C. 4504.

[1] Such changes and other conforming changes have been made in references in memoranda and directives set forth in this part.

(c) Evaluate periodically the effectiveness of the employee recognition program and recommend needed improvements to the Attorney General.

§ 0.9 Young American Medals Committee.

There shall be in the Office of the Attorney General a Young American Medals Committee, which shall be composed of three members, one of whom shall be the Director of Public Information, who shall be the Executive Secretary of the Committee. The Chairman of the Committee shall be designated by the Attorney General. The Committee shall issue regulations relating to the establishment of the Young American Medal for Bravery and Young American Medal for Service provided for by the act of August 3, 1950, 64 Stat. 397, and governing the requirements and procedures for the award of such medals. The regulations of the Committee in effect on the effective date of this part shall continue in effect until amended, modified, or revoked by the Committee.

§ 0.10 Fiscal Review Committee.

The Fiscal Review Committee shall be a part of the Office of the Attorney General and shall be composed of the Attorney General, the Deputy Attorney General, and the Assistant Attorney General for Administration. The Committee shall establish budget policy and review budget estimates to determine whether they conform to departmental and budget policy.

Subpart C—Office of the Deputy Attorney General

§ 0.15 Deputy Attorney General.

The Deputy Attorney General is authorized to exercise all the power and authority of the Attorney General specified in § 0.5 of Subpart B of this part, unless any such power or authority is required by law to be exercised by the Attorney General personally. The Deputy Attorney General shall act as Attorney General and perform all the duties of the Office of Attorney General in case of a vacancy in that office or in case of the absence or disability of the Attorney General and shall:

(a) Maintain liaison between the Department and the Congress.

(b) Assist the Attorney General in the overall supervision and direction of the Department, including coordination of the activities of the departmental divisions and other units.

(c) Assist the Attorney General in the formulation of departmental policies and programs, and in the development of ways and means of effectuating them.

(d) Keep currently informed concerning the operations of the Department, and bring to the consideration of the Attorney General matters requiring his personal attention or action.

(e) Administer the Attorney General's Employment Program for Honor Law Graduates.

(f) Approve Incentive Awards.

(g) Prepare, for the consideration of the Attorney General, recommendations for Presidential appointments to judicial positions and positions within the Department.

(h) Draft proposed departmental legislation, and except as provided in § 0.105(h), prepare and submit reports and recommendations on pending legislation, in response to requests of Congressional committees or other agencies, and on enrolled bills.

(i) Approve per diem allowances, concurrently with the Assistant Attorney General for Administration, for travel by airplane, train, or boat outside the continental United States in excess of the amounts fixed by paragraph 6.2c of the Standardized Government Travel Regulations.

§ 0.16 Executive Office for U.S. Attorneys.

The Executive Office for U.S. Attorneys, established in the Office of the Deputy Attorney General by Order No. 8-53 of April 6, 1953, under the supervision of the Deputy Attorney General, shall provide general executive assistance and supervision to the offices of the U.S. Attorneys, and coordinate and direct the relationship of agencies of the Department with such offices.

§ 0.17 Office of the Director, U.S. Marshals Service.

The Office of the Director, U.S. Marshals Service, shall be under the supervision of the Deputy Attorney General and shall direct and supervise the U.S. Marshals, coordinate and direct the relationship of other organiaztional units of the Department with the offices of U.S. Marshals, and approve staffing requirements of such offices.

§ 0.18 Office of Criminal Justice.

The Office of Criminal Justice, established to provide an overview of problems in the criminal justice system, under the supervision of the Deputy Attorney General, shall initiate, implement and evaluate proposals:

(a) To improve the effectiveness and the fairness of crime control and criminal justice administration; and

(b) To promote consistency and coordination in the handling of accused and convicted offenders by law enforcement, court, and correctional agencies in the Federal and District of Columbia systems.

Subpart D—Office of the Solicitor General

§ 0.20 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Solicitor General, in consultation with each agency or official concerned:

(a) Conducting, or assigning and supervising, all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments, and, in accordance with § 0.163, settlement thereof.

(b) Authorizing or declining to authorize appeals by the Goverment to all appellate courts (incuding petitions for rehearing en banc) and petitions to such courts for the issuance of extraordinary writs.

(c) Authorizing the filing of all briefs amicus curiae by the Government in all appellate courts.

(d) Surveying and listing appellate cases in the courts of appeals in which the Government is participating.

§ 0.21 Authorizing intervention by the Government in certain cases.

The Solicitor General may in consultation with each agency or official concerned, authorize intervention by the Government in cases involving the constitutionality of acts of Congress.

Subpart E—Office of Legal Counsel

§ 0.25 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Office of Legal Counsel:

(a) Preparing the formal opinions of the Attorney General; rendering informal opinions and legal advice to the various agencies of the Government; and assisting the Attorney General in the performance of his functions as legal adviser to the President and as a member of, and legal adviser to, the Cabinet.

(b) Preparing and making necessary revisions of proposed Executive orders and proclamations, and advising as to their form and legality prior to their transmission to the President; and performing like functions with respect to regulations and other similar matters which require the approval of the President or the Attorney General.

(c) Working with the White House Office, the Bureau of the Budget and other Executive agencies on legal aspects of bills proposed for the President's legislative program.

(d) Rendering opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department.

(e) Approving proposed orders of the Attorney General, and orders which require the approval of the Attorney General, as to form and legality and as to consistency and conformity with existing orders and memoranda.

(f) Except as to proposed legislation, acting in a liaison capacity for cooperation with the Council of State Governments.

(g) Coordinating the work of the Department of Justice with respect to the participation of the United States in the United Nations and related international organizations and advising with respect to the legal aspects of treaties and other international agreements.

(h) When requested, advising the Attorney General in connection with his review of decisions of the Board of Immigration Appeals and other organizational units of the Department.

(i) Advising Executive agencies and organizational units of the Department on questions relating to interpretation and application of the Public Information Section of the Administrative Procedure Act. (5 U.S.C. 552).

(j) Providing liaison for the Department with the Administrative Conference of the United States.

(k) Providing guidance and assistance to personnel of the Department of Justice in matters relating to ethical conduct, particularly matters subject to the provisions of the conflict of interest laws, Executive Order No. 11222 of May 8, 1965, or Part 45 of this title.

(l) Designating within the Office of Legal Counsel (1) a liaison officer, and an alternate, as a representative of the Department in all matters concerning the filing of departmental documents with the Office of the Federal Register, and (2) a certifying officer, and an alternate, to certify copies of documents (except those issued by the Commissioner of Immigration and Naturalization, or his designee, and the Director of the Bureau of Narcotics and Dangerous Drugs) required to be filed with the Office of the Federal Register (1 CFR 1.21).

(m) Performing such special duties as may be assigned by the Attorney General from time to time.

Subpart F—Community Relations Service

§ 0.30 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Director of the Community Relations Service:

(a) Exercise of the powers and performance of the functions vested in the Attorney General by sections 204(d), 205, 1002, and 1003(a) of the Civil Rights Act of 1964 (78 Stat. 267) and section 2 of Reorganization Plan No. 1 of 1966.

(b) Preparation and submission of the annual report to the Congress required by section 1004 of that Act.

§ 0.31 Designating officials to perform the functions of the Director.

(a) In case of a vacancy in the Office of the Director of the Community Relations Service, the Deputy Director of the Service shall perform the functions and duties of the Director.

(b) The Director is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate the Deputy Director to act in his stead. In unusual circumstances, or in the absence of the Deputy Director, a person other than the Deputy Director may be so designated by the Director.

§ 0.32 Applicability of existing departmental regulations.

Departmental regulations which are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Community Relations Service and to the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of section 1003(b) of the Civil Rights Act of 1964.

Subpart G—Office of the Pardon Attorney

CROSS REFERENCE: For regulations pertaining to the office of Pardon Attorney, see Part 1 of this chapter.

§ 0.35 Applications for clemency.

Subject to the general supervision and direction of the Attorney General, the Pardon Attorney shall have charge of the receipt, investigation, and disposition of applications to the President for pardon and other forms of Executive clemency, and shall perform any other duties assigned by the Attorney General.

§ 0.36 Recommendations.

The Pardon Attorney shall submit all recommendations in clemency cases to the Attorney General through the Executive Assistant to the Attorney General.

Subpart H—Antitrust Division

§ 0.40 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Antitrust Division:

(a) General enforcement, by criminal and civil proceedings, of the Federal antitrust laws and other laws relating to the protection of competition and the prohibition of restraints of trade and monopolization, including conduct of surveys of possible violations of antitrust laws, conduct of grand jury proceedings, designation of attorneys to present evidence to grand juries, issuance and enforcement of civil investigative demands, civil actions to obtain orders and injunctions, civil actions to recover forfeitures or damages for injuries sustained by the United States as a result of antitrust law violations, proceedings to enforce compliance with final judgments in antitrust suits, and negotiation of consent judgments in civil actions; criminal actions to impose penalties including actions for the imposition of penalties for conspiring to defraud the Federal Government by violation of the antitrust laws, participation as amicus curiae in private antitrust litigation; and prosecution or defense of appeals in antitrust proceedings.

(b) Intervention or participation before administrative agencies functioning wholly or partly under regulatory statutes in administrative proceedings which require an accommodation between the purposes of the antitrust laws and the purposes of such statutes, including such agencies as the Federal Trade Commission, Federal Reserve Board, Interstate Commerce Commission, Civil Aeronautics Board, Federal Communications Commission, Federal Maritime Commission, Federal Power Commission, and Securities Exchange Commission except proceedings referred to any agency by a Federal court as an incident to litigation being conducted under the supervision of another division in this Department.

(c) Developing procedures to implement, receiving information, maintaining records, and preparing reports by the Attorney General to the President as required by Executive Order No. 10936 of April 25, 1961, relating to identical bids submitted to Federal and State departments and agencies.

(d) As the delegate of the Attorney General, furnishing reports and summaries thereof, respecting the competitive factors involved in proposed mergers or consolidations of insured banks, required by subsection (c) of section 18 of the Federal Deposit Insurance Act (64 Stat. 891), as amended (12 U.S.C. 1828 (c)), and furnishing the advice regarding the proposed disposition of surplus Government property required by section 207 of the Federal Property and Administrative Services Act (63 Stat. 391), as amended (40 U.S.C. 488).

(e) Preparing the approval or disapproval of the Attorney General whenever such action is required by statute from the standpoint of the antitrust laws as a prerequisite to the development of Defense Production Act voluntary programs or agreements and small business production or raw material pools, the national defense program, atomic energy matters, and agreements or programs under the Balance of Payments Act, and advising the Attorney General with respect to the disposal of property formerly held by enemy aliens.

(f) Assembling information and preparing reports required or requested by the Congress or the Attorney General as to the effect upon the maintenance and preservation of competition under the free enterprise system of various Federal laws or programs, including the Defense Production Act, the Small Business Act, the joint resolution of July 28, 1955, giving consent to the Interstate Compact to Conserve Oil and Gas, and the Balance of Payments Act.

(g) Preparing for transmittal to the President, Congress, or other departments or agencies views or advice as to the propriety or effect of any action, program or practice upon the maintenance and preservation of competition under the free enterprise system.

(h) Representing the Attorney General on interdepartmental or interagency committees concerned with the maintenance and preservation of competition generally and in various sections of the economy and the operation of the free enterprise system and when authorized participating in conferences and committees with foreign governments and treaty organizations concerned with competition and restrictive business practices in international trade.

(i) Collecting fines, penalties, judgments, and forfeitures arising in antitrust cases.

§ 0.41 Special functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned

to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Antitrust Division:

(a) Institution of proceedings to impose penalties for violations of section 202(a) of the Communications Act of 1934 (48 Stat. 1070), as amended (47 U.S.C. 202(a)), which prohibits common carriers by wire or radio from unjustly or unreasonably discriminating among persons, classes of persons, or localities.

(b) Upon appropriate certification by the Federal Trade Commission, and except as assigned to the Criminal Division by § 0.55(d), the institution of civil or criminal proceedings to impose penalties arising from violations of the Federal Trade Commission Act.

(c) Representing the United States in suits before three-judge district courts under section 2321–2325 of title 28 of the United States Code, to enforce, suspend, enjoin, annul, or set aside, in whole or in part, any order of the Interstate Commerce Commission.

(d) Representing the United States in proceedings before courts of appeal to review orders of the Federal Communications Commission, the Federal Maritime Commission, the Maritime Administration and the Atomic Energy Commission (28 U.S.C. 2341–2350).

(e) Representing the Civil Aeronautics Board, the Administrator of the Federal Aviation Agency, and the Secretary of the Treasury or his delegates under the Federal Alcohol Administration Act, in courts of appeal reviewing their respective administrative orders.

(f) Defending the Administrator of the Federal Aviation Agency, the Secretary of the Treasury or his delegates under the Federal Alcohol Administration Act, and the agencies named in paragraph (c), (d), and (e) of this section or their officers against the injunctive actions brought in Federal courts when the matter which is the subject of the actions will ultimately be the subject of review under paragraph (c), (d), (e), or (g) of this section, or of an enforcement action under paragraph (b) of this section.

(g) Seeking review of or defending judgments rendered in proceedings under paragraphs (a) through (f) of this section and judgments rendered upon review of Federal Trade Commission orders by courts of appeal.

§ 0.42 Authority to furnish certain reports relating to proposed mergers of banks.

The Assistant Attorney General in charge of the Antitrust Division is authorized to exercise the authority vested in the Attorney General by subsection (c) of section 18 of the Federal Deposit Insurance Act (64 Stat. 891; 12 U.S.C. 1828(c)), as amended by the act of February 21, 1966, 80 Stat. 7, relating to the furnishing of reports, and summaries thereof, with respect to the competitive factors involved in proposed mergers or consolidations of insured banks.

Subpart I—Civil Division

CROSS REFERENCE: For regulations pertaining to the Civil Division, see Part 15 of this chapter.

§ 0.45 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Civil Division:

(a) Admiralty and Shipping Cases—civil and admiralty litigation in any court by or against the United States, its officers and agents, which involves ships or shipping (except suits to enjoin final orders of the Federal Maritime Commission under the Shipping Act of 1916 and under the Intercoastal Shipping Act assigned to the Antitrust Division by Subpart H of this part), defense of regulatory orders of the Maritime Administration affecting navigable waters or shipping thereon (except as assigned to the Land and Natural Resources Division by § 0.65(a)), workmen's compensation, and litigation and waiver of claims under reciprocal-aid maritime agreements with foreign governments.

(b) Court of Claims Cases—defense of all suits against the United States in the Court of Claims, except cases assigned to the Land and Natural Resources Division and to the Tax Division by Subparts M and N of this part, respectively.

(c) Customs Cases—all litigation incident to the reappraisement and classification of imported goods, including the defense of all suits in the Customs Court and presentation of customs appeals in the Court of Customs and Patent Appeals:

(d) Fraud Cases—civil claims arising from fraud on the Government (other than antitrust, land, and tax frauds), including alleged claims under the False Claims Act, the Surplus Property Act, the Anti-Kickback Act, the Contract Settlement Act, and common law fraud.

(e) Gifts and Bequests—handling matters arising out of devises and bequests and inter vivos gifts to the United States, except determinations as to the validity of title to any lands involved and litigation pertaining to such determinations.

(f) Patent and Allied Cases and Other Patent Matters—patent, copyright, and trademark litigation before the U.S. courts and the Patent Office, including patent and copyright infringement suits in the Court of Claims (28 U.S.C. 1498), suits for compensation under the Patent Secrecy Act where the invention was ordered to be kept secret in the interest of national defense (35 U.S.C. 183), suits for compensation for unauthorized practice of a patented invention in the furnishing of assistance under the Foreign Assistance Act (22 U.S.C. 2356), suits for compensation for the unauthorized communication of restricted data by the Atomic Energy Commission to other nations (42 U.S.C. 2223), interference proceedings (35 U.S.C. 135, 141, 142, 146), defense of the Register of Copyrights in his administrative acts, suits for specific performance to acquire title to patents, and civil patent-fraud cases.

(g) Tort Cases—defense of tort suits against the United States arising under the Federal Tort Claims Act and special acts of Congress; similar litigation against cost-plus Government contractors and Federal employees whose official conduct is involved (except actions against Government contractors and Federal employees which are assigned to the Land and Natural Resources Division by § 0.65(a); prosecution of tort claims for damage to Government property, and actions for the recovery of medical expenses under Public Law 87–693 and Part 43 of this title.

(h) General Civil Matters—litigation by and against the United States, its agencies, and officers in all courts and administrative tribunals to enforce Government rights, functions, and monetary claims (except defense of injunctive proceedings assigned to the Antitrust Division by Subpart H of this part and proceedings involving judgments, fines, penalties, and forfeitures assigned to other divisions by § 0.176 of this part), and to defend challenged actions of Government agencies and officers, not otherwise assigned, including, but not limited to, civil penalties and forfeitures, actions in the Tax Court under the Renegotiation Act, claims against private persons or organizations for which the Government is, or may ultimately be, liable, except as provided in § 0.70(c)(2) of this part, defense of actions arising under section 2410 of title 28 of the United States Code whenever the United States is named as a party as the result of the existence of a Federal lien against property, defense of actions for the recovery of U.S. Government Life Insurance and National Service Life Insurance (38 U.S.C. 784), enforcement of reemployment rights in private industry pursuant to the Military Selective Service Act of 1967 (50 U.S.C., App. 459); reparations suits brought by the United States as a shipper under the Interstate Commerce Act; civil actions by the United States for penalties for violations of car service orders (49 U.S.C. 1(17a)); actions restraining violations of Part II of the Interstate Commerce Act (49 U.S.C. 322 (b) and 322(h); civil actions under Part I of the Interstate Commerce Act (49 U.S.C. 6(10) and 16(9)); injunctions against violations of Interstate Commerce Commission orders (49 U.S.C. 16(12)); mandamus to compel the furnishing of information to the Interstate Commerce Commission (49 U.S.C. 19a(1) and 20(9)); recovery of rebates under the Elkins Act (49 U.S.C. 41(3)); compelling the appearance of witnesses before the Interstate Commerce Commission and enforcement of subpenas and punishment for contempt (49 U.S.C. 12(3)); suits to enforce final orders of the Secretary of Agriculture under the Perishable Agricultural Commodities Act (7 U.S.C. 499g), and the Packers and Stockyards Act (7 U.S.C. 216); suits to set aside orders of State regulatory agencies (49 U.S.C. 13(4)); and civil matters, except those required to be handled by the Board of Parole, under section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504(a)).

§ 0.46 Certain civil litigation.

The Assistant Attorney General in charge of the Civil Division shall, in addition to litigation coming within the scope of § 0.45, direct all other civil litigation including claims by or against the United States, its agencies or officers, in domestic or foreign courts, special proceedings, and similar civil matters not otherwise assigned.

§ 0.47 Alien Property matters.

The Office of Alien Property shall be a part of the Civil Division:

(a) The following described matters are assigned to, and shall be conducted, handled, or supervised by the Assistant Attorney General in charge of the Civil Division, who shall also be the Director of the Office of Alien Property:

(1) Exercising or performing all the authority, rights, privileges, powers, duties, and functions delegated to or vested in the Attorney General under the Trading with the Enemy Act, as amended, Title II of the International Claims Settlement Act of 1949, as amended, the act of September 28, 1950, 64 Stat. 1079 (50 U.S.C. App. 40), the Philippine Property Act of 1946, as amended, and the Executive orders relating to such acts, including, but not limited to, vesting, supervising, controlling, administering, liquidating, selling, paying debt claims out of, returning, and settling of intercustodial disputes relating to, property subject to one or more of such acts.

(2) Conducting and directing all civil litigation with respect to the Trading with the Enemy Act, Title II of the International Claims Settlement Act, the Foreign Funds Control Program and the Foreign Assets Control Program.

(3) Designating within the Office of Alien Property a certifying officer, and an alternate, to certify copies of documents issued by the Director, or his designee, which are required to be filed with the Office of the Federal Register.

(b) The Director of the Office of Alien Property shall act for and on behalf of the Attorney General.

(c) All the authority, rights, privileges, powers, duties, and functions of the Director of the Office of Alien Property may be exercised or performed by any agencies, instrumentalities, agents, delegates, or other personnel designated by him.

(d) Existing delegations by the Assistant Attorney General, Director, Office of Alien Property, or the Director, Office of Alien Property, shall continue in force and effect until modified or revoked.

(e) The Assistant Attorney General in charge of the Civil Division is authorized to administer and give effect to the provisions of the agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights and Interests," which was concluded on January 30, 1959, and was ratified by the Senate of the United States on February 25, 1964.

Subpart J—Civil Rights Division

§ 0.50 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Civil Rights Division:

(a) Enforcement of all Federal statutes affecting civil rights, including those pertaining to elections and voting, public accommodations, public facilities, school desegregation, employment, and housing, and authorization of litigation in such enforcement, including criminal prosecutions and civil actions and proceedings on behalf of the Government; and appellate proceedings in all such cases. Notwithstanding the provisions of the foregoing sentence, the responsibility for the enforcement of the following-described provisions of the United States Code is assigned to the Assistant Attorney General in charge of the Criminal Division—

(1) Sections 591 through 593 and sections 595 through 612 of title 18, United States Code, relating to elections and political activities;

(2) Sections 241, 242, and 594 of title 18, and sections 1973i and 1973j of title 42, United States Code, insofar as they relate to voting and election matters not involving discrimination or intimidation on grounds of race or color, and section 245(b)(1) of title 18, United States Code, insofar as it relates to matters not involving discrimination or intimidation on grounds of race, color, religion, or national origin;

(3) Section 245(b)(3) of title 18, United States Code, pertaining to forcible interference with persons engaged in business during a riot or civil disorder; and

(4) Sections 241 through 256 of title 2, United States Code (Federal Corrupt Practices Act).

(b) Requesting and reviewing investigations arising from reports or complaints of public officials or private citizens with respect to matters affecting civil rights.

(c) Conferring with individuals and groups who call upon the Department in connection with civil rights matters, advising such individuals and groups thereon, and initiating action appropriate thereto.

(d) Coordination within the Department of Justice of all matters affecting civil rights.

(e) Consultation with and assistance to other Federal departments and agencies and State and local agencies on matters affecting civil rights.

(f) Research on civil rights matters, and the making of recommendations to the Attorney General as to proposed policies and legislation relating thereto.

(g) Representation of Federal officials in private litigation arising under 42 U.S.C. 2000d or under other statutes pertaining to civil rights.

§ 0.51 Assistance to other Federal agencies.

(a) Upon request, the Assistant Attorney General in charge of the Civil Rights Division may assist the Commission on Civil Rights or other similar Federal bodies in carrying out research and formulating recommendations.

(b) A Special Assistant to the Attorney General in the Civil Rights Division, designated by the Attorney General, and responsible to him and to the Assistant Attorney General in charge of the Civil Rights Division, shall assist the Attorney General in carrying out the responsibility assigned to him under Executive Order No. 11247 of September 24, 1965, to coordinate the programs and activities of Federal departments and agencies with respect to the enforcement of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Subpart K—Criminal Division

§ 0.55 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Criminal Division:

(a) Prosecutions for Federal crimes not otherwise specifically assigned.

(b) Cases involving criminal frauds against the United States except cases assigned to the Antitrust Division by § 0.40(a) involving conspiracy to defraud the Federal Government by violation of the antitrust laws, tax fraud cases assigned to the Tax Division by Subpart N of this part and false statement or perjury cases assigned to the Internal Security Division by § 0.61(a).

(c) All criminal and civil litigation under the Federal Food, Drug, and Cosmetic Act.

(d) Libels or civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise and related proceedings) under the Federal Aviation Act, Contraband Transportation Act, customs laws, Export Control Act, Federal Alcohol Administration Act, Federal Caustic Poisons Act, Federal Insecticide, Fungicide, and Rodenticide Act, Federal Seed Act, Federal Trade Commission Act (in case foods, drugs, or cosmetics are involved), Gold Reserve Act, Hours of Service Act, laws relating to liquor, narcotics and dangerous drugs, gambling, and firearms, Locomotive Inspection Act, Prison-Made Goods Act, Safety Appliance Act, Standard Container Act, Sugar Act of 1948, and Twenty-Eight Hour Law.

(e) Subject to the provisions of Subpart Y of this part, consideration, acceptance, or rejection of offers in compromise of criminal and tax liability under the laws relating to liquor, narcotics and dangerous drugs, gambling, and firearms, in cases in which the criminal liability remains unresolved.

(f) All litigation arising under the immigration and nationality laws (except Japanese renunciation proceedings, which are assigned to the Civil Division, and suits under the Tucker Act for the recovery of money covered into the Treasury on forfeited immigration bonds), and the passport and visa laws (except litigation involving subversives, which is assigned to the Internal Security Division by § 0.61, and injunction actions against the Secretary of State to require the issuance of passports, which are within the jurisdiction of the Civil Division under § 0.45(h)).

(g) Coordination of enforcement activities directed against organized crime and racketeering.

(h) Enforcement of the Act of January 2, 1951, 64 Stat. 1134, as amended by the Gambling Devices Act of 1962, 76 Stat. 1075, 15 U.S.C. 1171 et seq., including registration thereunder. (See also 28 CFR 3.2.)

(i) Habeas corpus proceedings of all types, except that any such proceeding may be conducted, handled, or supervised by another division by agreement between the head of the division concerned and the Assistant Attorney General in charge of the Criminal Division.

(j) International extradition proceedings.

(k) Relation of military to civil authority with respect to criminal matters affecting both.

(l) All criminal matters arising under the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519).

(m) Enforcement of the following-described provisions of the United States Code—

(1) Sections 591 through 593 and sections 595 through 612 of title 18, United States Code, relating to elections and political activities;

(2) Sections 241, 242, and 594 of title 18, and sections 1973i and 1973j of title 42, United States Code, insofar as they relate to voting and election matters not involving discrimination or intimidation on grounds of race or color, and section 245(b)(1) of title 18, United States Code, insofar as it relates to matters not involving discrimination or intimidation on grounds of race, color, religion, or national origin;

(3) Section 245(b)(3) of title 18, United States Code, pertaining to forcible interference with persons engaged in business during a riot or civil disorder; and

(4) Sections 241 through 256 of title 2, United States Code (Federal Corrupt Practices Act). (See § 0.50(a).)

(n) All criminal and civil litigation under the Federal Cigarette Labeling and Advertising Act, 79 Stat. 282.

(o) Resolving questions that arise as to Federal prisoners held in custody by Federal officers or in Federal prisons, commitments of mentally defective defendants and juvenile delinquents, validity and construction of sentences, probation, and parole.

(p) Supervision of matters arising under the Escape and Rescue Act (18 U.S.C. 751, 752), the Fugitive Felon Act (18 U.S.C. 1072, 1073), and the Obstruction of Justice Statute (18 U.S.C. 1503), except as to obstructions which occur in connection with cases within the jurisdiction of the Internal Security Division.

(q) Supervision of matters arising under the Bail Reform Act of 1966 (28 U.S.C. 3041, 3141–3143, 3146–3152, 3568).

(r) Supervision of matters arising under the Narcotic Addict Rehabilitation Act of 1966 (18 U.S.C. 4251–4255; 28 U.S.C. 2901–2906; 42 U.S.C. 3411–3426, 3441, 3442).

§ 0.56 Exclusive or concurrent jurisdiction.

The Assistant Attorney General in charge of the Criminal Division is authorized to determine administratively whether the Federal Government has exclusive or concurrent jurisdiction over offenses committed upon lands acquired by the United States, and to consider problems arising therefrom.

§ 0.57 Delegation respecting authorization to institute criminal prosecution against a juvenile.

The Assistant Attorney General in charge of the Criminal Division is authorized to exercise the power and authority vested in the Attorney General by section 5032 of title 18 of the United States Code, to direct that criminal prosecution be instituted against a juvenile alleged to have committed one or more acts in violation of a law of the United States not punishable by death or life imprisonment.

§ 0.58 Delegation respecting payment of benefits for disability or death of law enforcement officers not employed by the United States.

The Assistant Attorney General in charge of the Criminal Division is authorized to exercise or perform any of the functions or duties conferred upon the Attorney General by the Act to Compensate Law Enforcement Officers not Employed by the United States Killed or Injured While Apprehending Persons Suspected of Committing Federal Crimes (5 U.S.C. 8191, 8192, 8193).

§ 0.59 Delegation respecting the approval of certain applications by U.S. Attorneys to Federal Courts for orders compelling testimony or the production of evidence by witnesses.

(a) The Assistant Attorney General in charge of the Criminal Division is authorized to exercise the power and authority vested in the Attorney General by sections 895 and 2514 of title 18 of the United States Code, to approve the application by a U.S. Attorney to a Federal Court for an order compelling testimony or the production of evidence by a witness; but only where the subject matter of the case or proceeding for which such an order is sought involves a violation or a conspiracy to violate a Federal law general supervision of which is assigned to the Criminal Division, under § 0.55.

(b) The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate the authority delegated to him by paragraph (a) of this section to his Deputy Assistant Attorney General to be exercised solely during the absence of the Assistant Attorney General from the City of Washington.

Subpart L—Internal Security Division

CROSS REFERENCE: For regulations pertaining to the Internal Security Division, see Parts 5, 10, 11, and 12 of this chapter.

§ 0.61 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Internal Security Division:

(a) Enforcement of all criminal laws relating to subversive activities and kindred offenses directed against the internal security of the United States, including the laws relating to treason, sabotage, espionage, and sedition; enforcement of the Foreign Assets Control Regulations issued under the Trading With the Enemy Act (31 CFR 500.101 et seq.); criminal prosecutions under the Atomic Energy Act, the Smith Act, the neutrality laws, the Munitions Control Act, section 1203 of the Federal Aviation Act of 1958 (49 U.S.C. 1523), relating to offenses involving the security control of air traffic, and section 799 of title 18 of the United States Code; and criminal prosecutions for offenses, such as perjury and false statements, relating to subversive activities or involving individuals with a subversive background.

(b) Administration and enforcement of the Foreign Agents Registration Act of 1938, as amended; the act of August 1, 1956, 70 Stat. 890 (50 U.S.C. 851–857), including the determination in writing that the registration of any person coming within the purview of the act would not be in the interest of national security; and the Voorhis Act.

(c) Administration and enforcement of the Internal Security Act of 1950, as amended, including the presentation of cases before the Subversive Activities Control Board regarding petitions against Communist organizations and membership in Communist-action organizations under the provisions of the Subversive Activities Control Act of 1950, as amended.

(d) All civil cases relating to Internal Security matters.

(e) All emergency mobilization planning and civil defense planning for the Department of Justice.

(f) Administration of the Department of Justice Security Office, headed by the Security Officer (Order No. 25–53 of Aug. 31, 1953).

(g) Interpretation of Executive Order No. 10450 of April 27, 1953, as amended, and advising other departments and agencies in connection with the administration of the Federal employees security program, including the designation of organizations as required by the order; the interpretation of Executive Order No. 10501 of November 5, 1953, as amended, and of regulations issued thereunder in accordance with section 11 of that

order; and the interpretation of Executive Order No. 10865 of February 20, 1960.

(h) Libels and civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise and related proceedings) arising out of violations of the Trading with the Enemy Act, the neutrality statutes, and the Mutual Security Act of 1954, as amended.

(i) Administration and enforcement of the act of May 20, 1964, 78 Stat. 194 (16 U.S.C. 1081–1085) and the act of October 14, 1966, 80 Stat. 908 (16 U.S.C. 1091–1094), relating to the regulation of foreign fishing vessels.

(j) Enforcement and administration of the provisions of section 613 of title 18 of the United States Code, relating to contributions by agents of foreign principals.

(k) Enforcement and administration of the provisions of section 219 of title 18 of the United States Code, relating to officers and employees of the United States acting as agents of foreign principals.

§ 0.62 Representative capacities.

The Assistant Attorney General in charge of the Internal Security Division shall:

(a) Be a member and serve as Chairman of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and have authority to designate an alternate to serve on such committee.

(b) Provide Department of Justice representation on the Interdepartmental Committee on Internal Security.

§ 0.63 Delegation respecting admission of certain aliens.

The Assistant Attorney General in charge of the Internal Security Division is authorized to exercise the power and authority vested in the Attorney General by section 7 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403h), with respect to entry of certain aliens into the United States for permanent residence.

Subpart M—Land and Natural Resources Division

§ 0.65 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Land and Natural Resources Division:

(a) Civil suits and matters in Federal and State courts (and administrative tribunals), by or against the United States, its agencies, officers, or contractors, or in which the United States has an interest, whether for specific or monetary relief, and also nonlitigation matters, relating to

(1) The public domain lands and the outer continental shelf of the United States,

(2) Other lands and interests in real property owned, leased, or otherwise claimed or controlled, or allegedly impaired or taken, by the United States, its agencies, officers, or contractors, including the acquisition of such lands by condemnation proceedings or otherwise,

(3) The water and air resources controlled or used by the United States, its agencies, officers, or contractors, without regard to whether the same are in or related to the lands enumerated in subparagraphs (1) and (2) of this paragraph, and

(4) The other natural resources in or related to such lands, water, and air,

except that the following matters which would otherwise be included in such assignment are excluded therefrom:

(i) Suits and matters relating to the use or obstruction of navigable waters or the navigable capacity of such waters by ships or shipping thereon, the same being specifically assigned to the Civil Division;

(ii) Suits and matters involving tort claims against the United States under the Federal Tort Claims Act and special acts of Congress, the same being specifically assigned to the Civil Division;

(iii) Suits and matters involving the foreclosure of mortgages and other liens held by the United States, the same being specifically assigned to the Civil and Tax Divisions according to the nature of the lien involved;

(iv) Suits arising under 28 U.S.C. 2410 to quiet title or to foreclose a mortgage or other lien, the same being specifically assigned to the Civil and Tax Divisions according to the nature of the lien held by the United States, and all other actions arising under 28 U.S.C. 2410 involving federal tax liens held by the United States, which are specifically assigned to the Tax Division;

(v) Matters involving the immunity of the Federal Government from State and local taxation specifically delegated to the Tax Division by § 0.71.

(b) Representation of the interests of the United States in all civil litigation in Federal and State courts, and before the Indian Claims Commission, pertaining to Indians, Indian tribes, and Indian affairs, and matters relating to restricted Indian property, real or personal, and the treaty rights of restricted Indians.

(c) Rendering opinions as to the validity of title to all lands acquired by the United States, except as otherwise specified by statute.

§ 0.66 Delegation respecting title opinions.

The Assistant Attorney General in charge of the Land and Natural Resources Division, or such members of his staff as he may specifically designate in writing, are authorized to sign the name of the Attorney General to opinions on the validity of titles to property acquired by or on behalf of the United States, except those which, in the opinion of the Assistant Attorney General involve questions of policy or for any other reason require the personal attention of the Attorney General.

§ 0.67 Delegation respecting conveyances for public-airport purposes.

The Assistant Attorney General in charge of the Land and Natural Resources Division, or such members of his staff as he may specifically designate in writing, are authorized to exercise the power and authority vested in the Attorney General by section 16 of the Federal Airport Act (60 Stat. 179; 49 U.S.C. 1115) with respect to approving the performance of acts and execution of instruments necessary to accomplish the conveyance of lands owned or controlled by the United States in carrying out the purposes of that section, except those acts and instruments which, in the opinion of the Assistant Attorney General, involve questions of policy or for any other reason require the personal attention of the Attorney General.

Subpart N—Tax Division

§ 0.70 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Tax Division:

(a) Prosecution and defense in all courts, other than the Tax Court, of civil suits, and the handling of other matters, arising under the internal revenue laws, and litigation resulting from the taxing provisions of other Federal statutes (except civil forfeiture and civil penalty matters arising under laws relating to liquor, narcotics, gambling, and firearms assigned to the Criminal Division by § 0.55(d)).

(b) Criminal proceedings arising under the internal revenue laws, except the following: proceedings pertaining to misconduct of Internal Revenue Service personnel, to taxes on liquor, narcotics, firearms, coin-operated gambling and amusement machines, and to wagering, forcible rescue of seized property (26 U.S.C. 7212(b)), corrupt or forcible interference with an officer or employee acting under the Internal Revenue laws (26 U.S.C. 7212(a)), unauthorized disclosure of information (26 U.S.C. 7213), and counterfeiting, mutilation, removal, or reuse of stamps (26 U.S.C. 7208).

(c) (1) Enforcement of tax liens, and mandamus, injunctions, and other special actions or general matters arising in connection with internal revenue matters.

(2) Defense of actions arising under section 2410 of title 28 of the United States Code whenever the United States is named as a party to an action as the result of the existence of a Federal tax lien, including the defense of other actions arising under section 2410, if any, involving the same property whenever a tax-lien action is pending under that section.

(d) Appellate proceedings in connection with civil and criminal cases enumerated in paragraphs (a) through (c) of this section and in § 0.71, including petitions to review decisions of the Tax Court of the United States.

§ 0.71 Delegation respecting immunity matters.

The Assistant Attorney General in charge of the Tax Division is authorized to handle matters involving the immunity of the Federal Government from State or local taxation (except actions to set aside ad valorem taxes, assessments, special assessments, and tax sales of Federal real property, and matters involving payments in lieu of taxes), as well as State or local taxation involving contractors performing contracts for or on behalf of the United States.

Subpart O—Administrative Division

§ 0.75 General functions and delegation of authority.

(a) Subject to the general supervision and direction of the Attorney General, the Assistant Attorney General for Administration is charged with the responsibility for supervising and directing all activities relating to the administrative management of the Department.

(b) The authority of the Attorney General in these administrative matters, except for such authority as is not delegable, and except for the authority delegated to other officials in Subpart X is hereby delegated to the Assistant Attorney General for Administration. This authority shall include, but not be limited to, the authority described in sections 0.76 and 0.77.

§ 0.76 Specific functions and delegations of authority.

(a) *Budget and financial management.* (1) To formulate and promulgate Department policies and to provide general direction, leadership and coordination of program planning and analysis and of the budget including presentation to the Fiscal Review Committee, the Bureau of the Budget, and the Congress and to monitor its execution; to formulate and prescribe the general principles and standards under which all systems of accounting and internal financial control must be operated; and to review and approve the design and documentation of all accounting systems prior to the submission thereof to the Comptroller General for approval;

(2) To conduct the Department's fiscal operations, including control of and accounting for appropriations and expenditures, employment limitations, payroll operations, voucher examination and audit, authorization of overtime pay, establishing per diem rates, authorization of travel, transportation, and relocation expenses, and issuance of necessary regulations pertaining thereto;

(3) To submit requests to the Bureau of the Budget for apportionment or reapportionment of appropriations, including the determination, whenever required, that such apportionment or reapportionment indicates the necessity for the submission of a request for a deficiency or supplemental estimate, and to make allotments to organizational units of the Department of appropriations made available to the Department within the limits of such apportionments or reapportionments (31 U.S.C. 665).

(4) To make the certificates required in connection with the payment of expenses of collecting evidence: *Provided,* That each such certificate shall be approved by the Attorney General.

(5) To determine the amounts of bonds required of U.S. Marshals (28 U.S.C. 564).

(6) To approve per diem allowances, concurrently with the Deputy Attorney General, for travel by airplane, train, or boat outside the continental United States in accordance with paragraph 6.2c of the Standardized Government Travel Regulations.

(7) To review settlements of claims, arising from departmental operations, which are made by the Bureau of Prisons, Federal Prison Industries, the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Bureau of Narcotics and Dangerous Drugs, and the Law Enforcement Assistance Administration under the Federal Claims Collection Act of 1966 and to exercise the claims settlement authority as to all other organizational units of the Department (31 U.S.C. 952).

(8) To designate a highway mileage guide containing a shortline nationwide table of distances for use in determining mileage payable to witnesses (28 U.S.C. 1821).

(9) To authorize payment of actual expense of subsistence (5 U.S.C. 5702(c)).

(10) To authorize payment of extraordinary expenses incurred by ministerial officers of the United States in executing acts of Congress (28 U.S.C. 1929).

(11) To prescribe regulations providing for premium pay pursuant to subchapter V of title 5 of the United States Code (5 U.S.C. 5541–5549).

(12) To authorize payment of employee claims under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240–243).

(13) To submit requests to the Comptroller General for decisions (31 U.S.C. 74).

(b) *Procurement, contracting, and other administrative services.* (1) To supervise and direct the Department's procurement and contracting functions (excluding grant contracts) and to assure that equal employment opportunity is practiced by the Department's contractors and subcontractors, and in federally assisted programs under the Department's control (other than those of the Law Enforcement Assistance Administration, as to which the Administration will have responsibility).

(2) To designate Contracts Compliance Officers pursuant to Executive Order 11246, as amended.

(3) To take final action, including making all required determinations and findings, in connection with negotiated purchases and contracts (excluding grant contracts), as provided in subparagraphs (1) through (11) and (14) and (15) of section 252(c) of title 41, United States Code, except that the authority as to subparagraph (11) of section 252(c) shall be limited not to exceed an expenditure of $25,000 per contract and shall not be further delegated.

(4) To supervise and direct the Department's management programs for supply, distribution of publications, printing, reproduction, graphics, real and personal property, space assignment and utilization, telecommunications, and motor vehicles.

(5) To make the certificate required with respect to the necessity for including illustrations in printing (44 U.S.C. 118).

(6) To make the certificates with respect to the necessity of long distance telephone calls (31 U.S.C. 680a).

(7) To take final action with respect to certain unclaimed privately owned personal property (including abandoned property) of an estimated value of $100 or less, and cash or negotiable instruments not to exceed $500 (41 CFR 101-43.4, 101–45.4).

(8) To make certificates of need for space (68 Stat. 518, 519).

(c) *Personnel matters.* Subject to the authority conferred on the Deputy Attorney General in § 0.135:

(1) To plan, direct, and coordinate the personnel management program of the Department;

(2) To provide direct personnel services for all organizational units (except the Federal Bureau of Investigation, Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, and Bureau of Narcotics and Dangerous Drugs) and for the Offices of the respective U.S. Attorneys and Marshals, and to provide such direct personnel services for the Law Enforcement Assistance Administration as may be requested by the Administrators thereof;

(3) To formulate policy in all personnel program areas, including position classification and pay administration, staffing, employee performance evaluation, employee development, employee relations and services, equal employment opportunity, employee recognition and incentives, personnel records and reporting, labor-management relations, and program evaluation.

(4) Except for the authority conferred in §§ 0.135, 0.137 and 0.138 of Subpart X of this part, to exercise the power and authority vested in the Attorney General to take final action on matters pertaining to the employment, separation, and general administration of personnel in General Schedule grades GS–1 through GS–15, and in wage board positions; to classify positions in the Department under the General Schedule and wage board systems regardless of grade; to postaudit and correct any personnel actions throughout the Department; and to inspect at any time any personnel operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, the Immigration and Naturalization Service, the Bureau of Narcotics and Dangerous Drugs, and the Law Enforcement Assistance Administration.

(5) To exercise the authority vested in the Attorney General with respect to the selection and assignment of employees for training by, in, or through non-Government facilities, the payment of the expenses of such training or the reimbursement of employees therefor, and the preparation and submission of the required annual report to the Civil Service Commission (5 U.S.C. 4105–4118).

(6) To administer employee health and safety programs.

(7) To exercise authority for the temporary employment of experts or consultants or organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)).

(d) *Audit and inspection.* (1) To conduct a continuing internal audit, examination, and inspection of the operations of all organizational units of the Department, including the Offices of the respective U.S. Attorneys and U.S. Marshals, and of the U.S. Court System;

(2) To audit expenditures made under the Department's contracts (other than external audit of the grantees and law enforcement assistance contractors of the Law Enforcement Assistance Administration);

(e) *Records management.* (1) To administer the Department's records management program, including distribution of directives, routing and control of correspondence and telegrams, maintenance of indices of legal cases and matters, to reply to correspondence not assignable to a division, to safeguard confidential information, to attest to the correctness of records, and related functions;

(2) To accept service of summons, complaint, or other paper, as a representative of the Attorney General, under the Federal Rules of Civil and Criminal Procedure or in any suit within the purview of subsection (a) of section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, 43 U.S.C. 666(a));

(3) To provide assistance in furnishing information to the public under the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552).

(f) *Management improvement.* (1) To make management studies and surveys of the organization, structure, operating procedures and work methods, and facilities of the Department; and to make recommendations to reduce costs and increase productivity;

(2) To administer the Department's forms management and reports management programs;

(g) *Automatic data processing.* (1) To develop and operate efficient automated systems to produce the reports and statistics required for sound management decisions;

(2) To provide automatic data processing services to other Department functions, such as accounting, payrolling, property management, caseload control, and others;

(3) To plan, direct, and coordinate the use within the Department of ADP equipment, including computers and related input and output equipment and terminal installations;

(4) To provide technical support in the preparation of specifications for the acquisition of ADP hardware, software, and services;

(5) To provide technical support in the review and evaluation of bids and proposals relating to the acquisition of ADP hardware, software, and services.

(h) *Libraries.* To supervise the Librarian of the Department, who shall be in charge of the Main Library and other libraries of the Department, with the exception of those in the Bureau of Prisons, the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Bureau of Narcotics and Dangerous Drugs, and the Law Enforcement Assistance Administration.

(i) *Administrative supervision over certain agencies.* To exercise administrative supervision over the Board of Immigration Appeals, the Board of Parole, and the Office of the Pardon Attorney;

(j) *Liaison.* (1) To represent the Department in its contacts on matters relating to administration and management with the Bureau of the Budget, the General Accounting Office, the Civil Service Commission, the General Services Administration, the Government Printing Office, and all other Federal departments and agencies;

(2) To represent the Attorney General with the Secretary of State in arranging for reimbursement by foreign governments of expenses incurred in extradition cases, and to certify to the Secretary the amounts to be paid to the United States as reimbursement (18 U.S.C. 3195).

(k) *Redelegation of authority.* The Assistant Attorney General for Administration is authorized to redelegate to any of his subordinates or to any other officers or employees in the Department any of the power or authority vested in him by this Subpart O. Existing redelegations by the Assistant Attorney General for Administration shall continue in force and effect until modified or revoked.

§ 0.77 Additional functions.

The Assistant Attorney General for Administration shall perform such additional functions as are assigned to him in the following sections of Title 28, Code of Federal Regulations: §§ 0.8, 0.10, 0.136–0.140, 0.142–0.154, 0.159, 0.180–0.183, 0.196, 16.2, 21.4, 42.1, 42.2, 42.52–42.59, 44.3, 45.735–5, 45.735–26(a), 46.5(c), 47.2(c), 47.4, 47.10(c).

Appendix to Subpart O

ADMINISTRATIVE DIVISION

[Memo No. 398]

PRESCRIBING REGULATIONS WITH RESPECT TO THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964 (78 STAT. 767)

Pursuant to the authority vested in me by 0.76(a)(12) of Title 28 of the Code of Federal Regulations, I hereby prescribe the following regulations with respect to all claims filed by or on behalf of employees of this Department under the Military Personnel and Civilian Employees' Claims Act of 1964 (hereinafter referred to as the Act)—

SECTION 1. *Scope.* The Act authorizes the settlement of employees' claims arising after August 31, 1964, for the loss of or damage to personal property which occurs incident to Government service. A claim must be substantiated and the possession of the property determined to be reasonable, useful, or proper. The maximum amount allowable on any claim is $6,500 and property may be replaced in kind at the option of the Government.

SEC. 2. *Claimants.* A claim may be filed by an employee, or in his name by his spouse, as authorized agent, or by any other authorized agent or legal representative of the employee. If the employee is dead, the claim may be filed by his (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both. Payments in settlement of claims to survivors of employees will be made in the same order of precedence.

SEC. 3. *Conditions.* Under the Act, a claim may be allowed only if it is presented in writing within 2 years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier. A claim may not be allowed if the loss or damage shall have occurred at quarters occupied by the claimant within one of the 50 States or the District of Columbia unless those quarters shall have been assigned to him or otherwise provided in kind by the United States. Nor can a claim be allowed if it shall have been caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

SEC. 4. *Principal types of claims payable.* Claims are allowable when the damage or loss involves one or more of the following circumstances—

1. Loss, theft, or damage in quarters or other authorized places if it occurred at:

a. Quarters, wherever situated, if assigned or provided in kind by the Government.

b. Quarters outside the 50 States and the District of Columbia without regard to whether assigned or provided in kind by the Government, unless the employee involved is a local or native resident.

c. Any warehouse, office, hospital, storage place designated by superior authority for reception of the property.

2. A marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, hurricane, etc.

3. Property, including personal clothing and vehicles, subjected to extraordinary risks in the performance of duty, such as in connection with civil disturbance, public disorder, common or natural disaster, or efforts to save Government property or human life.

4. Property used for the benefit of the Government at the direction of a superior authority.

5. Money deposited with an authorized Government agent for safekeeping.

SEC. 5. *Principal types of claims not payable.* Claims are not allowable for the following:

1. Losses or damages totaling less than $10.

2. Money or currency except when deposited with an authorized Government agent for safekeeping or except when lost incident to a marine, rail, aircraft, or other common disaster or a natural disaster such as a fire, flood, hurricane, etc.

3. Transportation losses involving baggage, household goods, or other shipments which could have been insured.

4. Articles of extraordinary value.

5. Articles being worn (unless allowable under sec. 4).

6. Intangible property such as bank books, checks, notes, stock certificates, money orders, travelers checks, etc.

7. Property owned by the United States unless employee is financially responsible for it to another Government agency.

8. Claims for loss or damage to motor vehicles or trailers (unless allowable under sec. 4).

9. Losses of insurers and subrogees.

10. Losses recoverable from insurers and carriers.

11. Losses in quarters within the United States not asigned or otherwise provided in kind by the Government.

12. Losses recovered or recoverable pursuant to contract.

13. Claims for damage or loss caused, in whole or in part, by the negligence or wrongful act of the employee or his agent.

14. Property used for business or profit.

15. Theft from the possession of the employee unless due care was used to protect possession.

16. Property acquired, possessed or transported in violation of law, or regulations.

SEC. 6. *Types and quantity of property.* Claims are allowable only for such types and quantities of tangible personal property the possession of which is determined to be reasonable, useful, or proper under the attendant circumstances at the time of the loss or damage.

SEC. 7. *Computation of award and finality of settlement.* The amount awarded on any item of property will not exceed the adjusted cost, based either on the price paid or value at the time of acquisition. The amount normally payable for property damaged beyond economical repair is found by determining its depreciated value immediately before loss or damage, less any salvage value. If the cost of repair is less than the depreciated value, it will be considered to be economically repairable and only the cost of repair will be allowable. There is reserved to the Assistant Attorney General for Administration, on behalf of the Government, the right to fix a maximum amount to be payable as to specific articles and to establish maximum quantity limitations with respect to which payments will be allowed. Notwithstanding any other provision of law, settlements of claims under the Act are final and conclusive.

SEC. 8. *Claims procedure.* The form prescribed by me for filing claims pursuant to these regulations (Form DJ–110) shall be completed by the employee, the person acting on his behalf, or by his survivor and shall be forwarded through the employee's supervisor to the head of the office, division, bureau, or board concerned. That official shall be responsible for assuring that all necessary supporting papers are attached to that form and shall forward the entire file to the Assistant Attorney General for Administration by a brief memorandum summarizing the facts concerning the loss or damage, commenting on the merits of the claim, and recommending what amount, if any, should be paid in settlement thereof. If a payment is recommended, a voucher should be prepared at that time for the signature of the Assistant Attorney General for Administration and forwarded with the file. Claim forms may be obtained from the administrative units of the various offices, divisions, bureaus, and boards and from the Administrative Division of this Department.

SEC. 9. *Supporting papers.* In addition to the information required to complete the claim form, the following evidence will be required—

1. Two itemized repair estimates, or value estimates, whichever is applicable.

2. With respect to claims involving thefts or losses in quarters or other authorized places—

a. A statement as to geographical location of place where the theft or loss occurred;

b. A statement as to what security precautions were taken to protect the property involved; and

c. An explanation of the facts and circumstances surrounding the loss or theft.

3. With respect to claims involving property being used for benefit of the Government, a statement by the employee's superior to the effect that the claimant was required to provide such property.

4. A claim filed by an agent or survivor must be supported by a power of attorney or other satisfactory evidence of authority to file.

5. A report shall be provided by the employee's supervisor summarizing all the facts and circumstances and giving any other pertinent information ascertained by his investigation of the claim.

SEC. 10. *Settlement.* Upon receipt of the claim file in the Administrative Division, a determination will be made with respect to the merits of the claim. If it is disallowed, a memorandum will be sent to the head of the office, division, bureau, or board concerned briefly explaining the disallowance. If allowed, in whole or in part, the voucher mentioned in section 8 will be approved and returned to be signed by an authorized certifying officer and paid.

ADMINISTRATIVE DIVISION

[Memo No. 398, Supp. No. 2]

DELEGATING AUTHORITY FOR SETTLING EMPLOYEES' CLAIMS UNDER MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT OF 1964 (78 STAT. 767 AND 31 U.S.C. 241)

Under and by virtue of the authority vested in me by § 0.76(a)(12) and (k) of Title 28 of the Code of Federal Regulations, the authority to settle claims of $200 or less filed by employees of their respective offices in accordance with Memo No. 398 is hereby delegated to the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of the Immigration and Naturalization Service, and the Director of the Bureau of Narcotics and Dangerous Drugs.

Each Office, Division, or Bureau in which claims are settled pursuant to the authority delegated herein shall submit to the Office of Budget and Accounts, Administrative Division, by September 30th a report showing for each claim settled during the year ended August 31st: (1) The name of the claimant, (2) the amount claimed, and (3) the amount paid.

The provisions of this memorandum shall be effective on the date of the publication of this memorandum in the FEDERAL REGISTER.

ADMINISTRATIVE DIVISION

[Memo No. 482]

DELEGATING CERTAIN AUTHORITY WITH RESPECT TO TRAINING BY, IN, OR THROUGH NON-GOVERNMENT FACILITIES

Under and by virtue of the authority the Code of Federal Regulations, I hereby delegate the following-described authority, conferred upon me by § 0.76(c)(5) of Title 28, to the following-named officers—

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, Inc., the Director, Bureau of Narcotics and Dangerous Drugs, and the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, are authorized to exercise the authority vested in the Attorney General by 5 U.S.C. 4105–4118 (and delegated to me by § 0.76(c)(5) of Title 28 of the Code of Federal Regulations) with respect to the selection and assignment of employees for training by, in, or through non-Government facilities under that Act whenever the total expense therefor will not exceed $1,000, including tuition, fees, per diem, and travel, the payment of the expenses of such training or the reimbursement of employees therefor.

The authority conferred by the preceding paragraph of this memorandum shall be exercised in conformity with the nondiscrimination policies and procedures prescribed by §§ 42.1 and 42.2 of Title 28 of the Code of Federal Regulations.

ADMINISTRATIVE DIVISION

[Memo 483]

DELEGATING CERTAIN AUTHORITY TO THE DEPUTY ASSISTANT ATTORNEY GENERAL, ADMINISTRATIVE DIVISION

Under and by virtue of the authority vested in me by §§ 0.76(k) and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Deputy Assistant Attorney General for Administration, the authority conferred upon me by the following described sections of that title—

Section 0.76: Experts, consultants, temporary employment; expenses of witnesses and informants; actual expenses of subsistence; certificates re printing; and certificates re long distance telephone calls.

Section 0.140: Advertising—purchase of supplies and services.

Section 0.142: (a) Travel; (c) travel advances; and (d) transportation expenses on change of headquarters.

Section 0.145: Overtime pay.

ADMINISTRATIVE DIVISION

[Memo No. 514]

DELEGATION OF AUTHORITY TO DIRECTOR, BUREAU OF PRISONS, AS TO DISPOSITION OF UNCLAIMED PROPERTY

Pursuant to the authority vested in me by § 0.76(k) of Title 28 of the Code of Federal Regulations, I hereby delegate to the Director of the Bureau of Prisons the authority vested in me by § 0.76(b)(7) of that title to exercise the authority conferred by section 203(m) of the Federal Property and Administrative Services Act of 1949, as amended (1) to take possession of all unclaimed privately owned personal property (including abandoned property) of an estimated value of $100 or less which is now or may hereafter be in the official custody or control of any officer, employee, or agent of the Bureau of Prisons on premises owned or leased by the United States, and which remains unclaimed for a period of 6 months, (2) to determine that title to such property has vested in the United States, (3) to utilize, transfer, or otherwise dispose of such property, (4) to determine, when necessary, the fair value of such property, (5) to receive, examine, and determine claims filed by former owners thereof, and (6) to pay such claims, or any portion thereof, which he shall determine to be due and payable in accord with section 203(m) of that Act.

All proceeds from the property disposed of under this delegation shall, if not paid to the owner thereof under section 203(m), be covered into the U.S. Treasury as miscellaneous receipts.

The authority herein delegated may be redelegated to any officer or employee of the Bureau of Prisons.

ADMINISTRATIVE DIVISION

[Memo No. 515]

VESTING OF UNCLAIMED PROPERTY

Pursuant to the authority vested in me by § 0.76(b)(7) of Title 28 of the Code of Federal Regulations, the title to all unclaimed and abandoned privately owned personal property of an estimated value of $100 or less, and cash or negotiable instruments not to exceed $500, which are now or may hereafter come into the official custody of any officer, employee, bureau, or other subdivision of this Department and remain unclaimed for a period of 6 months, shall after the expiration of such period vest in the United States.

ADMINISTRATIVE DIVISION

[Memo No. 524]

DELEGATION OF AUTHORITY REGARDING PERSONNEL AND ADMINISTRATIVE MATTERS

Under and by virtue of the authority vested in me by §§ 0.76(k) and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Deputy Assistant Attorney General for Administration, and the Director of Personnel, the authority conferred upon me by the following described sections of that title:

Section 0.76(c)(7)—Experts, consultants, temporary employment.

Section 0.76(c)(4)—Employment, position classification, separation, and general administration of personnel.

The authority hereby conferred upon the Deputy Assistant Attorney General for Administration and the Director of Personnel may be redelegated by them, respectively, to any of their subordinates.

ADMINISTRATIVE DIVISION

[Memo No. 644]

DELEGATING CERTAIN TRAINING AUTHORITY TO THE DIRECTOR OF PERSONNEL, ADMINISTRATIVE DIVISION

Under and by virtue of the authority vested in me by §§ 0.76(k) and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Director of Personnel, Administrative Division, the authority conferred upon me by the following described sections of that title:

Section 0.76(e)(6): Selection and assignment of employees of the Legal and Administrative Activities (including U.S. Attorneys and Marshals) for training by, in or through non-Government facilities whenever the total expense therefor will not exceed $500 including tuition fees, per diem and travel, and the payment of the expense of such training or the reimbursement of employees therefor.

Section 0.153: Selection and assignment of employees for training by, in or through Government facilities and the payment of the expense of such training or the reimbursement of employees therefor.

The authority conferred by the preceding paragraph of this memorandum should be exercised in conformity with the nondiscrimination policies and procedures prescribed by Part 42 of Title 28 of the Code of Federal Regulations, and Memo No. 635, Subject: Department of Justice Equal Employment Opportunity Program, dated July 17, 1969.

ADMINISTRATIVE DIVISION

[Memo No. 649]

DELEGATING AUTHORITY FOR SUSPENDING OR TERMINATING COLLECTION ACTION UNDER TITLE 4, CODE OF FEDERAL REGULATIONS

Under and by virtue of the authority vested in me by Part 104, Title 4, and Sections 0.76 (a), (k), and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Director, Office of Budget and Accounts, the authority to suspend or terminate collection action on claims not to exceed $100.

Subpart P—Federal Bureau of Investigation

CROSS REFERENCE: For regulations pertaining to the Federal Bureau of Investigation, see Part 3 of this chapter.

§ 0.85 General functions.

Subject to the general supervision and direction of the Attorney General, the Director of the Federal Bureau of Investigation shall:

(a) Investigate violations of the laws of the United States and collect evidence in cases in which the United States is or may be a party in interest, except in cases in which such responsibility is by statute or otherwise specifically assigned to another investigative agency.

(b) Conduct the acquisition, collection, exchange, classification, and preservation of identification records, including personal fingerprints voluntarily submitted, on a mutually beneficial basis, from law enforcement and other governmental agencies, railroad police, national banks, member banks of the Federal Reserve System, FDIC-Reserve-Insured Banks, and banking institutions insured by the Federal Savings and Loan Insurance Corporation; provide expert testimony in Federal or local courts as to fingerprint examinations; and provide identification assistance in disasters and in missing-persons type cases, including those from insurance companies.

(c) Conduct personnel investigations requisite to the work of the Department of Justice and whenever required by statute or otherwise.

(d) Carry out the Presidential directive of September 6, 1939, as reaffirmed by Presidential directives of January 8, 1943, July 24, 1950, and December 15, 1953, designating the Federal Bureau of Investigation to take charge of investigative work in matters relating to espionage, sabotage, subversive activities, and related matters.

(e) Establish and conduct law enforcement training programs to provide training for State and local law enforcement personnel; operate the Federal Bureau of Investigation National Academy; develop new approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and assist in conducting State and local training programs, pursuant to section 404 of the Omnibus Crime Control and Safe Streets Act of 1968, 82 Stat. 204.

(f) Operate a central clearinghouse for police statistics under the Uniform Crime Reporting Program, and a computerized nationwide index of law enforcement information under the National Crime Information Center.

(g) Operate the Federal Bureau of Investigation Laboratory, to serve not only the Federal Bureau of Investigation, but also to provide, without cost, technical and scientific assistance, including expert testimony in Federal or local courts, for all duly constituted law enforcement agencies, other organizational units of the Department of Justice, and other Federal agencies, which may desire to avail themselves of the service.

(h) Make recommendations to the Civil Service Commission in connection with applications for retirement under 5 U.S.C. 8336(c).

(i) Investigate alleged fraudulent conduct in connection with operations of the Federal Housing Administration and other alleged violations of the criminal provisions of the National Housing Act, including section 1010 of title 18 of the United States Code.

§ 0.86 Seizure of gambling devices.

The Director, Associate Director, Assistants to the Director, Assistant Directors, inspectors and agents of the Federal Bureau of Investigation are authorized to exercise the power and authority vested in the Attorney General under the act of January 2, 1951, 64 Stat. 1135, as amended, and section 2513 of title 18, United States Code, to make seizures of gambling devices and wire or oral communication intercepting devices.

§ 0.87 Representation on committee for visit-exchange.

The Director of the Federal Bureau of Investigation shall be a member of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and shall have authority to designate an alternate to serve on such committee.

§ 0.88 Certificates for expenses of unforeseen emergencies.

The Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by 28 U.S.C. 537, to make certificates with respect to expenses of unforeseen emergencies of a confidential character: *Provided*, That each such certificate made by the Director of the Federal Bureau of Investigation shall be approved by the Attorney General.

§ 0.89 Authority to seize arms and munitions of war.

The Director of the Federal Bureau of Investigation is authorized to exercise the authority conferred upon the Attorney General by section 1 of E.O. No. 10863 of February 18, 1960 (25 F.R. 1507), relating to the seizure of arms and munitions of war, and other articles, pursuant to section 1 of title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401).

Subpart Q—Bureau of Prisons

CROSS REFERENCE: For regulations pertaining to the Bureau of Prisons, see Parts 6 and 7 of this chapter.

§ 0.95 General functions.

Subject to the general supervision and direction of the Attorney General, the Director of the Bureau of Prisons shall direct all activities of the Bureau of Prisons, including:

(a) Management and regulation of all Federal penal and correctional institutions (except military or naval institutions), and prison commissaries.

(b) Provision of suitable quarters for, and safekeeping, care, and subsistence of, all persons charged with or convicted of offenses against the United States or held as witnesses or otherwise.

(c) Provision for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States.

(d) Classification, commitment, control, or treatment of persons committed to the custody of the Attorney General.

(e) Payment of rewards with respect to escaped Federal prisoners (18 U.S.C. 3059).

(f) Certification with respect to the insanity or mental incompetence of a prisoner whose sentence is about to expire pursuant to section 4247 of title 18 of the United States Code.

(g) Entering into contracts with State or territorial officials for the custody, care, subsistence, education, treatment, and training of State or territorial prisoners, upon certification with respect to the availability of proper and adequate treatment facilities and personnel, pursuant to section 5003 of title 18 of the United States Code.

(h) Conduct of studies and the preparation and submission of reports and recommendations to committing courts respecting disposition of cases in which defendants have been committed for such purposes pursuant to section 4208 (b) of title 18 of the United States Code.

(i) Conduct of studies and the preparation and submission of reports and recommendations to committing courts respecting disposition of cases in which juvenile delinquents have been committed pursuant to section 5034 of title 18 of the United States Code.

(j) Observation, conduct of studies, and preparation of reports in cases in which youth offenders have been committted by the courts for such purposes pursuant to section 5010(e) of title 18 of the United States Code.

(k) Conduct of examinations to determine whether an offender is an addict and is likely to be rehabilitated through treatment, as well as the preparation and submission of reports to committing courts, pursuant to section 4252 of title 18 of the United States Code.

(l) Transmittal of reports of boards of examiners and certificates to clerks of the district courts pursuant to section 4245 of title 18 of the United States Code.

(m) Providing technical assistance to State and local governments in the improvement of their correctional systems (18 U.S.C. 4042).

§ 0.96 Delegations.

The Director of the Bureau of Prisons is authorized to exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by any law relating to the commitment, control, or treatment of persons (including insane prisoners and juvenile delinquents) charged with or convicted of offenses against the United States, including the taking of final action in the following-described matters:

(a) Requesting the detail of Public Health Service officers for the purpose of furnishing services to Federal penal and correctional institutions (18 U.S.C. 4005).

(b) Consideration, determination, adjustment, and payment of claims in accordance with section 1 of the act of June 10, 1949, 63 Stat. 167 (31 U.S.C. 238).

(c) Designating places of confinement where the sentences of prisoners shall be served, and ordering transfers from one institution to another whether maintained by the Federal Government or otherwise (18 U.S.C. 4082).

(d) Extending the limits of the place of confinement of prisoners for the purposes specified, and within the limits established, by section 4082 of title 18 of the United States Code, and otherwise performing the functions of the Attorney General under that section.

(e) Designation of agents for the transportation of prisoners (18 U.S.C. 4008).

(f) Accepting gifts or bequests of money for credit to the "Commissary Funds, Federal Prisons" (31 U.S.C. 725s).

(g) Prescribing regulations for the use of surplus funds in "Commissary Funds, Federal Prisons" to provide advances not in excess of $150 to prisoners at the time of their release (18 U.S.C. 4284).

(h) Allowance, forfeiture, and restoration of all good time (18 U.S.C. 4161, 4162, 4165, and 4166).

(i) Release of prisoners held solely for nonpayment of fine (18 U.S.C. 3569).

(j) Furnishing transportation, clothing, and payments to released prisoners (18 U.S.C. 4281).

(k) Removal of insane prisoners to suitable institutions and retransfer to penal or correctional institutions upon recovery (18 U.S.C. 4241, 4242).

(l) Granting permits to States or public agencies for rights of way upon lands administered by the Director in accordance with the provisions of sections 931c and 961 of title 43 of the United States Code.

(m) Designating, in his discretion, the Director of the Alcoholic Rehabilitation Clinic, as the representative of the Attorney General to carry out the purpose of the act of August 4, 1947, 615 Stat. 744, with respect to persons committed for

diagnosis, classification, and treatment (D.C. Code 24–506(b)).

(n) Contracting with appropriate public or private agencies or with persons for supervisory aftercare of certain conditionally released offenders (18 U.S.C. 4255).

(o) Settlement of claims arising under the Federal Tort Claims Act if the amount of settlement does not exceed $2500. (See 28 CFR 0.177.)

§ 0.97 Redelegation of authority.

The Director of the Bureau of Prisons is authorized to redelegate to any of his subordinates any of the authority, functions, or duties vested in him by this Subpart Q. Existing redelegations by the Director of the Bureau of Prisons shall continue in force and effect until modified or revoked.

§ 0.98 Functions of Commissioner of Federal Prison Industries.

The Director of the Bureau of Prisons is authorized as ex officio Commissioner of Federal Prison Industries and in accordance with the policy fixed by its Board of Directors to:

(a) Exercise jurisdiction over all industrial enterprises in all Federal penal and correctional institutions.

(b) Sponsor vocational training programs in Federal penal and correctional institutions.

(c) Contract for the transfer of property or equipment from the District of Columbia for industrial employment and training of prisoners confined in a penal or correctional institution of the District of Columbia, pursuant to 18 U.S.C. 4122.

§ 0.99 Compensation to Federal prisoners.

The Board of Directors of Federal Prison Industries, or such officer of the corporation as the Board may designate, may exercise the authority vested in the Attorney General by section 4126 of title 18 of the United States Code, as amended, to prescribe rules and regulations governing the payment of compensation to inmates of Federal penal and correctional institutions employed in any industry, or performing outstanding services in institutional operations, and to inmates or their dependents for injuries suffered in any industry or in any work activity in connection with the maintenance of operation of the institution where confined.

Appendix to Subpart Q

CONFINEMENT OF PERSONS IN DISTRICT OF COLUMBIA CORRECTIONAL INSTITUTIONS

By virtue of the authority vested in me by the Act of September 1, 1916, 39 Stat. 711 (D.C. Code section 24–402), by section 11 of the Act of July 15, 1932, as added by the Act of June 6, 1940, 54 Stat. 244 (D.C. Code section 24–425), and by the Act of September 10, 1965, Public Law 89–176 (18 U.S.C. section 4082), the Board of Commissioners of the District of Columbia or their authorized representatives are hereby authorized to transfer such prisoners as may be in their custody and supervision, by virtue of having been placed in a correctional institution of the District of Columbia by the Attorney General, from such institution to any available, suitable, or appropriate institution or facility (including a residential community treatment center) within the District of Columbia, and the Board of Commissioners of the District of Columbia or their authorized representatives are further authorized to extend the limits of the place of confinement of such prisoners for the purposes specified, and within the limits established, by the Act of September 10, 1965, Public Law 89–176 (18 U.S.C. section 4082).

[Based on Order No. 352–66, 31 F.R. 704, Jan. 19, 1966]

Subpart R—Bureau of Narcotics and Dangerous Drugs

§ 0.100 General functions.

Subject to the general supervision of the Attorney General, the exercise of the powers and performance of the functions vested in the Attorney General by sections 1 and 2 of Reorganization Plan No. 1 of 1968 are assigned to, and shall be conducted, handled, or supervised by the Director of the Bureau of Narcotics and Dangerous Drugs.

§ 0.101 Redelegation of authority.

The Director of the Bureau of Narcotics and Dangerous Drugs is authorized to redelegate to any of his subordinates any of the powers and functions vested in him by this Subpart R.

§ 0.102 Applicability of departmental regulations.

All departmental regulations that are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Bureau of Narcotics and Dangerous Drugs, the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of Reorganization Plan No. 1 of 1968.

Appendix to Subpart R

Bureau of Narcotics and Dangerous Drugs

[Directive No. 1]

BUREAU AGENTS

DELEGATION OF AUTHORITY TO CONDUCT INVESTIGATIONS

Under the authority delegated by the Attorney General of the United States, pursuant to Part 0 of Title 28 of the Code of Federal Regulations (Organization of the Department of Justice), Subpart R (§§ 0.100, 0.101 and 0.102), there is hereby redelegated to duly appointed and authorized agents of the Bureau of Narcotics and Dangerous Drugs of the Department of Justice all rights, powers and duties contained in 21 U.S.C. 372(a), (c), (e), 21 U.S.C. 360a(d), 26 U.S.C. 7606, and 26 U.S.C. 7607.

[Directive No. 2]

SUPERVISORS AND ADMINISTRATORS, BUREAU OF NARCOTICS AND BUREAU OF DRUG ABUSE CONTROL

REDELEGATION OF FUNCTIONS

Under the authority delegated by the Attorney General of the United States to the Director of the Bureau of Narcotics and Dangerous Drugs pursuant to Part 0 of Title 28 of the Code of Federal Regulations (Organization of the Department of Justice) Subpart R (§§ 0.100, 0.101, and 0.102), all persons having supervisory and administrative authority in the previous Bureau of Narcotics and Bureau of Drug Abuse Control will continue to exercise these functions with full force and effect.

[Directive No. 3]

BUREAU AGENTS

DELEGATION OF ADDITIONAL AUTHORITY

Under the authority delegated by the Attorney General of the United States, pursuant to Part 0 of Title 28 of the Code of Federal Regulations (Organization of the Department of Justice), Subpart R (§§ 0.100, 0.101, and 0.102), in addition to the rights, powers, and duties specified in Directive No. 1, 33 F.R. 5590, April 10, 1968, there are hereby redelegated to duly appointed and authorized agents of the Bureau of Narcotics and Dangerous Drugs of the Department of Justice all functions relating to demand to produce a license to grow opium poppies and to seize opium poppies under 21 U.S.C. 188g; all functions relating to service of administrative subpoenas under 21 U.S.C. 198b; all functions in the Internal Revenue Code of 1954 relating to the seizure of narcotic drugs under section 4706, relating to notice and demand to produce order forms for marihuana under section 4744(a), relating to confiscation of marihuana under section 4745, and relating to inspection of returns, order forms, and prescriptions under section 4773; and all functions under 49 U.S.C. 782 and 783 relating to the seizure of any vessel, vehicle, or aircraft involving contraband articles covered by 49 U.S.C. 781(b)(1).

[Directive No. 4]

REDELEGATION OF FUNCTIONS

Under the authority delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by the Attorney General in Subpart R, I hereby make the following redelegations:

The Chief Counsel or, in his absence the Deputy Chief Counsel, are authorized to exercise all necessary functions with respect to the following described matters:

(a) Decisions on petitions for remission or mitigation of forfeitures incurred under the Act of August 9, 1939 (49 U.S.C. 781 et seq.) pursuant to section 1618 of title 19, United States Code, and

(b) Execution of seal for certification required to authenticate any documents pursuant to section 0.146 of Title 28, Code of Federal Regulations.

[Directive No. 5]

CHIEF COUNSEL OR DEPUTY CHIEF COUNCIL

REDELEGATION OF AUTHORITY REGARDING CERTAIN TORT CLAIMS

Under the authority delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by the Attorney General in Subpart R, I hereby redelegate to the Chief Counsel or, in his absence the Deputy Chief Counsel, the authority to adjust, determine, compromise, and settle any claim involving the Bureau of Narcotics and Dangerous Drugs under section 2672 of title 28, United States Code, relating to tort claims where the amount of a proposed adjustment, compromise, settlement or award does not exceed $2,500.

[Directive No. 12]

REDELEGATION OF FUNCTIONS

By virtue of the authority vested in me by § 0.159 and Subpart R of Title 28, Code of Federal Regulations, in order to reflect more accurately the responsibilities of certain officials of the Bureau of Narcotics and Dangerous Drugs as a result of reorganization and reassignment, I hereby make the following changes in previous directives:

ENFORCEMENT OFFICERS: DELEGATION OF AUTHORITY TO CARRY FIREARMS

Directive No. 8 (33 F.R. 18237) is hereby rescinded, and the following officers and employees of the Bureau of Narcotics and Dangerous Drugs are authorized to carry firearms:

1. The Director.
2. The Deputy Director.
3. All criminal investigators, Series 1811, under Civil Service Commission regulations.

ISSUANCE OF IMPORTATION AND EXPORTATION PERMITS

Directive No. 9 (33 F.R. 18236) is hereby rescinded, and the authority to perform all functions with respect to the issuance of narcotic drug importation and exportation permits pursuant to sections 173 and 182 of title 21, United States Code, and Part 302 of title 21, Code of Federal Regulations, is redelegated to the Chief of the Compliance Investigation Division.

ABSENCE, INABILITY OR DISQUALIFICATION OF DIRECTOR

Directive No. 11 (34 F.R. 4889) is hereby rescinded, and I direct that in the case of my inability or disqualification to act in the office of the Director, or in the event of my temporary absence, all duties and functions shall be performed by the Deputy Director, or in the event of his absence, by the Assistant Director for Enforcement.

Subpart S—Immigration and Naturalization Service

§ 0.105 General functions.

Subject to the general supervision and direction of the Attorney General, the Commissioner of Immigration and Naturalization shall:

(a) Subject to the limitations contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) and the provisions for review by the Board of Immigration Appeals, administer and enforce the Immigration and Nationality Act and all other laws relating to immigration (including, but not limited to, admission, exclusion, and deportation), naturalization, and nationality. Nothing in this paragraph shall be construed to authorize the Commissioner of Immigration and Naturalization to supervise the litigation of, or to approve the filing of records on review, appeals, or petitions for writs of certiorari or to intervene or have independent representation in cases under the immigration and nationality laws except as provided in paragraph (e) of this section.

(b) For the purposes of paragraph (a) of this section, and as limited therein, exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by the laws mentioned in that paragraph, including the authority to issue regulations.

(c) Investigate alleged violations of the immigration and nationality laws, and make recommendations for prosecutions when deemed advisable.

(d) Patrol the borders of the United States to prevent the entry of aliens into the United States in violation of law.

(e) Supervise naturalization work in the specific courts designated by section 310 of the Immigration and Nationality Act (8 U.S.C. 1421) to have jurisdiction in such matters, including the requiring of accountings from the clerks of such courts for naturalization fees collected, investigation through field officers of the qualifications of citizenship applicants, and representation of the Government at all court hearings.

(f) Cooperate with the public schools in providing citizenship textbooks and other services for the preparation of candidates for naturalization.

(g) Register and fingerprint aliens in the United States, as required by section 262 of the Immigration and Nationality Act (8 U.S.C. 1304).

(h) Prepare reports on private bills pertaining to immigration matters.

(i) Designate within the Immigration and Naturalization Service a certifying officer, and an alternate, to certify copies of documents issued by the Commissioner, or his designee, which are required to be filed with the Office of the Federal Register.

(j) Direct officers and employees of the Immigration and Naturalization Service, assigned to accompany commercial aircraft, to perform the functions of a U.S. deputy marshal as a peace officer, in particular those set forth in 28 U.S.C. 570 and 18 U.S.C. 3053, (1) while aboard any aircraft to which they have been assigned, or (2) while within the general vicinity of such aircraft so long as it is within the jurisdiction of the United States. Such functions shall be in addition to those vested in such officers and employees pursuant to law.

§ 0.106 Certificates for expenses of unforeseen emergencies.

The Commissioner of Immigration and and Naturalization is authorized to exercise the power and authority vested in the Attorney General by section 6 of the act of July 28, 1950, 64 Stat. 380 (8 U.S.C. 1555), to make certificates with respect to expenses of unforeseen emergencies of a confidential character: *Provided*, That each such certificate made by the Commissioner of Immigration and Naturalization shall be approved by the Attorney General.

§ 0.107 Representation on committee for visit-exchange.

The Commissioner of Immigration and Naturalization shall be a member of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and shall have authority to designate an alternate to serve on such committee.

§ 0.108 Redelegation of authority.

The authority conferred by § 0.105 upon the Commissioner of Immigration and Naturalization may be redelegated by him, to such extent as he may deem desirable, to any officer or employee of the Immigration and Naturalization Service as he may designate. Existing redelegations by the Commissioner shall continue in force and effect until modified or revoked.

§ 0.109 Implementation of the Treaty of Friendship and General Relations Between the United States and Spain.

The Commissioner of Immigration and Naturalization and immigration officers (as defined in 8 CFR 103.1(i)) are hereby designated as "competent national authorities" on the part of the United States within the meaning of Article XXIV of the Treaty of Friendship and General Relations Between the United States and Spain (33 Stat. 2105, 2117), and shall fulfill the obligations assumed by the United States pursuant to that Article in the manner and form prescribed.

(E.O. 11267; 3 CFR, 1966 Comp.)

§ 0.110 Implementation of the Convention Between the United States and Greece.

The Commissioner of Immigration and Naturalization and immigration officers (as defined in 8 CFR 103.1(i)) are hereby designated as "local authorities" and "competent officers" on the part of the United States within the meaning of Article XIII of the Convention Between the United States and Greece (33 Stat. 2122, 2131), and shall fulfill the obligations assumed by the United States pursuant to that Article in the manner and form prescribed.

(E.O. 11300, 3 CFR, 1966 Supp.)

Subpart T—Law Enforcement Assistance Administration [Reserved]

Subpart U—Board of Immigration Appeals

§ 0.115 General functions.

Subject to the general supervision and direction of the Attorney General, the Board of Immigration Appeals shall review and determine:

(a) Appeals from decisions of special inquiry officers in exclusion and deportation cases.

(b) Appeals from decisions of district directors and special inquiry officers on applications for the advance exercise of the discretionary authority contained in section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) and from decisions of district directors and officers in charge on applications for the advance exercise of the discretionary authority contained in section 212(d)(3) of that act (8 U.S.C. 1182 (d)(3)).

(c) Appeals from decisions of district directors involving administrative fines and penalties, including mitigation thereof.

(d) Appeals from decisions of district directors on petitions filed in accordance with section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) and from decisions revoking the approval of such petitions in accordance with section 205 of that act (8 U.S.C. 1155).

(e) Appeals from determinations of regional commissioners or district directors relating to the bond, conditional parole, or detention of an alien under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(f) Cases involving the decisions referred to in paragraphs (a) through (d) of this section which may be certified to the Board by the Commissioner or any duly authorized officer of the Service, or which the Board may require to be certified to it.

(g) Cases in which the Board has rendered a decision which are reopened or reconsidered in accordance with 8 CFR 3.2.

§ 0.116 Decisions subject to review by Attorney General.

The Board shall refer to the Attorney General for review of its decision all cases which:

(a) The Attorney General directs the Board to refer to him.

(b) The Chairman or a majority of the Board believes should be referred to the Attorney General for review.

(c) The Commissioner requests be referred to the Attorney General for review.

§ 0.117 Finality of decision.

Except in those cases referred to the Attorney General in accordance with § 0.116, the decision of the Board shall be final. The Board may, however, return a case to the Immigration and Naturalization Service for such further action as may be appropriate therein, without entering a final decision on its merits.

§ 0.118 Delegation of authority.

Subject to any specific limitation prescribed by regulation, in considering and determining cases before it, the Board shall exercise such discretion and authority conferred upon the Attorney General by law as is appropriate and necessary for the disposition of the case.

Subpart V—The Board of Parole

CROSS REFERENCE: For regulations pertaining to the Board of Parole, see Parts 2 and 4 of this chapter.

§ 0.125 General functions.

Subject to the general supervision and direction of the Attorney General as to policy and programing, the Board of Parole shall have:

(a) Sole authority to grant, modify, or revoke paroles of all U.S. prisoners (18 U.S.C. 4203, 4207).

(b) Responsibility for the supervision, through Federal probation officers, of Federal parolees and Federal mandatory releasees upon the expiration of their sentences with allowances for statutory good time, and for prescribing and modifying the terms and conditions governing the prisoner during parole or mandatory release.

(c) Sole authority to issue warrants for violation of parole or mandatory release (18 U.S.C. 4205).

(d) Sole authority to re-parole or re-release on mandatory release (18 U.S.C. 4207, 4164).

(e) Sole authority to determine the date the prisoner shall become eligible for parole in any case in which the committing court specifies that such eligibility date shall be that determined by the Board of Parole (18 U.S.C. 4208(a)).

(f) Sole authority to promulgate rules and regulations for the supervision, discharge from supervision, or recommitment of paroled prisoners (18 U.S.C. 4208(d)).

(g) The authority to determine, in accordance with the provisions of section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959, whether the services of certain persons in any capacity referred to in clause (1) or clause (2) of that section would be contrary to the purposes of that act (sec. 504(a) of the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 536).

§ 0.126 Delegations.

The Board of Parole is authorized to exercise:

(a) The authority vested in the Attorney General by section 3569 of title 18 of the United States Code to make a finding that a parolee is unable to pay a fine in whole or in part and to direct release of such parolee based on such finding.

(b) The authority vested in the Attorney General by section 3655 of title 18 of the United States Code to request probation officers to perform such duties with respect to persons on parole as the Board of Parole deems necessary for maintaining proper supervision of such persons.

§ 0.127 Youth Correction Division.

The Youth Correction Division of the Board of Parole shall:

(a) Consult with, and make recommendations to the Director of the Bureau of Prisons as to general treatment and correctional policies for committed youth offenders.

(b) Make recommendations to the Director of the Bureau of Prisons as to individuals committed under the Federal Youth Corrections Act.

(c) Report within 60 days to the committing court the findings as to individuals committed for observation and study.

(d) Prescribe the terms and conditions governing those under supervision.

(e) Have authority to order parole for youth offenders committed under the Federal Youth Corrections Act, and juvenile delinquents sentenced under the Federal Juvenile Delinquency Act; to direct Federal probation officers to submit reports as to parole supervision of committed youth offenders; to limit and define the powers and duties of voluntary supervisory agents and sponsors; to issue warrants for the retaking of parole or mandatory-release violators, and order the return to custody for further treatment of committed youth offenders; to revoke parole or mandatory release; to re-parole or re-release under supervision; and to discharge committed youth offenders unconditionally at its discretion after 1 year of parole supervision.

Subpart W—Additional Assignments of Functions and Designation of Officials to Perform the Duties of Certain Offices in Case of Vacancy, or Absence Therein or in Case of Inability or Disqualification to Act

§ 0.130 Functions common to heads of organizational units.

Subject to the general supervision and direction of the Attorney General, the head of each organizational unit within the Department shall:

(a) Direct and supervise the personnel, administration, and operation of the office, division, bureau, or board of which he is in charge.

(b) Under regulations prescribed by the Attorney General with the approval of the Director of the Bureau of the Budget, have authority to reallot funds allotted by the Assistant Attorney General for Administration and to redelegate to persons within his organizational unit authority and responsibility for the reallotment of such funds and control of obligations and expenditures within reallotments.

(c) Perform such special assigments as may from time to time be made to him by the Attorney General.

(d) Except as otherwise provided in this chapter, receive submittals and requests relative to the functions of his organizational unit.

§ 0.131 Designation of Acting United States Attorneys.

Each U.S. Attorney is authorized to designate any Assistant U.S. Attorney in his office to perform the functions and duties of the U.S. Attorney during his absence from office, and to sign all necessary documents and papers as Acting U.S. Attorney while performing such functions and duties.

§ 0.132 Designating officials to perform the functions and duties of certain offices in case of vacancy therein.

(a) In case of vacancy in the office of Attorney General, the Deputy Attorney General shall, pursuant to 28 U.S.C. 508, perform the functions and duties of and act as Attorney General; and in case of vacancy in both the office of Attorney General and the office of Deputy Attorney General, the Solicitor General shall perform the functions and duties of and act as Attorney General.

(b) In the event of a vacancy in the office of Deputy Attorney General, an Associate Deputy Attorney General designated by the Attorney General shall perform the functions and duties of and act as Deputy Attorney General.

(c) In the event of a vacancy in the Office of the Director, Bureau of Narcotics and Dangerous Drugs, the powers and functions of the Director may be exercised by the Deputy Director or in the absence of the Deputy Director by the Assistant Director for Enforcement.

(d) In the event of a vacancy in the office of head of any other organizational unit, the ranking deputy (or his equivalent) in such unit who is available shall perform the functions and duties of and act as such head, unless the Attorney General shall direct otherwise. Except as otherwise provided by law, if there is no ranking deputy available, the Attorney General shall designate another official of the Department to perform the functions and duties of and act as such head.

§ 0.133 Designating officials to perform the functions and duties of certain offices in case of absence therein or in case of inability or disqualification to act.

The head of each organizational unit within the Department is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate his ranking deputy (or his equivalent) who is available to act in his stead. If there is no deputy available, or in the case of inability or disqualification of each deputy, or in other unusual circumstances, any other official in such unit may be so designated.

Subpart X—Authorizations With Respect to Personnel and Certain Administrative Matters

§ 0.134 Applicability to Law Enforcement Assistance Administration.

Insofar as provisions of this subpart, or other provisions of this part, authorize the exercise by other officers of the Department of Justice of functions vested by law in the Law Enforcement Assistance Administration, such provisions have been promulgated with the concurrence of the Administration, and shall be deemed to be delegations to such officers by the Administration pursuant to section 502 of title I of P.L. 90-351, 82 Stat. 197, 205.

§ 0.135 Deputy Attorney General.

The Deputy Attorney General is authorized to exercise the power and authority vested in the Attorney General and in the Law Enforcement Assistance Administration to take final action in matters pertaining to:

(a) The employment, separation and general administration of personnel in General Schedule grades GS-16 through GS-18, or the equivalent, and of attorneys regardless of grade or pay in the Department of Justice;

(b) The appointment of Assistant U.S. Attorneys and other attorneys to assist U.S. Attorneys when the public interest so requires, and fixing their salaries; and

(c) The review of any personnel action taken by any officer of the Department of Justice.

§ 0.136 Assistant Attorney General for Administration.

The Assistant Attorney General for Administration is authorized to exercise the power and authority vested in the Attorney General to take final action on those personnel matters described in § 0.76(c)(4), subject to review by the Deputy Attorney General.

§ 0.137 Federal Bureau of Investigation.

Except as to persons in the positions of Associate Director, Assistant to the Director, and Assistant Director of the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, including personnel in wage board positions, in the Federal Bureau of Investigation. All personnel actions taken by the Director of the Federal Bureau of Investigation under this subsection shall be subject to postaudit and correction by the Assistant Attorney General for Administration and to review by the Deputy Attorney General.

§ 0.138 Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, Bureau of Narcotics and Dangerous Drugs, and Law Enforcement Assistance Administration.

The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, except attorneys, in General Schedule grades GS-1 through GS-13 and in wage board positions. Such officials, and the Administrators of the Law Enforcement Assistance Administration, are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to employ on a temporary basis experts or consultants or organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)). All personnel actions taken under this section shall be subject to postaudit and correction by the Assistant Attorney General for Administration and to review by the Deputy Attorney General.

§ 0.139 Procurement matters.

The following shall control as to procurement matters:

(a) Except as to those matters designated by the Assistant Attorney General for Administration, to whom the responsibility for control of expenditures is assigned by Subpart O, the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration are, as to their respective jurisdictions, authorized to exercise the authority vested in the Attorney General by law with respect to procurement matters.

(b) The Assistant Attorney General for Administration is authorized to postaudit and correct any procurement transactions throughout the Department entered into pursuant to the delegation of authority set forth in subsection (a) of this section, and to inspect at any time the procurement operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, the Immigration and Naturalization Service, and the Bureau of Narcotics and Dangerous Drugs.

§ 0.140 Authority relating to advertisements, and purchase of certain supplies and services.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, and the Administrators of the Law Enforcement Assistance Administration as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the

Attorney General by law to take final action in the following-described matters:

(a) Authorizing the publication of advertisements, notices, or proposals under section 3828 of the Revised Statutes of the United States (44 U.S.C. 324).

(b) Making determinations as to the acquisition of articles, materials, or supplies in accordance with sections 2 and 3 of the Buy American Act (47 Stat. 1520; 41 U.S.C. 10a, 10b).

(c) Placing orders with other agencies of the Government for materials or services, and accepting orders therefor, in accordance with section 686 of title 31 of the United States Code.

§ 0.141 Audit and ledger accounts.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, and the Administrators of the Law Enforcement Assistance Administration are, as to their respective jurisdictions, authorized to audit vouchers and to maintain general ledger accounts with respect to appropriations allotted to them.

§ 0.142 Per diem and travel allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, and the Administrators of the Law Enforcement Assistance Administration as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following-described matters:

(a) Authorizing travel, subsistence, and mileage allowances under sections 5702–5707 of title 5 of the United States Code in accordance with regulations prescribed by the Bureau of the Budget and the Assistant Attorney General for Administration.

(b) Fixing rates in accordance with sections 5702–5704 and 5707 of title 5, United States Code, and regulations prescribed by the Bureau of the Budget and the Assistant Attorney General for Administration.

(c) Authorizing travel advances pursuant to 5 U.S.C. 5705.

(d) Authorizing travel and transportation expenses, and, when applicable, relocation expenses for transferred employees, new appointees and student trainees, in accordance with 5 U.S.C. 5721–5732 and regulations prescribed by the Bureau of the Budget and the Assistant Attorney General for Administration.

(e) Authorizing or approving, for purposes of security, the use of compartments or other transportation accommodations superior to lowest first-class accommodations under applicable travel regulations subject to 5 U.S.C. 5731.

§ 0.143 Incentive Awards Plan.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law with respect to the administration of the Incentive Awards Plan and to approve honorary awards and cash awards under such plan not in excess of $1,000.

§ 0.144 Determination of basic workweek.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the authority vested in the Attorney General by section 6101(a) of title 5, United States Code, to determine that the organizational unit concerned would be seriously handicapped in carrying out its functions or that costs would be substantially increased except upon modification of the basic workweek, and whenever such determination is made to fix the basic workweek of officers and employees of the unit concerned.

§ 0.145 Overtime pay.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), may, subject to any regulations which the Attorney General may prescribe, authorize overtime pay (including additional compensation in lieu of overtime of not less than 10 percent nor more than 25 percent pursuant to section 5545(c)(2) of title 5, United States Code) for such positions as may be designated by them.

§ 0.146 Seals.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Chairman of the Board of Parole, and the Director of the Bureau of Narcotics and Dangerous Drugs shall each have custody of the seal pertaining to his respective jurisdiction and he, or such person or persons as he may designate, may execute under seal any certification required to authenticate any books, records, papers, or other documents as true copies of official records of their respective jurisdictions. The Assistant Attorney General for Administration shall have custody of the seal of the Department of Justice, and he, or such person or persons as he may designate, may execute under seal any certification required to authenticate any books, records, papers, or other documents as true copies of official records of the Department of Justice. He may also prescribe regulations governing the use of the seal of the Department and various organizational units.

§ 0.147 Certification of obligations.

The following-designated officials are authorized to make the certifications required by section 1311(c) of the Supplemental Appropriation Act, 1955 (68 Stat. 831; 31 U.S.C. 200(c)); for the Federal Bureau of Investigation, the Assistant Director, Administrative Division; for the Bureau of Prisons, the Deputy Assistant Director, Administrative Services; for Federal Prison Industries, the Secretary; for the Immigration and Naturalization Service, the Assistant Commissioner, Administrative Division; for the Bureau of Narcotics and Dangerous Drugs, the Assistant Director for Administration; for the Law Enforcement Assistance Administration, the Chief, Administrative Services Division; and for all other organizational units of the Department (including U.S. Attorneys and Marshals), the Assistant Attorney General for Administration.

§ 0.148 Certifying officers.

The following-named officials are authorized to designate employees to certify vouchers under section 1 of the Act of December 29, 1941, 55 Stat. 875 (31 U.S.C. 82b), and to certify that such persons are bonded pursuant to 6 U.S.C. 14; for the Federal Bureau of Investigation, the Director; for the Bureau of Prisons, the Director, and the Associate Commissioner, Federal Prison Industries; for the Federal Prison Industries, the Associate Commissioner, and the Director, Bureau of Prisons; for the Immigration and Naturalization Service, the Commissioner; for the Bureau of Narcotics and Dangerous Drugs, the Director; for the Law Enforcement Assistance Administration, the Administrators; and for all other organizational units of the Department (including U.S. Attorneys and Marshals), the Assistant Attorney General for Administration.

§ 0.149 Disbursing employees.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of

Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to request Treasury Department designation of disbursing employees (including cashiers), and to certify that such employees are bonded pursuant to 6 U.S.C. 14. Existing authorizations to request designations and approve bonds shall remain in effect until terminated by the official who by this section would be authorized to request such designations.

§ 0.150 Collection of erroneous payments.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, for their respective jurisdictions, and the Assistant Attorney General for Administration, for all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized, in accordance with the regulations prescribed by the Attorney General under section 5514(b) of title 5, United States Code, to collect indebtedness resulting from erroneous payments to employees. The Assistant Attorney General for Administration is authorized to redelegate his authority under this section to U.S. Marshals with respect to the collection of such indebtedness from U.S. Attorneys and Marshals.

§ 0.151 Administering Oath of Office.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney general for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to designate, in writing, pursuant to the provisions of sections 2903(b) and 2904 of title 5, United States Code, officers or employees to administer the oath of office required by section 3331 of title 5, United States Code, and to administer any other oath required by law in connection with employment in the executive branch of the Federal Government.

§ 0.152 Approval of funds for attendance at meetings.

The Director of the Federal Bureau of investigation, the Director of the Bureau of Prisons, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to prescribe regulations for the expenditure of appropriated funds available for expenses of attendance at meetings of organizations.

§ 0.153 Selection and assignment of employees for training.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are hereby authorized to exercise the authority vested in the Attorney General by section 4109 of title 5, United States Code, with respect to the selection and assignment of employees for training by, in, or through Government facilities and the payment or reimbursement of expenses for such training.

§ 0.154 Advance and evacuation payments and special allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys and Marshals), are hereby authorized to exercise the authority vested in the Attorney General by sections 5522–5527 of title 5, United States Code, and Executive Order No. 10982 of December 25, 1961, and to administer the regulations adopted by the Attorney General in Order No. 269–62 with respect to advance and evacuation payments and special allowances.

§ 0.155 Waiver of claims for erroneous payments of pay.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs, as to their respective jurisdictions, and the Assistant Attorney General for Administration as to all other organizational units of the Department (including U.S. Attorneys and Marshals) are authorized to exercise the authority provided under 5 U.S.C. 5584 for the waiver of claims of the United States for erroneous payments of pay to employees of the Department of Justice in accordance with standards prescribed by the Comptroller General, 4 CFR, Ch. III.

§ 0.156 Execution of U.S. Marshals' deeds or transfers of title.

A chief deputy or deputy U.S. Marshal who sells property—real, personal, or mixed—on behalf of a U.S. Marshal, may execute a deed or transfer of title to the purchaser on behalf of and in the name of the U.S. Marshal.

§ 0.159 Redelegation of authority.

Except as to the authority delegated by § 0.147, the authority conferred by this Subpart X upon the Deputy Attorney General and the Assistant Attorney General for Administration may be redelegated by them, respectively, to any of their subordinates or to any other officers or employees of the Department. Subject to the same limitation, the authority conferred by this Subpart X upon the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs and the Administrators of the Law Enforcement Assistance Administration may be redelegated by them, respectively, to such officers and employees under their jurisdiction and to such U.S. Attorneys as they may designate. Existing delegations of authority to officers and employees and to U.S. Attorneys, not inconsistent with this Subpart X, made by any officer named in this section shall continue in force and effect until modified or revoked.

Subpart Y—Authority to Compromise and Close Civil Claims and Responsibility for Judgments, Fines, Penalties, and Forfeitures

§ 0.160 Offers which may be accepted by Assistant Attorney Generals.

Each Assistant Attorney General is authorized with respect to matters assigned to his division, to accept offers in compromise of claims in behalf of the United States in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $250,000, and of claims against the United States in all cases, or in administrative actions to settle, in which the amount of the proposed settlement does not exceed $250,000 except:

(a) When for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in the preceding part of this section.

(b) When the Assistant Attorney General is of the opinion that because of

a question of law or policy presented, or because of opposition to the proposed settlement by the agency or agencies involved, or for any other reason, the offer should receive the personal attention of the Attorney General.

§ 0.161 Recommendations to Attorney General of acceptance of certain offers.

In all cases in which the amount of the offer in proposed settlement exceeds the applicable amount specified in § 0.160 and in any case falling within any of the exceptions enumerated in the said section, the Assistant Attorney General concerned shall, if in his opinion the offer of compromise, or administrative action to settle, should be accepted, transmit his recommendation to the Attorney General to that effect.

§ 0.162 Offers which may be rejected by Assistant Attorney Generals.

Each Assistant Attorney General is authorized, with respect to matters assigned to his division or office, to reject offers in compromise of any claims in behalf of the United States, or, in compromises or administrative actions to settle, against the United States, except in those cases which come within paragraph (b) of § 0.160.

§ 0.163 Approval by Solicitor General of action on compromise offers in certain cases.

In any Supreme Court case the acceptance, recommendation of acceptance, or rejection, under § 0.160, § 0.161, or § 0.162, of a compromise offer by the Assistant Attorney General concerned, shall have the approval of the Solicitor General. In any case in which the Solicitor General has authorized an appeal to any other court, a compromise offer, or any other action, which would terminate the appeal, shall be accepted or acted upon by the Assistant Attorney General concerned only upon advice from the Solicitor General that the principles of law involved do not require appellate review in that case.

§ 0.164 Civil Claims which may be closed by Assistant Attorney Generals.

Each Assistant Attorney General is authorized, with respect to matters assigned to his division or office, to close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000, except:

(a) When for any reason, the closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims the total gross amounts of which exceed $250,000.

(b) When the Assistant Attorney General concerned is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed closing by the agency or agencies involved, or for any other reason, the proposed closing should receive the personal attention of the Attorney General.

§ 0.165 Recommendations to Attorney General that certain claims be closed.

In case the gross amount of the original claim asserted by the Government exceeds $250,000, or one of the exceptions enumerated in § 0.164 is involved, the Assistant Attorney General concerned shall, if in his opinion the claim should be closed, transmit his recommendation to that effect, together with a report on the matter, to the Attorney General for review and final action. Such report shall be in such form as the Attorney General may require.

§ 0.166 Memorandum pertaining to closed claim.

In each case in which a claim is closed under § 0.164, the Assistant Attorney General concerned shall execute and place in the file pertaining to the claim a memorandum which shall contain a description of the claim and a full statement of the reasons for closing it.

§ 0.167 Submission to Attorney General by Director of Office of Alien Property of certain proposed allowances and disallowances.

In addition to the matters which he is required to submit to the Attorney General under preceding sections of this Subpart Y, the Director of the Office of Alien Property, shall submit to the Attorney General for such review as he may desire to make the following:

(a) Any proposed allowance by the Director, without hearing, of a title or debt claim pursuant to §§ 502.102, 502.201, or 502.202 of the Rules of Procedure of the Office of Alien Property for Claims (8 CFR 502.102, 502.201, 502.202).

(b) Any final determination of a title or debt claim, whether by allowance or disallowance, pursuit to §§ 502.22, 502.23, 502.25, 502.105 of the said Rules of Procedures for Claims (8 CFR 502.22, 502.23, 502.25, 502.105).

(c) Any proposed allowance or disallowance by the Director, without hearing, of a title claim under section 9(a) of the Trading with the Enemy Act, as amended, filed less than 2 years after the date of vesting in or transfer to the Alien Property Custodian or the Attorney General of the property or interest in respect of which the claim is made:

Provided, That any such title or debt claim is within one of the following-described categories.

(1) Any title claim which involves the return of assets having a value of $50,000 or more, or any debt claim in the amount of $50,000 or more.

(2) Any title claim which will, as a practical matter, control the disposition of related title claims involving, with the principal claim, assets having a value of $50,000 or more; or any debt claim which will, as a practical matter, control the disposition of related debt claims in the aggregate amount, including the principal claim, of $50,000 or more.

(3) Any title claim or debt claim presenting a novel question of law or a question of policy which, in the opinion of the Director, should receive the personal attention of the Attorney General.

(d) Any sale or other disposition of vested property involving assets of $50,000 or more.

§ 0.168 Redelegation by Assistant Attorney Generals.

(a) The Assistant Attorney Generals are authorized to redelegate, to such extent and subject to such limitations as may be deemed advisable, to subordinate Division officials and U.S. Attorneys authority delegated by §§ 0.160, 0.162, and 0.164.

(b) Redelegations under this section shall be in writing and shall be approved by the Attorney General before becoming effective.

(c) Existing delegations and redelegations of authority to such officials and U.S. Attorneys to compromise or close claims shall continue in force and effect until modified or revoked by the Assistant Attorney General in charge of the Division concerned.

§ 0.169 Definition of "gross amount of original claim."

The phrase "gross amount of the original claim", as used in this Subpart Y and as applied to any civil fraud claim described in § 0.45(d), shall mean the amount of single damages involved.

§ 0.170 Interest on monetary limits.

In computing the gross amount of the original claim and the amount of the proposed settlement pursuant to this Subpart Y, accrued interest shall be excluded.

§ 0.171 Judgments, fines, penalties, and forfeitures.

(a) Subject to the general supervision and direction of the Attorney General, each Assistant Attorney General shall be responsible for conducting, handling, or supervising such litigation or other actions as may be appropriate to accomplish the satisfaction, collection, or recovery, as the case may be, of judgments, fines, penalties, and forfeitures (including bail-bond forfeitures) arising in connection with cases under his jurisdiction. In order to assure the efficient and effective performance of the functions described in the first sentence of this paragraph, each Assistant Attorney General shall designate an individual or unit in his division to be responsible for the performance of those functions.

(b) Each U.S. Attorney shall designate an Assistant U.S. Attorney, and such other employees as may be necessary, or shall establish an appropriate unit within his office, to be responsible for activities related to the satisfaction, collection, or recovery, as the case may be, of judgments, fines, penalties, and forfeitures (including bail-bond forfeitures).

(c) The Director of the Bureau of Prisons shall take such steps as may be necessary to assure that the appropriate U.S. Attorney is notified whenever a prisoner is released prior to the payment of his fine.

(d) The Pardon Attorney shall notify the appropriate U.S. Attorney whenever the President issues a pardon and whenever the President remits or commutes a fine.

§ 0.172 Authority; Federal tort claims.

(a) The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Bureau of Narcotics and Dangerous Drugs shall have authority to adjust, determine, compromise, and settle a claim involving the Bureau of Prisons, Federal Prison Industries, the Immigration and Naturalization Service, and the Bureau of Narcotics and Dangerous Drugs, respectively, under section 2672 of title 28, United States Code, relating to the administrative settlement of Federal tort claims, if the amount of a proposed adjustment, compromise, settlement or award does not exceed $2,500. When in the opinion of one of the said Directors or one of the said Commissioners such a claim pending before him presents a novel question of law or a question of policy, he shall obtain the advice of the Assistant Attorney General in charge of the Civil Division.

(b) Subject to the provisions of § 0.160, the assistant Attorney General in charge of the Civil Division shall have authority to adjust, determine, compromise, and settle any other claim involving the Department under section 2672 of title 28, United States Code, relating to the administrative settlement of Federal tort claims.

Appendix to Subpart Y—Redelegations of Authority To Compromise and Close Civil Claims

CIVIL DIVISION

[Memo No. 374]

DELEGATION OF AUTHORITY TO U.S. ATTORNEYS IN CIVIL DIVISION CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly sections 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Scope of authority.* The authority delegated by this Memorandum is applicable to civil claims, both by and against the Government, which are under the jurisdiction and authority of the Assistant Attorney General in charge of the Civil Division (hereafter in this Memorandum referred to as the Assistant Attorney General). U.S. Attorneys are hereby authorized to take all necessary steps, with regard to the claims described in this Memorandum, to protect the interests of the United States, including the institution, conduct, compromise and termination of appropriate legal proceedings, without prior approval of the Assistant Attorney General or his representative, but subject to the limitations and conditions set forth in this Memorandum, the limitations set forth in special instructions and manuals, and the requirements set forth in the U.S. Attorneys Manual. Except as provided in section 0.131 of Title 28 of the Code of Federal Regulations, the authority conferred by this Memorandum shall not be redelegated by U.S. Attorneys except in case of their protracted absence from their offices or in other unusual circumstances.

SEC. 2. *Responsibility.* The Assistant Attorney General has and, of course, retains the ultimate responsibility for the proper handling and administration of all civil litigation (excepting certain areas of specialized civil litigation assigned to other divisions of this Department—see Part 0 of Title 28 of the Code of Federal Regulations) involving the United States, its departments, and agencies, including the President of the United States, the heads of Executive Departments and agencies, and certain other officers and employees of the Government. Each U.S. Attorney shall be immediately responsible for the proper handling of each claim involving an exercise of any authority delegated to him by this Memorandum. The Assistant Attorney General shall provide U.S. Attorneys with such advice or assistance as may be deemed necessary. The Assistant Attorney General may, at any time, withdraw any authority delegated by this Memorandum as it relates to any particular case, or part thereof, or to any particular category of cases.

SEC. 3. *Claims covered*—A. *Admiralty and Shipping Section matters.* Claims for civil penalties and forfeitures not exceeding $5,000, exclusive of interest and costs for violation of the laws relating to inspection and documentation of vessels and to obstruction and pollution of navigable waters, interference with or damage to aids to navigation, and all similar matters but not including any claim for injunctive or declaratory relief. (Referred by local offices of the Coast Guard, the Bureau of Customs and the Army Engineers.)

B. *Fraud Section matters.* Civil claims arising from fraud on the Government (other than fraud matters referred to the Antitrust, Land and Natural Resources, and Tax Divisions), including claims under the False Claims Act, the Surplus Property Act, the Anti-Kickback Act, the Contract Settlement Act, and common law fraud whenever the amount of single damages claimed (exclusive of double damages, forfeitures, interest, and costs) does not exceed $5,000.

C. *General Claims Section matters.* Claims by and against the Government whenever the amount claimed does not exceed $5,000, exclusive of interest and costs, as follows:

1. Claims for conversion of Government property other than ships, cargoes, or other maritime property.

2. Claims by the Department of Agriculture for the recovery of civil penalties for violations of the provisions of the Agricultural Adjustment Act of 1938; 7 U.S.C. 1314, 1340, 1346, 1356, 1359, 1376, and 1380n.

3. Claims by the Department of Agriculture for the recovery of civil penalties for violations of the Packers and Stockyards Act; 7 U.S.C. 203, 215.

4. Claims by the Department of Agriculture for the recovery of civil penalties for violations of contracts entered into under the Soil Bank Act; 7 U.S.C. 1811.

5. Claims by the Federal Communications Commission for the recovery of forfeitures under the Communications Act of 1934, as amended; 47 U.S.C. 510.

6. Claims by the Interstate Commerce Commission for the recovery of civil penalties for the violation of car service orders under the Interstate Commerce Act, as amended; 49 U.S.C. 1(12), 1(15), 1(17)(a).

7. Claims by the Federal Crop Insurance Corporation (Department of Agriculture) under the Federal Crop Insurance Act; 7 U.S.C. 1508, et seq.

8. Claims by the Farmers Home Administration of the Department of Agriculture under the Farmers Home Administration Act of 1946; 7 U.S.C. 1921, et seq.

9. Claims by the Commodity Credit Corporation of the Department of Agriculture under the Commodity Credit Corporation Charter Act; 15 U.S.C. 714, et seq.

10. Claims by the Department of Agriculture arising under the Soil Conservation and Allotment Act; 16 U.S.C. 590a, et seq. and other conservation practices programs.

11. Claims by the Army and Air Force Exchange Service sounding in contract or quasi-contract.

12. Claims by the Civil Service Commission based upon notes assigned to it by employee insurance companies.

13. Claims by the Federal Housing Administraiton on account of loans made or insured by that agency.

14. Claims referred upon General Accounting Office certificates of indebtedness or proofs of claim, including Veterans Administration and military overpayments, except those involving carriage of goods by water.

15. Claims by the Small Business Administration arising out of the lending activities of that agency, except loans on the security of vessels.

16. Claims by the Department of the Treasury for the collection of customs duties and recoveries on bonds provided by importers.

17. Claims by the Veterans Administration for the escheat of funds pursuant to 38 U.S.C. 3202(e) and for the vesting of personal estates pursuant to 38 U.S.C. 5220–5228.

18. Claims by the Veterans Administration on account of farm, business, and home loans, made, guaranteed, or insured by that agency.

19. Suits in which the United States has been made a party defendant pursuant to 28 U.S.C. 2410, except liens on vessels or other maritime property.

D. *General Litigation Section matters.* Claims seeking specific relief, as follows:

1. Suits to enjoin violations of, and collect penalties up to $5,000 under, the Agricultural Adjustment Act of 1938; 7 U.S.C. 1376.

2. Suits to enjoin violations of, and collect penalties up to $5,000 under, the Packers and Stockyards Act; 7 U.S.C. 203, 216.

3. Suits to enjoin violations of, and collect penalties up to $5,000 under, the Perishable Agricultural Commodities Act; 7 U.S.C. 499c(a), 499h(d).

E. *Tort Section matters.* 1. Claims for hospital and medical care and treatment and for damage to Government property, other than ships, cargoes, or other maritime property whenever the amount claimed does not exceed $5,000 exclusive of interest and costs.

2. Federal Tort Claims Suits—

a. Suits under the Federal Tort Claims Act, 28 U.S.C. 1346(b), whenever all claims for damages arising out of one incident do not exceed $5,000.

b. In all suits under the Federal Tort Claims Act, regardless of amount claimed, the U.S. Attorney may compromise all claims arising out of one incident for an aggregate amount of $5,000 or less without prior approval of the Assistant Attorney General unless previously instructed to the contrary.

F. *Civil Division judgments.* Final civil judgments in favor of the United States in cases in which the judgment amount does not exceed $5,000 exclusive of interest and costs.

SEC. 4. *Exceptions to special delegations of authority.* Notwithstanding any of the provisions of this Memorandum, U.S. Attorneys shall not compromise or close any claim described in this Memorandum in any case in which (1) there is a divergence of views between the U.S. Attorney and the agency or department originating the claim as to the action to be taken when the views of such agency are required to be obtained (see section 5 of this Memorandum); or (2) the claim involves a new point of law (or otherwise may constitute a significant precedent); or (3) in the opinion of the U.S. Attorney, or of the Assistant Attorney General, a question of policy is, or may be, involved. In such cases, a compromise or closing memorandum must be submitted to the Assistant Attorney General for approval.

SEC. 5. *Solicitation of agency recommendation for compromise.* The views and recommendations of the referring office of agencies and departments for the compromising and closing of claims involving authority delegated by this Memorandum should be obtained whenever: (1) the agency or department has specifically requested that it be consulted; (2) a question of agency or department policy is or may be involved; (3) a question of enforcement is present, i.e., cases involving civil fines and penalties.

SEC. 6. *Bases for compromise or closing of claims and judgments.* (a) A claim may be compromised or closed by a U.S. Attorney pursuant to the authority delegated by this Memorandum even though substantial legal or factual problems exist, but only if the amount of the offer fairly reflects the litigative probability and no question of policy or enforcement is present.

(b) A claim or a judgment may be compromised or closed on the basis of doubtful collectibility, having due regard for the debtor's anticipated future financial status. A claim or a judgment may be closed if the cost of further collection efforts will substantially exceed the amount that can be recovered thereby.

(c) Whenever a claim is closed or compromised by a U.S. Attorney pursuant to the authority conferred upon him by this Memorandum, he shall execute and place in the file a memorandum which shall contain a description of the claim and a full statement of the reasons for closing it.

SEC. 7. *Appeals.* All judicial decisions adverse to the Government involving these claims must be reported promptly to the Assistant Attorney General.

SEC. 8. *Revocations.* The following-described orders and memoranda are hereby superseded: Order No. 103–55, as amended, revised, and supplemented, Memo No. 119, Order No. 266–62, Order No. 301–63, Memo No. 180, as supplemented, Memo No. 351.

[Memo No. 374, 29 F.R. 7422, June 9, 1964, as amended by Memo No. 415, 30 F.R. 7819, June 17, 1965]

CIVIL DIVISION

[Directive No. 3–68]

DELEGATION OF AUTHORITY WITH RESPECT TO THE COMPROMISE OF LITIGATION

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Delegation of authority to Section Chiefs, Chiefs of Units designated and Attorneys in Charge of Field Offices.* Authority delegated to the Assistant Attorney General in charge of the Civil Division to accept or reject offers in compromise is hereby redelegated, in part, to the several Section Chiefs, to the Chiefs of the Foreign Litigation Unit and the Judgment and Collection Unit, and to the Attorneys in Charge of Field Offices, of the Civil Division as follows (subject to the exceptions set forth in section 2 of this directive):

(1) *Section Chiefs and Chiefs of Units designated.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $20,000, exclusive of interests and costs.

(2) *Attorneys in Charge of Field Offices.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $10,000, exclusive of interests and costs.

SEC. 2. *Exceptions.* In any case in which any of the following-described conditions exist all offers in compromise, whether asserted against or on behalf of the Government, must be presented to the Assistant Attorney General for his consideration—

(1) Whenever the agency or agencies involved oppose the settlement;

(2) Whenever a new precedent or a new point of law is involved;

(3) Whenever in the opinion of the Section Chief, the Unit Chief or the Attorney in Charge of the Field Office, as the case may be, a question of policy is or may be involved;

(4) Whenever the U.S. Attorney has requested reconsideration of a compromise offer previously recommended by him and rejected;

(5) Whenever the total amount involved in other claims arising out of the same transaction exceeds the sum covered by the delegation; and

(6) Whenever, for any reason, the compromise of a particular claim, as a practical matter, will control the disposition of related claims totaling an amount in excess of the sum covered by the delegation.

SEC. 3. *Record of action.* In each case in which a compromise has been accepted or rejected by a Section Chief, Unit Chief or Attorney in Charge of a Field Office pursuant to the authority delegated to him by this directive, a memorandum shall be prepared for the files which shall include:

(1) A statement of the offer;

(2) A statement of the action taken; and

(3) A full statement of the reasons for the action taken.

SEC. 4. *Necessity for submission to agency involved.* No offer in compromise, either of a claim asserted against or of a claim asserted on behalf of the Government, shall be finally acted upon pursuant to the authority delegated by this directive without first obtaining the views of the agency or agencies involved, except in cases in which no question of policy of interest to the agency or agencies involved in present and one of the following-described conditions exists:

(1) The amount of the claim asserted on behalf of the Government, or the amount to be paid in satisfaction of the claim against the Government, does not exceed $5,000; or

(2) The compromise is based solely upon uncollectibility of the full amount of a claim asserted on behalf of the United States; or

(3) The compromise is one within the scope of section 784(1) of title 38 of the United States Code.

SEC. 5. *Counteroffers by the Government.* The delegations of authority made by this directive to compromise include the authority to make counteroffers in situations in which the making of a counteroffer seems appropriate and might accelerate disposition of the case.

SEC. 6. *Recommendations for compromise submitted for approval of the Assistant Attorney General.* All recommendations for acceptance or rejection of compromise offers which require the approval of either the Attorney General or the Assistant Attorney General shall be prepared in conformity with the format prescribed for that purpose.

SEC. 7. *Prior directive superseded.* Civil Division Directive No. 16, published October 9, 1964, is hereby superseded.

SEC. 8. *Effective date.* The provisions of this directive shall be effective upon

the date of the publication of this directive in the FEDERAL REGISTER. [33 F.R. 12649, Sept. 3, 1968]

CRIMINAL DIVISION

[Directive No. 1]

REDELEGATION OF AUTHORITY WITH RESPECT TO COMPROMISE OF CIVIL PENALTIES AND FORFEITURES

Delegation of authority to the Deputy Assistant Attorney Generals and to section chiefs. By virtue of the authority vested in me by § 0.168 of Title 28 of the Code of Federal Regulations, as amended, the authority delegated to me by §§ 0.160, 0.162, and 0.164 of that title to compromise civil penalties and forfeitures and to allow or deny petitions for remission or mitigation of civil penalties and forfeitures is hereby redelegated to the Deputy Assistant Attorney Generals and to section chiefs in the Criminal Division.

CRIMINAL DIVISION

[Memo No. 375]

STANDARDS AND PROCEDURES WITH RESPECT TO CRIMINAL PROSECUTIONS INVOLVING CERTAIN AGRICULTURAL MARKETING QUOTA PENALTY CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly Sections 0.55, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Purpose.* The purpose of this Memorandum is to prescribe standards and procedures for U.S. Attorneys with respect to the handling of the criminal aspects of agricultural marketing quota penalty cases which are submitted to the U.S. Attorneys by direct referral from the attorney in charge of the local office of the General Counsel of the Department of Agriculture (hereinafter in this Memorandum referred to as the General Counsel). Supplement No. 1 of October 26, 1955, to Memorandum No. 119 is hereby superseded. Attention is invited to the fact that Memorandum No. 374, of June 3, 1964, which superseded Memorandum No. 119 of December 8, 1954, deals with the civil aspects of agricultural marketing quota penalty cases.

SEC. 2. *Scope of authority.* (a) The authority conferred by this Memorandum is applicable to alleged criminal violations involving the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1311–1376), in cases in which the gross amount involved does not exceed $5,000.

(b) Matters involving alleged criminal violations of the Agricultural Adjustment Act of 1938, as amended, shall be referred directly to the U.S. Attorney concerned by the attorney in charge of the local office of the General Counsel which has jurisdiction over any such matter requiring action. U.S. Attorneys may initiate criminal prosecution or decline to do so as they, in their judgment, may deem appropriate. U.S. Attorneys are, of course, urged to obtain the advice and assistance of this Department whenever they feel that such advice and assistance might be helpful.

SEC. 3. *Correspondence*—(a) *With the Department of Justice.* Inquiries to the Department concerning any matters covered by this Memorandum should be directed to the attention of the Assistant Attorney General in charge of the Criminal Division (hereinafter in this Memorandum referred to as the Assistant Attorney General). Any such inquiry should be accompanied by copies of all pertinent correspondence and other documents, including the indictment if one shall have been returned, since files concerning these matters will not be maintained in Washington.

(b) *With the Department of Agriculture.* Correspondence calling for additional factual details, and requests for investigations, documents, witnesses, and similar matters, should be directed to the General Counsel's attorney in charge who originated the matter. However, only the U.S. Attorney and his duly appointed assistants are authorized to exercise any control whatsoever over the handling of any such matter referred to the U.S. Attorney for action. The U.S. Attorney is charged with the entire responsibility for the manner in which such matters are handled.

SEC. 4. *Closing of the Prosecution.* (a) U.S. Attorneys may decline to prosecute any case involving a matter covered by this Memorandum without prior consultation or approval of the Assistant Attorney General. If, however, prosecution has been initiated by way of indictment or information, the indictment or information shall not be dismissed until authority to do so has been obtained from the Assistant Attorney General or his representative unless the reason for the dismissal is one which does not necessitate the prior approval of the Criminal Division. (See U.S. Attorneys' Manual, Title 2: Criminal Division, pages 18–20.)

(b) In each instance in which a case is closed by a U.S. Attorney and in which prior approval of the Assistant Attorney General or his representative has not been obtained, a memorandum shall be prepared and placed in the file describing the action taken and the reasons therefor.

SEC. 5. *Appeals.* The instructions existing with reference to criminal appeals shall govern appeals in cases covered by this Memorandum.

LAND AND NATURAL RESOURCES DIVISION

[Directive No. 27]

REDELEGATION OF AUTHORITY TO COMPROMISE CLAIMS

Pursuant to the authority contained in § 0.168, the Deputy Assistant Attorney General in the Land and Natural Resources Division is hereby authorized, with respect to matters assigned to the Land and Natural Resources Division, to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed $50,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed $50,000; and the Chief of the Land Acquisition Section and the Chief of the General Litigation Section of the Land and Natural Resources Division are hereby authorized, with respect to matters assigned to their respective sections, to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed $25,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed $25,000; except:

(1) When, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated above;

(2) When because a novel question of law or a question of policy is presented, or for any other reason, the offer should, in the opinion of the officer or employee concerned, receive the personal attention of the Assistant Attorney General in charge of the Land and Natural Resources Division; and

(3) When the agency or agencies involved are opposed to the proposed acceptance or rejection of the offer in compromise.

LAND AND NATURAL RESOURCES DIVISION

[Memo. No. 388]

REDELEGATION OF AUTHORITY TO U.S. ATTORNEYS TO ACT IN CONNECTION WITH AND TO COMPROMISE LAND AND NATURAL RESOURCES DIVISION DIRECT-REFERENCE CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.65, 0.160, 0.162, 0.164, 0.166, and 0.168, I hereby redelegate to U.S. Attorneys authority to act in connection with and to compromise Land and Natural Resources Division direct-reference cases as follows:

SECTION 1. *Matters Subject to Direct Reference.* U.S. Attorneys are hereby authorized to act in matters concerning real property of the United States, including tribal and restricted individual Indian land, not involving new or unusual questions or questions of title or water rights, on behalf of any other department or agency in response to a direct request in writing from an authorized field officer of the department or agency concerned, without prior authorization from the Land and Natural Resources Division in the following-described cases:

(1) Actions to recover possession of property from tenants, squatters, trespassers, or others, and actions to enjoin trespasses on Federal property;

(2) Actions to recover damages resulting from trespasses when the amount of the claim for actual damage based upon an innocent trespass does not exceed $5,000. The U.S. Attorneys may seek recovery of amounts exceeding $5,000: (A) if the actual damages are $5,000 or less and State statutes permit the recovery of multiple damages, e.g., double or treble, for either a willful or an innocent trespass; (B) if the actual

damages are $5,000 or less, but the action is for conversion to obtain recovery of the enhanced value of property served and removed in the trespass;

(3) Actions to collect delinquent rentals or damages for use and occupancy of not more than $5,000;

(4) Actions to collect costs of forest fire suppression and other damages resulting from such fires if the total claim does not exceed $5,000;

(5) Actions to collect delinquent operation and maintenance charges accruing on Indian irrigation projects and federal reclamation projects of not more than $5,000;

(6) Actions to collect loans of money or livestock made by the United States to individual Indians without limitation on amount, including loans made by Indian tribal organizations to individual Indians if the loan agreements, notes and securities have been assigned by the tribal organizations to the United States.

In each such case, the U.S. Attorneys shall, prior to taking action, assure that a copy of a written request of the authorized field officer has been forwarded to the Land and Natural Resources Division, General Litigation Section, Department of Justice, Washington, D.C.

SEC. 2. *Compromise, dismissal, or closing of direct-reference cases.* (1) Subject to the limitations imposed by paragraph (3) of this section, U.S. Attorneys are hereby authorized to accept or reject offers in compromise in direct-reference cases described in section 1 without the prior approval of the Land and Natural Resources Division if the authorized field officer of the interested agency concurs in writing, except that a U.S. Attorney may accept an offer without the concurrence of the field officer if the acceptance is based solely upon the financial circumstances of the debtor.

(2) A direct-reference matter described in section 1 may be closed without action by the U.S. Attorney or, if filed in court, may be dismissed by him, if the field officer of the interested agency concurs in writing that it is without merit legally or factually. The U.S. Attorney may close a claim without consulting the field officer of the interested agency if the claim is for money only and if he concludes (A) that the cost of collection under the circumstances would exceed the amount of the claim or (B) that the claim is uncollectable.

(3) The U.S. Attorneys are not authorized, without the prior approval of the Land and Natural Resources Division, to act with respect to the dismissal, compromise, or closing of a case, if (A) the claim is not a direct reference described in section 1; (B) there is a divergence of views between the U.S. Attorney and the field officer of the referring agency in a case requiring concurrence; (C) subsequent to acceptance of the reference, it becomes apparent that the claim involves a novel point of law, a question of policy, or otherwise constitutes a precedent; (D) for any reason, the compromise of a claim, as a practical matter, will control or adversely affect the disposition of other claims totaling more than the amounts designated in section 1 as being subject to direct reference. If any of these conditions exist, the matter shall be submitted to the Land and Natural Resources Division for decision.

SEC. 3. Circular No. 3745½, dated November 9, 1942, is superseded to the extent that it is inconsistent with the provisions of this memorandum. The U.S. Attorneys' Manual will be revised accordingly.

SEC. 4. This memorandum shall be effective upon its publication in the FEDERAL REGISTER.

LAND AND NATURAL RESOURCES DIVISION

[Memo No. 389]

REDELEGATION OF AUTHORITY TO U.S. ATTORNEYS TO COMPROMISE CONDEMNATION CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.65, 0.160, 0.162, 0.164, 0.166, and 0.168, I hereby redelegate to U.S. Attorneys authority to compromise condemnation cases subject to and in accordance with the following limitations and conditions:

1. Except as provided in paragraph 2 hereof, U.S. Attorneys are authorized to accept or reject offers in compromise of claims against the United States for just compensation in condemnation proceedings in any case in which the gross amount of the proposed settlement does not exceed $10,000: *Provided*, That—

(a) The settlement is approved in writing (to be retained in the file of the U.S. Attorney concerned) by the authorized field representative of the acquiring agency if the amount of the settlement exceeds the amount deposited with the declaration of taking as to the particular tract of land involved; and

(b) The amount of the settlement is compatible with the sound appraisal, or appraisals, upon which the United States would rely as evidence in the event of trial, due regard being had for probable minimum trial costs and risks.

2. This redelegation of authority shall not apply—

(a) In any case in which, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling an amount in excess of $10,000; or

(b) In any case in which the U.S. Attorney concerned is of the opinion that because of a question of law or policy presented, or for any other reason, the offer should receive the attention of the Land and Natural Resources Division of the Department; or

(c) When the case involves the revestment of any land or improvements or any interest, or interests, in land under the Act of October 21, 1942, 56 Stat. 797 (40 U.S.C. 258f).

3. The procedural functions necessary for completing disposition of the matter, including the entry of judgment and distribution of the award, shall be performed promptly when a settlement has been made under this redelegation of authority. The U.S. Attorney concerned shall immediately forward to the Department a report, in the form of a letter or memorandum, bearing his signature or showing his personal approval. The report, an initialed copy of which shall be retained in the file of the U.S. Attorney, shall show the action taken and shall contain an adequate statement of the reasons therefor. In routine cases, a form, containing the minimum elements of the required report, may be used in lieu of a letter or memorandum. In any case, special care shall be taken to see that the report contains a statement as to what the valuation testimony of the United States would have been if the case had been tried.

Memorandum No. 284 is hereby superseded.

TAX DIVISION

[Directive No. 10]

REDELEGATION OF AUTHORITY TO COMPROMISE, SETTLE, AND CLOSE CLAIMS

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is ordered as follows:

SECTION 1. The chiefs of the General Litigation Section, the Appellate Section, the Court of Claims Section, and the Refund Trial Sections shall have authority to reject offers in compromise, regardless of amount, without reference to the Review Section: *Provided*, That such action is unopposed by the agency or agencies involved.

SEC. 2. Subject to the limitations and conditions set forth in section 4 hereof, the Chief of the Review Section shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $100,000 and of claims against the United States in all cases in which the amount of the refund does not exceed $50,000;

(B) Approve administrative settlements not exceeding $50,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $50,000; and

(D) Reject offers in compromise, regardless of amount:

Provided, That the proposed action is unopposed by the agency or agencies involved, or by the chief of the section to which the case is assigned.

SEC. 3. Subject to the limitations and conditions set forth in section 4 hereof, the Deputy Assistant Attorney Generals and the Deputy for Refund Litigation each shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $250,000, and of claims against the United States in all cases in which the amount of the refund does not exceed $250,000;

(B) Approve administrative settlements not exceeding $250,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000; and

(D) Reject offers in compromise, or disapprove administrative settlements or closings, regardless of amount:

Provided, That the limiting amount in (A), (B), and (C) shall be $100,000 if the proposed disposition of the claim is opposed by the agency or agencies involved or if the case is subject to reference to the Joint Committee on Internal Revenue Taxation.

SEC. 4. The authority redelegated herein shall be subject to the following limitations and conditions:

(A) When, for any reason, the compromise or administrative settlement or closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in sections 2 and 3, the case shall be forwarded for review at the appropriate level.

(B) When the person otherwise authorized herein to take final action is of the opinion that, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the U.S. attorney involved or any other considerations, the proposed disposition should be reviewed at a higher level, the case shall be forwarded for such review.

(C) Nothing in this directive shall be construed as altering any provision of Subpart Y of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal is excepted from the foregoing redelegations.

SEC. 5. Tax Division Directive No. 7 of June 15, 1965, is hereby superseded.

SEC. 6. This directive shall be effective on the date of its publication in the FEDERAL REGISTER.

TAX DIVISION

[Memo. No. 391]

REDELEGATION OF AUTHORITY TO RELEASE RIGHTS OF REDEMPTION IN CERTAIN CASES

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

The U.S. Attorney for each district in which is located real property, which is subject to a right of redemption of the United States in respect of Federal tax liens, arising under section 2410(c) of title 28 of the United States Code, or under State law when the United States has been joined as a party to a suit, is authorized to release the right of redemption, subject to the following limitations and conditions—

(1) This redelegation of authority relates only to real property on which is located only one single-family residence, and to all other real property having a fair market value not exceeding $10,000. That limitation as to value or use shall not apply in those cases in which the release is requested by the Veterans Administration or any other Federal agency.

(2) The consideration paid for the release must be equal to the value of the right of redemption, or fifty dollars ($50), whichever is greater. However, no consideration shall be required for releases issued to the Veterans Administration or any other Federal agency.

(3) The following described documents must be placed in the U.S. Attorney's file in each case in which a release is issued—

(A) The favorable recommendation of the appropriate Regional Counsel of the Internal Revenue Service.

(B) Appraisals by two disinterested and well-qualified persons. In those cases in which the applicant is a Federal agency, the appraisal of that agency may be substituted for the two appraisals generally required.

(C) Such other information and documents as the Tax Division may prescribe.

Subpart Z—Orders and Memoranda

§ 0.180 Orders of the Attorney General.

All documents relating to the organization of the Department or to the assignment, transfer, or delegation of authority, functions, or duties by the Attorney General or to general departmental policy shall hereafter be designated as orders and shall be issued only by the Attorney General in a separate, numbered series. Classified orders shall be identified as such, included within the numbered series, and limited to the distribution provided for in the order or determined by the Assistant Attorney General for Administration. All documents amending, modifying, or revoking such orders, in whole or in part, shall likewise be designated as orders within such numbered series, and no other designation of such documents shall be used.

§ 0.181 Department memoranda.

All documents issued by the Assistant Attorney General for Administration relating to administrative matters which affect the Department as a whole or the field shall hereafter be designated as memoranda. All documents redelegating authority to U.S. Attorneys or Marshals and all documents relating to policies, procedures, regulations, or instructions issued to the U.S. Attorneys and Marshals by the head of any organizational unit, over the signature of the head of such unit shall likewise be designated as memoranda. The memoranda described in this subsection shall be in a separate numbered series, and they shall be numbered by the Assistant Attorney General for Administration. Documents amending, modifying, or revoking such memoranda, in whole or in part, shall likewise be designated as memoranda within such numbered series, and no other designation of such documents shall be used.

§ 0.182 Distribution of orders and memoranda.

The distribution to be given orders and memoranda issued under §§ 0.180 and 0.181 shall, unless provided by order of the Attorney General, be determined by the Assistant Attorney General for Administration.

§ 0.183 Documents issued by heads of organizational units.

(a) Documents issued by the head of any organizational unit which contain delegations of authority to his subordinates or which relate to the organization, functions, policies, or procedures of the organizational unit of which he is the head shall be numbered and designated as directives (e.g., Tax Division Directive No. 1), and shall be clearly distinguishable in description and designation from the documents referred to in §§ 0.180, 0.181, and 0.184. Documents issued within the numbered series of any organizational unit shall bear the signature of the head of the unit.

(b) Two copies of each directive issued pursuant to this section shall, promptly upon issuance, be furnished the Assistant Attorney General for Administration, who shall maintain a permanent record and file thereof.

§ 0.184 Documents of a temporary nature or limited effect.

Documents which are of a temporary nature or of limited effect (e.g., announcements, notices, bulletins, or letters) shall not be issued as orders, memoranda, or directives within the numbered series referred to in § 0.180, § 0.181, or § 0.183.

§ 0.185 Submission of proposed orders to Office of Legal Counsel.

All orders prepared for the approval or signature of the Attorney General shall be submitted to the Office of Legal Counsel for approval as to form and legality, and as to consistency and conformity with existing orders and memoranda.

§ 0.186 Requirements for documents.

Each document issued under § 0.180, § 0.181, or § 0.183 shall be given a suitable title, shall cite the authority for its issuance and shall indicate specifically the extent to which any other order or memorandum or directive is superseded, modified, or revoked by it.

Subpart AA—Sections and Subunits

§ 0.190 Changes within organizational units.

The head of each organizational unit may from time to time establish or terminate, or transfer the functions of, sections or other subunits within his organizational unit as he may deem necessary or appropriate, but shall report such action promptly to the Attorney General in writing in each instance.

§ 0.191 Continuance in effect of the existing organization of departmental units.

The existing organization of each organizational unit with respect to sections and subunits shall continue in full force and effect until changed in accordance with this Subpart AA.

Subpart BB—Jurisdictional Disagreements

§ 0.195 Procedure with respect to jurisdictional disagreements.

Any disagreement between or among heads of the organizational units as to their respective jurisdictions shall be resolved by the Attorney General, who may, if he so desires, issue an order in the numbered series disposing of the matter.

§ 0.196 Procedure for resolving disagreements concerning mail or case assignments.

When an assignment for the handling of mail or a case has been made by the Records Administration Office through established procedures and the appropriate authorities in any organizational unit of the Department disagree concerning jurisdiction of the unit for handling the matter or matters assigned, the Records Administration Officer shall refer the disagreement, together with a statement of the view of the unit or units involved, to the Assistant Attorney General for Administration for determination. If the disagreement cannot be resolved, the matter shall be referred to the Deputy Attorney General for final disposition.

[Order 69]

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5, United States Code, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is revised in the form set forth above.

Dated: December 23, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69-15437; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,627]

PART 523—MEMBERS OF BANKS

PART 531—STATEMENTS OF POLICY

Liquidity

DECEMBER 22, 1969.

Resolved that notice and public procedure having been duly afforded (34 F.R. 14899), a public hearing having been held on October 27 and 28, 1969, and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 523 and 531 of the regulations for the Federal Home Loan Bank System (12 CFR 523, 531) for the purpose of implementing section 4 of Public Law 90-505, approved September 21, 1968, which amended section 5A of the Federal Home Loan Bank Act (12 U.S.C. 1425a), by prescribing regulations regarding liquidity requirements for members of Federal Home Loan Banks. Accordingly, said Parts 523 and 531 are amended as follows, effective December 22, 1969:

§ 523.12 [Deleted]

1. Part 523 is amended by deleting the present provisions of § 523.12 thereof, which relates to holdings of cash and obligations of the United States by members.

2. Part 523 is amended by revising the undesignated center head after § 523.9 thereof to read "Liquidity" and by adding, immediately after said amended center head, new §§ 523.10 through 523.14 to read as follows:

§ 523.10 Definitions.

For the purposes of this section, §§ 523.11, and 523.12:

(a) The term "cash" means the amount of cash on hand and unpledged demand deposits in a Federal Home Loan Bank or an insured bank.

(b) The term "insured bank" means a commercial bank whose deposits are insured by the Federal Deposit Insurance Corporation and which is not under the control or in the possession of any supervisory authority.

(c) The term "liquidity base" means—

(1) Prior to November 1, 1970, the amount of the member's net withdrawable accounts, or in the case of a member insurance company its policy reserve required by State law; and

(2) Beginning on November 1, 1970, the amount of the member's net withdrawable accounts, or in the case of a member insurance company its policy reserve required by State law, plus the member's short-term borrowings.

(d) The term "net withdrawable accounts" means the amount of all withdrawable accounts less the unpaid balance of all loans on the security of such accounts.

(e) The term "short-term borrowings" means the amount of all borrowings which are payable on demand or which are due for payment in 1 year or less.

(f) The term "obligations of the United States" means evidences of indebtedness issued by the United States, or issued by any agency or instrumentality of the United States and fully guaranteed as to principal and interest by the United States.

(g) Prior to January 1, 1972, the term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of unpledged assets specified in subparagraphs (1) through (6) of this paragraph, without regard to the proviso contained in subparagraph (2) of this paragraph. Beginning on January 1, 1972, the term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets:

(1) Time deposits in a Federal Home Loan Bank;

(2) Obligations of the United States (including such obligations held subject to a repurchase agreement): *Provided, however,* That, except as the Board may otherwise direct in a specific case, the maximum amount of such obligations having a remaining period to maturity of more than 7 years includable in liquid assets shall not exceed an amount equal to one-half of 1 percent of the average daily balance for the preceding calendar month of the member's liquidity base, or in the case of a member which has made the election provided in paragraph (b) of § 523.11, the member's liquidity base at the end of the preceding calendar month;

(3) Obligations (including such obligations held subject to a repurchase agreement) issued, or fully guaranteed as to principal and interest, by the following agencies or instrumentalities of the United States and having a remaining period to maturity of not more than 5 years:

(i) A Federal Home Loan Bank or Banks,

(ii) The Federal National Mortgage Association,

(iii) The Government National Mortgage Association,

(iv) A Bank or Banks for Cooperatives, including the Central Bank for Cooperatives,

(v) A Federal Land Bank or Banks,

(vi) A Federal Intermediate Credit Bank or Banks,

(vii) The Tennessee Valley Authority,

(viii) The Export-Import Bank of the United States, or

(ix) The Commodity Credit Corporation.

(4) Time deposits in an insured bank, if:

(i) The total of all time deposits of the same member in the same bank does not exceed the greater of (*a*) one-fourth of 1 percent of the total deposits of such bank (calculated on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date each time deposit is made or acquired by a member), or (*b*) $20,000;

(ii) No consideration, other than discounting to a current market rate of interest, is received by the member from a third party in connection with the making or acquiring of such deposits by the member; and

(iii) The remaining periods to maturity of such deposits are not more than 1 year and such deposits are negotiable, or, in the case of time deposits which may not be withdrawn without notice, the notice periods do not exceed 90 days;

(5) Bankers' acceptances of an insured bank if:

(i) The total of all such acceptances of the same bank held by the same member does not exceed one-fourth of 1 percent of the total deposits of such bank (calculated on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date each such acceptance is acquired by a member);

(ii) No consideration, other than discounting to a current market rate of interest, is received by the member from a third party in connection with the acquisition of such acceptances; and

(iii) The remaining periods to maturity of such acceptances are not more than 6 months; and

(6) General obligations (including such obligations held subject to a repurchase agreement) of any State, territory, or possession of the United States, or political subdivision of any of the foregoing, if:

(i) Such obligations are rated, at the time acquired by a member, in one of the four highest grades as shown by the most recently published rating made of such obligations by a nationally recognized investment rating service; and

(ii) The remaining periods to maturity of such obligations are not more than 2 years.

(h) The term "short-term liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under paragraph (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets:

(1) Time deposits specified in subparagraph (1) of paragraph (g) of this section;

(2) Obligations of the types specified in subparagraphs (2) and (3) of paragraph (g) of this section having a remaining period to maturity of not more than 18 months;

(3) Time deposits of the types specified in subparagraph (4) of paragraph (g) of this section having a remaining period to maturity of not more than 6 months or a notice period of not more than 90 days; and

(4) Bankers' acceptances specified in subparagraph (5) of paragraph (g) of this section.

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member shall maintain an average daily balance of liquid assets in an amount not less than 5½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month beginning with January 1972, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 2 percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

(b) *Exception.* In lieu of using the average-daily-balance method prescribed in paragraph (a) of this section to compute its liquidity requirement, a member having less than $25 million in total assets as of the beginning of its current fiscal year may, by resolution of its board of directors, elect to maintain an average daily balance of liquid assets and short-term liquid assets in an amount not less than the applicable percentage (prescribed in paragraph (a) of this section) of its liquidity base as of the end of the preceding calendar month. Such election shall remain in effect, unless sooner revoked by resolution of the member's board of directors, so long as the member continues to meet the above asset requirement.

(c) *Calculation of average daily balance.* For the purposes of this section, §§ 523.10, and 523.12, the "average daily balance of liquid assets", "average daily balance of short-term liquid assets", and "average daily balance of the member's liquidity base", respectively, shall be calculated by adding the member's liquid assets, short-term liquid assets, or liquidity base, respectively, as of the close of each business day in a calendar month, and for any nonbusiness day, as of the close of the nearest preceding business day, and by dividing the respective total by the number of days in such month.

(d) *Reduction and suspension of liquidity requirements.* Whenever the Board deems it advisable in order to enable a member to meet withdrawals or to pay obligations, the Board may, to such extent and subject to such conditions as it may prescribe, permit the member to reduce its liquid assets below the minimum amount required by paragraph (a) of this section. Whenever the Board determines that conditions of national emergency or unusual economic stress exist, the Board may suspend any part or all of the liquidity requirements of paragraph (a) of this section for such period as the Board may prescribe. Any such suspension, unless sooner terminated by its terms or by the Board, shall terminate at the expiration of 90 days next after its commencement, but nothing in this sentence shall prevent the Board from again suspending any part or all of such liquidity requirements before, at, or after any such termination.

§ 523.12 Deficiences and penalties.

(a) *Calculation of deficiency.* (1) Except as provided in subparagraph (2) of this paragraph, a member's liquid assets or short-term liquid assets for any calendar month are deficient in the amount that the average daily balance of such assets for such calendar month is less than the respective minimum amounts required pursuant to § 523.11.

(2) A member, other than an insurance company, may reduce any deficiency calculated pursuant to subparagraph (1) of this paragraph as follows:

(i) With respect to the first month of a current distribution period, by the amount of the member's aggregate net withdrawals (excess of withdrawals over cash savings received) from withdrawable accounts during the last 3 business days of the immediately preceding month and the first 10 calendar days of the current month; and

(ii) With respect to the second month of the same current distribution period, by one-half of such amount of aggregate net withdrawals; but

(iii) No such reduction of any deficiency shall operate to reduce the member's liquidity requirement below 4 percent of its liquidity base as of the end of the immediately preceding distribution period.

(b) *Calculation of penalty.* The amount of penalty for any deficiency calculated pursuant to paragraph (a) of this section shall be determined by each member by multiplying the amount of such deficiency by one-twelfth of the sum of 2 percent and the annual interest rate for advances of 1 year or less charged by the member's Bank on the last day of the month in which such deficiency occurred. If there is a deficiency in the same calendar month in both liquid assets and short-term liquid assets, the penalty shall be calculated only on the larger deficiency. No penalty shall be calculated on any deficiency of $5,000 or less unless the Board shall otherwise direct in a specific case.

(c) *Assessment of penalty; compromise, remission, or mitigation.* The Board hereby assesses a penalty against each member in the amount calculated pursuant to paragraph (b) of this section. For good cause shown, the Board may, upon application by a member submitted through the Bank of which it is a member, compromise, remit, or mitigate in whole or in part any penalty herein assessed before collection thereof.

§ 523.13 Reports; records.

(a) *Reports.* If there is a deficiency pursuant to the provisions of paragraph (a) of § 523.12 and a penalty is assessed pursuant to the provisions of paragraph (c) of § 523.12, the member shall submit to the Bank of which it is a member, not later than the 10th calendar day of the month following the month for which the penalty is assessed, a report with respect to such penalty and related matters in form prescribed by the Board. Copies of this form may be obtained from the Federal Home Loan Bank Board, Washington, D.C., or from any Bank.

(b) *Records.* Each member shall maintain such records as may be required to verify such member's compliance with the liquidity requirements prescribed by the Board. Such records shall be made available to the Board, or its representatives, during the course of each supervisory examination and at such other times as the Board may direct.

§ 523.14 Payment of penalty.

At the time each report is submitted pursuant to the requirements of paragraph (a) of § 523.13, the member shall enclose with such report a check, payable to the Bank of which it is a member, in the amount of the penalty assessed

for the month covered in such report, unless the member makes the application referred to in paragraph (c) of § 523.12.

3. Part 531 is amended by rescinding the present provisions of § 531.6 thereof, a Statement of Policy relating to the continued inclusion of time deposits as cash, and substituting, in the place of such rescinded provisions, a new Statement of Policy to read as follows:

§ 531.6 Continued inclusion of certain obligations of the United States as liquid assets.

(a) Under § 523.10(g)(2) of this subchapter, obligations of the United States are included as liquid assets, without regard to maturity, prior to January 1, 1972. Beginning on January 1, 1972, obligations of the United States with a remaining period to maturity of more than 7 years will be included as liquid assets only up to a maximum limit of one-half of 1 percent of the member institution's liquidity base, except as the Board may otherwise direct in a specific case.

(b) In any case in which such limitation on the inclusion of long-term obligations as liquid assets may cause a member institution undue financial loss or hardship, the Board will consider a request from the member institution for permission to include a greater amount of long-term obligations of the United States than would be includable under § 523.10 (g)(2) of this subchapter. The Board may permit the inclusion of such obligations in such amounts and for such periods of time as it may deem necessary or desirable under the circumstances of that particular case.

(c) Any such request by a member institution should be transmitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, with a copy thereof to the Bank of which it is a member.

§ 531.7 [Rescinded]

4. Part 531 is amended by rescinding § 531.7, a Statement of Policy relating to advances to meet net withdrawals.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended by sec. 4, Public Law 90-505, 82 Stat. 856, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since the Board determines that it is in the public interest that the above amendments be effective as soon as possible, the Board hereby finds that deferral of the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER pursuant to the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d) is contrary to the public interest and provides that the amendment shall be effective as hereinbefore set forth.

Resolved further that, any member holding any asset which heretofore was treated as cash for liquidity purposes may continue to count such asset for such purposes through December 31, 1970.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-15412; Filed, Dec. 30, 1969; 8:45 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,628]

PART 545—OPERATIONS

PART 556—STATEMENTS OF POLICY

Liquidity, Loans, Investments, Securities, and Related Matters

DECEMBER 22, 1969.

Resolved that notice and public procedure having been duly afforded (34 F.R. 14901) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 545 and 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545, 556) for the purposes of (1) implementing the authority contained in section 5 of Public Law 90-505, approved September 21, 1968, which amended section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) to permit Federal savings and loan associations to invest in any asset which qualifies for use in meeting the liquidity requirements imposed on them pursuant to section 5A of the Federal Home Loan Bank Act (12 U.S.C. 1425a), as amended by section 4 of Public Law 90-505, and (2) reflecting certain other changes relating to liquidity made by said provisions of Public Law 90-505. Accordingly, said Parts 545 and 556 are amended as follows, effective December 22, 1969:

1. Part 545 is amended by revising paragraph (a) of § 545.6-20 to read as follows:

§ 545.6-20 Loans and investments guaranteed under the Foreign Assistance Act of 1961.

(a) *General provisions.* Without regard to any other provision of this part except § 545.6-8, a Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans and interests in loans payable in U.S. dollars and guaranteed by the President under section 224 of the Foreign Assistance Act of 1961, as amended, and in housing project loans and interests therein so payable and guaranteed by the President under section 221 of that act, subject to the provisions of this section. The aggregate principal amount of such investments outstanding at any one time shall not exceed 1 percent of the assets of the association.

* * * * *

2. Part 545 is amended by revising § 545.6-21 to read as follows:

§ 545.6-21 Loans on securities.

A Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans secured by obligations of, or fully guaranteed as to principal and interest by, the United States or any agency or instrumentality of the United States named in paragraph (g)(3) of § 523.10 of this chapter, if:

(a) The borrower is a financial institution the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or is a broker or dealer registered with the Securities and Exchange Commission; and

(b) The market value of the securities for each such loan is at least equal to the amount of such loan at the time it is made.

§ 545.8-2 [Deleted]

3. Part 545 is amended by deleting § 545.8-2, which relates to required holdings of cash and obligations of the United States.

4. Part 545 is amended by revising § 545.8-3 to read as follows:

§ 545.8-3 Insured loans for title purchase.

Without regard to any other provision of this part except § 545.6-8, a Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans, or interests therein, made for the purpose of financing the purchase by homeowners of the fee simple title to property on which their homes are located and as to which the association has the benefit of insurance under section 240 of the National Housing Act, as amended, or of a commitment or agreement for such insurance.

5. Part 545 is amended by revising § 545.9 to read as follows:

§ 545.9 Securities and other investments.

A Federal association may invest in the following:

(a) Any assets which qualify as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, and any assets, other than time deposits and bankers' acceptances, which would so qualify except for the maturity limitations contained in such paragraph;

(b) Any obligations fully guaranteed as to principal and interest by the United States;

(c) Any general obligations (without regard to investment-service rating) of any political subdivision of a State (including the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States) if the association's home office or a branch office is located in such political subdivision: *Provided*, That investments in such obligations may not be made in an aggregate amount exceeding 1 percent of the association's assets; or

(d) The stock of a Federal Home Loan Bank or the Federal National Mortgage Association.

§ 545.9-3 [Revoked]

6. Part 545 is amended by revoking § 545.9-3, which relates to investments in time deposits.

§ 556.1 [Rescinded]

7. Part 556 is amended by rescinding § 556.1, a statement of policy relating to inclusion of time deposits as cash.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended by sec. 4, Public Law 90–505, 82 Stat. 856, sec. 5, 48 Stat. 132, as amended by sec. 5, Public Law 90–505, 82 Stat. 858; 12 U.S.C. 1425a, 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further, that, since the Board determines it is desirable for the above amendments to be effective on the effective date of certain changes, adopted on the date of this resolution, in Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks, the Board hereby finds that deferral of the effective date of these amendments for 30 days after publication in the FEDERAL REGISTER pursuant to the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d) is contrary to the public interest and provides that these amendments shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–15413; Filed, Dec. 30, 1969; 8:45 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 23,629]

PART 561—DEFINITIONS

PART 571—STATEMENTS OF POLICY

Definitions of "Specified Assets", "Cash", and "Government Obligations"

DECEMBER 22, 1969.

Resolved that notice and public procedure having been duly afforded (34 F.R. 14899) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 561 and 571 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561, 571) by (1) revising the definition of the term "specified assets", (2) revoking the definitions of the terms "cash" and "Government obligations", and (3) rescinding a statement of policy concerning inclusion of time deposits as cash for the purpose of reflecting certain changes, adopted on the date of this resolution, in Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks. Accordingly, said Parts 561 and 571 are amended as follows, effective December 22, 1969:

1. Part 561 is amended by revising paragraph (a) of § 561.17 to read as follows:

§ 561.17 Specified assets.

(a) The term "specified assets" means the total assets of an insured institution less the institution's assets which qualify as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, or would so qualify except for the maturity limitations contained in such paragraph or the pledged status of such assets, other obligations fully guaranteed as to principal and interest by the United States (including such obligations held subject to a repurchase agreement) and accrued interest thereon, Federal Home Loan Bank stock, prepaid Federal Savings and Loan Insurance Corporation premiums, loans secured by obligations referred to in subparagraphs (2) and (3) of paragraph (g) of § 523.10 of this chapter without regard to the maturities of such obligations, loans in process, loans on the security of the institution's savings accounts, investments (other than in capital stock) in other institutions insured by the Federal Savings and Loan Insurance Corporation and in institutions insured by the Federal Deposit Insurance Corporation, and less 80 percent of the institution's actual investments in insured and guaranteed loans and guaranteed obligations.

* * * * *

§§ 561.18, 561.19 [Revoked]

2. Part 561 is amended by revoking § 561.18, defining the term "cash", and § 561.19, defining the term "Government obligations".

§ 571.2 [Rescinded]

3. Part 571 is amended by rescinding § 571.2, a statement of policy relating to inclusion of time deposits as cash.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended by sec. 4, Public Law 90–505, 82 Stat. 856, secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1425a, 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further, that, since the Board determines it is desirable for the above amendments to be effective on the effective date of certain changes, adopted on the date of this resolution, in Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks, the Board hereby finds that deferral of the effective date of these amendments for 30 days after publication in the FEDERAL REGISTER pursuant to the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d) is contrary to the public interest and provides that these amendments shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–15414; Filed, Dec. 30, 1969; 8:45 a.m.]

[No. 23,630]

PART 563—OPERATIONS

Accounting for Gains and Losses With Respect to Transactions in Securities

DECEMBER 22, 1969.

Resolved that notice and public procedure having been duly afforded (34 F.R. 14898) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by prescribing regulations (1) for accounting by insured institutions for gains and losses on the disposition of securities and (2) to provide for deferral of gains and losses on dispositions made for the purpose of meeting requirements contained in Part 523 of regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks. Accordingly, said Part 563 is hereby amended by adding a new § 563.23–2, immediately after § 563.23–1 thereof, to read as follows, effective December 22, 1969:

§ 563.23–2 Accounting for gains and losses with respect to transactions in securities.

(a) *Recognition of gains and losses.* Except as hereinafter provided, gains and losses (net of related taxes) resulting from the disposition of securities shall be recognized on an insured institution's books at the time realized. However, an insured institution may elect to defer and amortize all gains and losses (net of related taxes) resulting from the disposition, on or prior to December 31, 1971, of any securities, if such disposition is part of a plan adopted for the purpose of meeting the liquidity requirements contained in Part 523 of this chapter. Such election, once made, shall be consistently followed with respect to all transactions in securities entered into for liquidity purposes during the period beginning on December 22, 1969, and ending December 31, 1971, and with respect to all related reinvestment transactions entered into thereafter.

(b) *Making of election to defer gains and losses.* The election referred to in paragraph (a) of this section shall be made by the insured institution's board of directors in a resolution specifically referring to the provisions of this section.

(c) *Deferral and amortization of gains and losses.* An insured institution which elects to defer and amortize gains and losses on the disposition of securities as provided in paragraph (a) of this section shall account for such gains and losses as follows:

(1) Gains shall be deferred by a credit to an account descriptive of deferred profit; losses shall be deferred by a debit to an account descriptive of deferred losses. Gains and losses so deferred shall thereafter be credited or debited, as

appropriate, to an account descriptive of income from the related securities, at least quarterly, in equal amounts over a period not in excess of the lesser of (i) the period ending on the maturity date of the security disposed of or (ii) 10 years. For convenience, deferred balances may be grouped by average remaining period of amortization.

(2) Where an amount has been deferred and the security acquired in the transaction is subsequently disposed of in a transaction which results in a reduction, for a period in excess of 45 days, of the total amount of securities held for liquidity purposes, any gain or loss resulting from such transaction shall be recognized, and the related unamortized balance of the amount deferred shall be treated as an adjustment of such gain or loss.

(d) *Maintenance of records.* An institution which, pursuant to paragraph (a) of this section, elects to defer and amortize gains and losses on security transactions shall maintain such records and follow such accounting practices as the Corporation may deem necessary for compliance with this section.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended by sec. 4, Public Law 90-505, 82 Stat. 856, secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1425a, 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further, that, since the Board determines it is desirable for the above amendments to be effective on the effective date of certain changes, adopted on the date of this resolution, in Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) regarding liquidity for members of Federal Home Loan Banks, the Board hereby finds that deferral of the effective date of these amendments for 30 days after publication in the FEDERAL REGISTER pursuant to the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d) is contrary to the public interest and provides that these amendments shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-15415; Filed, Dec. 30, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-8-AD; Amdt. 39-902]

PART 39—AIRWORTHINESS DIRECTIVES

All McDonnell Douglas Model DC-9 Series Aircraft

Amendment 39-738 (34 F.R. 5427) AD 69-6-3, effective March 21, 1969, requires certain inspections in the DC-9 tail cone compartment within the next 200 hours time in service after the effective date, and the installation of an insulation blanket and the rerouting of the VHF and HF (if installed) coaxial cables and other wiring away from the auxiliary power unit (APU) exhaust shroud in the tail cone compartment within the next 2,000 hours time in service after the effective date. This corrective action was required to preclude additional dual VHF failures due to damage by excessive heat in areas adjacent to the right engine eighth stage bleed duct and the auxiliary power unit (APU) exhaust shroud. Dual VHF system failures result in the loss of all VHF (VOR and localizer) navigation. After issuing Amendment 39-738, the FAA has received additional information and has determined that the required corrective action is not adequate. Four cases of dual VHF failures due to coaxial cable damage caused by excessive heat from bleed air duct coupling leakage have been reported on modified aircraft.

Since this condition is likely to exist or develop in all McDonnell Douglas Model DC-9 Series aircraft, AD 69-6-3 is being superseded by a new AD to require additional modifications, such as the replacement of sections of the polyethylene dielectric type VHF and HF (if installed) coaxial cables in the DC-9 tail cone compartment with section of teflon dielectic type coaxial cables which have a much higher temperature qualification. Whenever possible, alternative methods of corrective action have been provided, to permit maximum flexibility to the aircraft operators in complying with the AD and to ensure an equivalent level of safety. Additional lead time to perform the installations has been provided.

A recent design review has been made by the manufacturer and the FAA of all other wiring and electrical components in the DC-9 tail cone compartment. This review establishes that, because of the high temperature environment resulting from a possible pneumatic duct failure or coupling leakage, the following changes are also deemed necessary:

1. A metal heat shield must be installed between the eighth stage pneumatic duct and electrical wire bundle, on the RH side just aft of pressure panel and forward of eighth stage bleed duct.

2. The wire harness containing overheat sensor wiring located on the LH side just outboard of the wing ice protection duct must be repositioned.

Since a condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective immediately upon publication.

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

MCDONNELL DOUGLAS. Applies to all McDonnell Douglas Model DC-9 Series aircraft.

Compliance required as indicated, unless already accomplished.

To prevent heat damage to the HF (if installed) and VHF coaxial cables and other wiring located in the tail compartment of DC-9 Series aircraft, accomplish the following:

(A) Within the next 200 hours' time in service after the effective date of this AD, unless already accomplished, perform the following:

(1) Determine that the HF (if installed) and VHF coaxial cables located in the tail compartment of the aircraft adjacent to the eighth stage bleed duct have not deteriorated due to excessive heat. The determination may be accomplished by the use of electrical tests such as fault finder pulse indications, reflectometer measurements, or X-ray inspections or a satisfactory equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. If the electrical tests indicate any coaxial cable impedance change in the areas of the eighth stage bleed duct or the APU exhaust shroud, or the X-ray inspections show physical change, such as noticeable drift of the center conductor, or any unsatisfactory condition in these areas, replace the damaged coaxial cables or repair the damaged areas of the cables by use of proper connectors and new coaxial sections, in conjunction with (2) and (3), below. In lieu of electrical testing or X-ray inspection an operator may replace the cables within this 200-hour period.

(2) Provide maximum possible clearance (at least 1 inch) between the HF (if installed) and VHF conduits, and the right engine eighth stage bleed duct by rotating the conduit clamps and reworking the spacers as necessary.

NOTE: McDonnell Douglas DC-9 Alert Service Bulletin A23-24, dated February 21, 1969, describes this work.

(3) (a) Visually inspect the APU exhaust shroud for any indications of overtemperature condition, such as shroud discoloration or exterior airframe paint discoloration around the shroud outlet. If the APU exhaust duct has been deformed or leaks, and continued use of the APU is desired, replace the duct in accordance with McDonnell Douglas S.B. 49-6, dated May 2, 1966, and Service Letters AOL-9 No. 74, dated February 6, 1967, and AOL-9 No. 139, dated September 29, 1967, or later FAA-approved revisions, or an equivalent duct replacement approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Inspect all wiring adjacent to the APU exhaust shroud for heat damage. Replace or repair to an airworthy condition all wiring found damaged.

(4) Pressure test the pneumatic duct installation in the DC-9 tail cone area in accordance with the DC-9 Maintenance Manual Temporary Revision 36-19, dated December 3, 1969, or the subsequent equivalent revision, or an equivalent pressure test approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(5) Steps (1) and (3) above, must be repeated prior to any further IFR operation after every report of a pneumatic duct malfunction or an APU exhaust duct failure until (A)(7) or (B), below, has been accomplished.

(6) Step (4), above, must be repeated whenever pneumatic duct maintenance is performed in the tail cone area.

(7) Steps (1) through (5), above, need not be accomplished if the operator accomplishes Step B below, within 200 hours' time in service from the effective date of this AD.

(B) Within the next 2,000 hours' time in service from the effective date of this AD,

unless already accomplished, perform the following in accordance with McDonnell Douglas Service Bulletin 23-24, Rev. 2, dated June 23, 1969; S.B. 23-28, dated December 3, 1969, and S.B. 27-104, Rev. 2, dated April 15, 1969, or later FAA-approved revisions, or an equivalent installation and modification approved by the Chief, Aircraft Engineering Division, FAA Western Region:

(1) Install an insulation blanket on the eighth stage bleed duct adjacent to the HF and VHF coaxial cable conduits.

(2) Reroute the HF (if installed) and VHF coaxial cables, and the other wiring bundle (flight recorder, interphone wiring, etc.) away from the APU exhaust shroud area where they are now located.

(3) Replace the sections of the polyethylene dielectric type VHF and HF (if installed) coaxial cables with sections of electrically equivalent polytetrafluoroethylene (teflon) dielectric type coaxial cables from just forward of the pressure dome feed-through throughout the tail compartment, or from between just aft of the pressure dome feed-through to just aft of the exhaust duct from the air condition pack heat exchangers, and apply PF105-700 glass fiber batt and CRS-102 silicon wrap heat insulation material over all exposed low temperature cable which is not installed in conduit.

NOTE: No additional rerouting or repositioning, other than that specified in paragraph (A)(2) and (B)(2), is required.

(4) Add a metal heat shield between the eighth stage pneumatic duct and electrical wire bundle in the tail cone RH side just aft of pressure panel and forward of the eighth stage bleed duct.

(5) Reposition the wire harnesses FBC and DDC, containing overheat sensor wiring and APU generator control wiring located in the tailcone LH side to a new position more outboard of the wing ice protection duct.

NOTE: Compliance with the coaxial cable separation and rerouting modification also provided in AOL No. 9-333, dated August 27, 1969, and Service Bulletin No. 23-28, dated December 3, 1969, is optional.

This AD supersedes amendment 39-738 (34 F.R. 5427) AD 69-6-3.

This amendment becomes effective on December 30, 1969.

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

Issued in Los Angeles, Calif., on December 19, 1969.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 69-15421; Filed, Dec. 30, 1969; 8:46 a.m.]

[Airworthiness Docket No. 69-WE-30-AD; Amdt. 39-899]

PART 39—AIRWORTHINESS DIRECTIVES

North American Rockwell Models NA-265, NA-265-20, NA-265-30, NA-265-40, and NA-265-60 Airplanes

There have been seven reported failures of the nose landing gear strut on NA-265 Series airplane. Six of these failures occurred as a result of violent shimmy of the nose gear. Nose gear failure could result in a serious airplane accident, the loss of aircraft directional control during takeoff or landing operations, or a potentially hazardous hydraulic fluid fire. Because of these failures, the manufacturer has initiated an extensive test program to determine the cause of the nose gear shimmy and to develop means to eliminate such cause. As an interim action pending the completion of the manufacturer's investigation and FAA evaluation of the results, and since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is considered necessary to prescribe interim actions intended to decrease the probability of severe nose gear shimmy and subsequent failure of the nose gear strut. The agency will amend the AD to prescribe different requirements when it is determined that such required actions will effectively eliminate the causes for nose wheel shimmy.

The interim actions prescribed by the airworthiness directive include the inspection, rework or replacement, as necessary, of nose landing gear components, the use of increased tire inflation pressure, and the establishment of an operating procedure to minimize nose gear shimmy.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 30 days from the date of publication in the FEDERAL REGISTER.

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

NORTH AMERICAN ROCKWELL. Applies to Models NA-265, NA-265-20, NA-265-30, NA-265-40, and NA-265-60 airplanes.

Compliance required as indicated.

To decrease the probability of severe nose gear shimmy and subsequent failure of the nose gear strut, accomplish the following:

(a) Within 10 hours' time in service after the effective date of this AD, install a placard in clear view of the pilot reading:

"Engage nose gear steering as soon as practicable after landing to minimize any tendency for nose wheel shimmy."

(b) Within 50 hours' time in service after the effective date of this AD, unless already accomplished, nose wheel tires installed must comply with the make, tread and diameter limitations and tolerances contained in North American Rockwell Sabreliner Field Service Bulletin No. 69-27, dated November 6, 1969, or later revision approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Within 50 hours' time in service after the effective date of the AD, install a placard on the left side of nose gear torque link collar, P/N 4010776-3, or later FAA-approved collar, in clear view of servicing personnel stating:

"Nose wheel tires must be inflated to 95-100 p.s.i."

(d) Within 50 hours' time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection, inspect nose gear components and rework as necessary in accordance with North American Rockwell Service Directive No. 43, revised May 12, 1969, or later revision approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective January 27, 1970.

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

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to North American Rockwell Corp., Los Angeles Division, International Airport, Los Angeles, Calif. 90009. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file of this airworthiness directive, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on December 17, 1969.

JOHN H. HILTON,
Director, FAA Western Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on December 30, 1969.

[F.R. Doc. 69-15422; Filed, Dec. 30, 1969; 8:46 a.m.]

[Docket No. 69-CE-29-AD; Amdt. 39-903]

PART 39—AIRWORTHINESS DIRECTIVES

Continental Models E165, E185, E225, and O-470 Series Engines

Amendment 592 published in the FEDERAL REGISTER on July 25, 1963, AD 63-15-1, requires removal of certain exhaust valves on Continental Models E165, E185, E225, and O-470 Series engines and replacement with Continental P/N 626540 exhaust valve. This valve was originally identified with the letter "H" or a triangle located on the valve stem between the keeper groove and the end of the valve. This identification was deleted by the manufacturer in July 1967. Consequently, it is necessary to revise paragraph (b) of the airworthiness directive to reflect this deletion.

Since this amendment provides clarification only 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 thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 592, AD 63-15-1, is amended by revising paragraph (b) to read as follows:

(b) The letter "H" or a triangle stamped or etched 0.06 high on the valve stem between the keeper groove and the end of valve on valves manufactured prior to July 1967.

This amendment becomes effective December 31, 1969.

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

Issued in Kansas City, Mo., on December 19, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-15423; Filed, Dec. 30, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-30]

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

Alteration, Designation and Revocation of Federal Airway Segments

On September 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14850) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter and revoke VOR Federal airway segments within the New York Air Route Traffic Control Center Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Air Transport Association of America (ATA) and the Airport Director, Orange County Airport, Montgomery, N.Y. The ATA concurred with the proposed actions. The Airport Director, Orange County Airport, expressed concern with the proposed alignments of the segments of VOR Federal airway Nos. 489 and 205 with future establishment of a control zone around the Orange County Airport and a recent proposal by the Orange County Airport to install and operate a localizer approach system at the airport. Also, concern was expressed with regard to a possible confliction between VFR traffic operating in and around Orange County Airport at altitudes up to 5,000 feet and IFR traffic operating along the airway segments at lower altitudes.

The proposed alignment of V-489 and V-205 segments will have no effect on the proposed installation of a nonfederal instrument landing system at the Orange County Airport. The FAA foresees no conflict between VFR aircraft and those aircraft operating IFR on V-489 and V-205 segments. VFR operations in the vicinity of Orange County Airport are required to conform with Federal Aviation Regulations Part 91.67(a) which specifies that VFR flight must be conducted in weather conditions which will permit the pilot of the VFR aircraft to see and avoid other aircraft. The proposed alignments of V-489 and V-205 would not affect the designation of a control zone at the Orange County Airport at a future date.

In the notice it was stated that VOR Federal airway No. 116 would be realigned through use of the Lake Henry, Pa., VOR 110° T (120° M) radial. It has now been determined that use of the Lake Henry VOR 109° T (119° M) radial will provide a better alignment for this airway. Accordingly, action is taken herein to reflect this 1° alignment correction.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 2, 1970, as hereinafter set forth.

Section 71.123 (35 F.R. 2009) is amended as follows:

a. In V-1 all after "Waterloo, Del.;" is deleted and "INT Waterloo 024° and Coyle, N.J., 216° radials; to Coyle, excluding the airspace below 2,000 feet MSL outside the United States between Starfish INT and Charleston, S.C. The portion within R-5002 is excluded." is substituted therefor.

b. In VOR Federal airway No. 6 all after "Selinsgrove, Pa.;" is deleted and "Allentown, Pa., excluding the portion within R-4803 and R-4813." is substituted therefor.

c. In V-16 all between "Coyle, N.J.;" and "Norwich, Conn.;" is deleted and "Kennedy, N.Y.; Deer Park, N.Y.; Riverhead, N.Y.;" is substituted therefor.

d. In V-29 all between "Pottstown, Pa.;" and "Binghamton, N.Y.;" is deleted and "East Texas, Pa.; Wilkes-Barre, Pa.;" is substituted therefor.

e. In V-30 all after "East Texas, Pa.;" is deleted and "INT East Texas 103° and Solberg, N.J., 255° radials; Solberg." is substituted therefor.

f. In V-34 "Riverhead, N.Y." is deleted and "INT Cormel 093° and Riverhead, N.Y., 048° radials." is substituted therefor.

g. In V-36 "Sparta, N.J." is deleted and "INT Lake Henry 136° and Sparta, N.J., 290° radials; Sparta; Kennedy, N.Y." is substituted therefor.

h. In V-44 all after "Kenton;" to including "Riverhead." is deleted and "INT Kenton 086° and Atlantic City, N.J., 236° radials; Atlantic City; INT Atlantic City 048° and Deer Park, N.Y., 209° radials; Deer Park." is substituted therefor.

i. In V-46 all between "From Deer Park, N.Y." to "INT Hampton 083°" is deleted and "; Riverhead, N.Y.; Hampton, N.Y.;" is substituted therefor.

j. In V-91 "Pawling, N.Y.;" is deleted and "INT Riverhead 344° and Pawling, N.Y., 139° radials; Pawling;" is substituted therefor.

k. In V-93 all between "Lancaster, Pa;" and "Chester, Mass.;" is deleted and "Wilkes-Barre, Pa.; Lake Henry, Pa.; Pawling, N.Y.;" is substituted therefor.

l. In V-116 all after "Lake Henry, Pa.;" is deleted and "INT Lake Henry 109° and Deer Park, N.Y., 296° radials; Deer Park. The airspace within Canada is excluded." is substituted therefor.

m. In V-123 all between "Robbinsville;" and "INT LaGuardia 034°" is deleted and "LaGuardia, N.Y.;" is substituted therefor.

n. In V-126 all after "Huguenot, N.Y." is deleted.

o. In V-143 "Lancaster, Pa.;" is deleted and "Lancaster, Pa., including a north alternate via INT Martinsburg 044° and Lancaster 256° radials;" is substituted therefor.

p. In V-147 "Allentown, Pa.;" is deleted and "East Texas, Pa.;" is substituted therefor.

q. In V-149 all before "Binghamton, N.Y.;" is deleted and "From INT Allentown, Pa. 147° and Solberg, N.J., 227° radials; Allentown, Pa.; Lake Henry, Pa.;" is substituted therefor.

r. In V-157 "Colts Neck, N.J." is deleted and "Colts Neck, N.J.; Kingston, N.Y." is substituted therefor.

s. In V-167 all before "INT Hartford 076°" is deleted and "From Hancock, N.Y.; INT Hancock 120° and Kingston, N.Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford;" is substituted therefor.

t. In V-188 "; Tannersville, Pa." is deleted.

u. In V-213 all after "Robbinsville, N.J., 239° radials;" is deleted and "Robbinsville." is substituted therefor.

v. In V-232 all after "Milton, Pa.;" is deleted and "Kennedy, N.Y." is substituted therefor.

w. In V-249 "Huguenot, N.Y.; DeLancey, N.Y." is deleted and "INT Sparta, N.J., 023° and DeLancey, N.Y., 131° radials; DeLancey;" is substituted therefor.

x. In V-252 all after "Huguenot, N.Y." is deleted.

y. V-254 is revoked.

z. In V-273 all before "Georgetown, N.Y.;" is deleted and "From INT Sparta, N.J., 133° and Solberg, N.J., 051° radials; Sparta; INT Sparta 331° and Hancock, N.Y., 148° radials; Hancock;" is substituted therefor.

aa. In V-276 "INT Hampton, N.Y., 223° and Kennedy, N.Y., 159° radials." is deleted and "INT Robbinsville 112° and Sea Isle, N.J., 050° radials." is substituted therefor.

bb. In V-292 all before "INT Sparta 082°" is deleted and "From Sparta, N.J.;" is substituted therefor.

cc. V-312 is amended to read:

V-312 From Coyle, N.J.; INT Coyle 090° and Sea Isle, N.J., 050° radials. The airspace within R-5002 and below 2,000 feet MSL outside the United States is excluded.

dd. In V-433 all after "LaGuardia;" is deleted and "INT LaGuardia 049° and Bridgeport, Conn., 015° radials; INT Bridgeport 015° and Hartford, Conn., 280° radials." is substituted therefor.

ee. V-467 is amended to read:

V-467 From INT Kenton, Del., 217° and Sea Isle, N.J., 256° radials; INT Sea Isle 256° and Millville, N.J., 216° radials; Millville; INT Millville 037° and LaGuardia, N.Y., 211° radials; LaGuardia; Hartford, Conn.

ff. In V-475 all before "Putnam, Conn.," is deleted and "From LaGuardia, N.Y.; INT LaGuardia 049° and Madison, Conn., 269° radials; Madison;" is substituted therefor.

gg. In V-483 all before "DeLancey, N.Y.;" is deleted and "From Carmel, N.Y.;" is substituted therefor.

hh. In V-489 all before "Kingston, N.Y.;" is deleted and "From Sparta, N.J.; INT Sparta 023° and Kingston 238° radials;" is substituted therefor.

ii. V-205 is designated to read:

V-205 From Sparta, N.J.; INT Sparta 023° and Pawling, N.Y., 238° radials; Pawling; INT Pawling 076° and Boston, Mass., 251° radials; to Boston.

jj. V-229 is designated to read:

V-229 From Kennedy, N.Y.; Madison, Conn.; to Hartford, Conn.

kk. V-99 is designated to read:

V-99 From Bridgeport, Conn.; to Hartford, Conn.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C. on December 23, 1969.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR. Doc. 69-15424; Filed, Dec. 30, 1969; 8:46 a.m.]

[Docket No. 8041; Amdt. 135-13]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Operation in Icing Conditions

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is: (1) To relax § 135.85 by allowing airplanes that are certificated to operate in icing conditions to operate without complying with the limitations against flying into icing conditions in paragraphs (b) and (c) of that section; (2) to provide this relief immediately; and (3) to clarify § 135.85. In addition, this amendment revokes the amendment to § 135.85 contained in Amendment No. 135-12 and published in the FEDERAL REGISTER on December 3, 1969 (34 F.R. 19130).

Amendment No. 135-12 was based on a notice of proposed rule making which was issued as Notice No. 69-4 and published in the FEDERAL REGISTER on January 30, 1969 (34 F.R. 1443). Amendment No. 135-12 contains a revision to § 135.85 that allows airplanes certificated in accordance with certain ice protection airworthiness standards to be operated without complying with paragraphs (b) and (c) of § 135.85. However, Amendment No. 135-12 does not become effective until April 1, 1970.

It has now come to the attention of the FAA that some small airplanes have already complied, or will comply before April 1, 1970, with the airworthiness standards for ice protection. In view of these circumstances, and since the substance of the proposal is relaxatory, it is considered appropriate to make the amendment to that section effective prior to April 1, 1970.

The proposal to amend § 135.85 in Notice 69-4 is changed by clarifying the references to ice protection provisions of the airplane airworthiness regulations. As amended herein, the rule permits operation of an airplane in light, moderate, or heavy icing conditions if it has ice protection provisions that meet the appropriate requirements for airplanes certificated with ice protection provisions. If certification with ice protection provisions is desired, it must be shown, among other things, that the airplane is able to safely operate in continuous maximum and intermittent maximum icing conditions determined as specified in the appropriate airworthiness certification regulations. (See CAR 4b.640; section 34 of SFAR No. 23; and § 25.1419 of FAR Part 25, which contain requirements for airplanes certificated with ice protection provisions.)

It will also be noted that paragraph (b) has been revised to make it clear that both deicing and anti-icing equipment are not required for each surface or system, by changing the word "and" to "or" immediately following the word "deicing."

Since this amendment is relaxatory in nature, I find that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing:

1. The amendment to § 135.85 of Part 135 of the Federal Aviation Regulations contained in Amendment No. 135-12 and published in the FEDERAL REGISTER on December 3, 1969 (34 F.R. 19130), is hereby revoked, effective December 24, 1969; and

2. Section 135.85 is amended effective December 24, 1969, as follows:

§ 135.85 Icing conditions: operating limitations.

(a) No pilot may take off an aircraft that has—

(1) Frost, snow, or ice adhering to any rotor blade, propeller, windshield, or power plant installation, or to an airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) Snow or ice adhering to the wings, or stabilizing or control surfaces; or

(3) Any frost adhering to the wings, or stabilizing or control surfaces, unless that frost has been polished to make it smooth.

(b) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly—

(1) Under IFR into known or forecast light or moderate icing conditions; or

(2) Under VFR into known light or moderate icing conditions;

unless the aircraft has functioning deicing or anti-icing equipment protecting each rotor blade, propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system.

(c) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly an aircraft into known or forecast heavy icing conditions.

(d) If current weather reports and briefing information relied upon by the pilot in command indicate that the forecast icing condition that would otherwise prohibit the flight will not be encountered during the flight because of changed weather conditions since the forecast, the restrictions in paragraphs (b) and (c) of this section based on forecast conditions do not apply.

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

Issued in Washington, D.C., on December 24, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-15468; Filed, Dec. 30, 1969; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-600; Amdt. 7]

PART 233—TRANSPORTATION OF MAIL: FREE TRAVEL FOR POSTAL EMPLOYEES

New Position Title of Postal Employees To Be Carried Free

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1969.

The Post Office Department (in Docket 21603) has requested amendment of paragraph (e) of § 233.1 to add the position title "Assistant Chief Inspector, Criminal Investigations" to the group of postal employees authorized to be carried free.

The Department represents that the amendment is necessary to permit travel by the incumbent in connection with combating criminal activity relating to the transportation of mail by aircraft.

In view of the limited nature of the amendment, we find that public rule making proceedings on the requested amendment are unnecessary and the rule shall be effective immediately.

Accordingly, the Board hereby amends paragraph (e) of § 233.1 (14 CFR 233.1), effective December 23, 1969, to read as follows:

§ 233.1 Postal employees to be carried free.

* * * * *

(e) The Chief Postal Inspector; the Deputy Chief Postal Inspector; and the Assistant Chief Inspector, Criminal Investigations.

* * * * *

(Secs. 204(a), 405(j), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760; 49 U.S.C. 1324, 1375)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-15469; Filed, Dec. 30, 1969; 8:49 a.m.]

[Reg. ER-601; Amdt. 4]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Petitions for Change in Mail Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1969.

The Postmaster General has petitioned[1] the Board to amend Part 298 of the economic regulations (14 CFR Part 298) so as to permit air taxi operators engaged in the carriage of mail to petition for a change in the mail rate applicable to such carriage without thereby losing their exempted authority to transport mail. Under the present regulation, an air taxi operator carrying mail in a noncompetitive market may not petition for a change in the applicable mail rate without losing his authority to transport mail, and the regulation is ambiguous as to whether an air taxi operator carrying mail in a competitive market may do so. Since air taxi operators engaged in the carriage of mail are at times confronted with unforeseen cost increases due to additional requirements imposed on them by the Federal Aviation Administration and the Post Office Department, and since mail rates may not be made retroactive to a date prior to the initiation of a mail rate proceeding, the present regulation imposes an inequitable burden on air taxi operators.

There is also an inconsistency in the present regulation between the treatment of air taxi operators in competitive and noncompetitive markets. In a competitive market, carriage of mail may commence upon the filing by the Post Office Department and the affected air taxi operator of an agreed-upon mail rate, while in the noncompetitive market, commencement of carriage of mail must await a final mail rate unless a special exemption is obtained.

Accordingly, the Board has determined to amend § 298.21(f) of Part 298 to permit the Post Office Department or air taxi operators engaged in carriage of mail in competitive markets to petition for a change in the mail rate applicable to such service without thereby nullifying the effectiveness of the notice of intent to use air taxi mail service under which they are operating; to permit the Post Office Department or an air taxi operator engaged in the carriage of mail in a noncompetitive market to petition for a change in the final mail rate for such service without thereby nullifying the operator's exempted authority to transport mail in such market; and to permit air taxi operators to commence carriage of mail in a noncompetitive market either when a final mail rate is in effect for such carriage, or when an agreed-upon rate is filed for such service. While the Postmaster General did not request the new authority given to the Post Office Department to petition for a change in mail rates, this authority may be needed should a reduction in air taxi costs warrant a reduction in mail rates.

[1] Docket 21439.

In addition, the Board has determined to add new definitions of competitive and noncompetitive markets, for the purpose of clarifying the regulation. The wording of the regulation has been revised for purposes of clarification and simplification. However, no substantive changes other than those outlined above are intended.

The amendments relate to the procedure for establishing and revising mail rates. They remove certain anomalies and inconsistencies in the existing regulation, and no persons should be adversely affected. Moreover, a representation has been made that expeditious action is necessary. Therefore, the Board finds that notice and public procedure hereon are unnecessary and contrary to the public interest. However, since this amendment is being issued as a final rule, we shall permit interested persons to file petitions for reconsideration. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Room 712 Universal Building, Washington, D.C. 20428, on or before January 19, 1970. Copies of any petition filed will be available for examination by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the rule.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) effective December 23, 1969, as follows:

1. Amend § 298.2 by adding definitions as follows:

§ 298.2 Definitions.

* * * * *

"Competitive market" means a pair of points between which an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d)(1) or (2) of the Act has authority to serve by reason of such certificate, and such authority has not been suspended, or by reason of an exemption authorization issued pursuant to section 416(b)(1) of the Act.

* * * * *

"Noncompetitive market" means a market which is not a "competitive market", as defined in this section.

* * * * *

2. Amend § 298.21 as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

* * * * *

(f) *Limitations on carriage of mail within the 48 contiguous States, Alaska, and Hawaii.* (1) In a noncompetitive market within the 48 contiguous States, Alaska, and Hawaii, no air taxi operator shall be authorized to carry mail until there is in effect for such carriage a final mail rate or until the Post Office Department and the affected air taxi operator have jointly filed with the Board a petition setting forth a mutually agreed-upon rate for the carriage of mail and requesting the Board to fix a final mail rate pursuant to section 406 of the Act. The mutually agreed-upon rate shall be the basis for temporary payment subject to upward or downward adjustment upon the determination of a final mail rate which shall be retroactive to the date when service was inaugurated. After such carriage is commenced, the filing of a petition by the air taxi operator or the Post Office Department for a change in the mail rate for such carriage shall not nullify the authority of the operator to continue to carry mail in such market.

(2) In a competitive market within the 48 contiguous States, Alaska, and Hawaii, no air taxi operator shall be authorized to carry mail until there is in effect for such carriage a notice of intent to use air taxi mail service, as provided in § 298.24, and either a final mail rate has been established or an agreed-upon mail rate has been filed pursuant to § 298.24(e) for such carriage. After such carriage is commenced, the filing of a petition by the air taxi operator or the Post Office Department for a change in the mail rate for such carriage shall not nullify the effectiveness of the notice of intent to use air taxi mail service: *Provided, however,* That with respect to a market which a certificated helicopter carrier is authorized to serve under an area exemption order, an air taxi operator will be prohibited from carrying mail therein only if there is an approved flight pattern with respect to such market under Part 376 of this chapter (Board's Special Regulations).

(3) The rules applicable to final mail rate proceedings set forth in Part 302 of this chapter shall govern the procedure for establishing a final mail rate of an air taxi operator for purposes of this part. (See §§ 302.300 through 302.321, excluding § 302.310 of this chapter.)

* * * * *

(Secs. 204, 406, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 763 (as amended by 76 Stat. 145, 80 Stat. 942), 771; 49 U.S.C. 1324, 1376, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-15514; Filed, Dec. 30, 1969; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-266]

DOCUMENTATION AND ADMEASUREMENT OF VESSELS

Pursuant to authority vested in the Secretary of the Treasury by law, including Reorganization Plan No. 26 of 1950, and section 301, title 5, United States Code, certain functions performed by the Commissioner of customs pertaining to admeasurement and documentation of vessels were transferred to the Commandant, U.S. Coast Guard, by Treasury Department Order No. 167-81, effective February 24, 1967. Thereafter, the Commandant adopted and

continued in effect certain regulations relating to those functions (see the notice published in the FEDERAL REGISTER on March 15, 1967, 32 F.R. 4365). The following amendments to the Customs Regulations are necessary to reflect the aforesaid transfer.

PART 1—GENERAL PROVISIONS

1. The second sentence of § 1.2(c) is amended to read as follows: "The first-named port in each district (in capital letters) is the headquarters port."

2. Footnote 4 to Part 1 is deleted.

3. The asterisks before various ports of entry named in the list of customs regions and districts in § 1.2(c) are deleted.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2)

PART 2—MEASUREMENT OF VESSELS

4. Part 2, Customs Regulations, is deleted. (This part constitutes regulations administered by the U.S. Coast Guard, Department of Transportation, which were incorporated into Title 46, Code of Federal Regulations, on December 23, 1969 (34 F.R. 20102).)

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2)

PART 3—DOCUMENTATION OF VESSELS

5. Part 3, Customs Regulations, is deleted. (This part constitutes regulations administered by the U.S. Coast Guard, Department of Transportation, which were incorporated into Title 46, Code of Federal Regulations, on December 23, 1969 (34 F.R. 20102).)

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

6. Part 4 is amended to add a new section to read as follows:

§ 4.0 General definitions.

For the purposes of this part:

(a) The word "vessel" includes every description of water craft or other contrivance used or capable of being used as a means of transportation on water, but does not include aircraft. (19 U.S.C. 1401.)

(b) The term "vessel of the United States" means any vessel documented under the laws of the United States.

(c) The term "documented" means registered, enrolled and licensed, or licensed by the U.S. Coast Guard.

(d) The term "noncontiguous territory of the United States" includes all the island territories and possessions of the United States, but does not include the Canal Zone.

(e) The word "citizen" is as defined by the U.S. Coast Guard for purposes of vessel documentation (see Subpart 67.03 of Title 46, Code of Federal Regulations.)

7. Section 4.7 is amended as follows:

a. Paragraph (b)(2) is amended by inserting a new sentence following the third sentence to read: "The district director of customs shall notify the U.S. Coast Guard vessel documentation officer at the home port of the vessel of any work in the nature of a rebuilding or alteration, including the construction of any major component of the hull or superstructure of the vessel, which comes to his attention."

b. Paragraph (b)(3) is deleted.

8. Sections 4.51 and 4.52 are deleted.

9. Section 4.66(a)(1) is amended to read as follows:

§ 4.66 Verification of inspection.

(a) * * *

(1) A vessel of the United States required to be inspected as specified in Title 46, Code of Federal Regulations.

* * * * *

10. Part 4 is amended to delete Footnote 110.

11. Section 4.80 is amended to read as follows:

§ 4.80 Vessels entitled to engage in coastwise trade.

(a) No vessel shall transport, either directly or by way of a foreign port, any passenger or merchandise between points in the United States embraced within the coastwise laws, including points within a harbor, or merchandise for any part of the transportation between such points, unless it is—

(1) Owned by a citizen and is so documented under the laws of the United States as to permit it to engage in the coastwise trade; or

(2) Owned by a citizen, is exempt from documentation, and is entitled to or, except for its tonnage, would be entitled to be enrolled and licensed or licensed for the coastwise trade; or

(3) Owned by a partnership or association in which at least a 75-percent interest is owned by such a citizen, is exempt from documentation and is entitled to or, except for its tonnage, or citizenship of its owner, or both, would be entitled to be enrolled and licensed or licensed for the coastwise trade.

(b) Any vessel of the United States, whether or not entitled under paragraph (a) of this section to engage in the coastwise trade, and any foreign vessel may proceed between points in the United States embraced within the coastwise laws to discharge cargo or passengers laden at a foreign port, to lade cargo or passengers for a foreign port, in ballast, or to transport certain articles in accordance with § 4.93. Cargo laden at a foreign port may be retained on board during such movements.

(c) No vessel owned by a corporation which is a citizen of the United States under the Act of September 2, 1958 (46 U.S.C. 883-1) shall be used in any trade other than the coastwise trade and shall not be used in that trade unless it is properly documented for such use or is exempt from documentation and is entitled to or, except for its tonnage, would be entitled to be enrolled and licensed or licensed for the coastwise trade. Such a vessel shall not be documented for nor engage in the foreign trade or the fisheries and shall not transport merchandise or passengers coastwise for hire except as a service for a parent or a subsidiary corporation as defined in the aforesaid Act or while under demise or bareboat charter at prevailing rates for use otherwise than in trade with noncontiguous territory of the United States to a common or contract carrier subject to Part III of the Interstate Commerce Act, as amended (49 U.S.C. 901-923), which otherwise qualifies as a citizen of the United States under section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802), and which is not connected, directly or indirectly, by way of ownership or control with such owning corporation.

(d) No vessel which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States, shall have the right to engage in such trade if it thereafter has been sold or transferred foreign in whole or in part or placed under foreign registry, or, if of more than 500 gross tons, has been rebuilt unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, was effected within the United States, its Territories (not including trust territories), or its possessions. However, no rebuilt vessel shall be deemed to have lost its coastwise privileges within the meaning of the above if rebuilt within the United States, its Territories (not including trust territories), or its possessions under a contract executed before July 5, 1960, if the work of rebuilding commenced not later than 24 months after such date.

(e) No foreign-built vessel owned and documented as a vessel of the United States prior to February 1, 1920, by a citizen nor one owned by the United States on June 5, 1920, and sold to and owned by a citizen, shall engage in the American fisheries, but it is otherwise unlimited as to trade so long as it continues in such ownership (section 22, Merchant Marine Act, of June 5, 1920; 46 U.S.C. 13). No foreign-built vessel which is owned by a citizen, but which was not so owned and documented on February 1, 1920, or which was not owned by the United States on June 5, 1920, shall engage in the coastwise trade or the American fisheries. No foreign-built vessel which has been sold, leased, or chartered by the Secretary of Commerce to any citizen, shall engage in the American fisheries, but it is otherwise unlimited as to trade so long as it continues in such ownership, lease, or charter (section 9 of the Act of Sept. 7, 1916, as amended, 46 U.S.C. 808). A vessel engaged in taking out fishing parties for hire, unless it intends to proceed to a foreign port, is considered to be engaged in the coastwise trade and not the fisheries.

(f) Certain vessels not documented under the laws of the United States which are acquired by or made available to the Secretary of Commerce may be documented under section 3 of the Act of August 9, 1954 (50 U.S.C. 198). Such vessels shall not engage in the coastwise trade unless in possession of a valid unexpired permit to engage in that trade issued by the Secretary of Commerce under authority of section 3(c) of the said Act.

(g) All vessels not exempt from documentation and engaged in trade between ports in the United States or engaged in the fisheries, if not registered, shall be enrolled and licensed, or licensed, or will be liable to a penalty of $30 on every arrival, unless the vessel has not been within the United States since the expiration of its document. (R.S. 4132, as amended, sec. 22, 41 Stat. 997, R.S. 4214, as amended, R.S. 4311, as amended secs. 7, 8, 24 Stat. 81, as amended, sec. 2, 39 Stat. 729, sec. 9, 39 Stat. 730, as amended, sec. 27, 41 Stat. 999, as amended, 72 Stat. 1736; 46 U.S.C. 11, 13, 103, 251, 289, 319, 802, 808, 883, 883–1.)

12. Section 4.83(a) is amended to delete "(see § 3.41)."

13. Section 4.84(f) is amended to read as follows:

§ 4.84 Trade with noncontiguous territory.

* * * * *

(f) No vessel owned by a corporation which qualifies as a citizen under the Act of September 2, 1958 (46 U.S.C. 883–1) shall, while under demise or bareboat charter from such corporation, be granted clearance or permitted to depart in trade with noncontiguous territory or with the Canal Zone. (Secs. 443, 435, 437, 46 Stat. 711, R.S. 4197, as amended, 4367, 4368, 27A, 72 Stat. 1736; 19 U.S.C. 1433, 1435, 1437, 46 U.S.C. 91, 313, 314, 883–1.)

14. Footnote 124 to Part 4 is amended to delete the parenthetical statement "(See § 3.19(a) of this chapter)," appearing at the end thereof.

15. Part 4 is amended to add a new section to read as follows:

§ 4.94 Yacht privileges and obligations.

(a) A vessel documented as a yacht shall be used exclusively for pleasure and shall not transport merchandise nor carry passengers for pay. A vessel which is so documented and which is not engaged in any trade nor in any way violating the customs or navigation laws of the United States may proceed from port to port in the United States or to foreign ports without clearing and is not subject to entry upon its arrival in a port of the United States, provided it has not visited a hovering vessel.

(b) A cruising license may be issued to a yacht of a foreign country only if it has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are allowed to arrive at and depart from ports in such foreign country and to cruise in the waters of such ports without entering or clearing at the customhouse thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes, or charges for cruising licenses. It has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted such privileges in the following countries:

Argentina.	Greece.
Australia.	Honduras.
Bahama Islands.	Jamaica.
Bermuda.	Liberia.
Canada.	Netherlands.
Great Britain.	

(c) In order to obtain a cruising license for a yacht of any country listed in paragraph (b) of this section, there shall be filed with the district director of customs an application therefor executed by either the yacht owner or the master which shall set forth the owner's name and address and identify the vessel by flag, rig, name, and such other matters as are usually descriptive of a vessel. The application shall also include a description of the waters in which the yacht will cruise, and a statement of the probable time it will remain in such waters. Upon approval of the application, the district director of customs will issue a cruising license in the form prescribed by paragraph (d) of this section permitting the yacht, for a stated period not to exceed 6 months, to arrive and depart from the United States and to cruise in specified waters of the United States without entering and clearing, without filing manifests and obtaining or delivering permits to proceed, and without the payment of entrance and clearance fees, or fees for receiving manifests and granting permits to proceed, duty on tonnage, tonnage tax, or light money. The license shall be granted subject to the condition that the vessel shall not engage in trade or violate the laws of the United States in any respect. The master shall comply with section 433 of the Tariff Act of 1930 upon the vessel's arrival at every port or place within the United States.

(d) Cruising licenses shall be in the following form:

LICENSE TO CRUISE IN THE WATERS OF THE UNITED STATES

To District Directors of Customs:

For a period of_____from_____
(Date)

the_____ _____yacht_____
(Flag) (Rig) (Name)

belonging to_____of
(Owner's name)

_____shall be permit-
(Address)

ted to arrive at and depart from the United States and to cruise in the waters of the customs collection district of

_____
(Name of district or districts)

without entering and clearing, without filing manifests and obtaining or delivering permits to proceed, and without the payment of entry and clearance fees, or fees for receiving manifests and granting permits to proceed, duty on tonnage, tonnage tax, or light money.

This license is granted subject to the condition that the yacht named herein shall not engage in trade or violate the laws of the United States in any respect. Upon arrival at each port or place in the United States, the master shall report the fact of arrival to the customs officer at the nearest customhouse. Such report shall be made within 24 hours, exclusive of any day on which the customhouse is not open for marine business.

Issued this _____day of_____, 19___

_____
(District Director of Customs)

(e) A foreign-flag yacht which is not in possession of a cruising license shall be required to comply with the laws applicable to foreign vessels arriving at, departing from, and proceeding between ports of the United States. (Secs. 433, 434, 435, 441, 46 Stat. 711, as amended, 712, as amended, R.S. 4197, as amended, sec. 5, 35 Stat. 425, as amended, sec. 4, 28 Stat. 625, R.S. 4367, 4368; 19 U.S.C. 1433, 1434, 1435, 1441, 46 U.S.C. 91, 104, 107, 313, 314.)

16. Section 4.96(c) is amended to delete the parenthetical statement "(See §§ 3.2 and 3.42 of this chapter)" appearing at the end thereof.

17. Part 4 is amended to delete footnote 132 and § 4.97(a) is amended to delete the footnote reference "132."

18. Section 4.98 is amended to read as follows:

§ 4.98 Navigation fees.

(a) The following table of navigation fees shall be made available to the public in customs offices. The fees in column A are those collectible on the Atlantic, Gulf, and Pacific coasts and on the Mississippi River and tributaries; those in column B are collectible on the northern, northeastern, and northwestern frontiers (Great Lakes, Lake Champlain, and St. Lawrence River). The respective fees shall be designated in correspondence and reports by fee number.

Fee No.	Description of services	A	B
1	Entry of vessel, including American, from foreign port (19 U.S.C. 58):		
	(a) Less than 100 net tons	$1.50	.....
	(b) 100 net tons and over	2.50	.....
2	Clearance of vessel, including American, to foreign port (19 U.S.C. 58):		
	(a) Less than 100 net tons	1.50	.....
	(b) 100 net tons and over	2.50	.....
3	Issuing permit to foreign vessel to proceed from district to district, and receiving manifest (46 U.S.C. 329, 330)	2.00	$0.10
4	Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade (46 U.S.C. 329, 330)	2.00	.10
5	Receiving post entry (19 U.S.C. 58, 46 U.S.C. 330)	2.00	2.00
6	Receiving official bond not otherwise provided for (19 U.S.C. 58)	0.40	.....
7	Certifying payment of tonnage tax for foreign vessels only (19 U.S.C. 58)	0.20	0.20
8	Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated (19 U.S.C. 58)	0.20	0.20

(b) Fee 1 shall be collected at the first port of entry only. It shall not be collected from a vessel entering directly from a port in noncontiguous territory of the United States nor from one entering at a port on the northern, northeastern, or northwestern frontier otherwise than by sea.

(c) Fee 2 shall be collected at the final port of departure from the United States. It shall be collected from a yacht or public vessel which obtains a clearance, but shall not be collected from a vessel clearing directly for a port in noncontiguous territory of the United States nor from one clearing from a port on the northern, northeastern, or northwestern frontier otherwise than by sea. It shall be collected only upon the first clearance each year of a vessel making regular daily trips between a port of the United States and a port in Canada wholly upon interior waters not navigable to the ocean.

(d) Fee 3 shall be collected for granting a permit to a foreign vessel to proceed to another customs district, but not for a permit to proceed to a port in the same district. It shall be collected from a foreign vessel clearing directly for a port in noncontiguous territory of the United States outside its customs territory. This fee shall not be collected in the case of a foreign vessel proceeding on a voyage by sea from one district in the United States to another such district via a foreign port. Only one fee shall be collected in case of simultaneous vessel transactions.

(e) Fee 4 shall be collected for receiving the manifest of a foreign vessel arriving from another customs district, but not arriving from a port in the same district. It shall be collected from a foreign vessel entering directly from a port in noncontiguous territory of the United States outside its customs territory. This fee shall not be collected in the case of a foreign vessel which arrives in one district in the United States from another such district on a voyage by sea via a foreign port. Only one fee shall be collected in the case of simultaneous vessel transactions.

(f) Fee 6 is collected principally from vessels in the Alaska trade.

(g) Fee 7 shall be collected from foreign vessels only.

(h) Fee 8 shall be collected for each copy of any official document, whether certified or not, furnished to any person other than a Government officer. (Sec. 501, 65 Stat. 290, 31 U.S.C. 483a.)

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

19. Section 24.12(a)(4) is deleted.

20. Section 24.17(a)(6) is deleted.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: December 24, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-15441; Filed, Dec. 30, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Glyodin

No comments and no requests for referral to an advisory committee were received in response to the proposal by the Commissioner of Food and Drugs, published in the FEDERAL REGISTER of October 9, 1969 (34 F.R. 15658), to revoke for reasons given tolerances for residues of glyodin in or on the raw agricultural commodities blackberries, boysenberries, dewberries, loganberries, quinces, raspberries, and youngberries.

The Commissioner concludes that the proposal should be adopted. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.124 is revised to read as follows to delete the above-mentioned commodities:

§ 120.124 Glyodin; tolerances for residues.

Tolerances are established for residues of the fungicide glyodin (2-heptadecyl glyoxalidine acetate or 2-heptadecyl glyoxalidine (base)) in or on the raw agricultural commodities apples, cherries, peaches, and pears at 5 parts per million.

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

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

(Sec. 408(e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a(e), (m))

Dated: December 22, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 15427; Filed, Dec. 30, 1969; 8:46 a.m.]

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

Phorate

A petition (PP 9F0809) was filed with the Food and Drug Administration by the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of a tolerance of 0.4 part per million for negligible residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthio)methyl phosphorodithioate) in or on the raw agricultural commodity hops. Subsequently, the petitioner amended the petition by increasing the proposed tolerance level to 0.5 part per million.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.206 is amended by revising the paragraph "0.5 part per million * * *" to read as follows:

§ 120.206 Phorate; tolerances for residues.

* * * * *

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

* * * * *

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

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

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

Dated: December 19, 1969.

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

[F.R. Doc. 69-15428; Filed, Dec. 30, 1969; 8:46 a.m.]

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

Fenthion

A petition (PP 9F0774) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide fenthion (*O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities alfalfa hay and grass hay at 18 parts per million; alfalfa and grass at 5 parts per million; rice straw at 0.5 part per million; and rice grain at 0.1 part per million.

Subsequently, the petitioner withdrew the proposed tolerances regarding rice straw and rice grain and proposed a tolerance of 0.01 part per million for such residues in milk.

The Secretary of Agriculture has certified that the pesticide chemical is useful for the purpose for which the tolerances are being proposed.

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

1. The established tolerances in meat, fat, and meat byproducts of cattle and poultry at 0.1 part per million are adequate for residues from dermal application and from feeding treated crops. A tolerance regarding eggs is unnecessary because § 120.6(a)(3) applies.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.214 is revised to read as follows to establish the above-mentioned tolerances:

§ 120.214 Fenthion; tolerances for residues.

Tolerances are established for residues of the insecticide fenthion (*O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate) and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities as follows:

18 parts per million in or on alfalfa hay and grass hay.

5 parts per million in or on alfalfa and grass.

0.1 part per million in or on meat, fat, and meat byproducts of cattle and poultry.

0.01 part per million (negligible residue) in milk.

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

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

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

Dated: December 19, 1969.

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

[F.R. Doc. 69-15426; Filed, Dec. 30, 1969; 8:46 a.m.]

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

Dichlobenil

A petition (PP 9F0837) was filed with the Food and Drug Administration by the Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of tolerances for the combined negligible residues of the herbicide dichlobenil and its metabolite 2,6-dichlorobenzoic acid in or on the raw agricultural commodities almond hulls, figs, nuts, and stone fruits at 0.15 part per million.

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

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

1. Since residues of dichlobenil and/or its metabolite are not reasonably expected to occur in meat and milk from the proposed use, tolerances regarding these commodities are unnecessary. The use is in the category specified in § 120.6(a)(3).

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.231 is revised to read as follows to establish the above-specified tolerances:

§ 120.231 Dichlobenil; tolerances for residues.

Tolerances are established for the combined negligible residues of the herbicide dichlobenil (2,6-dichlorobenzonitrile) and its metabolite 2,6-dichlorobenzoic acid in or on the raw agricultural commodities: Almond hulls, apples, avocados, blackberries, blueberries, citrus, cranberries, figs, grapes, mangoes, nuts, pears, raspberries, and stone fruits at 0.15 part per million.

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

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

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

Dated: December 19, 1969.

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

[F.R. Doc. 69-15425; Filed, Dec. 30, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 9B2390) filed by PPG Industries, Inc., Post Office Box 312, Delaware, Ohio 43015, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of the substances specified below as components of resinous and polymeric food-contact coatings. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xx) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xx) * * *

Butyl acrylate-styrene-methacrylic acid-hydroxyethyl methacrylate copolymers containing no more than 20 weight percent of total polymer units derived from methacrylic acid and containing no more than 7 weight percent of total polymer units derived from hydroxyethyl methacrylate; for use only in coatings that are applied by electrodeposition to metal substrates and that are intended for contact, under condition of use D, E, F, or G described in table 2 of § 121.2514(d), with food containnig no more than 8 percent of alcohol.	

* * * * *

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

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

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

Dated: December 19, 1969.

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

[F.R. Doc. 69-15429; Filed, Dec. 30, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

ROSINS AND ROSIN DERIVATIVES

The Commission of Food and Drugs, having evaluated data in a petition (FAP 9B2404) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that § 121.2592 should be amended (1) to provide for the safe use of glycerol ester of tall oil rosin in the manufacture of articles or components of articles for food-contact use and (2) to clarify the analytical methods for determining compliance with the specifications prescribed for the subject rosins and rosin derivatives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2592 is amended by adding a new subdivision (xviii) to paragraph (a)(3) and a new paragraph (f) to the section, as follows:

§ 121.2592 Rosins and rosin derivatives.

* * * * *

(a) * * *

(3) * * *

(xviii) Glycerol ester of tall oil rosin, purified by steam stripping to have an acid number of 5–12, a softening point of 80° C.–88° C., and a color of N or paler.

* * * * *

(f) The analytical methods for determining whether rosins and rosin derivatives conform to the specifications prescribed in paragraph (a) of this section are as follows:

(1) Color: Color shall be determined by ASTM Method D 509–55.

(2) Refractive index: Refractive index shall be determined by ASTM Method D 1747–62.

(3) Acid number: Acid number shall be determined by ASTM Method D 465–59.

(4) Viscosity: Viscosity in poises shall be determined by ASTM Method D 1824–66 and in Saybolt seconds by ASTM Method D 88–56.

(5) Softening point: Softening point shall be determined by ASTM Method E 28–67.

(6) Analytical methods for determining drop-softening point, saponification number, and any other specification not listed under subparagraphs (1) through (5) of this paragraph are available upon request from the Commissioner of Food and Drugs.

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

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

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

Dated: December 19, 1969.

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

[F.R. Doc. 69-15430; Filed, Dec. 30, 1969; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

ABBREVIATED NEW-DRUG APPLICATIONS FOR CYCLAMATES

On October 18, 1969, in announcing the removal of cyclamates from the list of substances generally recognized as safe for use in food, the Secretary of Health, Education, and Welfare noted that these artificial sweeteners would have to comply with the drug provisions of the Federal Food, Drug, and Cosmetic Act if they were to be available for use by diabetics and obese patients under medical supervision. (The order removing the substances from 21 CFR 121.101(d)(4) was published in the FEDERAL REGISTER of October 21, 1969 (34 F.R. 17063).)

The Assistant Secretary for Health and Scientific Affairs drew together a Medical Advisory Group on cyclamates to consider the benefit-to-risk ratio for the cyclamates in drug use.

The Medical Advisory Group reviewed all available data, including that submitted by the Food and Drug Administration to the ad hoc Committee of the Food Protection Committee, National Academy of Sciences-National Research Council, and:

1. Endorsed the prohibition of cyclamates in beverages for general use and in the future processing of general purpose foods.

2. Expressed the unanimous opinion that under appropriate medical management of individuals with diabetes (particularly in the case of juvenile diabetes) and of patients in whom weight reduction and control are essential for health, cyclamates provide medical benefits which outweigh their hazards.

3. Recommended that cyclamates continue to be made available for such patients on medical advice and on a nonprescription, drug-labeled basis.

4. Recommended that the Food and Drug Administration carry out an annual review of data on cyclamates and other nonnutritive sweeteners.

Therefore, the Commissioner of Food and Drugs concludes that the following policy should be adopted regarding abbreviated new-drug applications for cyclamates. Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the following statement of policy is added to Part 130, Subpart A:

§ 130.40 Abbreviated new-drug applications for cyclamates.

(a) The Food and Drug Administration is prepared to approve abbreviated new-drug applications in the form described in the proposed amendments to § 130.4, published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2673), for cyclamate-containing artificial sweeteners intended solely for drug use and labeled in accordance with the following:

(1) *Identity.* List active ingredients with the statement "an artificial, nonnutritive sweetener."

(2) *Indications.* Include the statement "For use only with calorie-controlled diets by diabetics or obese patients under medical supervision." Also, set forth thereafter in a box the statement "Caution: Medical supervision is essential for safe use."

(3) *Dosage.* The label shall bear a statement of the amount of cyclamate in a tablet, capsule, pill, or other unit form or specified serving, a statement that "_____ is as sweet as _____ teaspoonful(s) of sugar," and a statement that the lowest amount to achieve sweetening should be used.

(b) Recordkeeping and reporting: Reports of the data described in § 130.13(b)(1)(ii) and (2)(i) shall be submitted as required by that section.

(Secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: December 23, 1969.

CHARLES C. EDWARDS,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 69-15403; Filed, Dec. 24, 1969; 10:43 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE - (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE - (OR TETRACYCLINE-) CONTAINING DRUGS

PART 148n—OXYTETRACYCLINE

Certain Tetracycline-Nystatin, Oxytetracycline-Nystatin, and Demethylchlortetracycline-Nystatin Combination Preparations for Oral Administration; Postponement of Effective Date and Extension of Time for Submitting Data

An order was published in the FEDERAL REGISTER of November 13, 1969 (34 F.R. 18161), to become effective in 40 days, amending Parts 141c, 146c, and 148n of the antibiotic drug regulations to repeal provisions for certification of combination drugs containing tetracycline-nystatin, oxytetracycline-nystatin, and demethylchlortetracycline-nystatin for oral use. Thirty days were provided for filing proper objections to the order and requests for a hearing.

The Commissioner of Food and Drugs has received objections and a request for an extension of the effective date to allow time for the submission of additional data.

Good reason therefor appearing, the effective date of the order is hereby postponed, and an additional 40 days from December 23, 1969, will be allowed for the submission of pertinent data. The order shall become effective March 23, 1970, unless stayed by the Commissioner.

(Federal Food, Drug, and Cosmetic Act, secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357, and under authority delegated to the Commissioner, 21 CFR 2.120)

Dated: December 23, 1969.

CHARLES C. EDWARDS,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 69-15404; Filed, Dec. 24, 1969; 10:43 a.m.]

Title 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 501—ORGANIZATION

Sec.
501.1 Introduction.
501.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.

AUTHORITY: The provisions of this Part 501 issued under sec. 4, 63 Stat. 111, as amended, sec. 501, 65 Stat. 290; 22 U.S.C. 2658, 31 U.S.C. 483a, 5 U.S.C. 301, 552, E.O. 10477, as amended; 3 CFR, 1949–1953 Comp., E.O. 10501, as amended; 3 CFR, 1949–1953 Comp.

§ 501.1 Introduction.

It is the policy of the U.S. Information Agency that information about its operations, organization, procedures, and records be freely available to the public in accordance with the provisions of Public Law 89-487, the "Public Information Act of 1966," referred to hereinafter as "The Act," which amended the "Public Information" section of the Administrative Procedure Act (5 U.S.C. 552).

§ 501.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.

The U.S. Information Agency is organized to help achieve U.S. foreign policy objectives by making understandable to the people of other countries U.S. actions and policies, as well as the traditions, values, and culture from which they flow. The Agency advises the President, his representatives abroad, and the various departments and agencies on the implications of foreign opinion for present and contemplated U.S. policies, programs, and official statements. To achieve these purposes the Agency is directed from Washington, D.C. It operates field posts in over 100 foreign countries. The chief executive of the Agency is the Director, assisted by the Deputy Director and the Deputy Director (Policy and Plans). The Director is advised by the Advisory Commission on Information, a body of five private citizens appointed by the President and confirmed by the Senate.

(a) Closely attached to the Office of the Director are the Office of Policy and Plans; the Office of Research and Assessment; the Office of the U.S. Commissioner General, Japan World Exposition; and the Office of Public Information.

(1) *Office of Policy and Plans (IOP).* IOP formulates basic information policies for the Agency and assures that they are reflected in the Agency's output. It prepares guidance on information policy for operating elements of the Agency, based on briefings and background information received through liaison with the White House, the Departments of State and Defense, other Government agencies and private organizations. It issues guidelines for the preparation of planning documents by Agency elements and by overseas posts and reviews the plans to assure that overseas operations are consistent with established policy objectives and that resources are allocated in accordance with Agency priorities.

(2) *Office of Research and Assessment (IOR).* (i) IOR systematically evaluates Agency operations to ensure that they serve program objectives with maximum efficiency. It provides the agency with a single element responsible for the assessment of products and operations. It supervises and coordinates the work of the Inspections and Audit Staff, the Research Service, the Special Studies Staff, the Agency Library, and the Historian.

(ii) The Inspection and Audit Staff appraises on behalf of the Associate Director for the Director the operation and administration of both overseas and domestic offices and the individual performance of Agency Foreign Service personnel. It uses full-time inspection and audit personnel as well as qualified officers borrowed from other elements for this purpose. Its responsibilities include establishing program inspection and audit criteria; planning inspection and audit schedules; processing report materials; developing followup procedures; and maintaining liaison with other agencies, such as the Department of State, on inspection and audit matters of common interest.

(iii) Through sample surveys and other methods of empirical research, the Research Service provides information on foreign opinion relevant to U.S. foreign policy and to the Agency's mandate; describes the channels of communication most likely to reach influential audiences abroad; and assesses the reach and impact of specific USIA programs. It keeps the Director abreast of foreign press reactions to U.S. actions and policies, and advises him on the activities of foreign information services.

(iv) The Library provides books, periodicals, documents, and a clipping file for staff use. Its reference service supports both domestic and overseas needs.

(v) The Special Studies Staff continuously reviews Agency activities in terms of present and future program needs. Utilizing ad hoc task forces, inspection reports, research findings and other sources, it recommends priorities in the allocation of resources to meet Agency objectives.

(vi) The Historian's primary responsibility is to provide the Agency with a corporate memory of its past experience.

(3) *The Office of the Commissioner General for the Japan World Exposition (1/E)*. I/E, as the title suggests, is not a permanent Agency office. The Office is responsible for all aspects of U.S. Government participation relative to the Japan World Exposition being held in Osaka in 1970. It supervises and coordinates the planning, design, and fabrication of the U.S. Pavilion and its related exhibits as well as their operation during the course of the Exposition.

(4) *Office of Public Information (I/R)*. I/R is responsible for the Agency's domestic media relations and contacts with the public. It responds to questions from the American public concerning the purposes and operations of the Agency, and prepares and issues news releases on appropriate activities, policies, and personnel actions. This Office also arranges for public appearances by Agency officials; prepares the semiannual report to the Congress; publishes the monthly house organ, "USIA WORLD"; conducts public tours of the Agency exhibit at the Voice of America and of VOA studios; and helps to coordinate affiliations between American and foreign cities.

(b) Staff support is provided by the Office of Personnel and Training, the Office of Administration, the Office of the General Counsel, and the Office of Security.

(1) *Office of Personnel and Training (IPT)*. IPT plans and carries out recruiting, examining, selecting, and placing employees, developing careers, and classifying positions; and plans and conducts orientation and training programs for domestic and foreign service employees.

(2) *Office of Administration (IOA)*. IOA develops, interprets, and applies administrative and management policies and procedures necessary to assure effective operation of the Agency's programs. It provides central management, budget, fiscal, emergency planning, contract and procurement, information management, automatic data processing, and administrative services for the Agency.

(3) *Office of the General Counsel (IGC)*. The General Counsel and his staff advise all elements of the Agency on the interpretation of all laws, regulations, and Executive orders that authorize the Agency's programs or relate to the Agency's activities. The Office assists in the drafting of proposed legislation, Executive orders, regulations, contracts, leases, and other legal documents. The Office of the General Counsel also has the responsibility for conducting the Agency's relations with Congress. The Office represents the Agency in hearings arising on disputes on contracts, equal employment opportunity, and licensing. The Office secures the necessary rights clearances for the Agency's activities and advises on matters relating to ethical conduct and conflict of interest of Agency employees.

(4) *Office of Security (IOS)*. IOS is responsible for developing, directing, and implementing plans, policies, and standards for personnel and physical security. As the Agency's investigative arm, it conducts all inquiries relating to security, personnel, administrative and operating matters. It makes recommendations in cases where an employee's activities are allegedly inconsistent with the interests of national security.

(c) Program materials are generated by the Agency's media services, the Broadcasting Service, the Information Center Service, the Motion Picture and Television Service, and the Press and Publications Service.

(1) *Broadcasting Service (IBS)*. IBS (the Voice of America) produces and broadcasts radio programs in English and foreign languages and operates broadcasting and relay facilities to transmit these programs. It also furnishes technical services and materials to the Agency's overseas posts for broadcasting radio programs through local outlets, and its supplies packaged programs to the posts. Broadcasts originating in the United States are directed primarily at Communist bloc countries and secondarily at selected areas of the Free World.

(2) *Information Center Service (ICS)*. ICS gives professional guidance and supplies materials to information centers and binational centers to assist them in program planning and execution. It promotes and assists the distribution of American books, in English and in translation, to selected individuals and institutions. It operates a worldwide exhibits program. It also operates a separately funded Special International Exhibition program which presents U.S. national exhibitions in the USSR and East Europe and at selected international fairs and expositions. It supports the English teaching activities of USIS, binational centers, and special English teaching institutes by providing teaching materials and professional consultative services. It operates a donated books program under which U.S. publishers make available selected current books for presentation to individuals and institutions abroad. It facilitates and promotes the use of American music, art, drama, etc. in overseas programming.

(3) *Motion Picture and Television Service (IMV)*. IMV produces and/or contracts for the production of, or otherwise acquires, motion pictures in appropriate languages and prints for use abroad in commercial theaters or for showing by USIS posts. It produces or acquires television films and tapes for posts to place on local television stations and networks in countries overseas. It furnishes USIS posts with necessary equipment, supplies, technical services, and direction for motion picture and television programs. The International Communications Media Staff of the Motion Picture and Television Service monitors and facilitates the operation of certain international organizations and festivals including United States participation therein, and assists some domestic organizations active in this field. Also under authority delegated to the Agency by Executive Order 11311 of October 14, 1966, issued pursuant to Public Law 89-634 the staff issues export certificates of educational, audiovisual materials and authenticates foreign certificates covering the import of such materials.

(4) *Press and Publications Service (IPS)*. IPS produces a wide variety of editorial materials for placement by USIS posts overseas in local newspapers and periodicals and for use in post publications. It produces and operates the Wireless File, a radioteletype service to all areas offering program materials for local placement and background information for post and embassy personnel. It provides posts a general and regional feature service, photographs and picture stories, "paper show" exhibits, magazines, pamphlets, posters, magazine reprints, and cartoon booklets. It also manages printing plants at Regional Service Centers in Manila, Beirut, and Mexico City, furnishes posts with press and photo supplies and equipment, and offers them technical advice.

(d) The Assistant Directors of the Agency for the six geographic areas are the Director's principal advisers on all programs in or directed to countries in these areas. They help to formulate information policies and represent the Director in interagency groups. They spend a large part of their time in the countries of their geographic region. The Assistant Directors (Africa, Europe, East Asia and Pacific, Latin America, Near East and South Asia, Soviet Union and Eastern Europe) are responsible for the direction, coordination, and management of information programs for the countries of their geographic areas. They supply a knowledge of field problems and requirements to the Agency's policy and planning processes. They arrange with media services to provide media products to their areas. They consult with appropriate area and country officers in the Department of State, the Agency for International Development, and with other agencies, on operational matters of mutual concern.

(e) The foregoing Agency elements have their principal Washington offices in the following locations:

AGENCY ELEMENTS AND ADDRESSES

The Director, Office of Policy and Plans, Office of Research and Assessment, Office of the Commissioner General, Japan World Exposition, Office of Public Information, Office of Administration, Office of the General Counsel, Office of Security, Area Offices for Africa, Latin America, Europe, Soviet Union and East Europe, Near East and South Asia, and East Asia and Pacific—1750 Pennsylvania Avenue NW.

Office of Personnel and Training, Press and Publications Service—1776 Pennsylvania Avenue NW.

Information Center Service—1711 New York Avenue NW.

Broadcasting Service—Health, Education, and Welfare Building, 300 C Street SW.

Motion Picture and Television Service—Old Post Office Building, 12th Street and Pennsylvania Avenue NW.

(f) Agency offices abroad, known as the U.S. Information Service (USIS), under the supervision of the Chiefs of Mission, and with the guidance of the

Director and the appropriate area Assistant Director, conduct public information, public relations and cultural activities—i.e., those activities intended to inform or influence foreign public opinion—for agencies of the U.S. Government except for Commands of the Department of Defense. Each USIS office is headed by a Public Affairs Officer who is a member of the "country team" under the Chief of the U.S. Diplomatic Mission. The Agency maintains field offices at the following locations:

Afghanistan—Kabul.
Algeria—Algiers.
Argentina—Buenos Aires, Cordoba, Rosario.
Australia—Canberra, Melbourne, Perth, Sydney.
Austria—Vienna.
Barbados—Bridgetown.
Belgium—Brussels.
Bolivia—La Paz.
Brazil—Belo, Horizonte, Brasilia, Porto Alegre, Recife, Rio de Janeiro, Salvador, Sao Paulo.
Burma—Rangoon.
Burundi—Bujumbura.
Cameroon—Douala, Yaounde.
Canada—Ottawa, Montreal, Toronto.
Central African Republic—Banqui.
Ceylon—Colombo.
Chad—Fort Lamy.
Chile—Santiago.
Colombia—Bogota.
Congo, Democratic Republic of the—Bukavu, Kinshasa, Kisangani, Lubumbashi, Luluabourg.
Costa Rica—San Jose.
Cyprus—Nicosia.
Dahomey—Contonou.
Denmark—Copenhagen.
Dominican Republic—Santo Domingo.
Ecuador—Guayaquil, Quito.
El Salvador—San Salvador.
Ethiopia—Addis Ababa, Asmara.
Finland—Helsinki.
France—Marseille, Paris.
Gabon—Libreville.
Germany—Berlin, Bonn, Dusseldorf, Frankfurt, Hamburg, Munich, Stuttgart.
Ghana—Accra.
Greece—Athens, Thessaloniki.
Guatemala—Guatemala City.
Guinea—Conakry.
Guyana—Georgetown.
Haiti—Port au Prince.
Honduras—Tegucigalpa.
Hong Kong.
Iceland—Reykjavik.
India—Bangalore, Bombay, Calcutta, Hyderabad, Lucknow, Mardras, New Delhi, Tricandrum.
Indonesia—Djakarta, Surabaya, Medan.
Iran—Isfahan, Khorramshahr, Tabriz, Tehran.
Iraq—Baghdad.[1]
Israel—Tel Aviv.
Italy—Milan, Naples, Palermo, Rome.
Ivory Coast—Abidjan.
Jamaica—Kingston.
Japan—Fukuoka, Hiroshima, Kyoto, Nigata, Osaka, Sapporo, Sendai, Tokyo.
Jordan—Amman.
Kenya—Nairobi.
Korea—Kwangju, Pusan, Seoul, Taegu.
Kuwait—Kuwait.
Laos—Luang Prabang, Pakse, Savannakhet, Vientiane.
Lebanon—Beirut.
Lesotho—Maseru.
Liberia—Monrovia.
Libya—Benghazi, Tripoli.
Malagasy Republic—Tannanarive.
Malawi—Blantyre.
Malaysia—Kuala Lumpur, Kuching, Penang.
Mali—Bamako.
Mexico—Guadalajara, Hermosillo, Mexico City, Monterrey.
Morocco—Casablanca, Fez, Rabat, Tangier.
Nepal—Kathmandu.
Netherlands—The Hague.
New Zealand—Wellington.
Nicaragua—Managua.
Niger—Niamey.
Nigeria—Enugu,[1] Ibadan, Kaduna, Kano, Lagos.
Norway—Oslo.
Pakistan—Dacca, Karachi, Lahore, Peshawar, Rawalpindi.
Panama—Panama City.
Paraguay—Asuncion.
Peru—Lima.
Philippines—Cebu, Davao, Manila.
Portugal—Lisbon.
Republic of South Africa—Cape Town, Johannesburg, Pretoria.
Rwanda—Kigali.
Saudi Arabia—Jidda.
Senegal—Dakar.
Sierra Leone—Freetown.
Singapore—Singapore.
Somali Republic—Mogadiscio.
Spain—Madrid, Barcelona.
Sudan—Khartoum.
Sweden—Stockholm.
Switzerland—Bern.
Syrian Arab Republic—Damascus.[1]
Taiwan—Kaohsiung, Taichung, Taipei.
Tanzania—Daroes-Salaam.
Thailand—Bangkok, Chiang Mai, Khon Kaen, Korat, Nakhon Phanom, Nakhon Si Thammarat, Phitsanulok, Songkhla, Ubon, Udon, Yala.
Togo—Lome.
Trinidad—Port-of-Spain.
Tunisia—Tunis.
Turkey—Ankara, Istanbul, Izmir.
Uganda—Kampala.
United Arab Republic[1]—Alexandria, Cairo.
United Kingdom—London.
Upper Volta—Ouagadougou.
Uruguay—Montevideo.
Venezuela—Caracas, Maracaibo.
Viet-Nam—Can Tho, Dalat, Danang, Hue, Saigon.
Yemen—Sanaa.[1]
Yugoslavia—Belgrade, Zagreb.
Zambia—Lusaka.

HENRY LOOMIS,
Deputy Director.

[F.R. Doc. 69-15400; Filed, Dec. 30, 1969; 8:45 a.m.]

[1] No operations at present.

PART 503—AVAILABILITY OF RECORDS

Miscellaneous Amendments

Chapter V, Part 503, Title 22 of the Code of Federal Regulations is amended as follows:

The part heading is amended to read as set forth above.

Section 503.1 is revised as follows:

§ 503.1 Introduction.

It is the policy of the U.S. Information Agency that information about its operations, organizations, procedures, and records be freely available to the public in accordance with the provisions of Public Law 89-487, the "Public Information Act of 1966," referred to hereinafter as "The Act," which amended the "Public Information" section of the Administrative Procedure Act (5 U.S.C. 552). In compliance with the Act, the Agency will make the fullest possible disclosure of its information and identifiable records consistent with the provisions of the Act and the regulations in this part.

Section 503.2 is revised as follows:

§ 503.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.

The description of the organization of the U.S. Information Agency is contained in Part 501 of this chapter.

Section 503.4, paragraph (a) is revised as follows:

§ 503.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the Agency.

(a) *Restriction on domestic availability of agency media products.* The Agency is prohibited from making general distribution of its foreign informational materials within the United States, but all media materials are available through the Office of Public Information (I/R), at reasonable times following release, to representatives of the press and, on request, to Members of Congress. This policy is based on the provisions of section 501 of the Agency's basic legislation (22 U.S.C. 1461) and Reorganization Plan No. 8 of 1953 which limits the Agency's mission to the dissemination of information about the United States to the peoples in other countries.

* * * * *

Section 503.6, paragraph (d) is revised as follows:

§ 503.6 Availability of Agency records.

* * * * *

(d) *Review*—(1) *Review by Director.* If a request for records under this section is denied by an Agency subordinate, the person making the request is entitled to have the denial reviewed by the Agency Director as promptly as circumstances permit. If the Director determines that the withholding is improper, he will direct in writing that the requested records be made available in accordance with this section. If he determines that the withholding is proper, he will so notify the person making the request in writing, and his determination constitutes the final Agency decision.

(2) *Coordination with Office of the General Counsel.* Requests for review by the Director under this section are to be referred immediately to the Office of the General Counsel (IGC). IGC will investigate all the circumstances of the alleged improper withholding, and compile a complete file on the matter.

HENRY LOOMIS,
Deputy Director.

[F.R. Doc. 69-15401; Filed, Dec. 30, 1969; 8:45 a.m.]

PART 511—FEDERAL TORTS CLAIMS PROCEDURE

Chapter V, Part 511, Title 22 of the Code of Federal Regulations is amended as follows:

Sec.
511.1 Definitions.
511.2 Scope of regulations.
511.3 Exceptions.
511.4 Administrative claim, when presented.
511.5 Who may file claim.
511.6 Agency authority to adjust, determine, compromise and settle claims; limitation upon that authority.
511.7 Investigations.
511.8 Limitations.
511.9 Supporting evidence.
511.10 Settlement of claims.
511.11 Acceptance of award.
511.12 When litigation is involved in claim.

AUTHORITY: The provisions of this Part 511 issued under 5 U.S.C. 301.

§ 511.1 Definitions.

Agency. Agency means the U.S. Information Agency.

Act. Act means the Federal Torts Claims Act, as amended, and codified in 28 U.S.C., sections 2671–2680.

§ 511.2 Scope of regulations.

The regulations in this part shall apply only to claims asserted under the Federal Tort Claims Act, as amended, or as incorporated by reference in the U.S. Information Agency Annual Appropriation Act, for money damages against the United States for injury, loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the Agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

§ 511.3 Exceptions.

Claims not compensable hereunder are listed in 2680 of the Act with the exception that 2680(k) (claims arising in a foreign country) has been amended by the Agency's Annual Appropriation Act.

§ 511.4 Administrative claim; when presented.

(a) For the purposes of the provisions of section 2672 of the Act and of this part, a claim shall be deemed to have been presented when the Agency receives, in the office designated in paragraph (b) of this section, an executed "Claim for Damage or Injury", Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain, for injury to or loss of property, personal injury or death, alleged to have occurred by reason of the incident. The claimant may, if he desires, file a brief with his claim setting forth the law or other arguments in support of his claim. In cases involving claims by more than one person arising from a single accident or incident, individual claim forms shall be used. A claim which should have been presented to the Agency, but which was mistakenly addressed to or filed with another Federal Agency, shall be deemed to have been presented to the Agency as of the date the claim is received by the Agency. If a claim is mistakenly addressed to or filed with the Agency, the Agency shall transfer it forthwith to the appropriate Agency.

(b) A claimant shall mail, or deliver his claim to the Office of the General Counsel, U.S. Information Agency, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547.

§ 511.5 Who may file claim.

(a) Claims for loss or damage of property may be filed by the owner of the property, or his legal representatives. Claims for personal injury or death may be made by the injured person or a legal representative of the injured or deceased person. The claim, if filed by a legal representative, should show the capacity of the person signing and be accompanied by evidence of his authority to act.

(b) The claim and all other papers requiring the signature of the claimant should be signed by him personally or by his representative. Signatures should be identical throughout.

§ 511.6 Agency authority to adjust, determine, compromise, and settle claims and limitations upon that authority.

(a) The General Counsel of the Agency, or his designee, is delegated authority to consider, ascertain, adjust, determine, compromise, and settle claims asserted under the provisions of section 2672 of the Act and under this part.

(b) Limitation on Agency authority: An award, compromise, or settlement of a claim by the Agency under the provisions of section 2672 of the Act, in excess of $25,000, shall be effected only with the prior written approval of the Attorney General or his designee.

§ 511.7 Investigations.

The Agency may request any other Federal agency to investigate a claim filed under section 2672 of the Act, or to conduct a physical or mental examination of the claimant and provide a report of such examination.

§ 511.8 Limitations.

(a) Pursuant to the provisions of section 2401(b) of title 28 of the United States Code, a tort claim against the United States shall be forever barred unless presented in writing to the Agency within two (2) years after such claim accrues.

(b) A suit may not be filed until the claim shall have been finally denied by the Agency. Failure of the Agency to make final disposition of the claim within six (6) months after it has been presented shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of the Act and of this part.

(c) A suit shall not be filed for a sum greater than the amount of the claim presented to the Agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time for presenting the claim to the Agency, or upon allegation and proof of intervening facts, relating to amount of the claim.

§ 511.9 Supporting evidence.

(a) In support of claims for personal injury or death, the claimant should submit a written report by the attending physician. The report should show the nature and extent of injury, the nature and extent of treatment, the effect upon earning capacity, either temporarily or permanently, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation. Itemized bills for medical, hospital, or burial expenses actually incurred should be attached to report.

(b) In support of claims for damage to property which has been or can be economically repaired, the claimant should submit at least two itemized signed statements, or estimates by reliable, disinterested firms or itemized signed receipts if payment has been made.

(c) In support of claims for loss or damage to property which is not economically repairable, the claimant should submit statements of the original cost of the property, date of purchase, and the value of the property before and after the accident together with a statement setting forth the basis used in arriving at such value. Such statements should be from at least two disinterested, competent persons, preferably reputable dealers or other qualified persons familiar with the type of property in question.

§ 511.10 Settlement of claim.

The General Counsel will review the findings from the standpoint of questions of law applicable to the claim and will determine disposition. The General Counsel will make final review for settlement of the claim and will sign SF–1145, Voucher for Payment Under Federal Tort Claims Act, and forward it to the Finance Division for payment of claim. Payment of any award or settlement in the amount of $2,500 or less will be authorized from the appropriation and allotment current for obligation on the date of settlement irrespective of when the cause of action arose. Payment of any award, compromise or settlement in an amount in excess of $2,500, shall be paid in a manner similar to judgments and compromises out of the appropriation provided by section (c), Public Law 89–506 (28 U.S.C. 2672).

§ 511.11 Acceptance of award.

The acceptance by the claimant of any award will be final and conclusive on the claimant. The acceptance will constitute a complete release of any claim by reason of the same subject matter against the United States and against the employee whose act or omission resulted in the claim. Adjudication and payment shall likewise be conclusive on all officers of the United States, unless procured by fraud.

§ 511.12 When litigation is involved in claim.

If a claimant does not agree to a settlement of a claim of which is considered fair and equitable by the Agency's responsible officials, the claimant, upon the final disposition thereof by the Agency, may elect to file suit. Relief from claims which are disallowed may be sought by filing suit in the U.S. District Court for the district where the claimant resides or wherein the act of omission complained of occurred. The failure of the Agency to make final disposition of a claim within 6 months after it has been filed shall, pursuant to 28 U.S.C. 2672, and at the option of the claimant at any time thereafter, is deemed a final denial of the claim. If a suit is filed against the Government involving the Agency, the Department of Justice will request the Agency to furnish the complete file on the case. The Office of the General Counsel will represent the Agency in all negotiations with the Department of Justice.

HENRY LOOMIS,
Deputy Director.

[F.R. Doc. 69-15402; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 101–40.1—General

USE OF U.S.-FLAG VESSELS

Section 101–40.103 previously dealt with limitations on preferential treatment of any mode of transportation or any particular carrier when arranging for transportation services. This section is revised to include (1) limitations on preferential treatment of any particular mode or carrier when arranging for domestic transportation services and (2) preference for privately owned U.S.-flag commercial vessels when arranging for ocean transportation services.

The table of contents of Part 101–40 is amended to retitle § 101–40.103 and add new §§ 101–40.103–1 and 101–40.103–2, as follows:

Sec.
101–40.103 Selection of carriers.
101–40.103–1 Domestic transportation.
101–40.103–2 Ocean transportation.

Section 101–40.103 is revised to read as follows:

§ 101–40.103 Selection of carriers.

§ 101–40.103–1 Domestic transportation.

Preferential treatment, normally, shall not be accorded to any mode of transportation or to any particular carrier when arranging for domestic transportation services. However, where, for valid reasons, use of particular types of carriers is necessary to meet program requirements, only specified types of carriers will be considered. Examples of the need for particular types of carriers would be (a) where only certain modes of transportation could provide the required service or meet the required delivery date; or (b) where the consignee's installation and related facilities preclude, or are not conducive to, service by particular modes of transportation.

§ 101–40.103–2 Ocean transportation.

Arrangements for ocean transportation services should be made in accordance with the provisions of section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), on the use of U.S.-flag commercial vessels. (See also § 5–19.108 concerning implementing policies and procedures followed by General Services Administration.)

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

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

Dated: December 23, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-15399; Filed, Dec. 30, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart—OEO Income Poverty Guidelines

Chapter X, Part 1060, §§ 1060.2–1 to 1060.2–4 of the Code of Federal Regulations are revised to read as follows:

Sec.
1060.2–1 Applicability of this subpart.
1060.2–2 Policy.
1060.2–3 OEO income poverty guidelines.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1060.2–1 Applicability of this subpart.

This subpart applies, in the manner described in § 1060.2–2, to all programs financially assisted under Titles II and III–B of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by OEO.

§ 1060.2–2 Policy.

(a) The income guidelines in § 1060.2–3 are revisions of prior OEO guidelines. They reflect two revisions in the statistical definition of poverty made recently by an interagency Poverty Level Review Committee, established and chaired by the Bureau of the Budget. The revisions are:

(1) The poverty thresholds for farm families were raised to 85 percent of the poverty thresholds for nonfarm families. They had previously been at 70 percent.

(2) The techniques for adjusting the poverty thresholds for changes in consumer prices was improved.

(b) The new income guidelines are to be used for all programs, whether administered by a grantee or a delegate agency, which use the OEO poverty income guidelines as admission standards. They may be used after October 1, 1969. Agencies are not required, however, to consider applications from additional beneficiaries for on-going programs in which admission has been completed. The new income guidelines do not supersede alternative standards of eligibility approved by OEO, such as State Title XIX standards used in Healthright programs.

(c) The guidelines are also to be used in certain other instances where required by OEO as a definition of poverty, e.g., for purposes of MIS data collection and for defining eligibility for allowances and reimbursements to board members. Agencies shall reflect the new income guidelines in data in the MIS reports for the quarter of January-March 1970.

§ 1060.2–3 OEO income poverty guidelines.

Family size	Nonfarm family	Farm family
1	$1,800	$1,500
2	2,400	2,000
3	3,000	2,500
4	3,600	3,000
5	4,200	3,500
6	4,800	4,000
7	5,400	4,500
8	6,000	5,000
9	6,600	5,500
10	7,200	6,000
11	7,800	6,500
12	8,400	7,000
13	9,000	7,500

For families with more than 13 members, add $600 for each additional member in a nonfarm family and $500 for each additional member in a farm family.

Effective date. This subpart shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

J. MALDONADO,
Deputy Director for Office of Operations.

[F.R. Doc. 69-15440; Filed, Dec. 30, 1969; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–297; Order 387–A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 14—REPORTING NET INVESTMENT IN LICENSED PROJECTS TO THE COMMISSION

Hydroelectric Project Licenses; Calculation of "net investment"

DECEMBER 30, 1969.

This order deletes from the Commission's general rules and regulations certain provisions which were added and

amended by orders issued and subsequently vacated on rehearing under the provisions of the Federal Power Act in the proceeding in Docket No. R–297.

By order No. 370 issued September 27, 1968 (33 F.R. 14943), the Commission amended (1) Part 2, General Policy and Interpretations, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations by adding thereto § 2.10, calculation of net investment in licensed projects, and (2) Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations by adding thereto Part 14, Reporting Net Investment in Licensed Projects to the Commission. Subsequently, the Commission amended paragraph (a) of § 14.1 of Part 14 by Order No. 370A issued November 22, 1968 (33 F.R. 17901) and by order granting motion for extension of time for compliance issued June 6, 1969 (34 F.R. 9332), all in Docket No. R–297. In substance, § 2.10 of Part 2 prescribed the method for calculating the "net investment" in licensed hydroelectric projects under section 3(13) of the Federal Power Act, whereas Part 14 prescribed the procedure to be employed by licensees of such projects in reporting their "net investment" calculations to the Commission.

By Order No. 387 issued August 4, 1969, on rehearing (34 F.R. 13024, 13413), the Commission, among other things, (1) vacated Orders Nos. 370 and 370A and order granting motion for extension of time for compliance, referred to above, and (2) terminated the proceedings in Docket No. R–297, subject to applications for reconsideration. No applications for reconsideration were filed.

The Commission is of the view that there should be deleted from its general rules and regulations those provisions which were added and amended by orders subsequently vacated, as set forth above.

The Commission finds:

(1) The amendments hereinafter set forth are necessary and appropriate for carrying out the provisions of the Federal Power Act.

(2) In view of the nature of these amendments, compliance with the effective date provisions of 5 U.S.C. 553 is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 3(13), 10(d), and 309 thereof (41 Stat. 1064, 1069, 49 Stat. 839, 843, 858, 82 Stat. 617, 16 U.S.C. 796, 803, 825h), orders:

(A) Part 2, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is hereby amended by deleting therefrom § 2.10.

(B) Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations is hereby amended by deleting therefrom Part 14.

(C) These amendments shall become effective upon the date of issuance of this order.

(D) The proceeding in Docket No. R–297 shall be deemed terminated. This order together with Order No. 387 shall be published as a part of the Federal Power Commission Reports.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69–15524; Filed, Dec. 30, 1969; 10:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 752—ADVERSE ACTIONS BY AGENCIES

PART 754—ADVERSE ACTIONS BY THE COMMISSION

PART 772—APPEALS TO THE COMMISSION

Miscellaneous Amendments

The authority statements for Parts 752, 754, and 772 are amended to reflect the revocation of Executive Order 10988 and the issuance of Executive Order 11491 which the Commission relies upon as part of the authority for the continuance of the regulations in these parts. Effective January 1, 1970, the authority statements referred to are amended as follows:

AUTHORITY: The provisions of this Part 752 issued under 5 U.S.C. 1302, 3301, 3302, 7701, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11491; 3 CFR, 1969 Comp.

AUTHORITY: The provisions of this Part 754 issued under 5 U.S.C. 1302, 3301, 3302, 7701, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11491; 3 CFR, 1969 Comp.

AUTHORITY: The provisions of this Part 772 issued under 5 U.S.C. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11491, 3 CFR, 1969 Comp.

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

[F.R. Doc. 69–15446; Filed, Dec. 30, 1969; 8:47 a.m.]

Chapter IV—Civil Service Commission (Equal Employment Opportunity)

PART 1401—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

Chapter IV of Title 5 of the Code of Federal Regulations is deleted in its entirety as the regulations on Nondiscrimination in Government Employment of the President's Committee on Equal Employment Opportunity contained therein are obsolete by reason of the issuance of Executive Order 11246 which abolished the President's Committee on Equal Employment Opportunity, transferred the function of that Committee concerning nondiscrimination in Government employment to the Civil Service Commission, and superseded Executive Orders 10590 and 10925 which were the authorities for the regulations in Chapter IV.

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

[F.R. Doc. 69–15447; Filed, Dec. 30, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1003]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Extension of Time for Filing Written Data, Views, or Arguments on Proposed Termination of Certain Provisions of Order

Notice is hereby given that the time for filing written data, views, or arguments with respect to the notice of proposed termination of certain provisions of the order regulating the handling of milk in the Washington, D.C., marketing area, initially set for December 27, 1969 (34 F.R. 19985), is extended to January 3, 1970.

Signed at Washington, D.C., on December 24, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-15445; Filed, Dec. 30, 1969; 8:47 a.m.]

[7 CFR Parts 1006, 1012, 1013]

[Docket Nos. AO 356-A4, AO 347-A8, AO 286-A16]

MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas, which was issued December 18, 1969 (34 F.R. 20053), is hereby extended to January 22, 1970.

Signed at Washington, D.C., on December 24, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-15410; Filed, Dec. 30, 1969; 8:45 a.m.]

[9 CFR Parts 310, 325]

MEAT INSPECTION

Inspection and Disposal of Lungs of Livestock at Official Establishments; Transportation

Statement of considerations. The USDA Consumer Protection Program is responsible for administering the Federal Meat Inspection Act (21 U.S.C., Supp. IV, sec. 601 et seq.) so as to assure that meat and meat products prepared under inspection pursuant to the Act are fit for human food and not adulterated. This responsibility requires that studies of inspection procedures and requirements be periodically conducted to determine if this objective is being met. Such a study, recently completed, was made to determine whether lungs currently considered to be edible, as determined by routine gross inspection procedures, were actually properly classified from the standpoint of fitness for human food. Meat inspection pathologists conducted detailed examinations of several hundred random samples of grossly inspected beef lungs collected from several slaughtering plants. These examinations indicated 93.5 percent of these lungs were affected with various abnormal conditions. In addition, the majority of the lung samples so examined were found to be adulterated with airborne or induced external substances such as dust, molds, rumen ingesta, nasal exudate, etc. The detection of such conditions and substances in the lung by routine, gross inspection procedures is impractical due to the anatomical structure of this organ. Pathological lesions vary in size from areas easily seen by the naked eye to those that can only be detected by very close detailed examinations. Contaminants may be present in the deepest and smallest air tubes. It is not practical nor feasible to microscopically examine all parts of all lungs before passing them for human food purposes. Therefore, to assure consumer protection against unwholesome or otherwise adulterated product, it is proposed that all lungs be classified as unfit for human food.

However, it is also proposed to allow the distribution under the Act of certain classes of lungs for nonhuman food purposes, under specified conditions. This proposal is based, in part, on section 201 of the Act, which prohibits the distribution in "commerce" (as defined in the Act) of carcasses, carcass parts, and meat or meat food products not intended for use as human food unless they are denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use as human food. There is a substantial demand in certain foreign countries for undenatured livestock lungs for use in animal foods, and such products also would have wide acceptance in the animal food industry in the United States.

Accordingly, notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service, pursuant to the authority conferred by the Federal Meat Inspection Act, proposes to revise § 310.17 of the Meat Inspection Regulations (9 CFR Part 310.17), and to amend Part 325 of said regulations (9 CFR Part 325) by the addition thereto of a new § 325.18, to read, respectively, as follows:

§ 310.17 Disposition of lungs.

(a) Livestock lungs shall not be saved for use as human food.

(b) Lungs found to be affected with disease or pathology and lungs found to be adulterated with chemical, biological, or other extraneous material shall be condemned and identified as "U.S. Inspected and Condemned." Condemned lungs may not be saved for pet food or other nonhuman food purposes. They shall be maintained under inspectional control and disposed of in accordance with §§ 314.1 and 314.4 of this subchapter.

(c) Lungs not condemned under paragraph (b) of this section may be used in the preparation of pet food or for other nonhuman food purposes at the official establishment, provided they are handled in the manner prescribed in § 318.12 of this subchapter, or they may be distributed from the establishment in commerce, or otherwise, in accordance with the conditions prescribed in § 325.18 of this subchapter for nonhuman food purposes. If not so handled at the official establishment, they shall be disposed of in accordance with §§ 314.1 and 314.4 of this subchapter.

§ 325.18 Transportation of certain undenatured lungs or lung lobes from official establishments or in commerce; provisions and restrictions.

(a) (1) Lungs or lung lobes, other than those condemned under § 310.17(b) of this subchapter, that are prepared at any official establishment may be transported from the establishment, in "commerce" or otherwise, without denaturing as prescribed in § 314.1 or § 314.4 of this subchapter, provided:

(i) The lungs or lung lobes are transported under permit from the appropriate Officer in Charge, as prescribed in subparagraph (2) of this paragraph, directly to a manufacturer of animal food, for use in manufacturing animal food, or directly to a zoo, mink farm, or other establishment for use as animal food without further manufacturing, or directly to a warehouse in the United States for storage for subsequent movement, as prescribed in paragraph (b) of this section, directly to such a manufacturer or establishment in the United States, or for export;

(ii) A shipper's certificate as prescribed in subparagraph 3(i) of this paragraph is executed, in quadruplicate, by the operator of the official establishment, for each shipment of undenatured lungs or lung lobes from the establishment, and the original of the certificate is delivered to the Program inspector at the official establishment before the shipment is made, and the copies of the certificate are distributed as prescribed in subparagraph (3)(ii) of this paragraph;

(iii) The boxes or other containers used for shipping the undernatured lungs or lung lobes are closed and taped with nylon filament tape or strapped with metal straps and the containers are permanently identified in 2-inch lettering with the statement, "[SPECIE] Lungs—Not for Human Consumption." In addition, the number of the permit prescribed in subdivision (i) of this subparagraph must appear on each container.

(2) A permit to ship undenatured lungs or lung lobes, as required by subparagraph (1) of this paragraph, will be issued upon application by the operator of an official establishment if the Officer in Charge determines that the application satisfies the requirements of this section, and that such lungs will be handled in a sanitary manner at the official establishment. Any such permit shall be canceled by the Officer in Charge whenever he determines, after notice and opportunity to present views is afforded to the permittee, that the permittee has shipped any undenatured lungs or lung lobes without compliance with the restrictions of this section or that such articles shipped from the official establishment in accordance with such restrictions were subsequently not handled in accordance therewith, and that such cancellation is necessary to prevent further violations.

(3) (i) The shipper's certificate required by subparagraph (1) of this paragraph shall be in the following form:

SHIPMENT FROM AN OFFICIAL ESTABLISHMENT OF UNDENATURED LUNGS OR LUNG LOBES FOR ANIMAL FOOD

I hereby certify that the undenatured lungs or lung lobes described below were prepared at _____, _____
(Name of official establishment) (Establishment No.)
at _____ and are consigned to the animal food manufacturer, other person, or warehouse identified below, for use as, or in the manufacture of, animal food, or for storage for subsequent movement to such a manufacturer or person or for export, for use as, or in the manufacture of, animal food and are not intended for human food.
(Address)

Consignee's Name and Address:

_____
_____
_____

Permit No. _____
Quantity:
(a) Number and kind of containers _____
(b) Total weight _____

_____
(Signature and name and title of representative of operator of official establishment)

_____
(Date)

I hereby acknowledge receipt on _____
(Date)
of the described articles.

_____
(Signature and name and title of representative of consignee)

(ii) One copy of the certificate shall be retained by the operator of the official establishment in accordance with this subchapter and two copies shall be sent to the consignee of the shipment. The consignee shall, on both copies, execute his acknowledgment of receipt of the shipment and state the date such shipment was received; send one copy of the signed certificate to the Program inspector in charge of the Official establishment from which shipment was made, and retain one copy in his records in accordance with this subchapter. The Program inspector in charge shall retain the copy of the signed receipt of shipment in the official establishment Program file.

(b) (1) Lungs or lung lobes not within § 310.17(b) of this subchapter, that are prepared at an official establishment and are not denatured as prescribed in § 314.1 or § 314.4 of this subchapter, may be transported from the warehouse in which they have been stored, as provided in paragraph (a)(1)(i) of this section, provided:

(i) Such lungs or lung lobes are transported, under permit from the appropriate Officer in Charge, as prescribed in paragraph (a)(2) of this section, from a warehouse where they were stored as provided in paragraph (a) of this section, directly to an animal food manufacturer for use in manufacturing animal food; or directly to a zoo, mink farm, or other establishment for use as animal food without further manufacturing; or in the course of direct exportation to a foreign country for use as, or in the manufacture of, animal feed;

(ii) A shipper's certificate as prescribed in subparagraph (2) of this paragraph is executed by the warehouse operator for each lot so transported;

(iii) The boxes or other containers of such products are closed, taped and identified as required in paragraph (a)(3)(ii) of this section.

(2) (i) The shipper's certificate required by subparagraph (1)(ii) of this paragraph shall be in the following form:

SHIPMENT FROM WAREHOUSE OF UNDENATURED LUNGS OR LUNG LOBES FOR ANIMAL FOOD

I hereby certify that the undenatured lungs or lung lobes described below were stored at _____, at _____
(Name of warehouse)
_____, and are consigned to the animal food manufacturer, other persons, or warehouse identified below, for use as, or in the manufacture of, animal food, or for storage for subsequent movement to such a manufacturer or person or for export, for use as, or in the manufacture of, animal food and are not intended for human food.
(Address)

Consignee's Name and Address:

_____
_____
_____

Permit No. _____
Quantity:
(a) Number and kind of containers _____
_____
(b) Total weight _____

_____
(Signature and name and title of representative of operator of warehouse)

_____
(Date)

I hereby acknowledge receipt on _____
(Date)
of the above described articles.

_____
(Signature and name and title of representative of consignee)

(ii) One copy of the shipper's certificate shall be retained by the operator of the warehouse in accordance with this subchapter; one copy shall be forwarded by the warehouse operator to the Program inspector in charge of the official establishment in which the lungs or lung lobes were originally prepared; and two copies shall be sent by the warehouse operator to the consignee of the shipment. The consignee shall, on both copies, execute his acknowledgment of receipt of the shipment and state the date such shipment was received. The consignee shall send one copy of the receipted certificate to the Program inspector in charge of the official establishment in which the shipment was originally prepared and shall retain one copy in his records in accordance with this subchapter. The Program inspector in charge of the originating official establishment shall file the receipted copy as an attachment with the original copy received when the original shipment was shipped to the warehouse for storage.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so, by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All such written submissions will be made available for public inspection at said office during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., on December 22, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-15411; Filed, Dec. 30, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 3-3; Notice 2]

FLAMMABILITY OF INTERIOR MATERIALS; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS AND BUSES

Notice of Proposed Motor Vehicle Safety Standard No. 302

On October 14, 1967, the Federal Highway Administration issued an advance

notice of proposed rule making (32 F.R. 14278), establishing Docket 3–3 to receive comments on the flammability of interior materials in passenger cars, multipurpose passenger vehicles, trucks, buses, and trailers. The extensive comments received in response to that notice have been carefully considered, along with existing tests, standards, and literature on the subject. This notice proposes a new Federal Motor Vehicle Safety Standard limiting the flammability of specified components of motor vehicle interiors. Since trailers are not normally occupied while in transit, and comprise a widely varying group of vehicles with diverse regulatory problems, they have been omitted from the present proposal.

Information published by the National Fire Protection Association indicates that there are over 400,000 motor vehicle fires per year. Various studies indicate that at least 25 percent of these fires originate in the interior of the vehicle. Hundreds of lives are lost each year in motor vehicle fires, and although not all of these could be saved by improved flammability characteristics of interior materials, there is a demonstrable and urgent safety need in this area. There are no generally accepted industry performance standards for vehicle interior material flammability, and materials of widely differing burn rates are presently in use. The objective of the proposed standard is to establish a reasonably low maximum burn rate for materials used in significant quantity in vehicle interiors, to reduce the severity and frequency of burn injuries and to increase the time that occupants have to escape from vehicle fires. It is recognized that burn rate, as measured in this proposed standard, is not the only hazard associated with vehicle fires, and that further requirements in respect to such aspects as toxic combustion products, melting or collapsing of materials, and heat production, along with more stringent burn rate requirements, may be found necessary in the future.

The proposed test is a relatively simple one, utilizing a defined hood apparatus and bunsen burner ignition of a horizontally mounted specimen. The sections tested are to include the surface material taken separately, the surface material bonded to unexposed material as used in the vehicle, and padding materials. The requirements are that there be no "flashing" across the surface, and that the burn rate be no greater than 4 inches per minute.

Interested persons are invited to submit data, views and arguments concerning the proposed standard. Comments should refer to the docket and notice number, and be submitted to: Docket Section, Federal Highway Administration, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, though not required, that 10 copies be submitted. All comments received before the close of business on March 30, 1970, will be considered. All comments will be available in the docket at the above address for examination both before and after the closing date.

Effective date. It is proposed that this standard be effective for motor vehicles manufactured on or after January 1, 1971.

This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407), and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on December 19, 1969.

F. C. TURNER,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD No. 302

FLAMMABILITY OF VEHICLE INTERIOR MATERIALS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS AND BUSES

S1. *Purpose and scope.* This standard specifies burn resistance requirements for materials used in certain components of the occupant compartment of motor vehicles.

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

S3. *Requirements.*

S3.1 The portions described in S3.2 of the following components of vehicle occupant compartments shall meet the requirements of S3.3: seat cushions, seat backs, seat belts, headlining, arm rests, door panels, instrument panel padding, front panels, rear panels, side panels, compartment shelves, head restraints, floor coverings, sun visors, curtains, shades, wheel housing covers, engine compartment covers, and mattress covers.

S3.2 The portions of the components that shall meet the requirements of S3.3 are all of the following:

(a) The surface material taken separately.

(b) A composite consisting of the surface material bonded to unexposed interior material, if such a composite is used in the component.

(c) Padding and cushioning materials taken separately.

S3.3 When materials are tested in accordance with S4 they shall show no rapid transmission of a flame front across either surface ("flashing"), and shall have a burn rate of not more than 4 inches per minute.

S4 *Test procedure.*

S4.1 *Conditions.*

S4.1.1 The test is conducted in a hood enclosure in the shape of a rectangular solid 45 inches wide, 20 inches deep and 41 inches high, with a full front window made of heat-resistant glass. The hood enclosure has a 3¾-inch round opening in the center of the roof, and a 3-inch-high opening across the full width of the bottom of the front. The ambient air is still, with temperature of 70° F. and relative humidity of 65 percent.

S4.1.2 The test specimen is clamped between two matching U-shaped frames of metal stock 1 inch wide and ⅜-inch high (hereinafter referred to as "U-shaped clamp"). The interior dimensions of the U-shaped clamp are 2 inches wide by 13 inches long. A specimen that softens and bends at the flaming end so as to cause erratic burning is kept horizontal by supports consisting of 5-mil Chromel wires, spanning the width of the U-shaped clamp under the specimen at 1-inch intervals. A device that may be used for supporting this type of material is an additional U-shaped frame, wider than the U-shaped clamp, spanned by Chromel 5-mil wires at 1-inch intervals, inserted in the U-shaped clamp with its "U" pointing in the opposite direction from that of the U-shaped clamp.

S4.1.3 A bunsen burner with a tube of ⅜-inch inside diameter is used. The gas adjusting valve is set to provide a flame, with the tube vertical, of 1½ inches in height. The air inlet to the burner is closed.

S4.1.4 The gas supplied to the burner is a synthetic mixture having the following composition and characteristics:

Hydrogen	55±1 percent
Methane	24±1 percent
Carbon Monoxide	18±1 percent
Ethane	3±1 percent
Specific gravity	0.380±0.005 percent

BTU content: 539±7 per cubic foot (dry basis) at 70° F.

The gas is delivered to the bunsen burner through a pressure regulating valve adjusted for a delivery pressure of 2.50 pounds per square inch.

S4.2 *Preparation of specimens.*

S4.2.1 Wherever possible each specimen of material to be tested is a rectangle 4 inches wide by 14 inches long. The thickness of the specimen is that of the material as used in the vehicle, except that where the material's thickness exceeds ½ inch the specimen is cut down to a uniform ½-inch thickness. Where it is not possible to obtain a flat specimen, because of component configuration, the specimen is cut to not more than ½ inch in thickness at any point, from the area with the least curvature, and in such a manner as to include the face side. The maximum available length or width of a specimen is used where either dimension is less than 14 inches or 4 inches respectively.

S4.2.2 Material with directional effects, or with differences in burning properties between its face and inverted sides, is oriented so as to provide the most adverse results.

S4.2.3 Material with a napped or tufted surface is placed on a flat surface and combed twice against the nap with a comb having 7 to 8 smooth, rounded teeth per inch.

S4.2.4 Each specimen is conditioned prior to testing for 24 hours at a temperature of 70° F. and relative humidity of 65 percent.

S4.3 *Procedure.*

(a) Mount the specimen so that both sides and one end are held by the U-shaped clamp, and (if of sufficient length) one end is even with the open end of the clamp. Where the maximum available width of a specimen is not more than 2 inches, so that the sides of the

specimen cannot be held in the U-shaped clamp, place the specimen in position on supports of Chromel wire as described in S4.1.2, with one end held by the closed end of the U-shaped clamp.

(b) Place the mounted specimen in a horizontal position, in the approximate center of the hood.

(c) Position the bunsen burner and specimen so that the center of the burner tip is ¾ inch below the center of the bottom edge of the open end of the specimen.

(d) With the flame adjusted according to S4.1.3, expose the specimen to the flame for 15 seconds.

(e) Begin timing (without reference to the period of application of the burner flame) when the flame from the burning specimen reaches a point 1½ inches from the open end of the specimen.

(f) Measure the time that it takes the flame to progress to a point 1½ inches from the clamped end of the specimen. If the flame does not reach the specified end point, time its progress to the point where flaming stops.

(g) Calculate the burn rate from the formula

$$B = 60 \times \frac{D}{T}$$

where B = burn rate in inches per minute, D = length the flame travels in inches, and T = time in seconds for the flame to travel D inches.

[F.R. Doc. 69-15450; Filed, Dec. 30, 1969; 8:48 a.m.]

[49 CFR Part 371]

[Docket No. 69-19; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, TRAILERS, AND MOTORCYCLES

Advance Notice of Proposed Motor Vehicle Safety Standard No. 108

Motor Vehicle Safety Standard No. 108 (33 F.R. 19708, as amended, 34 F.R. 14691) specifies requirements for lamps reflective devices, and associated equipment for passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles. The Federal Highway Administrator is considering amending this standard, making major revisions to existing requirements and adding new requirements for rear lighting and signaling systems, forward illumination systems, performance and durability of lamp bulbs, sealed units, lenses, lamp assemblies, reflex reflectors, flashers and switches associated with lighting equipment, and marking and identification of lighting equipment.

Ten percent of the fatal motor vehicle accidents and 49 percent of all motor vehicle accidents involve rear end collisions. In addition, accident rates at night are approximately three times those occurring during daylight hours. While it is difficult to identify those accidents which may have been caused by ineffectiveness of lighting and signaling systems, investigations and research disclose that major changes in the present lighting and signaling systems, both front and rear, including performance and durability of lamp bulbs, sealed units, lenses, lamp assemblies, reflex reflectors, flashers, and switches associated with lighting equipment would contribute to a reduction in traffic accident and resulting deaths and injuries. Standard marking and identification requirements for all lighting equipment would also appear to be desirable.

Interested persons are invited to participate in this rule making by submitting written data, views or arguments concerning this proposal. It is specifically requested that comments be submitted which pertain to leadtime, cost, and test methods directly related to compliance. Comments should contain supporting statements and data to justify all conclusions and recommendations. In addition, comments should specify the levels of performance which could be met as of January 1, 1972, and January 1, 1973.

I. *Rear lighting and signaling systems.* The Administrator is specifically considering improvements in rear lighting and signaling systems which might be achieved by: (a) Color coding and separation of various signaling functions to provide clear and unambiguous signals; (b) day-night dual intensity for signaling and indicator lamps; (c) standardization with respect to configuration and spacing of lamp arrays to render a motor vehicle easily identifiable as a motor vehicle and to provide consistent visual cues for distance and closure rate estimation; (d) increased visibility angles of the rear lighting elements; (e) a more limited range between minimum and maximum photometric intensities; (f) provisions for a stopped vehicle signal and a slow moving vehicle signal; (g) coded signals indicating the degree of deceleration; (h) lamp failure indicators; (i) automatic cancellation of turn signals; (j) specification of road wheel angle for cancellation of self canceling turn signals; and (k) more specific requirements for mounting, location, color, size and intensity of indicator lamps. Comments are requested on this general subject and on the specific matters of: (a) Degree of system standardization and separation of lamp function, including number, size, color, interlamp spacing, intensity and location, with recommended tolerances for each; and (b) the means of actuating and necessary performance requirements for, additional equipment such as stopped vehicle signal, panic stop signal, day-night dual intensity signals, deceleration warning signals, side turn signals, automatic turn signal canceling devices, and lamp failure indicators.

II. *Forward illumination systems.* The Administrator is also considering new and revised requirements which will provide improvements in headlamps, supplemental driving and passing lamps, cornering lamps, and fog lamps. These improvements might be achieved by: (a) Specifying performance requirements, in terms of seeing distance and glare, or in terms of minimum and maximum photometric values at specified positions with respect to the vehicle, or both, for the complete forward illumination system, with minimum recourse to design related requirements for the individual lamps; (b) specifying performance requirements which would provide increased forward illumination for vehicles capable of traveling at high speeds; (c) including performance requirements for supplemental lamps; (d) specifying more extensive or new performance requirements including fail-safe requirements for forward illumination system accessories or controls, such as automatic beam aiming devices to correct for vehicle loading, automatic or semiautomatic devices for controlling beam selection devices for activating primary or supplemental headlamps under conditions of reduced ambient illumination, and failure indicators for forward illumination equipment; (e) specifying more extensive requirements relating to the mounting, aiming and adjustment of forward illumination equipment, with particular emphasis on those requirements that would assure ease of maintenance, testing, and adjustment of aim after the vehicle is placed in service; and (f) specifying requirements for headlamp flashing devices for use by the driver to signal driver of other vehicles. Comments are requested on the general subject and, in particular, on the following items: (a) Minimum and maximum photometric values, beam pattern distribution, and colorimetric limits for improved forward lighting systems, total system performance and individual lamp performance; (b) test methods, including instrumentation and procedures, for determining compliance with the requirements for the recommended improved systems; (c) classes of vehicles to which the improved systems would be applicable; (d) feasibility of specifying performance requirements for the forward illumination system appropriate for the vehicle's maximum speed, the range of the increased performance requirements, and the vehicle speeds at which these increased performance requirements would be appropriate; (e) methods of controlling the number of forward lighting systems and the number, size, configuration, and location of system components to ensure some standardization of equipment to minimize replacement problems, and ensure adequate identification of the distance, speed, and position of an approaching vehicle; (f) methods of controlling, and degree of control for, forward lighting system components to ensure availability of replacement parts and maintenance of aim after the systems are placed in service; and (g) feasibility and effectiveness of requirements for headlamp flashing devices.

III. *Lamp bulbs, lamp assemblies, etc.* In addition, the Administrator is considering new requirements which will provide improvements in the safety effectiveness of lamp bulbs, sealed units, lenses, housings, lamp assemblies, reflex reflectors, and flashers and switches associated with lighting equipment when

installed as original equipment and as replacement equipment. These improvements might be achieved by: (a) Specifying laboratory test procedures; including environmental conditions, appropriate for evaluating durability of each lamp, etc., mentioned above; and (b) specifying limits on degradation of performance after selected laboratory environmental and aging tests performed on each lamp, etc., mentioned above. Comments and recommendations are requested on this subject and, particularly, on the type and duration of laboratory tests which should be followed, including environmental test conditions, test procedures, and test equipment. Additional comments and recommendations are requested on lamp bulbs and sealed units with respect to: (a) Luminance and life relative to voltage and current limits; (b) degree of performance degradation relative to laboratory life; (c) minimum burn-in or aging period; (d) limits on ratio of initial inrush current to rated current; (e) out-of-focus limitations; and (f) special requirements for bulbs with selective light transmission.

IV. *Marking and identification of lighting equipment.* The Administrator is considering marking and identification requirements which would disclose: (a) The manufacturer and manufacturer's model or part number; (b) the date of manufacture; (c) the function for which the equipment is designed; and (d) the mounting position of the equipment. These new requirements would be applicable both to lighting equipment on new vehicles and to replacement lighting equipment. Comments are requested on this subject generally and, in particular, on the following: (a) The scope of information to be included, i.e., manufacturer's name and model number, function designation, mounting position of lamps, and date of manufacture; (b) method of marking individual lamps in multiple lamp arrangements; and (c) type size of lettering and marking.

Comments should refer to the docket and notice number (69–19, No. 1) and be submitted in 10 copies to Docket Section, Federal Highway Administration, Room 4223, 400 7th Street SW., Washington, D.C. 20591. All comments received on or before the close of business, May 1, 1970, will be considered by the Administrator. All comments will be available in the Docket Section for examination both before and after the closing date for comments. Following submission of comments, the Bureau may hold public, technical meetings to discuss the specific safety and engineering issues involved.

This advance notice of proposed amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator (49 CFR Part 1).

Issued on December 19, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-15449; Filed, Dec. 30, 1969; 8:48 a.m.]

[49 CFR Part 393]

[Docket No. MC-8; Notice 69-21]

MOTOR CARRIER SAFETY REGULATIONS

Brake Performance; Emergency Brake System

The Federal Highway Administrator published in the FEDERAL REGISTER on January 23, 1969 (34 F.R. 1056) an advance notice of proposed rule making, inviting responses from interested persons with respect to the desirability of amending § 393.52 of the Motor Carrier Safety Regulations, 49 CFR 393.52, to set more stringent requirements for braking performance of commercial vehicles.

After reviewing the comments received and other information on current brake technology, the Administrator has determined that amendments to the requirements of § 393.52 may be appropriate. Specifically, he will consider amending § 393.52 by decreasing the maximum stopping distance from a speed of 20 miles per hour for all categories of vehicles and by increasing the braking force and deceleration requirements for three vehicle categories. The categories themselves have been somewhat simplified by consolidating types of vehicles to which identical performance requirements apply. The advance notice solicited comments on the advisability of adopting brake performance and rating requirements similar to those in SAE Recommended Practices J880 and J992. After studying the comments and other data, the Administrator has decided not to adopt those requirements at this time.

The general review of 49 CFR Part 393, Subpart C, "Brakes," which led to the notice of January 23, 1969, has also suggested the need for a substantial revision of the subpart with respect to emergency brakes and emergency brake performance. Section 393.43 *Breakaway and emergency braking*, which presently deals with emergency braking, does not apply to single-unit vehicles. The Administrator is considering the advisability of amending §§ 393.40 and 393.51 to require a distinct emergency braking system on vehicles now excluded from the coverage of § 393.43 and to require appropriate warning signals to indicate brake failure on vehicles not presently required to have warning signals under § 393.51.

He is also proposing an additional amendment of § 393.52 to establish requirements for maximum allowable stopping distance upon application of a vehicle's emergency brake system. It seems convenient to include in this notice both the proposed emergency brake amendments and the proposal relating to braking force, deceleration and stopping distance requirements in § 393.52.

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or arguments. Comments must identify the docket number and must be submitted in three copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety, Room 302A. All comments received on or before the close of business on April 23, 1970, will be considered before action is taken on the proposed rule making. The proposals contained in this notice may be changed in the light of comments received. All comments received will be available for examination at the Bureau of Motor Carrier Safety, Sixth and D Streets SW., Room 302A, Washington, D.C. 20591.

This proceeding is proposed under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and delegation of authority at 49 CFR 1.4(c).

In consideration of the foregoing, it is proposed to amend §§ 393.40, 393.51, and 393.52 of the Motor Carrier Safety Regulations to read as set forth below.

Issued on December 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

§ 393.40 Required brake systems.

(a) A bus, truck, truck-tractor, or combination of motor vehicles must be equipped with brakes adequate to control the movement of, and to stop and hold, the vehicle or combination of vehicles. Except as provided in paragraph (b) of this section, a bus, truck, truck-tractor, or combination of motor vehicles must have—

(1) A service brake system that conforms to the requirements of § 393.52;

(2) A parking brake system that conforms to the requirements of § 393.41 and has a means of application separate from that of either the service brake system or the emergency brake system; and

(3) An emergency brake system that conforms to the requirements of § 393.52 and consists of either (i) a system separate from the service brake system; or (ii) emergency features of the service brake system. A control for applying the emergency brake system must be located so that a properly restrained driver can readily operate it.

(b) The rules in paragraph (a)(3) of this section do not apply to a bus, truck, truck-tractor, or combination of motor vehicles manufactured before January 1, 1971.

(c) Except in the case of failure of an activating pedal or control common to both the service brake system and the emergency brake system or structural failure of the master brake cylinder body or effectiveness indicator body of a hydraulic system, the failure of any part of a brake system specified in paragraph (a) of this section must not impair the operation of any other system specified in that paragraph.

§ 393.51 Warning devices and gauges.

(a) *All brake systems.* A bus, truck, or truck-tractor manufactured on or after January 1, 1971, must be equipped with a signal which, in the event of a failure of the hydraulic pressure, air pressure, vacuum or electric energy in any part of the vehicle's service brake system, will give the vehicle's driver a readily audible

or visible warning of the failure when he applies the service brake. The warning required by this paragraph may be given by the signals required by paragraphs (b) and (c) of this section.

(b) *Air brakes.* If compressed air is used to operate the braking system of a bus, truck, truck-tractor or a vehicle being towed by it, the bus, truck, or truck-tractor must be equipped with—

(1) A device that gives the driver a readily audible or visible continuous warning when the pressure of the compressed air is below a designated amount which must be at least one-half of the compressor governor cutout pressure; and

(2) A pressure gauge which indicates to the driver the pressure in pounds per square inch available for braking.

(c) *Vacuum brakes.* If vacuum is used to operate the braking system of a bus, truck, truck-tractor or a vehicle being towed by it, the bus, truck, or truck-tractor must be equipped with—

(1) A device that gives the driver a readily audible or visible continuous warning when the vacuum in the vehicle's supply reservoir is less than eight inches of mercury; and

(2) A vacuum gauge which indicates to the driver the vacuum in inches of mercury available for braking.

(d) *Maintenance.* The warning devices and gauges required by this section must be maintained in operative condition.

(e) *Exemptions.* The rules in paragraphs (b) and (c) of this section do not apply to the following vehicles manufactured before January 1, 1971:

(1) Passenger-carrying vehicles that have a seating capacity of less than nine persons (including the driver); and

(2) Property-carrying vehicles with less than three axles.

§ 393.52 Brake performance.

(a) Upon application of its service brake, a motor vehicle or combination of vehicles, under all conditions of loading, must be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight specified in the table accompanying this section;

(2) Decelerating to a stop from 20 miles per hour at not less than the rate specified in the table;

(3) Stopping from 20 miles per hour in not more than the distance specified in the table, such distance to be measured from the point at which movement of the service brake pedal or control begins.

(b) Upon application of its emergency brake system alone, each motor vehicle and combination of vehicles, under all conditions of loading, must be capable of stopping from 20 miles per hour in not more than the distance specified in the table, such distance to be measured from the point at which movement of the emergency braking control begins.

(c) All stops must begin in the center of a 12-foot-wide lane and must be performed without deviating from that lane. All tests shall be made on a hard surface that is substantially level, dry, smooth, and free of loose material.

Classification of motor vehicle or combination	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second	Service brake system application and braking distance in feet from an initial speed of 20 miles per hour	Emergency brake system application and braking distance in feet from an initial speed of 20 miles per hour
(1) Passenger vehicles with a seating capacity of 10 persons or less, including driver, not having a manufacturer's gross weight rating	65.2	21	20	84
(2) Passenger vehicles with a seating capacity of over 10 persons, including driver, not having a manufacturer's gross weight rating	52.8	17	25	66
(3) Single unit vehicles with a manufacturer's gross weight rating of 10,000 lbs. or less	52.8	17	25	66
(4) Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 lbs. Combinations of a two-axle towing vehicle and a trailer with a gross vehicle weight of 3,000 lbs. or less. All combinations of 2 or less vehicles in driveaway or towaway operations	43.5	14	35	93
(5) All other vehicles and combinations of vehicles	43.5	14	40	90

[F.R. Doc. 69-15451; Filed, Dec. 30, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1036]

[Ex Parte No. 252 (Sub-No. 1)]

BOXCARS

Incentive Per Diem Charges—1968

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of December 1969.

It appearing, that by order of the Commission, dated December 15, 1967, this rulemaking proceeding was instituted for the purpose of implementing those provisions of the law relating to the Commission's authority to encourage the acquisition and maintenance of an adequate car supply as specified in Public Law 89-430, which effective May 26, 1966, amended section 1(14)(a) of the Interstate Commerce Act:

And it further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed an interim report herein containing its tentative findings of fact and provisional conclusions thereon, including the proposed rules and regulations set forth below, which interim report is hereby referred to and made a part hereof:

It is ordered, That verified statements of facts, briefs, and statements of position respecting the tentative conclusions reached in the said interim report, the rules and regulations set forth below, and any other pertinent matter, are hereby invited to be submitted pursuant to the filing schedule set forth below by an interested person whether or not such person is already a party to this proceeding.

It is further ordered, That any person not already a party to this proceeding and intending to participate therein for the first time shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before January 23, 1970, the original and one copy of a statement of his intention to participate; and that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to these proceedings, upon whom copies of all statements must be served.

It is further ordered, That initial verified statements of facts, briefs, and statements of position in response to the said interim report may be filed on or before February 24, 1970; and that replies thereto may be filed on or before March 24, 1970.

It is further ordered, That any party requesting oral hearing shall set forth with specificity the need therefor and the evidence to be adduced.

And it is further ordered, That a copy of this report and order and all appendices be served upon each respondent, all other parties, each public utility commission or board or similar regulatory body of each State, the Secretary of the Department of Transportation, the Association of American Railroads-Car Service Division, and the American Short Line Railroad Association; that a copy be posted in the office of the Secretary of this Commission and in each field office; and that a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS

§ 1036.1 Application.

Each common carrier by railroad subject to the Interstate Commerce Act shall pay to the owning railroads the

additional per diem charges set forth in § 1036.3 on all boxcars shown below:

Mechanical designation	*Code No.*	
XM	B100–109, B300–309.	B200–209,
XMI	B110–119, B310–319.	B210–219,
XMIH	B120–129, B320–329.	B220–229,
VA	B040.	
VM	B050.	
XC	B060.	
XCI	B070.	
XU	B080.	

AMOUNT OF INCENTIVE PER DIEM ON BOXCARS

(Collectible in 6 Months in Each Year)

Line No.	Cost bracket	Group A 0–5 years	Group B 6–10 years	Group C 11–15 years	Group D 16–20 years	Group E 21–25 years	Group F 26–30 years	Group G over 30 years
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	$0 to $1,000	$0.32	$0.27	$0.22	$0.17	$0.11	$0.06	$0.04
2	$1,001 to $3,000	0.65	0.54	0.44	0.33	0.23	0.12	0.07
3	$3,001 to $5,000	1.30	1.09	0.88	0.67	0.46	0.25	0.14
4	$5,001 to $7,000	1.95	1.63	1.32	1.00	0.68	0.37	0.21
5	$7,001 to $9,000	2.60	2.18	1.75	1.33	0.91	0.49	0.28
6	$9,001 to $11,000	3.25	2.72	2.19	1.67	1.14	0.61	0.35
7	$11,001 to $13,000	3.90	3.26	2.63	2.00	1.37	0.74	0.42
8	$13,001 to $15,000	4.54	3.81	3.07	2.33	1.60	0.86	0.49
9	$15,001 to $17,000	5.19	4.35	3.51	2.67	1.82	0.98	0.56
10	$17,001 to $19,000	5.84	4.89	3.95	3.00	2.05	1.11	0.63
11	$19,001 to $21,000	6.49	5.44	4.39	3.33	2.28	1.23	0.70
12	$21,001 to $23,000	7.14	5.98	4.82	3.67	2.51	1.35	0.77
13	$23,001 to $25,000	7.79	6.53	5.26	4.00	2.74	1.47	0.84
14	$25,001 to $27,000	8.44	7.07	5.70	4.33	2.96	1.60	0.91
15	$27,001 to $29,000	9.09	7.61	6.14	4.67	3.19	1.72	0.98
16	$29,001 to $31,000	9.74	8.16	6.58	5.00	3.42	1.84	1.05
17	$31,001 to $33,000	10.39	8.70	7.02	5.33	3.65	1.96	1.12
18	$33,001 to $35,000	11.04	9.24	7.46	5.67	3.88	2.09	1.19
19	$35,001 to $37,000	11.69	9.79	7.89	6.00	4.10	2.21	1.26
20	$37,001 to $39,000	12.33	10.33	8.33	6.33	4.33	2.33	1.33
21	$39,001 to $41,000	12.98	10.88	8.77	6.67	4.56	2.46	1.40

§ 1036.3 Earmarking.

Each common carrier by railroad shall segregate in Account 716, Capital and Other Reserve Funds, and shall transfer from Account 798, Retained Income, Unappropriated, to Account 797, Retained Income, Appropriated, an amount equal to the net credit balance resulting from any incentive per diem settlement involving boxcars subject to this part. The funds in such account shall be used to purchase or build new unequipped boxcars for general service or to rebuild general service, unequipped boxcars with code numbers and mechanical designations set forth in § 1036.1 for addition to such carrier's fleet in accordance with this part.

§ 1036.4 Use of funds.

The net credit balances resulting from incentive per diem settlements, which are earmarked in accordance with § 1036.3, may be drawn down in whole or in part at any time by the carrier to build or purchase in whole or in part new unequipped boxcars for general service described in § 1036.1, provided the carrier has in the same calendar year already built or purchased its 1964–68 average number of such boxcars. Similarly, earmarked funds may be used in whole or in part to rebuild any number or portion of general service unequipped boxcars described in § 1036.1, provided the carrier has in the same calendar year already rebuilt its 1964–68 average number of such boxcars.

§ 1036.5 Effective date.

The rules set forth in this part shall be effective from September 1 of each year through February 28 of the following year.

§ 1036.6 Rules and regulations suspended.

The operation of all rules and regulations, insofar as they conflict with the provisions of this part, is hereby suspended. The charges herein provided shall be paid for each day foreign cars are held but nothing in this part shall prevent the operation of per diem reclaim agreements customarily employed by and between particular railroads to provide for special situations, or with the use of customary methods of settling balances of per diem accounts.

(Interprets or applies secs. 1 and 12 of the Interstate Commerce Act, 24 Stat. 379, 383, as amended, 49 U.S.C. 1, 12)

[F.R. Doc. 69–15388; Filed, Dec. 30, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. 13]

AETNA LIFE AND CASUALTY COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $104,127,000 has been established for the company.

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

AETNA LIFE AND CASUALTY COMPANY
HARTFORD, CONNECTICUT
CONNECTICUT

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

Dated: December 23, 1969.

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

[F.R. Doc. 69-15419; Filed, Dec. 30, 1969; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-516]

BRUCE A. COOK, SR.

Notice of Loan Application

DECEMBER 22, 1969.

Bruce A. Cook, Sr., Box 421, Hydaburg, Alaska 99922, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 38.3-foot registered length wood vessel to engage in the fishery for salmon, halibut, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commerical Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be avaliable before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief,
Division of Financial Assistance.

[F.R. Doc. 69-15435; Filed, Dec. 30, 1969; 8:47 a.m.]

[Docket No. S-487]

ROGER ALLEN THOMAS

Notice of Loan Application

DECEMBER 22, 1969.

Roger Allen Thomas, 614 East Vashon, Port Angeles, Wash. 98362, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42.5-foot registered length wood vessel to engage in the fishery for salmon, albacore, and crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Acting Chief,
Division of Financial Assistance.

[F.R. Doc. 69-15434; Filed, Dec. 30, 1969; 8:47 a.m.]

Geological Survey

[No. 114]

UTAH

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SALT LAKE MERIDIAN, UTAH

COAL LANDS

T. 41 S., R. 2 E. (in part unsurveyed),
Sec. 13, S½N½, S½;
Sec. 14, S½N½, S½;
Sec. 15, S½N½, S½;
Sec. 16, S½N½, S½;
Sec. 17, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20, E½;
Secs. 21 to 28, inclusive;
Sec. 29, NE¼, E½NW¼, S½;
Sec. 30, S½SE¼;
Sec. 31, NE¼, E½NW¼, S½;
Secs. 32 to 36, inclusive.

T. 42 S., R. 2 E.,
Sec. 5, S½;
Sec. 8, NE¼, N½NW¼, SE¼NW¼, SE¼;
Sec. 9, W½NW¼, SW¼;
Sec. 16, W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 21, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 22, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 26, S½NW¼, SW¼;
Sec. 27, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 34, SE¼NE¼, E½SE¼;
Sec. 35, W½.

T. 43 S., R. 2 E.,
Sec. 1;
Sec. 2, lots 1 to 4, inclusive, S½N½, NE¼SW¼, N½SE¼;
Sec. 11, SE¼;
Sec. 12, NE¼, E½NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 13, lots 1 to 4, inclusive, 10 to 38, inclusive, and 42, NE¼, NE¼SE¼;
Sec. 14, lots 21A, 46, 49, and 51 to 59, inclusive, and that part of the NW¼NE¼ north of the highway.

T. 41 S., R. 3 E. (in part unsurveyed),
Sec. 13, S½N½, S½;
Sec. 14, S½N½, S½;
Sec. 15, S½N½, S½;
Sec. 16, S½N½, S½;
Sec. 17, S½N½, S½;
Sec. 18, S½N½, S½;
Secs. 19 to 36, inclusive.

T. 42 S., R. 3 E.,
Secs. 1 to 36, inclusive.

T. 43 S., R. 3 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 to 4, inclusive, S½N½, N½SW¼, SE¼SE¼;
Secs. 5 to 7, inclusive;
Sec. 8, N½NE¼, SW¼NE¼, W½, W½SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, NE¼, NW¼NW¼;

Sec. 11, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 12;
Sec. 13, N½;
Sec. 14, NE¼, NE¼NW¼;
Sec. 17, N½NW¼, SE¼NW¼;
Sec. 18, lot 1.

RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following subdivisions as noncoal lands is hereby revoked and the lands are reclassified as coal lands:

T. 42 S., R. 2 E.,
Secs. 1 to 4, inclusive;
Sec. 5, lots 1 to 4, inclusive, S½N½;
Sec. 6, lots 1 to 3, inclusive, S½NE¼, E½SE¼;
Sec. 9, NE¼, E½NW¼, SE¼;
Secs. 10 to 15, inclusive;
Sec. 16, E½NE¼;
Sec. 22, NE¼, NE¼NW¼, E½SE¼;
Secs. 23 to 25, inclusive;
Sec. 26, NE¼, N½NW¼, SE¼;
Sec. 27, NE¼NE¼;
Sec. 35, E½;
Sec. 36.
T. 43 S., R. 2 E.,
Sec. 24, S½SW¼;
Sec. 25, NE¼NE¼, S½NE¼, NW¼NW¼.
T. 43 S., R. 3 E.,
Sec. 30, lots 1 and 2.

NONCOAL LANDS

T. 41 S., R. 2E. (in part unsurveyed),
Sec. 17, SW¼NW¼, W½SW¼;
Sec. 18, S½N½, S½;
Sec. 19;
Sec. 20, W½;
Sec. 29, W½NW¼;
Sec. 30, N½, SW¼, N½SE¼;
Sec. 31, W½NW¼.
T. 42 S., R. 2 E.,
Sec. 7;
Sec. 8, SW¼NW¼, SW¼;
Sec. 16, SW¼NW¼, W½SW¼, SE¼SW¼;
Secs. 17 and 18;
Sec. 19, lots 1 and 2, W½NE¼, E½NW¼;
Sec. 21, SW¼NE¼, E½NW¼, NW¼SE¼;
Sec. 27, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 34, N½NE¼, SW¼NE¼, W½, W½SE¼.
T. 43 S., R. 2 E.,
Sec. 2, NW¼SW¼, S½S½;
Sec. 3, lot 1, SE¼NE¼;
Sec. 11, N½, N½SW¼, SE¼SW¼;
Sec. 12, W½NW¼, NW¼SW¼;
Sec. 13, lots 5 to 9, inclusive, 39 to 41, inclusive, 43 to 64, inclusive, and 64A to 102, inclusive, SE¼SE¼;
Sec. 14, lots 47, 48, 50, 60 to 63, inclusive, those parts of lots 64 and 65 in the SE¼NE¼, and that part of the NW¼NE¼ south of and including the highway;
Sec. 24, lots 1, 2, 5, 6, and that part of 7 in the W½NE¼, lots 9 to 28, inclusive, and 30, those parts of lots 29, and 31 to 34, inclusive, in the W½ and N½ of the NE¼, lots 49, 50, 54 to 57, inclusive, 59 to 71, inclusive, and those parts of lots 44, 45, 48, 51, 52, 53, and 58 in the E½NW¼.
T. 43 S., R. 3 E.,
Sec. 4, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 8, SE¼NE¼, E½SE¼;
Sec. 9, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 10, NE¼NW¼, S½NW¼, S½;
Sec. 11, SW¼SW¼;
Sec. 13, S½;
Sec. 14, NW¼NW¼, S½NW¼, S½;
Secs. 15 and 16;
Sec. 17, NE¼, SW¼NW¼, S½;
Sec. 18, lots 2 to 4, inclusive, NE¼, E½W½, SE¼;
Sec. 19, lot 1, NE¼, NE¼NW¼;
Sec. 20, N½NE¼, SE¼NE¼, NW¼;
Sec. 21, N½, N½S½;
Sec. 22, NE¼, E½NW¼;
Sec. 23, N½;
Sec. 24, N½, E½SW¼, SE¼;
Sec. 25, N½NE¼, SE¼NE¼, NE¼NW¼, E½SE¼.

The area described aggregates about 87,499 acres, more or less, of which about 61,993 acres are classified as coal lands, about 11,563 acres which were formerly classified as noncoal lands are hereby reclassified as coal lands, and about 13,943 acres are classified as noncoal lands.

WILLIAM A. RADLINSKI,
Acting Director.

DECEMBER 22, 1969.

[F.R. Doc. 69-15436; Filed, Dec. 30, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-157; NDA No. 7-877 etc.]

CERTAIN SULFANILAMIDE AND SULFATHIAZOLE PREPARATIONS FOR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of November 6, 1968 (33 F.R. 16307), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the efficacy of certain topical-use drugs containing sufanilamide or sulfathiazole, and stated his intention to initiate proceedings to withdraw approval of the new-drug applications for such preparations. The first five drugs (four firms) listed below were named in the announcement. These firms and also Philips Roxane Laboratories and Eli Lilly & Co., holders of new-drug applications for similar preparations, have waived opportunity for a hearing on the proposed withdrawal of approval of such applications. (This order does not affect the status of Actilamide Ophthalmic Solution provided for in NDA 7-877.)

1. Actilamide (reaction product of sulfanilamide 0.4 percent and chloramine T 0.13 percent) oral gargle or throat spray; Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109 (NDA 7-877).

2. Actilamide (reaction product of sulfanilamide 0.4 percent and chloramine T 0.13 percent) nose drops; Broemmel Pharmaceuticals (NDA 7-877).

3. Sulfathiazole gum (0.25 gram per tablet); White Laboratories, Inc., Kenilworth, N.J. 07033 (NDA 5-333).

4. Sulfel (sulfathiazole 2 grains and calcium carbonate 1 grain per tablet); The Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, Pa. 18102 (NDA 5-625).

5. Curad medicated adhesive bandages (sulfathiazole 10 percent of fabric compress by weight); The Kendall Co., 309 West Jackson Boulevard, Chicago, Ill. 60606 (NDA 4-964).

6. Sulfathiazole and Benzocaine Troches (sulfathiazole 2 grains and benzocaine 0.25 grain); Philips Roxane Laboratories, Inc., Columbus, Ohio 43216 (NDA 5-136).

7. Lozenges Sulfathiazole (sulfathiazole 5 grains); Eli Lilly & Co., Indianapolis, Ind. 46206 (NDA 5-343).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), the Comissioner on the basis of new information evaluated with the evidence available when the applications were approved finds there is a lack of substantial evidence that the above-listed drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the listed new-drug applications (except NDA 7-877), and all amendments and supplements applying thereto, is withdrawn. For NDA 7-877, approval of that part providing for an article to be recommended for use as a gargle, throat spray, or nose drops, and any amendments and supplements applying thereto, is withdrawn.

Any person who will be adversely affected by removal of any such drug(s) from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing should identify the claimed errors in the Administration's conclusions as to the effectiveness of the drug(s), provide a well-organized and full factual analysis of the clinical and other investigational data he is prepared to prove in support of his objections, and show that he is prepared to produce "substantial evidence" derived from adequate and well-controlled clinical investigations in accord with § 130.12 of the new-drug regulations (21 CFR 130.12; 34 F.R. 14596) in support of the effectiveness of the drug. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing there is a genuine and substantial issue of fact that requires a hearing.

If a hearing is granted a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

When this order becomes effective, the listed drugs (except as provided above for Actilamide Ophthalmic Solution), and any similar preparations for human use and offered for such effects will be regarded as new drugs for which an approved new-drug application is not in effect and will be subject to regulatory action.

This order will become effective 40 days after its date of publication in the FEDERAL REGISTER unless stayed by the filing of proper objections.

Dated: December 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-15431; Filed, Dec. 30, 1969; 8:47 a.m.]

[DESI 12-13NV]

NEOMYCIN SULFATE-TETRACAINE HYDROCHLORIDE-METHYLROSANILINE CHLORIDE-BORIC ACID PREPARATION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Neo-Tetra Spray and Pinkeye Spray; containing neomycin sulfate equivalent in activity to 28.4 milligrams of neomycin per ounce, 0.5 percent tetracaine hydrochloride, 0.24 percent methylrosaniline chloride, and 2.0 percent boric acid; manufactured by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502. Neo-Tetra Spray is distributed by Bio-Ceutic Laboratories, 2621 North Belt Highway, St. Joseph, Mo. 64502, and Pinkeye Spray is distributed by Anchor Serum Co., 2400 Fredrick Avenue, St. Joseph, Mo. 64506. Both firms are subsidiaries of Philips Roxane, Inc.

The Academy concluded that (1) these products are probably not effective as an aid in the prevention and treatment of infectious keratitis (pinkeye) in cattle, (2) they are not effective for use in treating pinkeye in sheep, (3) the dosage schedule declared on the labels is inadequate, (4) tetracaine should be removed if the products are labeled for repeated use, (5) the products are probably effective for use as a topical wound dressing for minor cuts and abrasions of cattle, sheep, and horses, however, no documentation was submitted to establish dermatological use of the products and (6) there should be proper notation on the labels concerning possible toxicity of boric acid when used on wounds. The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in the announcement will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration, and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new animal drug application for the subject drugs has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested persons may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-15432; Filed, Dec. 30, 1969; 8:47 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0909) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances for negligible residues of the fungicide *p*-(dimethylamino)benzenediazo sodium sulfonate in or on the raw agricultural commodities avocados and sugar beets (roots and tops) at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the fungicide involves filtration for separation and cleanup of the residues, light-catalyzed coupling with resorcinol in alkaline solution, transfer to benzene, and measurement of the optical density at 450 milimicrons.

Dated: December 18, 1969.

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

[F.R. Doc. 69-15433; Filed, Dec. 30, 1969; 8:47 a.m.]

Office of the Secretary

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED

Notice of Premium Rate

Title XVIII of the Social Security Act—health insurance for the aged.

Pursuant to authority contained in section 1839(b)(2) of the Social Security Act (42 U.S.C. 1395r(b)(2)), as amended by Public Law 90-248, I hereby determine and announce that the dollar amount which shall be applicable for premiums, for purposes of section 1839(b)(2) of the Act, as amended, shall be $5.30 for months in the 12-month period beginning July 1970 and ending June 1971.

Dated: December 23, 1969.

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

STATEMENT OF ACTUARIAL ASSUMPTIONS AND BASES EMPLOYED IN ARRIVING AT THE AMOUNT OF THE STANDARD PREMIUM RATE FOR THE SUPPLEMENTARY MEDICAL INSURANCE PROGRAM BEGINNING JULY 1970

There follows a statement of actuarial assumptions and bases employed in arriving at the amount of the standard premium rate for the supplementary medical insurance program for the period July 1970 through June 1971. The standard premium rate is that rate which is payable by those who enroll in their initial enrollment period and by those who enroll in a general enrollment period that terminates less than 12 months after the close of their initial enrollment period.

The actuarial determination has been made on the basis of the actual operating experience under the program. Virtually complete operating-experience figures for the 6 months of 1966 and for 1967 are now available, but because of the timelag in the submission of bills for this program, figures for 1968 are not quite complete, and only partial data for 1969 are available.

ANALYSIS OF DATA ON A CASH BASIS

Current figures for cash expenditures under the program are available on a complete, accurate basis, but these figures taken alone are misleading because they do not take into account the liabilities arising from the natural delay in benefit payments, which are not made until well after the date that services were received. Such delay is due to the tendency of enrollees to accumulate a number of bills before submitting a claim, the inherent delays by physicians, other suppliers of services, and enrollees in making requests for payment, and the time required by the carriers and intermediaries to adjudicate and pay claims. The data on a "cash" basis are presented first, since they are the base from which the incurred figures needed for the premium-rate determination are developed.

The balances in the supplementary medical insurance trust fund at the end of various selected typical past months are as follows (in millions):

Month	*Balance*
January 1967[1]	$467
March 1967	570

[1] Balances for months in 1966 were unduly low, because no federal matching payments were made until January 1967.

Month	Balance
December 1967	$412
July 1968	403
December 1968	421
June 1969	378
October 1969	242

As compared with the balance of $242 million in the supplementary medical insurance trust fund at the end of October 1969, there were at that time substantial outstanding liabilities incurred for services rendered during the previous months of operation of the program, most of which had not yet been submitted for claims payment—an estimated $800 million approximately. It is expected that the trust-fund balance will continue to decrease during the remainder of fiscal year 1970, because the actuarially inadequate premium rate of $4 per month which was promulgated in December 1968 will still be in effect throughout this period. It is estimated that the trust fund balance will reach approximately $100 million on June 30, 1970.

On the basis of claims and administrative expenses paid (cash basis), the average monthly per capita expenditures of the program for the 21 months in the first premium period, July 1966 through March 1968, amounted to $5.12. Similarly, the average monthly per capita expenditures on a cash basis in the second premium period, April 1968 through June 1969, amounted to $8.05. Finally, the average monthly per capita expenditures (cash basis) for the first 5 months of the third premium period, July 1969 through June 1970, amounted to $8.84.

ANALYSIS OF DATA ON AN INCURRED BASIS

The figures on a cash basis need to be adjusted for the estimated increase in liability that took place during the period for benefits that will be paid for services rendered during the period, but that had not been paid at the end of the period (and the accompanying administrative expenses). In other words, the premium rate must be set on an accrual or incurred basis, rather than a cash basis.

Estimates on an incurred basis for the 21 months involved in the first premium period (July 1966 through March 1968) indicate that benefits and administrative expenses per capita exceeded income from premiums and matching government contributions by $.65 per month (i.e., 32½ cents each), or by 11 percent relatively. These estimates are based on virtually complete experience data. If account is taken of the interest earnings of the trust fund, this deficit is reduced to $.57 per month, or 9½ percent relatively. If the comparison is made for the 18-month period, July 1966 through December 1967, for which the combined rate of $6 originally applied (having been extended 3 months by legislation in 1967), the differential under-estimate would have been 6 percent (taking into account the effect of the interest earnings of the trust fund).

Estimates on an incurred basis for the 15 months involved in the second premium period (April 1968 through June 1969), indicate that the total per capita cost exceeded income from premiums and matching government contributions by $.65 per month, or by 8 percent of the combined rate of $8. These estimates are based on moderately complete experience data. If account is taken of the interest earnings of the trust fund, this deficit is reduced to $.55 per month, or 7 percent relatively.

Similar figures on an incurred basis for the third premium period (July 1969 through June 1970) necessarily must be based largely on estimates of the experience which will develop. Estimates for this period (which are described in more detail later, especially as to assumptions and methodology) indicate that the total per capita cost will exceed income from premiums and matching government contributions by about $1.28 per month, or by 16 percent relatively. If account is taken of the interest earnings of the trust fund, this estimated deficit is reduced to $1.22 per month, or 15 percent relatively.

It should be noted that this large deficit for the third premium period would not have occurred if the actuarially-determined and recommended premium rate of $4.40 had been promulgated, instead of the rate of $4 which was promulgated. If there had not been the administrative action to defer recognition of increases in physicians' fee for reimbursement purposes, a $4.40 rate would have resulted in an estimated deficit (after allowing for the higher interest receipts) of about $0.48 to $0.53 per capita per month, or about 6 percent relatively. Such estimated deficit takes into account the element that the costs of the program were apparently reduced by $0.10 to $0.15 per capita per month by such administrative action. It is possible—although not susceptible of proof—that the promulgation of the higher rate ($4.40) in itself would have led to higher program costs than were actually experienced, because of the psychological effect of having the Government predict a rise in physicians' fees.

In any event, it cannot be emphasized too strongly that the base for the estimate of the premium rate now to be promulgated for the fourth premium period (July 1970 through June 1971) is a presently-experienced cost requiring a standard premium rate of at least $4.60 and possibly $4.70 per month, and not the $4 which is currently being collected.

BASIC ESTIMATE OF FUTURE EXPERIENCE ON AN INCURRED BASIS

In estimating the cost of the program for July 1970 through June 1971 it is necessary to provide for the long-term trend toward greater utilization of medical services (including the effects of the discovery and more frequent use of new, highly expensive medical techniques) and the long-term upward trend of the general earnings level and the general price level, which will be reflected in higher physicians' fees, higher costs for other covered services, and higher administrative expenses. In the estimates in this section, the minimum reasonable assumptions as to future increases have been made. Certain other estimates based on somewhat higher cost assumptions are discussed in a later section.

For the purpose of estimating the necessary premium rate for July 1970 through June 1971 it was assumed that, in comparing calendar year 1969 with 1968, the combined effect of increases in physicians' fees and costs of other covered medical services and of increases in utilization would be an increase of 5½ percent. The corresponding figure for calendar year 1970 as compared with 1969 is 7½ percent, while the rate used for 1971 as compared with 1970 is 8½ percent. The breakdown of these aggregate increases into the three components is as follows:

Calendar year	Assumed Increase over Previous Year		
	Physicians' fees [1]	Costs of other covered services [2]	Utilization of services
	Percent	*Percent*	*Percent*
1969	2	15	3
1970	4	14	3
1971	6	13	2

[1] As recognized by the program.
[2] Including effect of increased utilization of such services which is in excess of assumed general increase in utilization.

It should be observed that the relatively low rate of increase for 1969 over 1968 reflects the deferment of recognition of increases in physicians' fees for reimbursement purposes that was put into effect by regulations at the end of 1968.

The rates of increase for calendar years 1970 and 1971 are based on the assumption that such deferment will be moved forward successively by 1 year—i.e., that the deferment applicable from July 1970 through June 1971 will be based on the situation as to physician fees during 1969. It should also be noted that these assumed rates of increase take into account the fact that the costs of covered nonphysician services, such as hospital outpatient care and home health services, which represent only about 10 percent of the total cost of the program, have been increasing more rapidly than physicians' fees and have not been subject to a deferment of recognition of cost changes.

Administrative expenses are assumed to represent about 11½ percent of the benefit payments; this figure is based on the actual operating results in 1969 and budget estimates for future years (all on an incurred basis). The average interest rate on the invested assets of the trust fund is assumed to be 6½ percent (the rate applicable to the entire portfolio as of September 30, 1969). This rate might be somewhat higher during the next premium period, but since the balance in the trust fund will not be very large, the effect of the interest-rate assumption is not significant; for example, if a 7-percent interest rate were assumed, the per capita cost would be reduced by less than one-half cent per month.

It is estimated that the incurred monthly per capita *total* cost, on a calendar-year basis, would have been $8.28 for 1968 if the provisions of the 1967 amendments had been in effect for the entire year (instead of only part of it) and if there had not been the influenza epidemic in late 1968 and early 1969. This consists of $7.46 for benefits and $.82 for administrative expenses. This approach has been taken in order to obtain a proper base on which to build estimates of future costs; the possibility of epidemics occurring is later taken into account by adding a contingency margin to the estimated costs for "normal" conditions.

On the basis of the foregoing assumptions, it is estimated that the monthly per capita *benefit* cost on a calendar-year basis will be $7.95 for 1969 (again exclusive of the additional cost arising from the influenza epidemic in late 1968 and early 1969). The corresponding benefit-cost figures estimated for 1970 and 1971 are $8.65 and $9.50, respectively. To these must be added the monthly per capita costs for administrative expenses, which are estimated at $.93 for 1969, $1.03 for 1970, and $1.13 for 1971. Thus, the monthly per capita total cost on an incurred basis is estimated at $8.88 for 1969 (exclusive of the additional cost with respect to the influenza epidemic), $9.68 for 1970, and $10.63 for 1971.

The monthly per capita total cost for fiscal year 1969 averages out at $8.58; this is increased to $8.73 if the actual effect of the influenza epidemic is taken into account. The corresponding estimated costs for fiscal years 1970 and 1971 (assuming no influenza epidemic) are $9.28 and $10.16. Thus, as indicated previously, the standard premium rate for fiscal year 1970, promulgated at $4 per month in December 1968, should have been at least $4.60, and quite possibly should have been $4.70. The figure of $10.16 for fiscal year 1971 (half of which is $5.08) indicates that, allowing even a small margin for contingencies (as required by law), the standard premium rate for the period July 1970 through June 1971 would need to be $5.20 per month at the very least. However, as indicated in the analysis which follows, the estimates presented up to this point (which

are on a reasonable-minimum cost basis), the only safe course of procedure—considering the currently depleted state of the trust fund—is to set a rate of $5.30 per month.

OTHER ESTIMATES OF FUTURE EXPERIENCE

A similar analysis of the possible experience in 1969–1971 was made with more detailed and refined methodology and with somewhat higher assumptions as to future increases in medical costs and utilization, all under the assumption that the deferment of recognition of increases in physician fees for reimbursement purposes would be continued on the present lag basis moved up 1 year. This indicated monthly per capita total costs of $8.94 for fiscal year 1969 (including $.38 for the additional costs due to the influenza epidemic), $9.44 for fiscal year 1970, and $10.46 for fiscal year 1971. The last figure indicates that, according to this estimate, a standard premium rate of $5.30 per month should be promulgated for fiscal year 1971, if some reasonable margin for contingencies is to be included.

The level of benefit expenditures indicated by the foregoing estimate was confirmed by an independent calculation of the accrued benefits in 1969, starting with the cash expenditure in calendar year 1969 and adjusting for the benefits incurred but unpaid (due to the aforementioned lag) at the beginning and at the end of 1969, for the effect of the influenza epidemic, and for the liability of the program for certain payments for inpatient radiology and pathology services paid from the hospital insurance trust fund.

Still another type of analysis was made by using as a starting point the actual cash expenditures in fiscal year 1969. These data were adjusted downward for the nonrecurrent nature of the influenza epidemic and upward for certain payments attributable to the supplementary medical insurance program for inpatient radiology and pathology services but, during that time, paid from the hospital insurance trust fund. These calculations yielded a cash-basis per capita cost of $8.26 per month for fiscal year 1969. This figure was then projected to fiscal year 1970, yielding $8.86. Then, the latter figure was converted from a cash basis to an incurred basis, yielding $9.26. Finally, the latter figure was projected for 1 year, to fiscal year 1971, and the result was $10.26, so that on this basis the standard premium rate should be $5.20 with a small allowance for contingencies, and at least $5.30 with a sufficient allowance.

EFFECT OF INTEREST EARNINGS OF TRUST FUND

The interest earnings of the trust fund are available toward the margin for contingencies. If they are not needed to pay benefits and administrative expenses in the current period, they will reduce the unfunded liability for the past deficiency in the premium rate. Interest earnings for fiscal year 1971 are estimated to be the equivalent of only about 5 cents per capita (i.e. 2½ cents as compared with the enrollee premium) in available income, thus providing income toward a contingency margin of only small magnitude.

SUMMARY AND RECOMMENDATION

Based on all available evidence and analyses, the standard premium rate for fiscal year 1971 should be promulgated at $5.30 per month. This is based on the assumptions that there will continue to be a deferment of recognition of increases in physicians' fees for reimbursement purposes and that this deferment will not be advanced more than 1 year (so that, in the new premium period, July 1970 through June 1971 generally speaking no recognition will be given of changes in fees after December 1969).

Although a rate of $5.30 is desirable to provide a sufficient margin for contingencies (as required by law), it should be noted that, even if this margin is not actually used for any contingencies arising in the premium period, it would nevertheless fill the very useful purpose of building up the trust-fund balance to a more desirable level, one which is more in keeping with the concept that the program should be operated on an incurred-cost basis.

It is particularly important to provide a reasonable and adequate contingency margin in the premium rate now being promulgated, since the balance in the trust fund at the beginning of the new premium period will be considerably less than 1 month's benefit outgo. A rate as low as $5.20 (the next lowest possible rate under the law, which requires rounding to $0.10 units) would make very little allowance for possible adverse experience, such as might result from another influenza epidemic or for higher rates of increase in utilization or physicians' fees than the minimum-reasonable rates assumed. If the trust-fund balance at the beginning of the new premium period were to be larger—as would have been the case if the premium rate had not been maintained at $4 by the promulgation made in December 1968, but rather had been increased to the actuarial recommendation of at least $4.40—it might now have been possible to promulgate a rate of $5.20. Such a rate, under these circumstances, would have been able to depend upon the interest earnings of the trust fund serving as a major part of the protection against unforeseen contingencies.

The explanation of the $1.30 increase in the monthly standard premium rate for the new premium period can be summarized in the following manner:

(a) The cost of the protection under the program as in effect in the current premium period is estimated to exceed income from premiums and matching government contributions by about 16 percent—an increase of about 64 cents.

(b) The utilization of medical services is assumed to be higher in the new premium period than in the current period, and so the program cost is higher—an increase of about 12 cents.

(c) The level of physicians' fees recognized by the program and of the costs and charges for other covered services is assumed to be higher in the new premium period than in the current period, and so the program cost is higher—an increase of about 26 cents.

(d) The $50 deductible represents a smaller proportion of the total covered reimbursable charges when these increase as a result of either higher charges or costs of providers of services or higher utilization—an increase of 6 cents.

(e) The promulgated rate includes a minimal allowance of about 4 percent so as to provide a margin for contingencies, especially since the foregoing cost figures are based on reasonable-minimum cost projections and do not allow for any possible adverse morbidity experience (such as the influenza epidemic of 1968–1969), and to provide for an adequate contingency reserve to be present in case of adverse experience, since the trust-fund balance at the beginning of the premium period will be very low—an increase of 22 cents.

[F.R. Doc. 69-15417; Filed, Dec. 30, 1969; 8:46 a.m.]

Public Health Service

DISTRICT OF COLUMBIA MEDICAL FACILITIES CONSTRUCTION ACT OF 1968

Establishment of Priority Criteria for Determining Order in Which To Approve Applications for Projects in Different Categories

Notice is hereby given that pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457) to establish criteria for determining the order in which to approve applications for grants and loans for projects in different categories (sec. 4(b)) the criteria are hereby established as follows:

In determining the priority between projects in different categories (i.e., hospitals, public health centers, long-term care facilities, diagnostic or treatment centers, rehabilitation facilities, facilities for the mentally retarded, or community mental health centers) consideration shall be given to the following factors:

(1) The relative need for the category or categories of facilities involved;

(2) The degree to which the facility provides or will provide either directly or by referral agreements with other health, rehabilitation, and welfare agencies, health and rehabilitation services on a comprehensive, multidisciplinary basis;

(3) The extent to which the project can accelerate the availability of additional or higher quality health care services or provide comparable services more efficiently.

(4) The degree to which the project is or will be consonant with the pattern for delivery of health and mental retardation services developed by the State Agency of the District of Columbia and the approved health facilities areawide planning body for the Washington metropolitan area.

(5) The degree to which the facility will contribute to the solution or reduction of long-range health and rehabilitation problems.

The above criteria shall be utilized by the Department of Health, Education, and Welfare in its review of the projects submitted by the District of Columbia for funding under the Second Supplemental Appropriation Act of 1969. Additional or different criteria may be established by the Secretary for use in determining priority for grant or loan projects submitted by the District of Columbia for funding out of subsequent appropriations.

Dated: December 23, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-15418; Filed, Dec. 30, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21674]

ALM DUTCH ANTILLEAN AIRLINES

Notice of Prehearing Conference and Hearing

Application for amendment of its foreign air carrier permit so as to permit it to engage in scheduled and charter foreign air transportation of persons, property, and mail between points in the Netherlands Antilles, on the one hand, and San Juan, P.R., United States, on the other hand.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 7, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., December 22, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-15471; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 21700]

AMERICAN FLYERS AIRLINE CORP. AND REGENCY INCOME CORP.

Notice of Proposed Approval

Joint application of American Flyers Airline Corp. and Regency Income Corp., Docket 21700.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority on December 30, 1969. Prior to such time interested persons may file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 23, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

Application of American Flyers Airline Corp. and Regency Income Corp. for approval under section 408 of the Federal Aviation Act of 1958, as amended, or a disclaimer of jurisdiction or exemption from the provisions thereof; Docket 21700.

By joint application, filed December 15, 1969, American Flyers Airline Corp. (Flyers) and Regency Income Corp. (Regency) request approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), or a disclaimer of jurisdiction or an exemption [1] from the provisions thereof pursuant to section 416(b) of the Act, with respect to the sale to Regency by Flyers of four (4) Lockheed Electra 188-C aircraft.

Flyers is a U.S. supplemental air carrier engaged in furnishing charter air transportation of persons and property. Regency, according to the application, is a Colorado corporation engaged in the lease, financing and management of machinery and equipment, including corporate and commercial-type aircraft.

Pursuant to a Conditional Sale Agreement, dated December 10, 1969, Flyers has agreed to sell one (1) Lockheed Electra aircraft to Regency at a purchase price of $550,000.[2] In addition, Flyers has granted Regency an option to purchase three (3) additional Lockheed Electra aircraft at purchase prices of $525,000, $500,000, and $425,000, with option dates of February 15, 1970, May 15, 1970, and July 1, 1970, respectively. Flyers will also furnish Regency with spare parts and other Lockheed Electra aircraft equipment having an aggregate fair market value of $25,000. Such items are to be covered by the purchase price of the aircraft.

The application recites that the sale of the Lockheed Electra aircraft in question will in no way cause a diminution of Flyers' charter service to the public.[3] In this regard, the applicants assert that because of grossly uneconomical utilization and yields Flyers had previously determined to phase out its Electra equipment.

The applicants' alternative request for a disclaimer of jurisdiction will be denied as we have decided to grant the primary request for approval of the transaction under the third proviso of section 408(b). However, it appears that a disclaimer would not be warranted in any event as the purchase of even one aircraft by Regency could result in the acquisition by Regency (a person engaged in any other phase of aeronautics) of a substantial portion of the properties of Flyers (an air carrier) within the meaning of section 408(a)(2).[4]

No objections or requests for a hearing have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the instant transaction it is found that the acquisition by Regency of up to four (4) Lockheed Electra aircraft from Flyers is subject to section 408(a)(2) of the Act. However, it is further concluded that such acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing.

The transaction appears to be in the public interest in that it may enhance Flyers' ability to meet its service obligations. In this connection, the application indicates that Flyers has had an operating loss for all operations during the past eighteen (18) months, and that it has a need for the funds which may be realized from the sale of the aircraft in order to strengthen its current operations and to assist in the purchase of modern jet aircraft suitable to its market requirements.[5]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing aircraft purchase transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered, That:

1. The purchase from Flyers by Regency of up to four (4) Lockheed Electra aircraft, together with spare parts and equipment, be and it hereby is approved;

2. This action shall not be deemed a determination for rate-making purposes of the reasonableness of the transaction; and

3. Except to the extent granted herein, the application in Docket 21700 be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective upon issuance and the filing of petitions shall not stay its effectiveness.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15472; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 21730; Order 69-12-106]

DISCOUNT 50 AIR TRAVEL U.S.A.

Order of Investigation and Suspension

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

Cancellation of free stopovers in connection with Discount 50 Air Travel U.S.A. fares proposed by eight trunkline carriers; Docket 21730.

By tariff revisions marked to become effective December 31, 1969 [1] eight trunkline carriers, American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Frontier Airlines, Inc. (Frontier), Northwest Airlines, Inc. (Northwest), Trans World Airlines, Inc. (Trans World), United Air Lines, Inc. (United), and Western Air Lines,

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[1] Flyers individually seeks exemption pursuant to section 416(b) of the Act. In this connection, the application cites a special urgency in obtaining approval or other relief as the funds available to Regency for the purchase of the first aircraft are committed on the basis of an expenditure prior to or upon close of the current calendar year.

[2] A payment of $50,000 was to be made on the first aircraft at the time of signing of the Conditional Sale Agreement. The balance of the purchase price is to be paid on or before Dec. 31, 1969.

[3] Flyers' fleet currently consists of two (2) DC-8-63 jet aircraft, two (2) Boeing 727 jet aircraft and five (5) Lockheed Electra 188-C aircraft.

[4] Flyers' request for an exemption pursuant to section 416(b) will also be denied. In order for Flyers to qualify for such an exemption, which applies only to air carriers, Flyers would have to be the person acquiring the the aircraft.

[5] The application indicates that Flyers has two (2) DC-8-63 aircraft currently on order with delivery expected in April or May of 1970.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 101, Special Rule 18.

Inc. (Western), propose in connection with their Discount 50—Air Travel U.S.A. fares [2] to concel the free stopover provision under this tariff. Presently a passenger is required to make a minimum of at least three stopovers between his point of origin and final destination. In effect, the proposed elimination of the free stopover provision would require the passengers utilizing this tariff to pay the higher combination of local fares over whatever number of stopover points they may choose in their itineraries.

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

Upon consideration of all relevant matters, the Board finds that the carriers' proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated.

The instant filing involves a fare increase in that passengers would be required to pay the combination of fares over each point of stopover, whereas presently the passenger generally pays 50 percent of the through round-trip fare to the point of stopover farthest from the point of origin. While cost increases may justify some increase in these special fares, we believe the sounder approach would be to effect a moderate reduction in the 50 percent discount, e.g., to 40 or 35 percent, rather than to apply the current discount via each point of stopover, as proposed. Accordingly, the tariff will be suspended pending investigation.

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

It is ordered, That:

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

2. Pending hearing and decision by the Board, the provisions described in Appendix A attached hereto [3] are suspended and their use deferred to and including March 30, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

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

4. A copy of this order be filed with the aforesaid tariff and served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15470; Filed, Dec. 30, 1969; 8:49 a.m.]

[2] The Discount 50 tariff provides first-class and coach fares at a 50 percent discount for local and interline domestic travel by persons residing outside the Western Hemisphere, or for military or civilian personnel of the U.S. Government stationed outside the Western Hemisphere.

[3] Appendix A filed as part of original document.

[Docket No. 21594; Order 69-12-112]

EASTERN AIR LINES, INC., ET AL.

Order Regarding Proposed Fare Increases

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

Fare increases between major east coast terminals and Puerto Rico and the Virgin Islands proposed by Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc.; Docket 21594.

By Order 69-11-31, November 7, 1969, the Board suspended and set for investigation fare increases proposed by Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American), and Trans Caribbean Airways, Inc. (Trans Caribbean), between certain east coast terminals and Puerto Rico and the Virgin Islands. The fare increases were marked to become effective November 9, 1969. This action was taken to afford the Board an opportunity to consider allegations raised by the Commonwealth of Puerto Rico (Commonwealth) in its complaint and petition for reconsideration filed on November 7, 1969.

The thrust of the Commonwealth's complaint is (a) that the proposed fare increases are not justifiable on the basis of cost increases experienced by the carriers and are based solely on the short-run financial condition of two of the three carriers in the market; (b) that the costs attributed by the carriers to Puerto Rico services are not justified because of deficiencies in their allocation techniques; (c) that Puerto Rico is subject to undue preference and prejudice by failure of the carriers to increase fares to other Caribbean destinations in proportion to Puerto Rico fares; and (d) that it is essential to the economy of Puerto Rico that fares be maintained at the lowest possible level.

Eastern, Pan American, and Trans Caribbean have submitted petitions requesting that the Board vacate Order 69-11-31. The Commonwealth has filed an answer to these petitions.

Upon consideration of the complaint of the Commonwealth, the carriers' 69-11-31, the answere thereto, and other relevant matters, the Board finds that the continued suspension of the proposed fare increases is unwarranted. We also find that the facts presented do not justify an investigation of the proposed fares.

We have reviewed the methods of allocation utilized by the carriers and cannot conclude, as does the Commonwealth, that the costs which they have assigned to Puerto Rico/Virgin Islands services are unreasonable. While the Commonwealth referred to several areas where it felt that the carriers' allocations were deficient, it did not attempt to place a dollar value on the deficiencies. In any event, Pan American and Trans Caribbean claim operating losses exceeding $7 million and $4 million respectively, and accordingly it would require a finding of error of considerable proportions to reach a substantially different conclusion as to the profitability of these services.

The largest single market here involved is New York-San Juan, and the overwhelming majority of the passengers utilize the third class fare. The carriers have proposed one-way third class fares ranging from $57 (midweek night) to $76 (weekend day) which yield between 3.55 and 4.74 cents per mile. By any standard, these yields are relatively low in relation to the current cost of providing air service. In 1963, the Board found in the Reopened Puerto Rico Third-Class Passenger Fare Investigation, 39 C.A.B. 244, that a one-way fare of $60.75 between New York and San Juan was reasonable for third class service. Trans Caribbean has submitted data which indicate that its average third class fare in this market in the second quarter of 1969 (subsequent to the Mar. 1, 1969 fare increase) was $57.36, and that with the proposed increase the average fare will be $63.08, or 3.8 percent above the third class fare found reasonable 6 years ago. We have no reason to conclude that the average third class fare for the other two carriers would be substantially different, and there can be no doubt that the cost of operations has increased substantially more than 3.8 percent in the last 6 years.

We are sympathetic to the Commonwealth's interest in seeing that fares are maintained at the lowest possible level. However, we cannot ignore the fact that the air carriers serving this market must have a fare level that is adequate to cover the cost of operations and will afford the opportunity to earn a fair return on their investment.

Finally, the Board has concluded to permit tariff filings implementing the fare increases described above, effective no earlier than January 11, 1970, and on not less than 14 days' notice.

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

It is ordered, That:

1. The suspension directed in the ordering paragraph 2 of Order 69-11-31 dated November 7, 1969, is hereby vacated effective January 11, 1970; *Provided*, That the carriers shall, upon not less than 14 days' notice to the Board and

to the general public, publish, post, and file tariffs to be effective not earlier than January 11, 1970, to implement fares and provisions set forth in ordering paragraph 2 of Order 69-11-31.

2. The investigation instituted in Docket 21594 is dismissed.

3. A copy of this order shall be filed with the tariffs and be served upon Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., the Commonwealth of Puerto Rico, and the Government of the Virgin Islands.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-15473; Filed, Dec. 30, 1969; 8:49 a.m.]

[Dockets Nos. 21280, 18381; Order 69-12-109]

EXECUTIVE AIRLINES, INC.

Order To Show Cause Regarding Mail Rates

Issued under delegated authority December 24, 1969.

The establishment of final and temporary service mail rates for Executive Airlines, Inc., Docket 21280; nonpriority mail rates, Docket 18381.

Executive Airlines, Inc. (Executive), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed August 4, 1969, in this docket Executive requested that the Board establish the domestic multielement service rates for priority and nonpriority mail as final rates for the transportation of mail over its entire system. The Postmaster General supports Executive's petition.

Pending Board decision on Executive's petition, by supplemental petition filed December 23, 1969, the Postmaster General requested expedited action to establish the above as the final rates for Executive for the transportation of mail by aircraft between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Worcester, Mass., Lebanon, N.H., and Montpelier, Vt., on the other. Expedited action is necessary to provide for transportation of mail by aircraft in these markets in view of the indicated imminent suspension of service by Northeast Airlines, Inc., prior to mid-January.[1]

No service mail rates are currently in effect for this service by Executive. It is requested that the multielement rates[2] and conditions established in Orders E-25610 and E-17255 and which are in effect for Northeast on these routes be made applicable to Executive.

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Executive at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Executive in the same manner as they were applicable to Northeast in providing mail services in these markets.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Northeast) for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Executive receive the same compensation as Northeast for the same services, we propose to establish temporary service rates for nonpriority mail for Executive at the level established in Order E-17255, as amended. We will also make Executive a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Executive by the Postmaster General for the air transportation of mail, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Worcester, Mass., Lebanon, N.H., and Montpelier, Vt., on the other. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[3] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid Executive Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Lebanon, N.H., Montpelier, Vt., and Worcester, Mass., on the other shall be the rates established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid Executive Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Lebanon, N.H., Montpelier, Vt., and Worcester, Mass., on the other shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

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

It is ordered, That:

1. All interested persons and particularly Executive Airlines, Inc., the Postmaster General, and Northeast Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Executive Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall also be filed within the same 10 days after service of this order;[4]

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within the said 10 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

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

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[1] See temporary suspension granted in Order 69-12-73, Dec. 16, 1969.

[2] The present rates per Order 69-9-118, Sept. 19, 1969, are as follows:

Priority mail: 24 cents per ton-mile plus 9.36 cents per pound at Keene, Lebanon, Montpelier, and Worcester; and 2.34 cents per pound at Albany and Boston.

Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Montpelier, 3.32 cents per pound at Keene, Lebanon, and Worcester; and 1.66 cents per pound at Albany and Boston.

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

[4] In view of the urgency to establish a final rate, filing of an answer simultaneously with the notice is necessary.

5. Executive Airlines, Inc., is hereby made a party to the proceedings in Docket 18381;

6. This order shall be served upon Executive Airlines, Inc., the Postmaster General, and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15474; Filed, Dec. 30, 1969; 8:49 a.m.]

EXPRESS AIR FREIGHT, INC.

Notice of Application for Tariff-Filing Authority; Pick-up and Delivery Zone

DECEMBER 23, 1969.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 21726, from Express Air Freight, Inc., 2590 U.S. Highway No. 22, Scotch Plains, N.J. 07076, for authority to provide for pickup and delivery service between J. F. Kennedy International Airport or Newark Airport and the following Connecticut points:

Ansonia.	North Haven.
Beacon Falls.	Orange.
Brookfield.	Ridgefield.
Derby.	Sandy Hook.
Devon.	Seymour.
East Haven.	Shelton.
Hamden.	Stratford.
Milford.	Trumbull.
Naugatuck.	Wallingford.
New Britain.	Waterbury.
New Haven.	West Haven.
Newtown.	Woodmont.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15475; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 20812]

HOUSEHOLD GOODS AIR FREIGHT FORWARDER INVESTIGATION

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on January 6, 1970, is postponed to February 24, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., December 23, 1969.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-15476; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 21474; Order 69-12-102]

LIVE ANIMALS AND BIRDS

Order Regarding Air Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1969.

By Order 69-9-149 dated September 29, 1969, the Board set for investigation certain air freight rates on live animals and birds.[1] In its order, the Board stated:

> The carriers and the Board will therefore be faced with a rather substantial proceeding, involving considerable time and effort on the part of all concerned. The Board would prefer to avoid such extensive litigation for a limited segment of the total goods moving in air freight transportation. The Board would favor cancellation of all premium or other specific commodity rates on live animals and birds, but without prejudice to the right of the carriers to refile rates which they are prepared to justify. To implement this, the Board suggests a tariff filing within 30 days or less, canceling rates for effectiveness January 1, 1970, during which period the carriers may refile any rates they are prepared to justify; the Board further suggests that such refiling be made on not less than 45 days' posting notice, also for effectiveness January 1, 1970, to insure ample time for review by shippers, the Board, and any other interested parties. The foregoing does not, of course, preclude the right of shippers to protest and the right of the Board to pursue the investigation of such refiled rates by the carriers.

By petitions filed October 29 and November 3, 1969, respectively, American Airlines, Inc. (American), and United Air Lines, Inc. (United) variously state that they concur in the Board's desire to avoid extensive proceedings, but that additional time is required. American suggests that each carrier circulate within 60 days a tariff proposal for the transportation of live creatures, together with appropriate supporting data, that shipper parties be given a 30-day opportunity thereafter for comment, followed by further consideration, comment, and modification of such proposals by the carriers, and that only the unresolved issues be thereafter pursued to formal hearing. A deferral of 120 days in procedural dates in this docket is therefore requested by American.

United suggests that the Board's schedule of filings based on January 1, 1970, be adjusted, and that they will be prepared to file a revised tariff for effectiveness April 1, 1970.

A reply to American's petition of October 28, 1969, was filed with the Board on November 10, 1969, by the Allied-American Bird Co. (Allied), a division of Hartz Mountain Products Corp., protesting any delay in the Board's suggested cancellation of current premium rates on live creatures. The arguments of the protestant are essentially that American cannot speak for the entire air industry, that the regulations of the Board do not permit the requested relief from the tariff filing and posting requirements of the Board, that the unlawful rates now under investigation will be perpetuated in existence without valid reasons for such extension, and that the Board should limit the time requested by American. In addition, Allied requests that as a prerequisite to additional time which the Board may grant the carriers, such extension should be contingent upon a commitment by the carriers in the form of their cancellation of present rates suggested by the Board in Order 69-9-149.

No other comments, responses, or tariff filings directly pursuant to the Board's orders cited above have been received by the Board.

Upon consideration of the petitions cited above, the response of Allied and our prior orders, the Board has concluded that it will not, as requested by American, depart from the established tariff filing processes which were provided for in the Board's prior order. Service of proposed tariff rates and supporting justification upon only those shippers currently of record would deprive all other shippers or interested persons of their opportunity to challenge a premium rate through the usual processes of a tariff complaint.

United's petition asserts that it would not have adequate time for filing a revised tariff by November 15, as suggested in the Board's order. In this regard United noted that the rates under investigation have not been recently reviewed, that substantial time and effort would be necessary to develop revised rates and prepare a justification, and that United is currently working on a number of other tariff matters. In these circumstances the Board will defer for a reasonable period further procedural steps, which in the usual course would be initiated by a calling of the pre-hearing conference. This will allow the carriers the opportunity to make appropriate tariff filings which would (1) cancel the existing premium and the specific commodity rates, and (2) reestablish rates or modifications thereof as the carriers are able to support. The Board will expect that such filings would be made promptly and that such refilings be made on not less than 60 days' posting notice.

To avoid any misunderstanding on this point by carriers or shippers, it is not the Board's intent to exercise its right of suspension on the refiling of any present rate. Rather, it is the Board's desire first to encourage the carriers to review and justify their rates, and second, to provide all shippers an opportunity to protest such rates in accordance with the Board's Regulations. As previously stated, the foregoing does not

[1] See also Order 69-10-139 dated Oct. 28, 1969, naming additional parties to this proceeding.

preclude the right of the Board to pursue the investigation of such refiled rates by the carriers.

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

It is ordered, That:

1. The petitions of American Airlines, Inc., and United Air Lines, Inc., filed October 29 and November 3, 1969, in Docket 21474 are dismissed;

2. This order will be served upon all parties in this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15477; Filed, Dec. 30, 1969; 8:49 a.m.]

[Docket No. 19993; Order 69-12-98]

ROSS AVIATION, INC.

Order to Show Cause

Issued under delegated authority December 23, 1969.

The establishment of service mail rate for Ross Aviation, Inc., Docket 19993.

By Order 68-10-136, October 25, 1968, the Board established for Ross Aviation, Inc. (Ross), an air taxi operator under Part 298, a service mail rate of 35.15 cents per great circle aircraft mile for the transportation of mail by aircraft between Cheyenne and Rock Springs via Rawlins, Wyo.

On November 26, 1969, the Postmaster General filed a petition on behalf of Ross stating that since filing of the notice of intent under which the above rate was established Ross has been required to achieve compliance with new FAA regulations resulting in unforeseeable increases in maintenance and overhead costs. Because of these increased costs, the Postmaster General petitions a new final service mail rate of 42.52 cents per great circle aircraft mile for the transportation of mail by aircraft between Cheyenne and Rock Springs via Rawlins, Wyo. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier and represents a fair and reasonable rate of compensation for the performance of these services under the present requirements of the Department.

The Board finds it is in the public interest to determine, fix, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the Postmaster General's petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

On and after November 26, 1969, the fair and reasonable final service mail rate to be paid in its entirety to Ross Aviation, Inc., by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Cheyenne and Rock Springs via Rawlins, Wyo., shall be 42.52 cents per great circle aircraft mile.

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

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the services as specified therein as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix; and

3. This order shall be served upon Ross Aviation, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

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

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

[F.R. Doc. 69-15478; Filed, Dec. 30, 1969; 8:50 a.m.]

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

FEDERAL HOME LOAN BANK BOARD

[No. 23,631]

STATEMENTS OF POLICY RELATING TO LIQUIDITY AND OBLIGATIONS OF CERTAIN AGENCIES OF UNITED STATES

Rescission

DECEMBER 22, 1969.

Whereas by Federal Home Loan Bank Board Resolution No. 22,862, dated May 29, 1969, and duly published in the FEDERAL REGISTER on June 11, 1969 (34 F.R. 9232) this Board adopted a statement of policy regarding inclusion of obligations of certain agencies or instrumentalities of the United States to meet liquidity requirements and authority of Federal savings and loan associations to invest in such obligations; and

Whereas by Federal Home Loan Bank Board Resolution No. 22,863, dated May 29, 1969, and duly published in the FEDERAL REGISTER on June 11, 1969 (34 F.R. 9232) this Board adopted a statement of policy regarding inclusion of obligations of certain agencies or instrumentalities of the United States as "government obligations"; and

Whereas such resolutions were adopted pending the revision of the Board's regulations governing liquidity and such revision, adopted by the Board on the date of this resolution, will be effective on December 22, 1969;

Now, therefore, it is hereby resolved that Federal Home Loan Bank Board Resolutions numbered 22,862 and 22,863 aforesaid are hereby rescinded effective December 22, 1969.

It is further resolved that the Secretary to the Board is hereby directed to transmit a copy of the foregoing statement approved by this Board to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-15416; Filed, Dec. 30, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4799]

OHIO POWER CO.

Order for Hearing Regarding Proposed Acquisition of Utility Assets from Martins Ferry, Ohio

DECEMBER 22, 1969.

In the matter of Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44701.

Ohio Power Co. ("Ohio Power"), an electric utility subsidiary company of

American Electric Power Co., Inc., a registered holding company, has filed an application and amendments thereto with this Commission pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transaction.

Ohio Power proposes to acquire from the City of Martins Ferry, Ohio ("Martins Ferry"), the electric utility system of Martins Ferry which presently serves approximately 4,400 customers. It is stated that the properties to be acquired, which will be conveyed free and clear of any indebtedness and encumbrances, include three diesel electric generating units and three steam-powered generating units, having an aggregate capacity of some 8,450 kw., 50 pole miles of 4,000-volt "Y" distribution facilities, a street lighting system, and various items of personal property. It is further stated that Martins Ferry is situated in the territory generally served by Ohio Power, and the system's only interconnection with any other utility company is with Ohio Power from which it purchased during 1968 8,500,000 of its total load of 41,000,000 kwh.

Pursuant to an ordinance of the Council of Martins Ferry, invitations for bids for the purchase of the electric utility system were made. Ohio Power's bid of $4,825,000 has been accepted by the City Council. Ohio Power proposes to serve Martins Ferry initially through its existing 69-kv. system by tapping the Martins Ferry 4-kv. system at appropriate locations at a cost of approximately $230,000. Ohio Power further proposes to improve the distribution system to the extent necessary at an estimated cost of approximately $100,000 and eventually to convert the Martins Ferry distribution system to 12-kv. at a cost of approximately $420,000. The company estimates that in the fourth full year of its operation of the Martins Ferry properties annual revenue would approximate $1 million. Ohio Power proposes to apply its present rate schedules for service to be rendered to the customers of the Martins Ferry system and estimates that the average residential customer's cost of electric service will be increased by approximately 2 percent. The Public Utilities Commission of Ohio has jurisdiction over the rates proposed to be charged by Ohio Power in Martins Ferry. No State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions and that the application should not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on January 26, 1970, at 10 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a hearing examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That particular attention be directed in the hearing to the following matters, without prejudice, however, to the presentation of additional matters upon further examination:

(a) Whether the proposed acquisition by Ohio Power of the electric utility system of Martins Ferry meets the standards of section 10 of the Act; and particularly the requirements of sections 10(b)(1), 10(b)(2) and 10(c)(2).

(b) Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles.

(c) Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount.

(d) What terms or conditions, if any, the Commission's order should contain.

(e) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than applicant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before January 21, 1970, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to Ohio Power, the City Council of Martins Ferry, the Public Utilities Commission of Ohio, the United States Department of Justice, and the Federal Power Commission; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 69-15452; Filed, Dec. 30, 1969; 8:48 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

DECEMBER 22, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc. (a New York corporation), and all other securities of Rajac Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 23, 1969, through January 1, 1970, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-15453; Filed, Dec. 30, 1969; 8:48 a.m.]

[File No. 500-1]

XI PRODUCTIONS ET AL.

Order Suspending Trading

DECEMBER 22, 1969.

In the matter of trading in securities of XI Productions (formerly Kachina Uranium Corporation), Universal Coverage Corporation, Rietz Industries, Inc., Consolidated Smelting and Refining Corporation, Michelle Enterprises, Ltd., Trans-Pacific Development Corporation, Trans-Pacific Enterprises (formerly Yellow Cat Uranium).

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of XI Productions, Universal Coverage Corp., Rietz Industries, Inc., Consolidated Smelting and Refining Corp., Michelle Enterprises, Ltd., Trans-Pacific Development Corp., and Trans-Pacific Enterprises and all other securities of XI Productions, Universal Coverage Corp., Rietz Industries, Inc. Consolidated Smelting and Refining Corp., Michelle Enterprises, Ltd., Trans-Pacific Development Corp., and Trans-Pacific Enterprises being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 22, 1969, through December 31, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-15454; Filed, Dec. 30, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 12/14-0002]

WYLE CAPITAL CORP.

Surrender of License

Notice is hereby given that Wyle Capital Corp. (Wyle) has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) surrendered its license to operate as a small business investment company.

Wyle was the successor to Capital for Small Business, Inc., which was incorporated under the laws of the State of California, and issued license number 12/14-0002 by the Small Business Administration on July 6, 1959.

Wyle was licensed solely to operate under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Under the authority vested in the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Wyle is hereby accepted and accordingly, it is no longer licensed to operate as a small business investment company.

For SBA (pursuant to delegated authority).

Dated: December 16, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-15438; Filed, Dec. 30, 1969; 8:47 a.m.]

TARIFF COMMISSION

PIANOS AND PARTS

Report to President

DECEMBER 23, 1969.

The Tariff Commission today reported to the President the results of its investigation of pianos and parts conducted under section 301(b)(1) of the Trade Expansion Act of 1962 in response to a petition for an increase in import restrictions filed by the National Piano Manufacturers Association.

The Commission found (Commissioners Thunberg and Newsom dissenting and Chairman Sutton not participating) that pianos are, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to threaten to cause serious injury to the domestic industry producing like or directly competitive products. Commissioners Clubb and Moore found that the rate of duty necessary to prevent serious injury is 13.5 percent ad valorem; Commissioner Leonard found such rate to be 20 percent ad valorem.

The Commission found (Commissioner Leonard dissenting and Chairman Sutton not participating) that parts of pianos are not, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive products.

A part of the material contained in the Commission's report to the President may not be made public since it includes information that would disclose the operations of individual firms. The Commission, therefore, is releasing to the public only those portions of the report that do not contain such information.

Copies of the public report, which contains statements of the reasons for the Commissioners' findings, will be available for distribution early in January 1970 upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 69-15420; Filed, Dec. 30, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 78]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Baltimore and Ohio Railroad Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

(b) The Chicago and North Western Railway Co. shall deliver to the Great Northern Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., December 26, 1969.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

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

Issued at Washington, D.C., December 24, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-15455; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 39]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago and North Western Railway Co. is unable to transport traffic on its line between Nora, Nebr., and Cadams, Nebr., because of bridge damage.

It is ordered, That:

(a) The Chicago and North Western Railway Co., being unable to transport traffic over its line between Nora, Nebr., and Cadams, Nebr., because of bridge damage, that line and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Chicago and North Western Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted

and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p.m., December 19, 1969.

(g) Expiration date: This order shall expire at 11:59 p.m., April 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 19, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15456; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 71, Amdt. 3]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 71, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 71 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15457; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 74, Amdt. 3]

LOUISVILLE AND NASHVILLE RAILROAD CO., AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 74, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 74 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15458; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 67, Amdt. 4]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15459; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 77, Amdt. 2]

READING CO. ET AL.

Car Distribution

To: Reading Co., Western Maryland Railway Co., Baltimore and Ohio Railroad Co., and Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 77, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 77 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] D. D. PFAHLER,
Agent.

[F.R. Doc. 69-15460; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 70, Amdt. 3]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 70, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 70 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15461; Filed, Dec. 30, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 73, Amdt. 3]

SOUTHERN PACIFIC CO. AND NORTHERN PACIFIC RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 73, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 73 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., January 18, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 28, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 23, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-15462; Filed, Dec. 30, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 24, 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. 41836—*Fertilizer and fertilizer materials from points in Idaho and Utah.* Filed by Union Pacific Railroad Co. (No. 138), for interested rail carriers. Rates on fertilizer or fertilizer materials, in carloads, from points in Idaho and Utah to points in Wyoming.

Grounds for relief—Rate relationship.

Tariff—Supplement 41 to Union Pacific Railroad Co. tariff ICC 5636.

FSA No. 41837—*Anhydrous ammonia from Western Trunkline territory to Wyoming.* Filed by Western Trunk Line Committee, agent (No. A-2610), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, from points in western trunkline territory to points in Wyoming.

Grounds for relief—Market competition; modified short line distance formula and grouping.

Tariff—Supplement 13 to Western Trunk Line Committee, agent, tariff ICC A-4749.

FSA No. 41838—*Salt to Charlotte and Henderson, N.C.* Filed by Traffic Executive Association—Eastern Railroads, agent (No. 2965), for interested rail carriers. Rates on salt from points in Michigan, New York, and Ohio, to Charlotte and Henderson, N.C.

Grounds for relief—Market competition.

Tariffs—Supplements 65 and 90 to Traffic Executive Association—Eastern Railroads, agent, tariffs ICC Nos. C-262 and A-907, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15463; Filed, Dec. 30, 1969; 8:49 a.m.]

[Notice 1364]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 24, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2228 (Sub-No. 57), filed November 7, 1969. Applicant: MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Canyon and Lubbock, Tex.: From Canyon over U.S. Highway 87 to Lubbock and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant intends to join the proposed routes with its existing routes at the termini of Canyon and Lubbock, Tex., for purposes of joinder only. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2392 (Sub-No. 77), filed November 25, 1969. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248 West Omaha Station, Omaha, Nebr. 68114. Applicant's representatives: Keith D. Wheeler (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, in bulk, in tank vehicles, from Omaha, Nebr., to Ferndale, Mich.; Buffalo, N.Y.; Milwaukee, Wis.; North Tonawanda, N.Y.; Cleveland, Ohio; Detroit, Mich., and points of entry on the Detroit River at Detroit, Mich., destined to Windsor, Ontario, Canada; and (2) furfural, in bulk, in tank vehicles, from Omaha, Nebr., to Buffalo, N.Y., Sheboygan, Wis., and North Tonawanda, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 2860 (Sub-No. 67), filed November 19, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except commodities in bulk, from the plantsite of Green Giant Co., in West Sadsbury Township, Chester County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at said plantsite and destined to points in the States abovenamed. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Philadelphia, Pa., or Washington, D.C.

No. MC 2860 (Sub-No. 69), filed December 5, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiber glass materials and products;* (2) *fibrous glass material wool products;* (3) *fibrous glass textile materials and products;* and (4) *plastic materials and products*, from Service and Plano, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Oklahoma, restricted against the transportation of commodities in bulk or hopper vehicles. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 19227 (Sub-No. 135), filed November 24, 1969. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representatives: J. Fred Dewhurst (same address as applicant) and William O. Turney 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified missile parts and components*, between Sunnyvale and Los Angeles, Calif., and Amarillo, Tex., and Burlington, Iowa. NOTE: Applicant states that the required authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Miami, Fla.

No. MC 29079 (Sub-No. 57), filed November 20, 1969. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Ashland, Ky., on the one hand, and, on the other, points in Illinois, Indiana, the Lower Peninsula of Michigan, Louisville, Ky., and St. Louis, Mo. NOTE: Applicant states that the required authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 305), filed November 29, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquarium and household pet cages*, loose or in cartons, and *aquariums, accessories, supplies, and equipment* in straight or mixed shipments, from Mahwah, Maywood, Paterson, and Saddle Brook, N.J., to points in Colorado, Connecticut, Florida, Georgia, Maine, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 32882 (Sub-No. 48), filed October 31, 1969. Applicant: MITCHELL BROS. TRUCK LINES, 3841 Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Tacoma, Wash., to Medford, Oreg. NOTE: Applicant states it will tack with its presently held authority under MC 32882 Sub 34 to provide service to points in California and Oregon. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 83539 (Sub-No. 264) (Correction), filed September 22, 1969, published in FEDERAL REGISTER issue of October 23, 1969, corrected December 8, 1969, and republished as corrected this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Washington, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to show New Jersey, which was erroneously omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 88368 (Sub-No. 22) (Amendment), filed October 20, 1969, published in FEDERAL REGISTER issue of November 27, 1969, amended December 1, 1969, and republished, as amended, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma and Texas; (2) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, Texas, and New Mexico, on the one hand, and on the other, California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Wyoming and Montana; and (3) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas, on the one hand, and, on the other, Louisiana, Arkansas, Tennessee, Kentucky, Illinois, Iowa, Minnesota, South Dakota, Michigan Wisconsin, Indiana, Ohio, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and

the District of Columbia. NOTE: Applicant states that it is presently authorized to transport household goods as defined by the Commission between all of the points sought above by observing certain gateways. The purpose of this instant application is to eliminate gateway requirements and circuitous mileage. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. The purpose of this republication is to include the State of Rhode Island as a territorial point in (3) above. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94201 (Sub-No. 82), filed November 17, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cast iron valves, including brass valves and/or components, and cast iron fire hydrants*, between Birmingham, Ala. and points within 10 miles thereof, on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala. or Washington, D.C.

No. MC 97006 (Sub-No. 12), filed December 1, 1969. Applicant: HOWARD'S EXPRESS, INC., East North Street, Geneva, N.Y. 14456. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Himrod, N.Y., to points in Sussex, Warren, Morris, Somerset, Hunterdon, Monmouth, and Ocean Counties, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester or New York, N.Y., Chicago, Ill., or Washington, D.C.

No. MC 103993 (Sub-No. 478), filed November 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and pickup campers in initial movements, from points in Otero County, Colo., to points in the United States, except Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 103993 (Sub-No. 479), filed November 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and undercarriages*, from Springfield, Oreg., to points in Idaho, Montana, Washington, Nevada, Utah, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 103993 (Sub-No. 480), filed November 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* designed to be drawn by passenger automobiles in initial movements in truckaway service, from points in Anderson County, S.C., to points east of the Mississippi River including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Greenville, S.C.

No. MC 103993 (Sub-No. 481), filed November 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Sebastian County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 104149 (Sub-No. 191), filed November 17, 1969. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. 35203. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and/or components, and cast iron fire hydrants*, between Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Alabama, Georgia, Arkansas, Oklahoma, Mississippi, Tennessee, Florida, and those in that part of Louisiana east of the Mississippi River. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 107002 (Sub-No. 386), filed November 14, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, from points in Monroe County, Miss., to points in Alabama, Georgia, Indiana, Kentucky, Ohio, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 107227 (Sub-No. 112), filed November 18, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from Benicia, Calif., to points in Nevada and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107403 (Sub-No. 784), filed November 14, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid*, in bulk, from Natchez, Miss., to points in Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 686), filed November 24, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables, and fresh fruits and vegetables* when transported on the same vehicle with commodities otherwise authorized, from Lake Jem, Fla., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, Kentucky, Mississippi, and Alabama. NOTE: Applicant states it will tack

with its Sub 471 at Pike and Spaulding Counties, Ga., and at Jonesboro, Tenn., with its Sub 548. If a hearing is deemed necessary, applicant requests it be held at Orlando or Tampa, Fla.

No. MC 107544 (Sub-No. 86), filed November 12, 1969. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in specially designed tank trucks, moving under special permit, between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant is also authorized to operate as a contract carrier under MC 113959, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 108068 (Sub-No. 86) (correction), filed November 17, 1969, published FEDERAL REGISTER, issue of December 25, 1969, and republished as corrected this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., operator of U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems and antipollution system parts*, from Roseville, Mich., to points in the United States, except Alaska and Hawaii. NOTE: The purpose of this republication is to show the new docket number assigned thereto, as shown above, in lieu of No. MC 109397 (Sub-No. 189), as previously published. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 108068 (Sub-No. 88), filed November 26, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., operator of U.S.A.C. TRANSPORT, INC., Post Office Box 113, Business I–44, Joplin, Mo. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and A. N. Jacobs, Post Office Box G, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified missile parts and components*, between Sunnyvale and Los Angeles, Calif., Amarillo, Tex., and West Burlington, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Kansas City, Mo., and

No. MC 108196 (Sub-No. 1), filed November 17, 1969. Applicant: ATLAS TRUCK LINE, INC., 2619 South Fifth Street, Milwaukee, Wis. 53207. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from St. Louis, Mo., to Addison, Arlington Heights, and Aurora, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 278), filed November 19, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, cheese spreads and dips, cream spreads and dips, and yogurt;* (1) from points in Kansas to points in Texas, Oklahoma, Arkansas, Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, South Dakota, and Memphis, Tenn.; and (2) from points in Oklahoma to points in Texas, Kansas, Tennessee, Nebraska, Iowa, Minnesota, Wisconsin, Ohio, Indiana, Kentucky, New Mexico, and Arizona. Applicant states that by tacking with its (Sub-No. 38) it could provide joinder from points in Texas to points in Arizona, California, and New Mexico; joinder through Texas to Louisiana and Mississippi by tacking with its (Sub-No. 1); through Kansas City, Mo., to points in Louisiana and New Mexico in its (Sub-No. 198); and through Memphis, Tenn., to points in Mississippi in its (Sub-No. 217). If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 108435 (Sub-No. 24), filed November 28, 1969. Applicant: OSCAR C. RADKE, doing business as RADKE TRANSIT, 730 South 17th Avenue, Wausau, Wis. 54401. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snow plows, snow plow attachments and sanders*, on flatbed equipment, from Clayton, N.Y., to points in Illinois, Iowa, Wisconsin, Michigan, Minnesota, North Dakota, South Dakota, Nebraska, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.; Minneapolis, Minn.; or Chicago, Ill.

No. MC 111710 (Sub-No. 7), filed November 19, 1969. Applicant: ARKANSAS TRANSIT CO., INC., Post Office Box 287, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Post Office Box 88, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container closures, and materials, equipment, and supplies* used in the manufacture, sales, and distribution of metal containers and metal container closures, between points in Arkansas, Missouri, and Oklahoma within 150 miles of Springdale, Ark., including Springdale, Ark., on the one hand, and, on the other, points in Iowa, Nebraska, and Louisiana. NOTE: Applicant intends to tack the proposed authority with its existing authority transporting tin cans and lids where feasible, wherein applicant is presently authorized to serve points between Arkansas, Missouri, and Oklahoma within 150 miles of Springdale, Ark. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 112223 (Sub-No. 85), filed November 19, 1969, Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the site of the American Oil Co. pipeline terminal near Spring Valley, Minn., to points in Wisconsin and Iowa. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 112593 (Sub-No. 17), filed November 21, 1969. Applicant: SIDNEY W. JOHNSON, doing business as SOUTHWESTERN FILM SERVICE, 8319 Aztec NE., Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moved therewith on traffic having a prior or subsequent out-of-State movement, between Albuquerque, N. Mex., on the one hand, and, on the other, Clovis, Deming, Farmington, Gallup, Grants, Las Cruces, Las Vegas, Los Alamos (in Los Alamos County), Lordsburg, Raton, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Truth or Consequences, N. Mex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 117851 (Sub-No. 4), filed November 28, 1969. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite,

refractories, refractory products, lime, limestone products, and commodities requiring special equipment), between the plantsite of Fort Recovery Industries, Inc., Recovery Township, Mercer County, Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, under contract with Fort Recovery Industries, Inc., of Fort Recovery, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119423 (Sub-No. 1), filed November 10, 1969. Applicant: WILKEY AND LANKFORD, INC., Campbell, Mo. 63933. Applicant's representative: William B. Sharp, 112 East Main Street, Post Office Box 337, Malden, Mo. 63863. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Road materials*, in bulk, in dump trucks, between points in Dunklin and Pemiscot Counties, Mo., on the one hand, and, on the other, points in Clay, Craighead, Green, Mississippi, and Lawrence Counties, Ark. NOTE: Applicant states it will tack between present route to include points in Lawrence County, Ark., as source of material, extension of routes westerly from Greene County line. If a hearing is deemed necessary, applicant requests it be held at any convenient point in Missouri or Arkansas, also Memphis, Tenn.

No. MC 119669 (Sub-No. 4), filed November 14, 1969. Applicant: JACKSON TRUCKING CO., INC., 546 South 31A, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 124211 (Sub-No. 141), filed November 17, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Paint, paint materials and supplies, groceries and general store supplies*, serving points in Burt, Cass, and Thurston Counties, Nebr., as intermediate and off-route points in connection with carrier's authorized regular route operations. (B) Irregular routes: (1) *Building materials and supplies, and iron and steel articles*, between points in Lancaster and Otoe Counties, Nebr., and points in Kansas, Oklahoma, and Texas; and (2) *motor vehicle parts, accessories, and supplies*, from points in the United States, except Hawaii, to Council Bluffs, Iowa. Restriction: The authority sought herein, to the extent it duplicates authority now held by or heretofore granted to carrier, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127274 (Sub-No. 20), filed November 28, 1969. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plainsite of American Home Foods, Inc., La Porte, Ind., to points in Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127346 (Sub-No. 4), filed November 17, 1969. Applicant: HALL'S FAST MOTOR FREIGHT, INC., Post Office Box 183, 330 Oak Tree Road, South Plainfield, N.J. 07080. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic articles*, from the plantsite of Apache Foam Products, Linden, N.J., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New York, New Hampshire, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. No duplicating authority is being sought, and all such duplicating authority shall be eliminated. Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127689 (Sub-No. 37), filed November 24, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Post Office Box 987, Hattiesburg, Miss. 39401. Applicant's representative: H. E. West (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite and warehouses of Kroehler Manufacturing Co., located in Meridian, Miss., and its commercial zone, to points in Indiana, Kansas, Kentucky, Missouri, North Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Meridian, Miss.

No. MC 133161 (Sub-No. 4), filed November 28, 1969. Applicant: GRIESER TRUCKING CO., a corporation, Route 1, Box 152A, Archbold, Ohio 43502. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts*, between the auction yard of Yoder & Frey, Inc., located near Archbold, Ohio, on the one hand, and, on the other, points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, Wyoming, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133666 (Sub-No. 3), filed November 20, 1969. Applicant: JACOBSON TRANSPORT, INC., Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk or in bags, from Savage, Minn., to points in North Dakota and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133856 (Sub-No. 2), filed November 14, 1969. Applicant: HALL'S TRANSPORT, LTD., Post Office Box 1606, Regina Saskatchewan, Canada. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down or in sections, *component parts, equipment, materials and supplies* incidental to the erection and completion of such buildings, from the ports of entry on the international boundary line between the United States and Canada located in Montana, North Dakota, and Minnesota, to points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, and Iowa; under contract with Muttart Industries (Saskatchewan), Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 133958 (Sub-No. 2), filed November 21, 1969. Applicant: W. E. STOCKARD, 2212 West Juniper Street, Roswell, N. Mex. 88201. Applicant's representative: Donald Brown, 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, on the other, points in the northern Panhandle of Texas, bounded on the west by the New Mexico-Texas State line, and 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. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Roswell or Albuquerque, N. Mex.

No. MC 134070 (Sub-No. 2), filed November 28, 1969. Applicant: LEW ROSE, doing business as LEW ROSE PETROLEUM TRANSPORT, 855 South Fort Street, Detroit, Mich. 48217. Applicant's representative: Arthur P. Boynton, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Woodhaven and Detroit, Mich., to Oregon, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 134119 (Sub-No. 1) (Clarification), filed October 29, 1969, published FEDERAL REGISTER issue of November 27, 1969, and republished, as clarified, this issue. Applicant: SECURITY STORAGE & VAN COMPANY OF NEWPORT NEWS, VA., INC., 5713 Jefferson Avenue, Newport News, Va. 23605. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Newport News, Norfolk, Hampton, Virginia Beach, Williamsburg, Portsmouth, Franklin, and Chesapeake, Va., and points in York, James City, Gloucester, Matthews, Surry, Isle of Wright, Mamsemond, Sussex, Southampton and Northampton Counties, Va., restricted to traffic having a prior or subsequent movement in containers, and to performance of pickup and delivery service in connection with packing, crating and containerization, and unpacking and decontainerization. NOTE: The purpose of this republication is to clarify one of the territorial points requested. It should read Hampton, Virginia Beach, etc., in lieu of Hampton Beach. If a hearing is deemed necessary, applicant did not specify location.

No. MC 134188, filed November 24, 1969. Applicant: A-A DRIVE-A-WAY, INC., 161 West Wisconsin Avenue, Suite 7083, Milwaukee, Wis. 53203. Applicant's representatives: Howard McKoane (same address as applicant) and William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, in driveaway service, from points in Wisconsin to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 134229 (Sub-No. 3) (Correction), filed November 10, 1969, published FEDERAL REGISTER, issue of December 4, 1969, under No. MC 3790 (Sub-No. 10), and republished as corrected this issue. Applicant: RICHMOND TRANSFER, INC., Post Office Box 86, Excelsior Springs, Mo. 64024. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Henrietta, Mo., and East St. Louis, Ill., from Henrietta over Missouri Highway 13 to its junction with Interstate Highway 70, thence over Interstate Highway 70 to East St. Louis, and return over the same route, serving no intermediate points; and (2) between Henrietta, Mo., and Springfield, Mo., from Henrietta, over Missouri Highway 13 to Springfield, and return over the same route, serving no intermediate points. NOTE: The purpose of this republication is to show application has been reassigned No. MC 134229 (Sub-No. 3), in lieu of MC 3790 (Sub-No. 10), as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

MOTOR CARRIERS OF PASSENGERS

No. MC 133770 (Sub-No. 2), filed November 21, 1969. Applicant: MARYLAND CHICKEN PROCESSORS, INC., Snow Hill, Md. 21863. Applicant's representative: Wilson T. Webster, c/o The Otis Feed Co., Parsonsburg, Md. 21849. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, between points in Northampton and Accomack Counties, Va., and the plantsite of Maryland Chicken Processors, Inc., in Snow Hill, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury or Snow Hill, Md.

No. MC 134185, filed November 20, 1969. Applicant: OMNIBUS, INCORPORATED, 19954 Harper Avenue, Harper Woods, Mich. 48236. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (personnel of the Penn Central Corp.) *together with their tools, personal belongings, and miscellaneous materials, equipment, and supplies* of the Penn Central Corp. moving at the same time and the same vehicle with said personnel in passenger carrying vehicles having a capacity not including driver of not more than 15 passengers; (1) between points in Michigan, Indiana, and Ohio; and (2) between points in Michigan, Indiana, and Ohio, on the one hand, and, on the other, the international boundary between the United States and Canada at or near Port Huron, Mich., and at or near Detroit, Mich.; under contract with Penn Central Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130104, filed November 26, 1969. Applicant: NORTH AMERICAN TOUR-A-CAMP, INC., doing business as TOUR-A-CAMP, Rockland County YMCA, South Broadway, Nyack, N.Y. 10960. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. For a license (BMC-5) to engage in operations as a *broker* at Nyack, N.Y., in arranging for transportation in interstate or foreign commerce of *teenage and student passengers, accompanied by tour directors and/or chaperones, and their baggage*, in charter operations, in all-expense tours beginning and ending in Rockland County, N.Y., and extending to points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 28348 (Sub-No. 2), filed November 18, 1969. Applicant: CITIZEN AUTO STAGE COMPANY, a corporation, 424 Grand Avenue, Nogales, Ariz. Applicant's representative: Robert J. Corber, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in the counties of Santa Cruz and Pima, Ariz. (excluding the Papago Indian Reservation and points in Pima County west thereof), and extending to points in the United States (except Hawaii and Alaska); and (2) *passengers and their baggage* in the same vehicle with passengers, in special operations, in one-way sightseeing and pleasure tours, between points in the counties of Santa Cruz and Pima, Ariz. (excluding the Papago Indian Reservation and points in Pima County west thereof) on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), restricted to passengers having an immediately prior movement by air between one of the foregoing origins or destinations and one of the foregoing destinations or origins. NOTE: Applicant holds common carrier of property authority under MC 54541 (Sub-No. ____). Common control may be involved.

No. MC 108398 (Sub-No. 39) (Correction), filed November 6, 1969, published in the FEDERAL REGISTER issue of December 11, 1969, and republished as

corrected, this issue. Applicant: RINGSBY-PACIFIC LTD., a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between junction U.S. Highway 97 and Oregon Highway 58 (about 81 miles north of Klamath Falls, Oreg.), and Maryhill and Spokane, Wash., as follows: (a) From junction U.S. Highway 97 and Oregon Highway 58, over U.S. Highway 97 to Biggs, Oreg., thence across bridge over the Columbia River to Maryhill, Wash.; and (b) from junction U.S. Highway 97 to Oregon Highway 58 over U.S. Highway 97 to Biggs, Oreg., thence over U.S. Highway 30 to Boardman, Oreg., thence over U.S. Highway 730 to Umatillo, Oreg., thence across bridge over the Columbia River to Plymouth, Wash., thence over Washington Highway 14 to Pasco, Wash., thence over U.S. Highway 395 to Spokane, Wash., and return over the same routes, as alternate routes for operating convenience only in connection with (a) and (b) above, serving no intermediate points, and serving the junction of U.S. Highway 97 and Oregon Highway 58 for the purpose of joinder only with carrier's regular route operations between San Francisco, Calif., and Portland, Oreg., and serving Maryhill for the purpose of joinder only with carrier's regular route between Portland, Oreg., and Spokane, Wash. NOTE: The purpose of this republication is to include a part of the route description inadvertently omitted in the previous publication. Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15464; Filed, Dec. 30, 1969; 8:49 a.m.]

[Notice 582]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 24, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (e)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 38170 (Deviation No. 3), WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. 48146, filed December 16, 1969. Carrier's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Mich. 48226. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over the Ohio Turnpike to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Interstate Highway 94, thence over Interstate Highway 94 to Willow Run, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Toledo, Ohio, over U.S. Highway 24 to Detroit, Mich. (also over Alternate U.S. Highway 24-Interstate Highway 75); and (2) from Dearborn, Mich., over Interstate Highway 94 to Willow Run, Mich., and return over the same routes.

No. MC 60255 (Deviation No. 1), FILLMORE FREIGHT LINES, INC., 150 Front Avenue, West Haven, Conn. 06516, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 84 (Wilbur Cross Parkway) to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 to junction Interstate Highway 90 (Massachusetts Turnpike), thence over Interstate Highway 90 to Boston, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hartford, Conn., over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Auburn, Mass., thence over Massachusetts Highway 12 to West Boylston, Mass., thence over Massachusetts Highway 110 to Lowell, Mass., thence over U.S. Highway 3 to Boston, Mass., and return over the same route.

No. MC 60255 (Deviation No. 2) FILLMORE FREIGHT LINES, INC., 150 Front Avenue, West Haven, Conn. 06516, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Boston, Mass., and Providence, R.I., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Boston, Mass., and Providence, R.I., over U.S. Highway 1.

No. MC 60255 (Deviation No. 3), FILLMORE FREIGHT LINES, INC., 150 Front Avenue, West Haven, Conn. 06516, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Providence, R.I., and New Bedford, Mass., over Interstate Highway 195, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Providence, R.I., and New Bedford, Mass., over U.S. Highway 6.

No. MC 65491 (Deviation No. 22), GEORGE W. BROWN, INC., 1475 East 222d Street, Post Office Box 41, Bronx, N.Y. 10469, filed December 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Newburgh, N.Y., over U.S. Highway 9W to junction Interstate Highway 287, thence over Interstate Highway 287 to Rye, N.Y.; (2) from Peekskill, N.Y., over U.S. Highway 9 to junction Interstate Highway 287, thence over Interstate Highway 287 to Rye, N.Y.; (3) from Newburgh, N.Y., over U.S. Highway 9W to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to junction Interstate Highway 84, thence over Interstate Highway 84 to Danbury, Conn.; and (4) from Peekskill, N.Y., over U.S. Highway 9 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to junction Interstate Highway 84, thence over Interstate Highway 84 to Danbury, Conn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 9 to Peekskill, N.Y.; (2) from New York, N.Y.; over U.S. Highway 9W to Newburgh, N.Y.; (3) from New York, N.Y., over U.S. Highway 1 to Norwalk, Conn.; and (4) from Norwalk, Conn., over U.S. Highway 7 to Danbury, Conn., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 541) (Cancels Deviation No. 503), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed December 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 41 and Interstate Highways 80-94 in Hammond, Ind., over Interstate Highways 80-94 to junction Interstate Highway 65 in East Gary, Ind., thence over Interstate Highway 65 to junction U.S. Highway 231

(also designated U.S. Highway 24), thence over U.S. Highway 231 to junction U.S. Highway 52 at Montmorenci, Ind.; (2) from Gary, Ind., over city streets to the 15th Avenue Interchange of Interstate Highway 65; and (3) from the interchange of Interstate Highway 90 (Indiana Toll Road) and Interstate Highway 65 over Interstate Highway 65 to Interchange with Interstate Highways 80–94, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Lafayette, Ind., over U.S. Highway 52 via Templeton, Ind., to Atkinson, Ind., thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 via Cook and Hammond, Ind., to Chicago, Ill.; and (2) from junction U.S. Highways 6 and 41 and Indiana Highway 152, over Indiana Highway 152 to junction Interstate Highways 80–94, thence over Interstate Highways 80–94 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes.

No. MC 1515 (Deviation No. 542), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed December 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From Birmingham, Ala., over Interstate Highway 20 to junction U.S. Highway 78 just east of Leeds, Ala.; (2) from junction Interstate Highway 20 and U.S. Highway 78 just west of Pell City, Ala., over Interstate Highway 20 to Atlanta, Ga.; (3) from Anniston, Ala., over Alabama Highway 21 to junction Interstate Highway 20; (4) from Douglasville, Ga., over U.S. Highway 78 to junction Georgia Highway 5, thence over Georgia Highway 5 to junction Interstate Highway 20; and (5) from Douglasville, Ga., over Georgia Highway 92 to junction Interstate Highway 20, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Pell City, Ala., thence over U.S. Highway 78 to junction Interstate Highway 20 (formerly portion U.S. Highway 78), thence over Interstate Highway 20 to junction U.S. Highway 78 near Brompton, Ala., thence over U.S. Highway 78 via Leeds to Birmingham, Ala., and return over the same route.

No. MC 70947 (Deviation No. 5) (Cancels Deviation No. 2), MT. HOOD STAGES, INC., doing business as PACIFIC TRAILWAYS, 1068 Bond Street, Bend, Oreg. 97701, filed December 18, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highways 30S and 30N (East Burley Junction, Idaho), over U.S. Highway 30N to junction Interstate Highway 80N (North Burley Junction), thence over Interstate Highway 80N to Snowville, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Twin Falls, Idaho, over U.S. Highway 30 to Burley, Idaho, thence over U.S. Highway 30S to Brigham City, Utah, and return over the same route.

No. MC 109780 (Deviation No. 29), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Ashfork, Ariz., over Interstate Highway 40 to junction unnumbered highway, thence over unnumbered highway to junction Old U.S. Highway 66, thence over Old U.S. Highway 66 to Seligman, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: from Albuquerque, N. Mex., over U.S. Highway 66 via McConnico and Topock, Ariz., to junction unnumbered highway near Victorville, Calif., and return over the same route.

No. MC 109780 (Deviation No. 30), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed December 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Albuquerque, N. Mex., and Grants, N. Mex., over Interstate Highway 40 for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Albuquerque, N. Mex., over U.S. Highway 66 via McConnico and Topock, Ariz., to junction unnumbered highway near Victorville, Calif., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15465; Filed, Dec. 30, 1969; 8:49 a.m.]

[Notice 1363]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 24, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

Nos. MC 133434 (Sub-No. 1) and MC 133662 (Republications), filed March 21, 1969, and April 14, 1969, respectively, published in the FEDERAL REGISTER issues of April 17, 1969, and May 7, 1969, respectively, and republished this issue. No. MC 133434 (Sub-No. 1). Applicant: CONGRESSIONAL MOVERS, INC., 8901 D'Arcy Road, Upper Marlboro, Md. 20870. Applicant's representative: John H. Blankenship (same address as applicant). No. MC 133662. Applicant: NORVIE E. PAULK, doing business as MISSISSIPPI VAN & STORAGE CO., No. 1 Greyhound Road, Post Office Box 2392, Columbus, Miss. 39701. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22688, Jackson, Miss. 39205. By application filed March 21, 1969, and April 14, 1969 respectively, each applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household goods as defined by the Commission, between points in described portions of named states. An order of the Commission, Review Board No. 1, decided December 8, 1969, and served December 11, 1969, finds that the present and future public convenience and necessity require operation by each applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, *of used household goods:* In No. MC 133434 (Sub-No. 1): Between points in Prince Georges, Montgomery, Anne Arundel, Charles, and St. Marys Counties, Md., and points in Arlington and Fairfax Counties, Va., and the District of Columbia. In No. MC 133662: Between points in Clay, Lee, Lowndes, Monroe, Oktibbeha, Prentis, and Webster Counties, Miss.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic: That each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the applications as published, may have an

interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5(a) AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10681 (ADIRONDACK TRANSIT LINES, INC.—Control and Merger—EMPIRE BUS LINES, INC.) published in the December 17, 1969, issue of the FEDERAL REGISTER, on page 19788. Application filed December 18, 1969, for temporary authority under section 210a(b).

No. MC-F-10688. Authority sought for purchase by NILSON VAN & STORAGE, 2965 Main Street, Columbia, S.C. 29201, of the operating rights of CECIL HODGE (THE NATIONAL BANK OF SOUTH CAROLINA, ADMINISTRATOR C.T.A.), doing business as CECIL HODGE TRUCK LINES, Post Office Box 186, Corner East Calhoun and Lafeyette Boulevard, Sumter, S.C. 29151, and for acquisition by HOWARD A. NILSON, and NORMA R. NILSON, both of 120 Lake Elizabeth Drive, Columbia, S.C. 29203, of control of such rights through the purchase. Applicants' attorney and representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, and Jan L. Warner, Post Office Drawer 1289, Sumter, S.C. 29150. Operating rights sought to be transferred: *New furniture*, as a *common carrier*, over irregular routes, from Sumter, S.C., and points within 2 miles of Sumter, to certain specified points in Virginia, and points in Georgia and North Carolina; *agricultural commodities*, from certain specified points in South Carolina, to Fries, Va., and points in North Carolina and South Carolina; *storage batteries and automobile parts*, from Charlotte, N.C., to Sumter, S.C.; *lumber*, from Sumter, S.C., to Charlotte, N.C.; *farm wagons*, from Wilson and Hickory, N.C., to Sumter, S.C.; *cotton bagging and ties*, from Henderson, N.C., to Sumter, S.C.; *onions*, from points in Sumter County, S.C., to Jacksonville and Tampa, Fla., certain specified points in Georgia, and Roanoke, Va.; *feed*, from Charlotte, N.C., to Sumter, S.C.; *hardware*, from Lynchburg, Va., to Sumter and Columbia, S.C.; *fertilizer and fertilizer material*, from certain specified points in South Carolina, to certain specified points in South Carolina; *such merchandise* as is dealt in by wholesale and retail grocery houses, from Charleston, S.C., to Charlotte and Salisbury, N.C., and points in South Carolina; *peanuts*, between points in Sumter County, S.C., on the one hand, and, on the other, Suffolk and Portsmouth, Va.; *machinery supplies*, between Alcolue, S.C., on the one hand, and, on the other, Charlotte, N.C.; *machinery and contractors' equipment*, between Sumter, S.C., on the one hand, and, on the other, certain specified points in North Carolina, Virginia, and Georgia; *household goods* as defined by the Commission, between Sumter, S.C., and points within 25 miles of Sumter, on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, and Florida; and *telephone line construction materials and supplies*, between points in South Carolina, on the one hand, and, on the other, points in Georgia, North Carolina, and South Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10689. Authority sought for purchase by A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 2600 West Broadway, Louisville, Ky. 40211, of the operating rights of UNION STORAGE CO., INC., 635 N Street NW., Washington, D.C. 20001, and for acquisition by CARL H. ARNOLD, also of Louisville, Ky., of control of such rights through the purchase. Applicants' attorneys: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, and Malvern J. Sheffield, 1815 H Street NW., Washington, D.C. 20006. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Virginia and Maryland. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Illinois, Indiana, Kentucky, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, Alabama, Arkansas, Colorado, Connecticut, Delaware, Iowa, West Virginia, Wisconsin, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10690. Authority sought for purchase by McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071, of a portion of the operating rights of BILYEU REFRIGERATED TRANSPORT CORPORATION, Post Office Box 688, Marshall, Mo. 65340, and for acquisition by LEONARD McKEE, 10751 West Michigan, Kalamazoo, Mich., and E. B. PETERS, Post Office Box 443, Benton Harbor, Mich., of control of such rights through the purchase. Applicants' attorney: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: (1) *Candy, confectionery, and confectionery products* (except commodities in bulk, in tank vehicles), and *advertising matter, premiums, prizes, and display materials*, when moving in mixed loads with candy, confectionery, and confectionery products, as a *common carrier*, over irregular routes, from the plantsite and other facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin, from Scranton, Pa., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, and Wisconsin; (2) *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, from Scranton, Pa., to points in Colorado, Illinois, Michigan, Missouri, Ohio, and Texas; (3) *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, and *food products*, from the plantsites, warehouses, and facilities of Polarized Meat Co., (Division of Glidden Co.), and Empire Chicken Industries (Division of Glidden Co.), at or near Moosic, Pa., to points in California, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, South Dakota, Texas, and Wisconsin; (4) *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, and *food products*, from Swoyersville and Pittston, Pa., to Kansas City, Mo., and points in Ohio and Texas. Restriction: The operations described in (1), (2), (3), and (4) above are restricted to the transportation of shipments originating at the origins specified; (5) *agricultural comodities and commodities* the transportation of which falls within the partial exemption of section 203 (b)(6) of the Interstate Commerce Act, when moving in mixed loads with any of the comodities specified in (1), (2), (3), and (4) above, from the respective origins to the respective destination territories specified in (1), (2), (3), and (4) above; and *foodstuffs*, from the plantsite of J. H. Filbert Co., at Baltimore, Md., to points in Michigan, Ohio, Kentucky, and Indiana. Restriction: The operations authorized above are restricted against the transportation of dry sugar to points in Indiana; from the plantsite of J. H. Filbert Co., at Macon, Ga., to points in Michigan, Ohio, Indiana, Kentucky, Tennessee, and Louisiana. Restriction: The operations authorized next above are restricted against the transportation of bakery goods. Restriction: The operations authorized herein are restricted to the shipments originating at the named plantsites and destined to points in the named destination territory. Vendee is authorized to operate as a *common carrier* in Indiana, Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Utah, Tennessee, Virginia, Nebraska, Texas, Iowa, West Virginia, Illinois, Michigan, California, Louisiana,

Connecticut, Delaware, Arizona, Mississippi, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia; and as a *contract carrier* in New York, Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Michigan. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-10691. Authority sought for control by COACHWAYS SYSTEM, LTD., a holding company, 222 First Avenue, Southwest, Calgary 1, Alberta, Canada, of ALASKAN COACHWAYS LIMITED, Post Office Box 516, Fairbanks, Alaska, and for acquisition by GREYHOUND LINES OF CANADA LTD., also of Calgary, Alberta, Canada, and in turn by GREYHOUND LINES, INC., and THE GREYHOUND CORPORATION, both of 10 South Riverside Plaza, Chicago, Ill. 60606, of control of ALASKAN COACHWAYS LIMITED, through the acquisition by COACHWAYS SYSTEM, LTD. Applicants' attorney: Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Fairbanks, Alaska, and the United States-Canada boundary line at or near Boundary, Alaska, between junction Alaska Highways 2 and 4 at or near Buffalo Center, Alaska, and Valdez, Alaska, between junction Alaska Highways 4 and 8 at or near Paxson, Alaska, and Cantwell, Alaska, between Cantwell, Alaska, and McKinley Park, Alaska, between McKinley Park, Alaska, and Kantisha, Alaska, between Fairbanks, Alaska, and Circle, Alaska, between junction Alaska Highway 2 and unnumbered highway at or near Northway Junction, Alaska, and Northway, Alaska, between Anchorage, Alaska, and Tok Junction, Alaska, between junction Alaska Highways 1 (The Glenn Highway) and 3 at or near Palmer, Alaska, and Talkeetna, Alaska, between junction Alaska Highway 3 and unnumbered highway at or near Wasilla, Alaska, and Big Lake, Alaska, between Anchorage, Alaska and Seward, Alaska, between junction Alaska Highway 1 and unnumbered highway, and Mope, Alaska, between junction Anchorage-Seward Highway (Alaska Highway 1) and Sterling Highway (Alaska Highway 1) northwest of Moose Pass, Alaska, and Homer, Alaska, between junction Sterling Highway (Alaska Highway 1) and unnumbered highway at or near Soldatna, Alaska, and Nikishka, Alaska, between junction of Alaska Highways 2 and 5 at or near Tetlin Junction, Alaska, and Eagle, Alaska, between Fairbanks, Alaska, and Clear, Alaska, between Haines, Alaska, and the United States-Canada boundary line at or near Porcupine, Alaska, between Haines, Alaska, and Skagway, Alaska, between Haines, Alaska, and Ketchikan, Alaska, serving all intermediate points. COACHWAYS SYSTEM, LTD., hold no authority from this Commission. However, it is a wholly-owned subsidiary of GREYHOUND LINES OF CANADA, LTD., 222 First Avenue SW., Calgary 1, Alberta, Canada, which is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15466; Filed, Dec. 30, 1969; 8:49 a.m.]

[Notice 966]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 24, 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 2900 (Sub-No. 185 TA) (Correction), filed December 1, 1969, published in the FEDERAL REGISTER issue of December 11, 1969, and republished in part as corrected, this issue. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. NOTE: The purpose of this partial republication is to include the State of West Virginia as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains as previously published.

No. MC 25869 (Sub-No. 97 TA) (Correction), filed Novmeber 24, 1969, published in the FEDERAL REGISTER issue of December 5, 1969, and republished as corrected this issue. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, Omaha, Nebr. 68107. 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 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 Colorado, Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. NOTE: The purpose of this republication is to complete the commodity description. 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 108068 (Sub-No. 85 TA) (Correction), filed November 24, 1969, published FEDERAL REGISTER, issue of December 10, 1969, under MC 109397 (Sub-No. 187 TA), and republished as corrected this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., as operator of U.S.A.C. TRANSPORT, INC., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified missile parts and components*, between Sunnyvale and Los Angeles, Calif., Amarillo, Tex., and West Burlington, Iowa, for 180 days. NOTE: The purpose of this republication is to correct the docket number assigned thereto, as shown above, in lieu of MC 109397 (Sub-No. 187 TA), which was in error. Supporting shipper: Department of Defense, Washington, D.C. 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 109397 (Sub-No. 190 TA), filed December 12, 1969, Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished carpet facing*, from Hickory, N.C., to Morris, Ill., for 150 days. Supporting shipper: Sponge-Cushion, Inc., 902-910 Armstrong Street, Morris, Ill. 60450. 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 110098 (Sub-No. 105 TA) (Correction), filed December 13, 1969, published in the FEDERAL REGISTER issue Notice No. (960), and republished in part, as corrected, this issue. Applicant: ZERO REFRIGERATED LINES, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as above). NOTE: The purpose of this partial republication is to show Supporting shipper, "Norman D. Sullivan, Traffic Manager, Shedd-Bartush Foods, 1484 Kifer Road, Sunnyvale, Calif. 94086", which was in error

in previous publication. The rest of the application remains the same.

No. MC 113678 (Sub-No. 372 TA), filed December 9, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Minnie Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, table sauces, salad dressings, vegetable oils, shortenings, lard, and tallow*, from Jacksonville (Morgan County), Ill., to points in Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Washington, D.C., Virginia, West Virginia, New Hampshire, Vermont, and Maine, for 180 days. Supporting shipper: Anderson Clayton Foods, 1 Main Place, Dallas, Tex. 75250. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119302 (Sub-No. 6 TA) (Correction), filed December 2, 1969, published in the FEDERAL REGISTER issue of December 13, 1969, and republished as corrected this issue. Applicant: MILLER TRANSFER & RIGGING CO., Post Office Box 6077, Akron, Ohio 44312. Applicant's representative: David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hand shovels*, in Klimp box containers, from the site of True Temper Corp. at Dunkirk, N.Y., to the plantsite of True Temper Corp. at Saybrook, Ohio; *shovel parts, and Klimp box containers*, set up and or knocked down, and *returned, rejected, and damaged shipments*, from the plantsite of True Temper Corp. at Saybrook, Ohio, to the plantsite of True Temper Corp. at Dunkirk, N.Y., for 180 days. Supporting shipper: True Temper Corp., 1623 Euclid Avenue, Cleveland, Ohio 44115. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, Ohio 44199. NOTE: The purpose of this republication is to (1) reflect the correct name and address of the applicant, and (2) reflect that applicant seeks *contract* carrier authority inadvertently shown as common carrier authority in the previous publication.

No. MC 123392 (Sub-No. 21 TA), filed December 9, 1969. Applicant: JACK B. KELLEY, INC., 3801 Virginia, Amarillo, Tex. 79109. Applicant's representative: Jack B. Kelley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethane gas*, in bulk, in carrier owned trailers, from Gregory, Tex., to Bushton, Kans., for 150 days. Supporting shipper: George F. Hall, Traffic Manager, Cities Service Oil Co., Box 300, Tulsa, Okla. 74102. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 123392 (Sub-No. 22 TA), filed December 11, 1969. Applicant: JACK B. KELLEY, INC., 3801 Virginia, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, in bulk, in carrier owned vehicles, from Fort Worth, Tex., and Dominguez, Calif., to Henderson, Nev., for 150 days. Supporting shipper: G. E. Strange, Southwestern Transportation Manager, Stauffer Chemical Co., 6910 Fannin, Suite 300 South, Houston, Tex. 77025. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 124711 (Sub-No. 4 TA), filed December 12, 1969. Applicant: BECKER AND SONS, INC., 801 East Clark, Emporia, Kans. 66801. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, from plantsite of Williams Bros. Pipe Line Terminal, Kansas City, Kans., to points in Missouri, for 180 days. NOTE: Applicant does not intend to tack the authority herein applied for to other authority or to interline with other carriers. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 127631 (Sub-No. 2 TA), filed December 9, 1969. Applicant: HAWAIIAN VAN AND STORAGE CO., LTD., 601 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, and *commodities ordinarily transported in dump trucks*, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint motor-water-motor rates under section 216(c) of the Act. Supporting shippers: Sato Clothiers, 1450 Ala Moana Boulevard, Honolulu, Hawaii 96814; J. G., Inc., doing business as Hilda Hawaii, 1257 South Beretania Street, Honolulu, Hawaii 96814; Arakawas, 94-4333 Waipahu Depot Street, Waipahu, Hawaii, T. H.; Zale's Jewelers, 1045 Bishop Street, Honolulu, Hawaii. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128273 (Sub-No. 55 TA), filed December 11, 1969. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humboldt Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; materials and equipment and supplies used or useful in the production, manufacture, and distribution of the above described commodities; and related premium and advertising materials when shipped with the above-described commodities*, between the plantsite of the Charmin Paper Products Co., at or near Neelys Landing, Mo., on the one hand, and, on the other, points in Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, Arizona, Utah, Nevada, and California, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134112 (Sub-No. 1 TA) (Correction), filed December 1, 1969, published in the FEDERAL REGISTER issue of December 12, 1969, and republished as corrected, this issue. Applicant: ALLEN & SPITTLER INC., 3204 South 121st Street, Omaha, Nebr. 68144. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, skins, switches or tails, and pieces thereof*, from the plantsite and warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., to points in the United States in, east and north of the States of Michigan, Ohio, West Virginia, and Virginia, and to points in Wisconsin, and Chicago, Ill., New Orleans, La., and San Francisco, Calif.; (2) *Such commodities* as are used by or dealt in by processors and distributors of commodities named in "(1)" above, (a) from destinations named in "(1)" above, to the plantsite or warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., and (b) from the plantsite or warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., to Hackettstown, N.J. Restriction: The authority sought herein is to be restricted to transportation services to be performed under a continuing contract, or contracts with Lackawanna of Omaha, Inc., for 180 days. NOTE: The purpose of this republication is to complete part (2) above, which was inadvertently omitted in previous publication. Supporting shipper: Lackawanna of Omaha, Inc., 2420 Z Street, Omaha, Nebr. 68107. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134190 TA (Correction), filed December 5, 1969, published in the FEDERAL REGISTER issue of December 19, 1969, and republished in part, as corrected, this issue. Applicant: BUCKINGHAM TRUCKING, LTD., 1366 Bernard Avenue, Kelowna, British Columbia, Canada. Applicant's representative:

Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. NOTE: The purpose of this partial republication is to show "contract carrier", in lieu of "common carrier". The rest of the application remains as previously published.

No. MC 134200 TA, filed December 11, 1969. Applicant: BERNARD REZNICK, doing business as UNIVERSAL MAIL DELIVERY SERVICE, 3301 Leonis Boulevard, Los Angeles, Calif. 90058. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, explosives, livestock, commodities of unusual value or injurious or contaminating to other lading), restricted to shipments originating at the place of business of, and moving under contract with, Sav-On Freight Distributing Agency and further restriction to the transportation of individual shipments weighing 500 pounds or less, from South San Francisco, Calif., to points in Alameda, Contra Costa, Fresno, Madera, Marin, Merced, Monterey, Napa, Placer, Sacramento, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Yolo, and Yuba Counties, Calif., for 180 days. Supporting shipper: Sav-On Freight Distributing Agency, Post Office Box 54812, Los Angeles, Calif. 90054. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-15467; Filed, Dec. 30, 1969; 8:49 a.m.]

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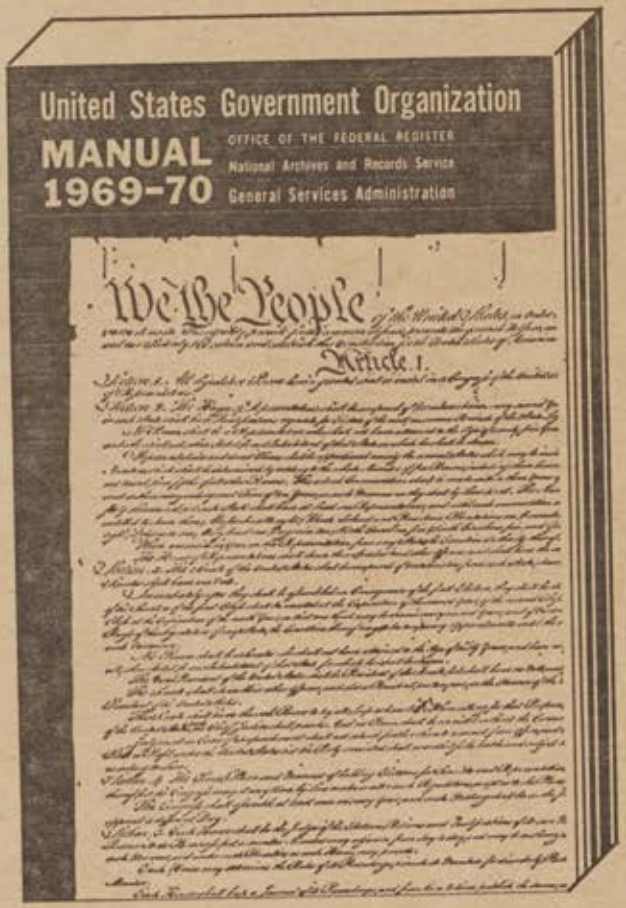

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