FEDERAL REGISTER

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Pages 8685–8889

PART I

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Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Emergency Preparedness Office
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
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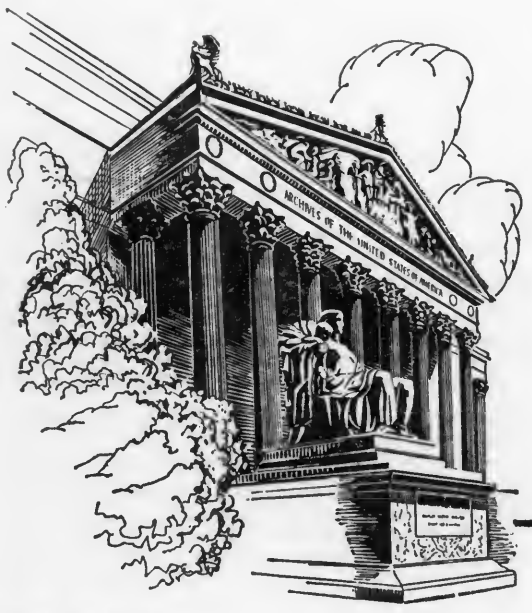

THE UNIVERSITY OF MICHIGAN
JUN 5 1969
REFERENCE

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1969]

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Title 3—THE PRESIDENT

Proclamation 3914

HELEN KELLER MEMORIAL WEEK

By the President of the United States of America

A Proclamation

Deaf-blind people are isolated from our world by formidable communications barriers. Yet, we know that pioneering social concern and the released genius of Helen Keller united to penetrate those barriers and produce a person who symbolized the vast potential resource of severely handicapped human beings. Miss Keller became an American ambassador-at-large to the world because she was unexcelled in interpreting the Nation's philosophy of respect for the unique inherent qualities of each individual.

Her recognition of this philosophy was never more eloquently expressed than when she said: "What I am, my country has made me. She has fostered the spirit which has made my education possible." At the same time, Helen Keller was deeply aware that she was miraculously fortunate to have been discovered by persons who were able to give her the priceless gift of language, which was what she needed to light up her extraordinary mind.

As the years passed, Miss Keller became increasingly concerned with those persons who were deprived of sight and hearing. Her later years were dedicated almost entirely to providing the deaf-blind with the kind of opportunities which had yielded such great benefit for her.

It is, therefore, fitting that we designate, as a memorial to Helen Keller, one week during which we may give special thought to the needs of our countrymen who are handicapped by the loss of sight and hearing. The minds of these people are forever imprisoned unless we muster every available resource to reach and rehabilitate them. Attaining this goal requires not only the use of such special techniques as lip reading, manual alphabet, and braille materials but the concern and commitment of all of us to let these people know they are a vital part of our society.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in consonance with Senate Joint Resolution 99, do hereby designate the week beginning June 1, 1969, as Helen Keller Memorial Week.

I invite appropriate officers of the Federal, State, and local governments, the heads of voluntary and private groups, and all Americans everywhere to join in this observance. I urge them to find suitable means for expressing determination to cultivate a public understanding and sentiment in behalf of deaf-blind people and to devise a dynamic pattern for continuing their education, welfare and rehabilitation.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of May, in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-third.

Richard Nixon

[F.R. Doc. 69-6573; Filed, May 29, 1969; 4:10 p.m.]

Proclamation 3915

D-DAY TWENTY-FIFTH ANNIVERSARY DAY

By the President of the United States of America

A Proclamation

Twenty-five years ago on June 6, Allied Forces under the leadership of Dwight David Eisenhower, made a successful landing on the beaches of Normandy. What happened on that day—and in the days and months immediately following—is now part of the acts of valor which have been the inspiration and often the salvation of Western civilization. The Sixth of June was transformed on that day from a date on the calendar to a historical landmark in the history of freedom.

The valiant leader and many of the valiant men who made victory possible by their efforts on that day are now gone. Their triumph, however, remains, for it was a triumph of the human spirit. Our Nation and nations of free men everywhere are forever grateful for the sacrifices made in Normandy. Twenty-five years have not diminished but have, rather, enhanced the profound importance of that day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim June 6, 1969, as D-Day Twenty-Fifth Anniversary Day; and I invite the people of this Nation to observe that day with appropriate ceremonies designed to commemorate the brave men living and dead who did so much to open this path to victory and peace.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, 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-third.

Richard Nixon

[F.R. Doc. 69-6627; Filed, June 2, 1969; 11:29 a.m.]

Executive Order 11472

ESTABLISHING THE ENVIRONMENTAL QUALITY COUNCIL AND THE CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART I. ENVIRONMENTAL QUALITY COUNCIL

SECTION 101. *Establishment of the Council.* (a) There is hereby established the Environmental Quality Council (hereinafter referred to as "the Council").

(b) The President of the United States shall preside over meetings of the Council. The Vice President shall preside in the absence of the President.

(c) The Council shall be composed of the following members:

The Vice President of the United States

Secretary of Agriculture

Secretary of Commerce

Secretary of Health, Education and Welfare

Secretary of Housing and Urban Development

Secretary of the Interior

Secretary of Transportation

and such other heads of departments and agencies and others as the President may from time to time direct.

(d) Each member of the Council may designate an alternate, who shall serve as a member of the Council whenever the regular member is unable to attend any meeting of the Council.

(e) When matters which affect the interest of Federal agencies the heads of which are not members of the Council are to be considered by the Council, the President or his representative may invite such agency heads or their alternates to participate in the deliberations of the Council.

(f) The Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and the Executive Secretary of the Council for Urban Affairs or their representatives may participate in the deliberations of the Environmental Quality Council as observers.

(g) The Science Adviser to the President shall be the Executive Secretary of the Council and shall assist the President in directing the affairs of the Council.

SEC. 102. *Functions of the Council.* (a) The Council shall advise and assist the President with respect to environmental quality matters and shall perform such other related duties as the President may from time to time prescribe. In addition thereto, the Council is directed to:

(1) Recommend measures to ensure that Federal policies and programs, including those for development and conservation of natural resources, take adequate account of environmental effects.

(2) Review the adequacy of existing systems for monitoring and predicting environmental changes so as to achieve effective coverage and efficient use of facilities and other resources.

(3) Foster cooperation between the Federal Government, State and local governments, and private organizations in environmental programs.

(4) Seek advancement of scientific knowledge of changes in the environment and encourage the development of technology to prevent or minimize adverse effects that endanger man's health and well-being.

(5) Stimulate public and private participation in programs and activities to protect against pollution of the Nation's air, water, and land and its living resources.

(6) Encourage timely public disclosure by all levels of government and by private parties of plans that would affect the quality of environment.

(7) Assure assessment of new and changing technologies for their potential effects on the environment.

(8) Facilitate coordination among departments and agencies of the Federal Government in protecting and improving the environment.

(b) The Council shall review plans and actions of Federal agencies affecting outdoor recreation and natural beauty. The Council may conduct studies and make recommendations to the President on matters of policy in the fields of outdoor recreation and natural beauty. In carrying out the foregoing provisions of this subsection, the Council shall, as far as may be practical, advise Federal agencies with respect to the effect of their respective plans and programs on recreation and natural beauty, and may suggest to such agencies ways to accomplish the purposes of this order. For the purposes of this order, plans and programs may include, but are not limited to, those for or affecting: (1) Development, restoration, and preservation of the beauty of the countryside, urban and suburban areas, water resources, wild rivers, scenic roads, parkways and highways, (2) the protection and appropriate management of scenic or primitive areas, natural wonders, historic sites, and recreation areas, (3) the management of Federal land and water resources, including fish and wildlife, to enhance natural beauty and recreational opportunities consistent with other essential uses, (4) cooperation with the States and their local subdivisions and private organizations and individuals in areas of mutual interest, (5) interstate arrangements, including Federal participation where authorized and necessary, and (6) leadership in a nationwide recreation and beautification effort.

(c) The Council shall assist the President in preparing periodic reports to the Congress on the subjects of this order.

SEC. 103. *Coordination.* The Secretary of the Interior may make available to the Council for coordination of outdoor recreation the authorities and resources available to him under the Act of May 28, 1963, 77 Stat. 49; to the extent permitted by law, he may make such authorities and resources available to the Council also for promoting such coordination of other matters assigned to the Council by this order.

SEC. 104. *Assistance for the Council.* In compliance with provisions of applicable law, and as necessary to serve the purposes of this order, (1) the Office of Science and Technology shall provide or arrange for necessary administrative and staff services, support, and facilities for the Council, and (2) each department and agency which has membership on the Council under Section 101(c) hereof shall furnish the Council such information and other assistance as may be available.

PART II. CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

SEC. 201. *Establishment of the Committee.* There is hereby established the Citizens' Advisory Committee on Environmental Quality (hereinafter referred to as the "Committee"). The Committee shall be composed of a chairman and not more than 14 other members appointed by the President. Appointments to membership on the Committee shall be for staggered terms, except that the chairman of the Committee shall serve until his successor is appointed.

SEC. 202. *Functions of the Committee.* The Committee shall advise the President and the Council on matters assigned to the Council by the provisions of this order.

SEC. 203. *Expenses.* Members of the Committee shall receive no compensation from the United States by reason of their services under this order but shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701–5708) for persons in the Government service employed intermittently.

SEC. 204. *Continuity.* Persons who on the date of this order are members of the Citizens' Advisory Committee on Recreation and Natural Beauty established by Executive Order No. 11278 of May 4, 1966, as amended, shall, until the expirations of their respective terms and without further action by the President, be members of the Committee established by the provisions of this Part in lieu of an equal number of the members provided for in section 201 of this order.

PART III. GENERAL PROVISIONS

SEC. 301. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

SEC. 302. *Prior bodies and orders.* The President's Council on Recreation and Natural Beauty and the Citizens' Advisory Committee on Recreation and Natural Beauty are hereby terminated and the following are revoked:

(1) Executive Order No. 11278 of May 4, 1966.

(2) Executive Order No. 11359A of June 29, 1967.

(3) Executive Order No. 11402 of March 29, 1968.

Richard Nixon

THE WHITE HOUSE,
May 29, 1969.

[F.R. Doc. 69-6572; Filed, May 29, 1969; 4:10 p.m.]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1969 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1969. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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		Price
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50	(Rev.)	1.25

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3184 is amended to show that five positions of regional operations commissioners in the Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner are no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, paragraph (b) is revoked in its entirety.

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

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

[F.R. Doc. 69–6484; Filed, June 2, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two positions of Confidential Assistant for Special Projects to the Assistant Secretary for Planning and Evaluation are excepted under Schedule C and to reflect the change in the Assistant Secretary's title from Assistant Secretary for Program Coordination to Assistant Secretary for Planning and Evaluation. Effective on publication in the FEDERAL REGISTER, the headnote is amended and subparagraph (2) is added to paragraph (k) of § 213.3316 as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(k) *Office of the Assistant Secretary for Planning and Evaluation.* * * *

(2) Two Confidential Assistants for Special Projects to the Assistant Secretary.

* * * * *

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

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

[F.R. Doc. 69–6483; Filed, June 2, 1969; 8:47 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 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 20843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2756),

March 7, 1968 (33 F.R. 4248), July 13, 1968 (33 F.R. 10085), July 31, 1968 (33 F.R. 10839), August 15, 1968 (33 F.R. 11587), September 25, 1968 (33 F.R. 14399), November 8, 1968 (33 F.R. 16382), December 14, 1968 (33 F.R. 18573), and February 1, 1969 (34 F.R. 1586), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREAS

ONE HOUR

Add: San Luis, Ariz.

TWO HOURS

Add: Milwaukee, Wis.

OUTSIDE METROPOLITAN AREAS

TWO HOURS

Add: San Luis, Ariz. (served from Yuma, Ariz.).

THREE HOURS

Add: Green Bay, Wis. (served from Clintonville, Wis.).
Add: Kenosha-Racine, Wis. (served from Milwaukee, Wis.).
Add: Manitowic, Wis. (served from Clintonville, Wis.).

FOUR HOURS

Add: Sheboygan, Wis. (served from Milwaukee, Wis.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

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

Done at Hyattsville, Md., this 28th day of May 1969.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-6517; Filed, June 2, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Interpretations

§ 226.202 Security interest—confession of judgment—cognovit notes.

(a) Under § 226.2(z) "security interest" is defined to include confessed liens whether or not recorded and, in general, to include any interest in property which secures payment or performance of an obligation. In certain transactions involving a security interest, under § 226.9 the customer has a right of rescission.

(b) In some of the States, confession of judgment clauses or cognovit provisions are lawful and make it possible for the holder of an obligation containing such clause or provision to record a lien on property of the obligor simply by recordation entry of judgment; the obligor is afforded no opportunity to enter a defense against such action prior to entry of the judgment.

(c) Since confession of judgment clauses and cognovit provisions in such States have the effect of depriving the obligor of the right to be notified of a pending action and to enter a defense in a judicial proceeding before judgment may be entered or recorded against him, such clauses and provisions in those States are security interests under § 226.2(z) and for the purposes of §§ 226.7(a)(7), 226.8(b)(5), and 226.9. This is the case even if the judgment cannot be entered until after a default by the obligor.

(d) Confession of judgment clauses and cognovit provisions which, by their terms, exclude a lien on all real property which is used or is expected to be used as the principal residence of the customer, would not bring a transaction under the provisions of § 226.9.

§ 226.203 Open end credit distinguished from other credit.

(a) The fundamental qualification for "open end credit" under § 226.2(r) is that consumer credit be extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans from time to time directly or indirectly from the creditor, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in installments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance. Under an open end credit account plan, it is contemplated that there will or may be repetitive transactions on a revolving basis.

(b) In certain cases, a form of contract or note relating to a single transaction provides that the finance charge will be computed from time to time by application of a rate to the unpaid balance and stipulates required minimum periodic payments. However, the obligor has the privilege of making larger and more frequent payments than stipulated or paying the obligation in full at any time without penalty. The question arises as to whether the creditor should make disclosures in such circumstances under § 226.7 for open end credit accounts or under § 226.8 for credit other than open end.

(c) Although the terms of such a contract or note meet the second and third requirements for such a plan, they do not meet the first of such requirements nor the basic qualification that consumer credit be extended on an account pursuant to a plan. Therefore, disclosures in this case are required to be made under § 226.8.

(Interprets and applies 15 U.S.C. 1602)

§ 226.301 Agricultural purposes—when exempt from the regulation.

(a) Under § 226.3(a), the regulation does not apply to "Extensions of credit to organizations, including governments, or for business or commercial purposes, other than agricultural purposes." The definition of "organization" in § 226.2(s) includes a corporation, trust, estate, partnership, cooperative, or association as well as governmental entities. The question arises as to whether the regulation applies to extensions of credit to organizations, including governments, for agricultural purposes.

(b) Extensions of credit to organizations, including governments, for agricultural purposes are exempt from the regulation.

(Interprets and applies 15 U.S.C. 1603)

§ 226.502 Annual percentage rate on single add-on rate transactions.

(a) The application of a single add-on rate to transactions of varying maturities, when converted to an annual percentage rate determined by the actuarial method, results in minor variations. Such annual percentage rate variations on maturities up to 60 months are so insignificant that separate computations are unwarranted.

(b) The question arises as to whether a creditor may disclose a single annual percentage rate on all such transactions based upon the highest rate which will arise from the application of the same single add-on rate to each of such transactions.

(c) When the same add-on rate is applied to all transactions within a range of maturities up to 60 months, and provided that all payments on each transaction are equal in amount and due at equal intervals of time within the limits provided by § 226.5(d), a single annual percentage rate may be disclosed, in

which case it shall be the highest annual percentage rate that may be applicable to any such transactions.

(Interprets and applies 15 U.S.C. 1606)

§ 226.805 Series of sales as distinguished from refinancing, consolidating, or increasing.

(a) The question arises as to the distinction between the provisions of § 226.8(h), series of sales, and the provisions of § 226.8(j), refinancing, consolidating, or increasing.

(b) Section 226.8(h) is applicable only when a credit sale is made pursuant to an agreement which provides for the addition of a current (or new) sale to an existing outstanding balance. In such cases, and provided that all of the requirements of § 226.8(h) (1) and (2) are met, the disclosures may be made at any time not later than the date the first payment for that sale is due.

(c) If there is no agreement, or if the agreement does not meet all of the requirements of § 226.8(h), the disclosures required in connection with any subsequent sale, which is added to a previously outstanding balance shall be made under the provisions of § 226.8(j). For example, the fact that an agreement provides a method of computing an unearned portion of the finance charge in the event of prepayment, but does not otherwise meet the requirements of § 226.8(h), will not qualify transactions made pursuant to that agreement for disclosure under the terms of § 226.8(h).

(Interprets and applies 15 U.S.C. 1638)

§ 226.806 Deposit balances applied toward satisfaction of customer's obligation.

(a) Section 226.8(e)(2) provides that required deposit balances must be deducted under § 226.8(c)(6) and excluded under § 226.8(d)(1) in determining the amount financed. Subdivision (ii) of § 226.8(e)(2) provides an exception in the case of Morris Plan type transactions in which payments in the transaction are made and accumulated in a deposit account which is then wholly applied to satisfy the obligation.

(b) Unless the deposit balance account is created for the sole purpose of accumulating payments and then being applied toward satisfaction of the customer's obligation in the transaction, such deposit balance does not fall within the exception provided in subdivision (ii).

(c) In any case in which a deposit balance qualifies for this exception, each deposit made into the account shall be considered the same as a payment on the obligation for the purpose of computations and disclosures.

(Interprets and applies 15 U.S.C. 1638 and 15 U.S.C. 1639)

§ 226.901 Waiver of security interests—effect on the right of rescission.

(a) Section 226.9(a) provides for a right of rescission "in the case of any (consumer) credit transaction in which a security interest is or will be retained or acquired in any real property which is used or is expected to be used as the principal residence of the customer." Under § 226.2(z) security interests include mechanic's and materialmen's liens. If a creditor effectively waives his right to retain, or to acquire such a lien, he has not retained or acquired such security interest. The question arises, however, of whether waiver of a creditor's lien rights is effective to remove a transaction from the scope of rescission when lien rights which are not waived arise in favor of subcontractors, workmen, or others who are not creditors in the transaction.

(b) The fact that the creditor waives his lien rights does not, in itself, determine whether or not the transaction is rescindable. If all security interests are effectively waived, the transaction is not rescindable. On the other hand, if as a result of the transaction, a security interest is or will be retained or acquired by a subcontractor, workman, or other person, the transaction is rescindable. In the latter case the creditor would be responsible for delivering the rescission notice as well as other applicable disclosures, delaying performance as provided under § 226.9(c), and identifying himself as the creditor on the rescission notice. The subcontractors, workmen, and others would not be responsible for delivering rescission notices to the customer.

(Interprets and applies 15 U.S.C. 1635)

§ 226.902 "Customers" and joint owners of property under the right of rescission.

(a) Section 226.9(f) provides that, for the purposes of the right of rescission, "customer" shall include two or more customers where joint ownership is involved. The question arises of whether this means that all joint owners of record, regardless of whether or not they are parties to the transaction, are customers for this purpose, and whether each of such owners of record (1) must receive disclosures and a notice of the right of rescission, (2) may exercise the right of rescission, and (3) must join in signing a waiver if one is appropriately taken by the creditor.

(b) Under § 226.9(f) where there are joint owners, the right to receive disclosures and notice of the right of rescission, the right to rescind, and the need to sign a waiver of such right, apply only to those joint owners who are parties to the transaction.

(Interprets and applies 15 U.S.C. 1635)

§ 226.403 Disclosure of cost of property insurance when not obtainable from or through the creditor.

(a) In many cases a creditor requires insurance against loss or damage to property or liability arising out of its use but such insurance is not obtainable from or through him. The question arises under § 226.4(a)(6) as to whether such a creditor must make any disclosures to avoid having to include the insurance premium in the finance charge.

(b) Irrespective of whether such insurance may be obtained from or through the creditor, if the creditor requires property insurance and wishes to exclude the cost from the finance charge, he is required to state clearly and conspicuously to the customer that he may choose the person through which the insurance is to be obtained. However, if the insurance is not obtainable from or through the creditor, he is not required to disclose the cost of that insurance, unless, of course, the premiums are included in the "amount financed," in which case it would have to be disclosed under § 226.8 (c)(4) or (d)(1), as the case may be.

(Interprets and applies 15 U.S.C. 1605)

Dated at Washington, D.C., the 26th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-6457; Filed, June 2, 1969; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the recommendations of the Administrative Conference of the United States to update the citations of authority appearing in the Code of Federal Regulations, Chapter I of Title 13 of the Code of Federal Regulations is hereby amended, as follows:

PART 101—ADMINISTRATION

1. The "Authority" hearing appearing under Part 101 is hereby amended by substituting the citations "sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687 (c); sec. 5, 72 Stat. 385, 15 U.S.C. 634" for "Public Law 85-536, sec. 5, 72 Stat. 385."

PART 103—APPEARANCES AND COMPENSATION OF PERSONS APPEARING BEFORE SBA

2. The "Authority" heading appearing under Part 103 is hereby amended by substituting the citations "sec. 13, 72 Stat. 394, 15 U.S.C. 642; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85-536, sec. 5, 72 Stat. 385."

PART 104—PROCEEDINGS TO SUSPEND OR REVOKE PRIVILEGE OF ANY AGENT TO APPEAR BEFORE SBA

3. The "Authority" heading appearing under Part 104 is hereby amended by substituting the citation "sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85-536, sec. 5, 72 Stat. 385."

PART 106—LEASE GUARANTEE

4. The "Authority" heading appearing under Part 106 is hereby amended by substituting the citations "sec. 316 (a), 79 Stat. 482, as amended, 15 U.S.C. 692; sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687(c)" for "Title IV of the Small Business Investment Act of 1958, 72 Stat. 689 (1965)."

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

5. The "Authority" heading appearing under Part 107 is hereby amended by substituting the citations "sec. 308 (c), 72 Stat. 694, as amended, 15 U.S.C. 687(c); sec. 312, 78 Stat. 147, 15 U.S.C. 687d; sec. 315, 80 Stat. 1364, 15 U.S.C. 687g" for "sec. 308, 72 Stat. 694, as amended, 15 U.S.C. 687."

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

6. The "Authority" heading appearing under Part 108 is hereby amended by substituting the citations "72 Stat. 696, 15 U.S.C. 695; 72 Stat. 697, as amended, 15 U.S.C. 696; sec. 602, 78 Stat. 252, 42 U.S.C. 2000d–1; E.O. 10925, 26 F.R. 1977 (1961); E.O. 11114, 28 F.R. 6485 (1963); sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687(c)" for "sec. 5, Public Law 85–536, secs. 201, 308, Public Law 85–699."

PART 109—ADJUDICATIVE PROCEEDINGS; SMALL BUSINESS INVESTMENT COMPANIES

7. The "Authority" heading appearing under Part 109 is hereby amended by substituting the citations "sec. 309, 75 Stat. 753, as amended, 15 U.S.C. 687a; sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687(c)" for "sec. 308, Public Law 85–699 and sec. 309, Public Law 87–341."

PART 110—INVESTIGATIONS; SMALL BUSINESS INVESTMENT COMPANIES

8. The "Authority" heading appearing under Part 110 is hereby amended by substituting the citations "sec. 310, 75 Stat. 755, as amended, 15 U.S.C. 687b; sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687(c)" for "sec. 308, Public Law 85–699 and sec. 310, Public Law 87–341."

PART 113—NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SBA—EFFECTUATION OF POLICIES OF FEDERAL GOVERNMENT AND SBA ADMINISTRATOR

9. The "Authority" heading appearing under Part 113 is hereby amended substituting the citations "sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6); sec. 308(c), 72 Stat. 694, as amended, 15 U.S.C. 687(c)" for "Public Law 85–536, secs. 4, 5, 72 Stat. 384, 385; Public Law 85–699, secs. 201, 308, 72 Stat. 690, 694."

PART 120—LOAN POLICY

10. The "Authority" heading appearing under Part 120 is hereby amended substituting the citations "72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385, 15 U.S.C. 634."

PART 121—SMALL BUSINESS SIZE STANDARDS

11. The "Authority" heading appearing under Part 121 is hereby amended substituting the citations "sec. 3, 72 Stat. 384, 15 U.S.C. 632; sec. 8, 72 Stat. 389, as amended, 15 U.S.C. 637(b)(6); sec. 103, 72 Stat. 690, as amended, 15 U.S.C. 662 (5); sec. 213(a), 76 Stat. 1111, 50 U.S.C. App. 20171; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5(b)(6), 72 Stat. 385; sec. 121.3–13 issued under Public Law 87–846, sec. 213 (a), 72 Stat. 384."

PART 122—BUSINESS LOANS

12. The "Authority" heading appearing under Part 122 is hereby amended substituting the citations "sec. 7, 72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)" for "Public Law 85–536, sec. 7, 72 Stat. 384 (1958) as amended; 15 U.S.C. sec. 636."

PART 123—DISASTER LOANS

13. The "Authority" heading appearing under Part 123 is hereby amended substituting the citations "sec. 7, 72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "sec. 5, Public Law 85–536, sec. 201 and sec. 308, Public Law 85–699."

PART 124—PROCUREMENT AND TECHNICAL ASSISTANCE

14. The "Authority" heading appearing under Part 124 is hereby amended substituting the citations "sec. 8, 72 Stat. 389, as amended, 15 U.S.C. 637; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385."

PART 125—RESEARCH AND DEVELOPMENT ASSISTANCE

15. The "Authority" heading appearing under Part 125 is hereby amended substituting the citations "sec. 9, 72 Stat. 391, 15 U.S.C. 638; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385."

PART 126—DEFENSE PRODUCTION POOLS

16. The "Authority" heading appearing under Part 126 is hereby amended substituting the citations "sec. 11, 72 Stat. 394, 15 U.S.C. 640; 64 Stat. 798, as amended, 50 U.S.C. App. 2061, et seq.; E.O. 10493, 18 F.R. 6583 (1953); sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385."

PART 127—JOINT SET-ASIDES

17. The "Authority" heading appearing under Part 127 is hereby amended substituting the citations "sec. 15, 72 Stat. 395, 15 U.S.C. 644; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Section 15 of the Small Business Act, 72 Stat. 385."

PART 128—GRANTS FOR SMALL BUSINESS RESEARCH

18. The "Authority" heading appearing under Part 128 is hereby amended substituting the citations "sec. 7, 72 Stat. 387, as amended, 15 U.S.C. 636(d); sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6)" for "Public Law 85–536, sec. 5, 72 Stat. 385."

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

Dated: May 23, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69–6461; Filed, June 2, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–EA–69; Amdt. 39–772]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper Aircraft PA–31 type airplanes.

A review of the flight characteristics of the PA–31 type airplane establishes a basis for finding noncompliance with the stall recovery characteristics required by Part 23 (formerly Part 3 of the Civil Air Regulations) of the Federal Aviation Regulations.

Since this condition exists in all aircraft of like design, an airworthiness directive is being issued to require the installation of stall strips on the leading edge of the wings or an equivalent modification. In view of a situation existing which requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to

me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER. Applies to type PA-31 and PA-31-300 airplanes, Serial Nos. 31-2, 31-4, 31-6 through 31-345, 31-347 through 31-357, 31-359 through 31-366, 31-368 through 31-373, 31-375 through 31-378, 31-380 through 31-384, 31-386 through 31-406, 31-408 through 31-422, 31-426 through 31-428, 31-430, 31-431, 31-433, 31-434, 31-436, 31-437, 31-439, 31-444, and 31-445; certificated in all categories.

Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

(a) To improve the stall characteristics by the installation of stall strips on the leading edge of the wing, comply with Piper Service Bulletin No. 294, dated May 16, 1969, or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

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

This amendment is effective June 5, 1969.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6475; Filed, June 2, 1969; 8:46 a.m.]

[Docket No. 9626; Amdt. 71-5]

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

Alteration of Vertical Extent of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the definition of the vertical extent of Federal airways in § 71.5(c)(1) to reflect the present structure of the airways.

Prior to 1961, all airways extended upward from 700 feet above the surface. Amendment 60-21 to the Civil Air Regulations (26 F.R. 570) stated that the FAA would raise the floors of all controlled airspace, where possible, to 1,200 feet or more above the surface. Thus, a pilot would need only to maintain an altitude of less than 1,200 feet above the surface to remain clear of designated airways. Standardizing the floor of designated airways at 1,200 feet above the surface would also reduce the complexity of charting. Since all airways have been redescribed in accordance with this policy as extending upward from 1,200 feet, or higher, above the surface, no Federal airway exists which would be affected by this amendment. Therefore, action is taken herein to amend § 71.5(c)(1) so that, unless otherwise specified in the description of an airway, each airway will include that airspace extending upward from 1,200 feet above the surface.

Since this amendment is minor in nature and does not impose any additional burden upon the public, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, § 71.5(c)(1) of the Federal Aviation Regulations is amended, effective June 3, 1969, by striking the words "from 700 feet above the surface of the earth to," and substituting therefor "from 1,200 feet above the surface of the earth to".

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

Issued in Washington, D.C., on May 27, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-6466; Filed, June 2, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-24]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Mitchell, S. Dak.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Mitchell, S. Dak., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 24, 1969, as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

MITCHELL, S. DAK.

Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); within 3 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 7½ miles southeast of the VOR; and within 3 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 7½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

MITCHELL, S. DAK.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°-46'25" N., longitude 98°02'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 18½ miles northwest of the VOR.

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

Issued in Kansas City, Mo., on May 8, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6467; Filed, June 2, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-48]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Memphis, Tenn., control zone and transition area.

The Memphis control zone is described in § 71.171 (34 F.R. 4557) and the transition area is described in § 71.181 (34 F.R. 4637 and 7122). In the descriptions, reference is made to the Memphis Metropolitan Airport. Since the name of this airport was changed to Memphis International Airport, effective April 22, 1969, it is necessary to alter the descriptions to reflect this change.

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

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

In § 71.171 (34 F.R. 4557), the Memphis, Tenn., control zone is amended as follows: "* * * Memphis Metropolitan Airport * * *" is deleted and "* * * Memphis International Airport * * *" is substituted therefor wherever it appears.

In § 71.181 (34 F.R. 4637), the Memphis, Tenn., transition area (34 F.R. 7122) is amended as follows: "* * *

Memphis Metropolitan Airport * * *" is deleted and "* * * Memphis International Airport * * *" is substituted therefor wherever it appears in the description.

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

Issued in East Point, Ga., on May 19, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-6468; Filed, June 2, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-27]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Seymour, Ind.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Seymour, Ind., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 24, 1969, as hereinafter set forth:

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

SEYMOUR, IND.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Freeman Municipal Airport (latitude 38°55'35 N., longitude 85°54'25" W.); and within 3 miles each side of the 161° bearing from Freeman Municipal Airport extending from the 6½-mile radius to 8 miles south of the airport.

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

Issued in Kansas City, Mo., on May 7, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6469; Filed, June 2, 1969; 8:45 a.m.]

[Airspace Docket No. 69-WE-16]

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

Alteration of Transition Areas

On April 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6698) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Grand Canyon and Peach Springs, Ariz., transition areas.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 22, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the Grand Canyon, Ariz. (Grand Canyon National Park Airport), transition area is amended by deleting the period at the end of text and adding the following "* * * and that airspace within 5 miles each side of a direct line between the Grand Canyon, Ariz., VOR and Boulder City, Nev., VORTAC extending from the Grand Canyon VOR to 21 miles west of the VOR."

In § 71.181 (34 F.R. 4637) the Peach Springs, Ariz., transition area is amended by adding "* * * That airspace extending upward from 9,000 feet MSL bounded on the north by a line 5 miles north of and parallel to a direct line between the Grand Canyon, Ariz., VOR and the Boulder City, Nev., VORTAC, on the south by the north edge of V-210 and on the southwest by the northeast edge of V-105E."

[F.R. Doc. 69-6470; Filed, June 2, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-29]

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

Designation of Transition Area

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

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

Subsequent to publication of the notice, the geographic coordinate (lat. 35°50'00" N., long. 87°27'00" W.) for Centerville Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to amend the description by appropriately inserting the geographic coordinate for the airport.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

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

CENTERVILLE, TENN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Centerville Municipal Airport (lat. 35°50'00" N., long. 87°27'00" W.); within 2 miles each side of the Graham, Tenn., VOR 177° radial, extending from the 5-mile radius area to 8 miles south of the VOR.

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

Issued in East Point, Ga., on May 21, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-6471; Filed, June 2, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-40]

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

Extension of Federal Airway and Revocation of Federal Airway

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to renumber VOR Federal airway No. 427 as VOR Federal airway No. 59.

At present V-427 extends only from Newcomerstown, Ohio, to Briggs, Ohio. These amendments will extend V-59 from Newcomerstown to Briggs and revoke V-427. This will reduce the number of VOR airways, simplify flight planning and reduce the air traffic control workload.

Since these amendments are editorial in nature and do not designate additional controlled airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

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

1. In V-59, all after "12 AGL Parkersburg, W. Va.;" is deleted and "12 AGL Newcomerstown, Ohio; 12 AGL Briggs, Ohio." is substituted therefor.

2. V-427 is revoked.

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

Issued in Washington, D.C., on May 27, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6472; Filed, June 2, 1969; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chairman and Vice Chairman, Board of Veterans Appeals

In Part 2, § 2.66 is revised to read as follows:

§ 2.66 Chairman and Vice Chairman, Board of Veterans Appeals, in addition to authority vested by law, Veterans Administration regulations and manuals, delegated authority to authorize assumption of appellate jurisdiction of adjudicative determination which has not become final; to authorize administrative action on adjudicative determination which has become final by appellate decision or failure to timely appeal; and to authorize central office investigations of matters before the Board.

This delegation of authority is identical to § 19.2 of this chapter.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-6491; Filed, June 2, 1969; 8:47 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

EFFECTIVE DATES; DIFFERENCE OF OPINION

In § 3.400, paragraph (h) is amended to read as follows:

§ 3.400 General.

* * * * *

(h) *Difference of opinion (§ 3.105).* (1) As to decisions not final prior to receipt of an application for reconsideration or to reopen, or prior to reconsideration on Veterans Administration initiative, the date from which benefits would have been payable if the former decision had been favorable.

(2) As to decisions which have become final (by appellate decision or failure to timely initiate and perfect an appeal) prior to receipt of an application for reconsideration or to reopen, the date of receipt of such application or the date entitlement arose, whichever is later.

(3) As to decisions which have become final (by appellate decision or failure to timely initiate and perfect an appeal) and reconsideration is undertaken solely on Veterans Administration initiative, the date of Central Office approval authorizing a favorable decision or the date of the favorable Board of Veterans Appeals decision.

(4) Where the initial determination for the purpose of death benefits is favorable, the commencing date will be determined without regard to the fact that the action may reverse, on a difference of opinion, an unfavorable decision for disability purposes by an adjudicative agency other than the Board of Veterans Appeals, which was in effect at the date of the veteran's death.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective December 1, 1962.

By direction of the Administrator.

Approved: May 21, 1969.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-6493; Filed, June 2, 1969; 8:48 a.m.]

PART 19—BOARD OF VETERANS APPEALS

Appeals

1. In Part 19, §§ 19.1 and 19.2 are revised to read as follows:

§ 19.1 General appellate jurisdiction.

All questions on claims involving benefits under the laws administered by the Veterans Administration are subject to review on appeal to the Administrator of Veterans Affairs, decisions in such cases to be made by the Board of Veterans Appeals. (38 U.S.C. 4004(a)) In its decisions, the Board is bound by the regulations of the Veterans Administration, instructions of the Administrator and precedent opinions of the chief law officer. The statutory jurisdiction vests responsibility in the Board to apply and exercise all the adjudicative criteria and authority in such controlling media properly for application by the department having original adjudicative responsibility for claims for benefits.

§ 19.2 Delegation of authority to Chairman and Vice Chairman, Board of Veterans Appeals.

In addition to the authority vested in the Chairman and Vice Chairman, Board of Veterans Appeals, by law, Veterans Administration regulations and manuals, authority is delegated to each as follows:

(a) To authorize assumption of appellate jurisdiction of an adjudicative determination which has not become final.

(b) To authorize administrative action on an adjudicative determination which has become final by appellate decision or failure to timely appeal.

(c) To authorize Central Office investigations of matters before the Board.

2. Sections 19.148, 19.149, 19.150, and 19.151 are revised to read as follows:

§ 19.148 Rule 48; when accorded.

Reconsideration of an appellate decision otherwise final under Rule 4 (§ 19.104) may be accorded by the Board of Veterans Appeals:

(a) Upon allegation of error of fact or law by a claimant or his representative or on the Board's own motion (38 U.S.C. 4003);

(b) Upon discovery of additional service department records (38 U.S.C. 4003, 4004(b)); or

(c) On administrative review, when authorized by the Chairman or Vice Chairman under authority delegated in § 19.2(b).

§ 19.149 Rule 49; requirements in application.

Application for reconsideration shall set forth clearly and specifically the alleged error(s) of fact or law in the decision of the Board or other basis for requesting reconsideration.

§ 19.150 Rule 50; evidence considered.

Reconsideration of an appellate decision shall be based on evidence of record at the time the decision was entered but this shall not preclude the Board from securing any needed expert medical or legal opinion.

§ 19.151 Rule 51; time limit for filing of requests.

A hearing for the purpose of securing reconsideration shall be requested within 1 year from the date of the mailing of notice of the original decision. A brief for that purpose may be filed at any time.

3. A new center title is added and § 19.153 is revised to read as follows:

MISCELLANEOUS

§ 19.153 Rule 53; finality of decisions of the agency of original jurisdiction where appeal not timely initiated and perfected.

An action or determination on a claim by the agency of original jurisdiction shall become final if an appeal is not initiated and perfected as prescribed in Rule 18 (§ 19.118), and the claim cannot thereafter be reopened or allowed, except as may be otherwise provided by Veterans Administration regulations in Title 38, Code of Federal Regulations. (38 U.S.C. 4005(c))

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

By direction of the Administrator.

Approved: May 21, 1969.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-6492; Filed, June 2, 1969; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17858; RM 1000]

PART 87—AVIATION SERVICES

Use of High Frequency Channels for Flight Test Purposes and in Support of Offshore Drilling Operations; Correction

In the Matter of Amendment of Parts 2 and 87 of the Commission's rules to

permit use of high frequency (HF) channels for flight test purposes and in support of offshore drilling operations.

In the appendix to the report and order in the above-entitled matter, FCC 68-678, released June 26, 1968, and published in the FEDERAL REGISTER on July 3, 1968, 33 F.R. 9661, correction of an error in the ninth listed frequency in the table in § 87.331(c) is necessary. The frequency in parenthesis is corrected to "(8945)" from "(8943)".

Released: May 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6513; Filed, June 2, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Octadecylamine

A statement of policy on the use of octadecylamine in steam lines of food and drug establishments, § 3.506, was published in the FEDERAL REGISTER of November 30, 1957. More recently, however, a food additive regulation has been promulgated prescribing the conditions under which certain boiler water additives, including octadecylamine, may be safely used in the preparation of steam that will contact food (21 CFR 121.1088). The Commissioner of Food and Drugs concludes that § 3.50 should be revised to delete references to food uses.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 701(a), 52 Stat. 1051, 1055, 21 U.S.C. 352, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 3.506 is revised to read as follows:

§ 3.506 Use of octadecylamine in steam lines of drug establishments.

The Food and Drug Administration will not object to the use of octadecylamine in steam lines where the steam may be used for autoclaving surgical instruments and gauze if the octadecylamine in the steam is not more than 2.4 parts per million.

(Sec. 502, 52 Stat. 1051; 21 U.S.C. 352)

Dated: May 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6458; Filed, June 2, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-369]

HANDLING OF ORANGES GROWN IN INTERIOR DISTRICT IN FLORIDA

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., beginning at 10 a.m., local time, June 24, 1969, with respect to a proposed marketing agreement and order regulating the handling of oranges grown in the Interior District in Florida. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

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

The proposed marketing agreement and order, the provisions of which are as follows, was submitted with a request for a hearing by R. V. Phillips, John T. Lesley, and Tom Brandon on behalf of Florida Citrus Exchange, Adams Packing Co., Alturas Packing Co., Battaglia Fruit Co., Carter Fruit Co., Florida Orange Packers, Haines City Citrus Growers Association, Herman J. Heidrich & Sons, Heller Brothers Packing Co., Holly Hill Fruit Products, Lake Hamilton Cooperative, Lake Region Packing Association, Lake Wales Citrus Growers Association, Lakeland Packing Co., Newberne Groves, People Packing Co., South Lake Apopka Citrus Growers Association, Spada Fruit Sales, and Waverly Growers Cooperative (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

Section 1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agriculutre Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Sec. 3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4 Oranges.

"Oranges" means all varieties of Citrus sinensis, Osbeck, grown in the Interior District of Florida but not oranges of the so-called kid glove type such as Temple, Murcott Honey, and King oranges.

Sec. 5 Early and Midseason Type oranges.

"Early and Midseason Type oranges" means all oranges except late type oranges.

Sec. 6 Late Type oranges.

"Late Type oranges" means Valencia oranges, and Lue Gim Gong and similar late maturing oranges of the Valencia type.

Sec. 7 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of oranges grown in the Interior District in Florida and who has a proprietary interest in the oranges so produced.

Sec. 8 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting oranges owned by another person) who, as owner, agent, or otherwise, handles oranges in fresh form, or causes oranges to be so handled.

Sec. 9 Handle or ship.

"Handle" or "ship" means to sell or transport oranges, or in any other way to place oranges in the current of the commerce between the regulation area and any point outside thereof in the continental United States, Canada, or Mexico, or causes oranges to be sold, transported, or placed in such commerce.

Sec. 10 Standard packed box.

"Standard packed box" means a unit of measure equivalent to one and three-fifths (1⅗) U.S. bushels of oranges, whether in bulk or in any container.

Sec. 11 Week or full week.

"Week" or "full week" means a 7-day period beginning with Monday.

Sec. 12 Fiscal period.

"Fiscal period" means the period of time from August 1 of any year until July 31, of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

Sec. 13 Committee.

"Committee" means the Interior Orange Marketing Committee.

Sec. 14 Regulation area.

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

Sec. 15 Interior district or district.

"Interior district" or "district" means the production area, comprised of the following areas in the State of Florida: The counties of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Hernando, Pasco, Lake, Orange, Osceola, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, Suwannee, Polk, Hardee, Sarasota, Monroe, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Dade, Broward, and County Commissioner's Districts One, Two and Three of Volusia County and shall include the portions of the counties of Brevard, Indian River, Martin, and Palm Beach except as particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of sec. 23, T. 14 S., R. 31 E.; thence continue south to the southwest corner of sec. 35, T. 14 S., R. 31 E.; thence east to the northwest corner of T. 18 S., R. 32 E.; thence south to the southwest corner of T. 17 S., R. 32 E.; thence east to the northwest corner of T. 18 S., R. 33 E.; thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Rs. 35 E. and 36 E.; thence south to the south line of Brevard County; thence east to the line between Rs. 36 E. and 37 E.; thence south to the southwest corner of St. Lucie County; thence east to the line between Rs. 39 E. and 40 E.; thence south to the south line of Martin County, thence east to the line between Rs. 40 E. and 41 E.; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

Sec. 20 Establishment and membership.

There is hereby established an Interior Orange Marketing Committee. The membership shall consist of those members and alternates of the Growers Administrative Committee and Shippers Advisory Committee selected under Order No. 905 (Part 905 of this chapter), whose principal place of business is in the Interior district: *Provided,* That in the event of the membership of such committees is not selected as aforesaid, the Secretary may select the members and alternate members of the Interior Orange Marketing Committee until such time as a method for the selection of the membership of such committee is prescribed in the provisions of this part.

Sec. 21 Inability of members to serve.

An alternate for a member of the committee shall act in the place and stead of such member (a) in his absence, or (b) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

Sec. 22 Powers of the Interior Orange Marketing Committee.

The committee, in addition to the power to administer the terms and provisions of this part, as provided in this part, shall have the power (a) to make, only to the extent specifically permitted by the provisions contained in this part, administrative rules and regulations; (b) to receive, investigate, and report to the Secretary complaints of violations of this part; and (c) to recommend to the Secretary amendments to this part.

Sec. 23 Duties of the Interior Orange Marketing Committee.

It shall be the duty of the committee: (a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable; (b) to keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary; (c) to act as intermediary between the Secretary and producers and handlers; (d) to furnish the Secretary with such available information as he may request; (e) to appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees; (f) to cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports; (g) to prepare and issue a monthly statement of financial operations of the committee; and (h) to make such determinations as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part.

Sec. 24 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this part.

Sec. 25 Procedure of committee.

(a) Except as provided in paragraphs (b) and (c) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraph (c) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulations for any week following three or more weeks of continuous regulations. The requirement of this paragraph shall not apply to recommendations to amend an existing regulation.

(d) The vote of each member cast for or against any recommendation made pursuant to this part, shall be duly recorded. Each member must vote in person.

(e) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(f) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

Sec. 26 Funds.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this part.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignment and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

EXPENSES AND ASSESSMENTS

Sec. 30 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and are likely to be incurred by the committee for its maintenance and functioning during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in section 31.

Sec. 31 Assessments.

(a) Each handler who first handles oranges shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of oranges shipped by each handler as the first handler thereof during the applicable fiscal period is of the total quantity of oranges so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

Sec. 32 Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one-half one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

Sec. 40 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such

season. Such marketing policy shall contain the following information: (1) The estimated available crop of oranges, including estimated quality; (2) the estimated utilization of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments of oranges during the ensuing season; (4) the available supplies of competitive deciduous fruits in all producing areas of the United States; (5) level and trend in consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof of the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers.

Sec. 41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week: *Provided*, That such volume regulations shall not be recommended for more than an aggregate of 12 weeks during any fiscal period.

(b) In making its recommendations the committee shall give due consideration to the following factors:

(1) Market prices for oranges;

(2) Supply of oranges on track at, and en route to, the principal markets;

(3) Supply, maturity, and condition of oranges in the production area;

(4) Market prices and supplies of citrus fruit from competitive producing areas, and supplies of other competitive fruits;

(5) Trend and level of consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to section 42, has fixed the quantity of oranges which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

Sec. 42 Issuance of volume regulations.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during each fiscal period shall not in the aggregate exceed 12 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of oranges is in excess of the parity price specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

Sec. 43 Prorate bases.

(a) Each person who desires to handle oranges shall submit to the committee, at such time and in such manner as may be designated by the committee and upon forms made available by it, a written application for a prorate base or bases and for allotments as provided in this section and sections 44 and 45.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base or bases for each handler who has made application in accordance with the provisions of this section.

(e) The prorate base for each handler of early and midseason type oranges shall be computed as follows: Add together the handler's shipments of early and midseason type oranges in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and divide the total by a divisor computed by adding together the number of elapsed weeks of the current season and 32 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. For purposes of this subparagraph, "representative period" means the three previous seasons together with the current season; the term "season" means the 32-week period beginning with the first full week in September, and the term "current season" means the period beginning with the first full week in September of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records of all handlers are available to the committee the term "current season" shall extend through the third full week preceding the week of regulations.

(f) The prorate base for each handler of late type oranges shall be computed as follows: Add together the handler's shipments of late type oranges in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and divide the total by a divisor computed by adding together the number of weeks elapsed in the current season and 21 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. For purposes of this subparagraph "representative period" means the three previous seasons together with the current season; the term "season" means the 21-week period beginning with the first full week in February; and the term "current season" means the period beginning with the first full week in February of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

Sec. 44 Allotments.

(a) Whenever the Secretary has fixed the quantity of oranges which may be handled during any week, the committee shall calculate the quantity of oranges which may be handled during such week by each person who has applied for and received a prorate base.

(b) The allotment of each handler shall be computed as follows:

(1) The quantity of early and midseason oranges to be allocated for the week as determined pursuant to section 45 shall be multiplied by a percentage obtained by dividing the prorate base of the handler computed pursuant to section 43(e) by the aggregate total of the prorate bases of all handlers so computed.

(2) The quantity of late type oranges to be allocated for the week as determined pursuant to section 45 shall be multiplied by a percentage obtained by dividing the prorate base of the handler computed pursuant to section 43(f) by the aggregate total of the prorate bases of all handlers so computed.

(3) The total of the quantities computed for the handler in accordance with subparagraphs (1) and (2) hereof shall be the allotment of such handler. Such allotment may be used to ship oranges during the week without regard to type. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

Sec. 45 Allocating fixed quantity.

In recognition of the differences in maturity as between early and midseason type oranges and late type oranges the total quantity of oranges fixed by the Secretary which may be handled during any week shall be allocated between the two types of oranges.

(a) Such allocation shall reflect the respective proportions of both types of oranges that were shipped during a specified week or weeks in each of the previous three fiscal periods, as prescribed in rules and regulations formulated in

accordance with paragraph (b) of this section, subject to adjustment to reflect as nearly as may be the respective proportions as estimated by the committee of the two types of oranges shipped by all handlers in the second week preceding the one for which the Secretary has fixed such total quantity of oranges: *Provided*, That during that portion of a fiscal period that begins with the first full week in January, the allocation to either type of oranges of the quantity that may be handled during any week thereof shall represent not less than 5 percent of the total quantity of oranges fixed by the Secretary for such week.

(b) Such rules and regulations shall include tabulations of the respective proportions of weekly shipments during the preceding three fiscal periods that represent early and midseason type oranges and late type oranges, showing the weekly differences in the proportions.

Sec. 46 Overshipment.

During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of oranges equivalent to 10 percent of such allotment of 500 boxes, whichever is greater: *Provided*, That handlers may overship the entire 500 boxes or any portion of it during the period when regulations continue in effect for two or more successive weekly periods until such accumulative overshipments total but do not exceed 500 boxes: *Provided however*, That the Secretary, on the basis of a recommendation of the committee or other available information, may increase the quantity from 500 boxes to 1,000 boxes. The quantity of oranges so handled in excess of the total allotment which such person has available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *And provided further*, That any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

Sec. 47 Undershipments.

If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to section 42, in an amount less than the total allotment available to him for such week, he may handle, during the next week succeeding week, a quantity of oranges, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

Sec. 48 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer such allotments to other persons to whom allotments have also been issued. Each party to any such loan or transfer agreement shall, prior to completion of the agreement, notify the committee of the proposed loan or transfer and the date of repayment, if any, and obtain the committee's approval of the agreement.

(b) The committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan or transfer agreement.

Sec. 49 Inspection and certification.

Whenever the handling of oranges is regulated pursuant to section 42, each handler who handles any oranges shall, prior to the handling of any lot of oranges, cause such lot to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

Sec. 50 Reports and records.

(a) Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part. Each handler shall maintain for such period of time as the committee shall prescribe, with the approval of the Secretary, such records of oranges handled as may be necessary to verify reports submitted pursuant to this section.

(b) Whenever a handler ships oranges from the Interior district which were not grown in that district, he shall make a notation on the copy of the manifest of such shipments to be furnished to the Federal-State Inspection Service clearly indicating that the oranges contained in the shipment were not grown in the Interior district.

(c) Prior to shipping each lot of oranges, the handler shall provide the Federal-State Inspection Service a written statement as to the destination thereof. Such statement may be in the form of a notation on the manifest covering such lot, and the destination may be stated as a point or points outside the regulation area.

MISCELLANEOUS PROVISIONS

Sec. 55 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of sections 42 through 49 and the regulations issued thereunder, ship oranges for the following purposes:

(a) To a charitable institution for consumption by such institution;

(b) To a relief agency for distribution by such agency;

(c) To a commercial processor for conversion by such processor into canned or frozen products or into a beverage base;

(d) By parcel post; and

(e) In such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent oranges handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules and regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle oranges pursuant to this section, and that such application be accompanied by a certification by the intended purchaser or receiver that the oranges will not be used for any purpose not authorized by this section.

Sec. 56 Compliance.

Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to section 42 is in effect, unless such oranges are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such oranges under the provisions of this part; and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

Sec. 57 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

Sec. 58 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in section 59.

Sec. 59 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of

a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided,* That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

Sec. 60 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, excute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to section 31, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers to the extent practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, property, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

Sec. 61 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

Sec. 62 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Sec. 63 Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 64 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way, whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected.

Sec. 66 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

Sec. 67 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

Sec. 68 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of oranges in the same manner as is provided for in this agreement.***

Copies of this notice of hearing may be obtained from Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Post Office Box 9, Lakeland, Fla. 33802.

Dated: May 28, 1969.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-6520; Filed, June 2, 1969; 8:50 a.m.]

[7 CFR Parts 1001-1004, 1015, 1016]

[Docket No. AO-14-A46, etc.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

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

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A46.
1002	New York-New Jersey	AO-71-A58.
1003	Washington, D.C	AO-293-A22.
1004	Delaware Valley	AO-160-A42.
1015	Connecticut	AO-305-A23.
1016	Upper Chesapeake Bay	AO-312-A19.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Conference Room of the Market Administrator's Office, 205 East 42d Street, New York, N.Y., beginning at 10 a.m., on June 9, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the marketing areas specified as follows: Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Washington, D.C., Delaware Valley, Connecticut, and Upper Chesapeake Bay.

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

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

Proposed by New York-New England Dairy Cooperative Coordinating Committee representing Cabot Farmers' Cooperative Creamery Co., Inc.; Concord Dairy; Consolidated Milk Producers' Association; Connecticut Valley Dairy, Inc.; Dairymen's League Co-operative Association, Inc.; Granite City Cooperative Creamery Association, Inc.; Maine Dairymen's Association; Massachusetts Cooperative Milk Producers Federation, Inc.; Milton Cooperative Dairy Corp.; New England Milk Producers Association, Inc.; Northeast Dairy Cooperative Federation, Inc.; Northern Farms Cooperative, Inc.; Producers Dairy Company of Brockton; Producers Dairy, Inc., of Nashua; Richmond Cooperative Association, Inc.; St. Albans Cooperative Creamery, Inc.; United Farmers of New England, Inc.; United Milk Producers Cooperative Association of New Jersey, Inc.; and White River Valley Dairies, Inc.:

Proposal No. 1. Amend the Massachusetts-Rhode Island-New Hampshire,

New York-New Jersey, Delaware Valley, and Connecticut orders for purpose of maintaining interregional Class I price relationships by flooring Class I prices at their current relationship with the effective Class I price in the Chicago Regional order as follows:

A. In § 1001.60(d); add the words ": *Provided,* That such price shall not be less than the Chicago Regional Order No. 30 Class I price for the month plus $1.38."

B. In § 1002.40(a); add the words ": *Provided,* That such price shall not be less than the Chicago Regional Order No. 30 Class I price for the month plus $1.20."

C. In § 1004.50(a); add the words "; *Provided,* That such price shall not be less than the Chicago Regional Order No. 30 Class I price for the month plus $1.64."

D. In § 1015.60(d); add the words ": *Provided,* That such price shall not be less than the Chicago Regional Order No. 30 Class I price for the month plus $1.78."

Proposal No. 2. Amend the six subject orders as necessary to provide identical butterfat differentials to all class (where applicable) and blended prices (base and excess prices during certain specified months for Orders 3, 4, and 16). Such adjustment for each one-tenth of 1 percent butterfat content variation from 3.5 percent shall be computed at 0.115 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the month, and rounded to the nearest one-tenth cent.

Proposed by Pennmarva Dairymen's Cooperative Federation, Inc.:

Proposal No. 3. Amend the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., orders for purpose of maintaining interregional Class I price relationships by providing a bracketing system whereby an increase in the Minnesota-Wisconsin price series of 15 to 25 cents over $4.33 (3.5 percent butterfat basis) will result in a Class I price increase of 20 cents and a further increase in such Minnesota-Wisconsin series price of at least 10 cents but not in excess of 20 cents will result in an additional 20-cent increase in such Class I price.

Proposal No. 4. For the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., orders, adopt the butterfat differential provisions as set forth in Proposal 2 of this notice except that with respect to differentials applicable to producer blend prices in the three orders, the rounding technique used in computing such butterfat differentials shall be to the nearest even one-tenth cent.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 5. Amend § 1002.90 of the New York-New Jersey order to provide a maximum allowable rate of assessment for administrative expense of 4 cents in lieu of the 2 cents per hundredweight presently specified.

Proposal No. 6. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders at 230 Congress Street, Room 403, Boston, Mass. 02110; 205 East 42d Street, New York, N.Y. 10017; Post Office Box 306, Alexandria, Va. 22313; One Decker Square, Room 646, Bala Cynwyd, Pa. 19004; 1049 Asylum Avenue, Hartford, Conn. 06105; Post Office Box 6848, Towson Station, Baltimore, Md. 21204; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on May 28, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-6519; Filed, June 2, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-29]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the Rapid City, S. Dak. (Municipal Airport), Rapid City. S. Dak. (Ellsworth Air Force Base), control zones and the Rapid City, S. Dak., transition area.

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

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

Since designation of controlled airspace in the Rapid City, S. Dak., terminal area, two new instrument approach procedures, predicated on the ILS system at Rapid City, have been developed for the Rapid City Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Rapid City (Municipal Airport) and Rapid City (Ellsworth Air Force Base) control zones and the Rapid City transition area to adequately protect aircraft executing the new approach procedures and to comply with the new control zone and transition area criteria.

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

(1) In § 71.171 (34 F.R. 4557) the following control zones are amended to to read:

RAPID CITY, S. DAK. (ELLSWORTH AFB)

Within a 5-mile radius of Ellsworth AFB (latitude 44°08'40" N., longitude 103°06'10" W.); and within 2½ miles each side of the Ellsworth AFB TACAN 322° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN, excluding the portion which overlies the Rapid City, S. Dak. (Municipal Airport) control zone.

RAPID CITY, S. DAK. (MUNICIPAL AIRPORT)

Within a 5-mile radius of Rapid City Municipal Airport (latitude 44°02'30" N., longitude 103°03'25" W.); within 3 miles each side of the Rapid City VOR 155° and 335° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 3 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone to 8 miles southeast of the TACAN, excluding the portion north of a line between the INTs of the 5-mile radius zone and the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone.

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

RAPID CITY, S. DAK.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Ellsworth AFB TACAN; and within 4½ miles southwest and 10½ miles northeast of the Rapid City VOR 155° radial, extending from the 14-mile radius area to 19 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 53-mile radius of Ellsworth AFB (latitude 44°08'40" N., longitude 103°06'10" W.).

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

Issued in Kansas City, Mo., on May 9, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6473; Filed, June 2, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-18]

FEDERAL AIRWAYS

Proposed Alteration, Extension and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would realign and extend VOR Federal airway Nos. 72, 88, 175, 178, 179, 234, and 335, and designate a new airway from Maples, Mo., to Troy, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration is considering the following airspace actions that will permit more efficient utilization of the airspace in the St. Louis, Mo., terminal area:

1. Realign and extend V-72 segment from Maples, Mo., with a 1,200-foot AGL floor direct to Farmington, Mo., direct to Centralia, Ill., direct to Bible Grove, Ill., to the intersection of the Bible Grove 015° T (012° M) and Vandalia, Ill., 075° T (071° M) radials.

2. Realign V-88 segment from Vichy, Mo., with a 1,200-foot AGL floor to the intersection of the Vichy 091° T (085° M) and St. Louis, Mo., 171° T (166° M) radials.

3. Realign and extend V-175 segment from Malden, Mo., with a 1,200-foot AGL floor direct to Vichy direct to Hallsville, Mo., including a 1,200-foot AGL west alternate via the intersection of the Vichy 321° T (315° M) and Hallsville 183° T (177° M) radials.

4. Extend V-178 segment from Vichy with a 1,200-foot AGL floor direct to Farmington, Mo.

5. Extend V-179 segment from Centralia with a 1,200-foot AGL floor to Vandalia, Ill., via the intersection of the Centralia 010° T (006° M) and Vandalia 162° T (158° M) radials; to Capital, Ill.

6. Extend V-234 segment from Hutchinson, Kans., with a 1,200-foot AGL floor direct to Emporia, Kans., direct to Butler, Mo., direct to Vichy, to Centralia via the intersection of the Vichy 091° T (085° M) and Centralia 253° T (249° M) radials.

7. Realign V-335 segment from St. Louis, Mo., with a 1,200-foot AGL floor to Marion, Ill., via the intersection of the St. Louis 171° T (166° M) and Marion 290° T (286° M) radials.

8. Designate a new airway from Maples with a 1,200-foot AGL floor to Troy, Ill.

The airway structure in the St. Louis terminal area has remained essentially unchanged for the past 8 years. During this time there has been a 20 percent annual increase in IFR air traffic in the area. This increase in IFR air traffic has resulted in a requirement to revise procedures for controlling the increased traffic and the procedural changes have resulted in the proposed alteration of the low altitude airway structure in the St. Louis area as described above.

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

Issued in Washington, D.C., on May 27, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6474; Filed, June 2, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-50]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Buehl Field, Langhorne, Pa.

A new VOR instrument approach procedure has been authorized for Buehl Field, Langhorne, Pa. We will require designation of a part time Langhorne, Pa., 700-foot floor transition area to provide airspace protection for aircraft executing the procedure.

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

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

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

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

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Langhorne, Pa. transition area described as follows:

LANGHORNE, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°11'15" N., 74°54'00" W., of Buehl Field, Langhorne, Pa., excluding the portion which coincides with the North Philadelphia, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

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

Issued in Jamaica, N.Y., on May 16, 1969.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 69-6476; Filed, June 2, 1969; 8:46 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 1-11; Notice 3]

MOTOR VEHICLE SAFETY STANDARDS

Rear Underride Protection; Extension of Time To File Comments

On March 19, 1969, the Federal Highway Administration published in the FEDERAL REGISTER (34 F.R. 5383) a notice of a proposed motor vehicle safety standard on Rear Underride Protection. It was requested that interested persons submit comments by the close of business on June 2, 1969.

Upon consideration of a petition that the comment period be extended to permit the completion of tests and submission of comments based thereon, the time to file comments is extended to the close of business on August 1, 1969.

Issued on May 29, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-6546; Filed, June 2, 1969; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Siting of Commercial Fuel Reprocessing Plants and Related Waste Management Facilities; Statement of Proposed Policy

The Atomic Energy Commission has under consideration the adoption of a statement of policy concerning the siting of commercial fuel reprocessing plants and related waste management facilities. This notice sets forth the essential elements of that policy which would be incorporated in the Commission regulation "Licensing of Production and Utilization Facilities," 10 CFR Part 50, as an appendix.

The proposed statement of policy deals principally with (1) The question as to whether the safety problems and characteristics associated with operation or with the decommissioned status of a commercial fuel reprocessing plant require, from the standpoint of the public health and safety, that these plants be located on land owned and controlled by the Federal Government; and (2) The question of ultimate disposal of high-level radioactive fission product wastes generated at these plants.

In considering these questions the Commission has endeavored to formulate a policy which, while fully responsive to considerations of the public health and safety, would present minimum impediment to the growth of economic nuclear power.

The Commission believes that ultimate disposal of high-level radioactive fission product wastes must be accomplished by the Federal Government on federally owned land. Considerations of public health and safety dictate not only that these wastes must be permanently isolated from man's biological environment but also that there must not be a proliferation of repositories for such wastes.

The Commission has also concluded that inventories of such wastes in liquid form must be limited to the quantity produced in the prior 5 years and that such wastes should be transferred in an AEC-approved solid form to a Federal repository as soon as practicable but in no event later than 10 years following generation in the reprocessing plant. The decay characteristics of reprocessing wastes are such that the major portion of the high-heat-emitting fission products will have decayed within 5 years. Beyond this point, the rate of change of heat output with time is minimal in terms of the thermal considerations associated with the solidification of the wastes and with their interim storage. The permissive 10-year waste retention would encompass the time period when the utilization efficiency of the Federal waste repository can change significantly as a function of waste age and during which the reprocessor can most beneficially utilize interim on-site storage to optimize his waste management system.

The Commission intends to develop and publish standards identifying the solid form or forms which the Commission will consider acceptable for transfer to the Federal repository. In general, the characteristics of the solid waste must be such as to provide, when considered with the other aspects of the shipping and handling system, reasonable assurance that no significant release of radioactivity to the environment can occur in the event of an accident during shipment.

Implementation of this policy relating to high-level radioactive wastes will eliminate the need for concern regarding the location and ownership of the reprocessing facility site to the extent that this concern relates to the proliferation of locations where storage of such wastes, for indefinite periods, would otherwise occur. With proper design and engineered safety systems, limited interim storage of high-level liquid waste is acceptable as a process step. Indefinite storage of high-level liquid waste in surface or near-surface facilities is not deemed an acceptable waste management practice.

The Commission is currently developing requirements and bases for operation of federally owned repositories for high-level waste disposal consistent with the need for such facilities by commercial fuel reprocessing plants. Estimated charges for waste disposal at a Federal repository are also being developed and, when available, will be published as information for industry.

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

A new Appendix D is added to 10 CFR Part 50 to read as follows:

APPENDIX D

POLICY RELATING TO THE SITING OF COMMERCIAL FUEL REPROCESSING PLANTS AND RELATED WASTE MANAGEMENT FACILITIES

1. Public health and safety considerations relating to commercial fuel reprocessing plants do not require that such facilities be located on land owned and controlled by the Federal Government. Such plants, including the facilities for the temporary storage of high-level liquid radioactive wastes, may be located on privately owned property. (For the purpose of this statement of policy, "high-level liquid radioactive wastes" means those aqueous wastes resulting from the operation of the first cycle solvent extraction system and the concentrated wastes from subsequent extraction cycles in a facility for reprocessing irradiated reactor fuels.)

2. A commercial fuel reprocessing plant's inventory of high-level liquid radioactive wastes will be limited in volume to the quantity produced in the prior 5 years. High-level liquid radioactive wastes in excess of this authorized inventory must be converted to an AEC-approved solid form. All high-level radioactive wastes must be transferred in the approved solid form to a Federal repository as soon as practicable, but in no event later than 10 years following separation of fission products from the irradiated fuel. Upon receipt the Federal repository will assume physical responsibility for these radioactive waste materials although industry will pay the Federal Government a charge which together with interest on unexpended balances will be designed to defray all costs of ultimate disposal and perpetual surveillance. Before retirement of the commercial reprocessing plant from operational status and before termination of licensing pursuant to § 50.82, transfer of all such wastes to a Federal repository must be completed. Federal repositories, which will be limited in number, will be designated later by the Commission.

3. Ultimate disposal of high-level radioactive fission product waste material will not be permitted on any land other than that owned and controlled by the Federal Government.

4. Commercial fuel reprocessing plants must be designed to facilitate decontamination and to facilitate removal of all significant radioactive wastes from the onsite interim storage facilities during decommissioning.

5. Applicants proposing to operate commercial fuel reprocessing plants, in submitting information concerning financial qualifications, as required by § 50.33(f), must include information enabling the Commission to determine whether the applicant is financially qualified, among other things, to provide for the removal and disposal of radioactive wastes, during operation and upon decommissioning of the facility, in accordance with the Commission's regulations, including the requirements set out in this appendix.

6. Radioactive hulls and other irradiated and contaminated fuel structural hardware may be disposed of by one of the following methods:

(a) Disposal in the same manner as high-level wastes; or

(b) Disposal at a licensed waste burial facility located on land owned by the Federal Government or by a State government as required by § 20.302 of this chapter.

7. Other solid wastes resulting from operation of commercial fuel reprocessing plants, such as ion exchange beds, asphalted sludges, vermiculited sludges, and contaminated laboratory items, clothing, tools, and equipment must be disposed of in accordance with Commission regulations for disposal of such materials in Part 20 of this chapter (e.g., disposal at a licensed waste burial facility located on land owned by the Federal Government or by a State government).

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

Dated at Washington, D.C., this 14th day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-6481; Filed, June 2, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

COMMODITY CREDIT CORPORATION

Designation of Special Series Certificate of Interest Under Securities Exchange Act of 1934

Notice is hereby given that I have today designated for exemption under authority of paragraph 12 of section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) all special issues of certificates of interest of the Commodity Credit Corporation denominated "Special Series Certificate of Interest".

This designation, which is made by virtue of the authority vested in me by Treasury Department Order No. 190, Revision 6, may be revoked, modified, or amended at any time with respect to certificates not issued prior to such time.

Dated: May 27, 1969.

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

[F.R. Doc. 69-6497; Filed, June 2, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 5795; Survey Group 80]

WISCONSIN

Notice of Filing of Plat of Survey

1. The plat of survey of the following described lands, accepted April 9, 1969, will be officially filed in this office effective at 10 a.m. on July 1, 1969;

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 31 N., R. 28 E.,
Sec. 24, lots 5, 6, and 7;
Sec. 25, lots 2, 3, and 4;
Sec. 26, lot 2.

The lands described aggregate 243.34 acres.

2. This plat represents a dependent resurvey of a portion of the subdivision lines and an extension survey in secs. 24, 25, and 26. The new lottings and areas are the result of lands omitted from the original survey. They encompass the area between the original meander lines, which are recognized now as fixed boundary lines, and the present meander lines of Lake Michigan.

3. The character of the land area is gently rolling upland, and ranges up to 20 feet above the lake. The land is in all respects similar to the adjoining lands which were included in the original survey in 1835. The soil is mostly rich humus loam, with a rocky to boulder base, and a number of rock outcrops. This type of soil is found to be typical of the adjoining upland. The land coming under this survey is mostly covered with second-growth timber. The remains of old stumps indicate that these trees were at least 100 years old when they were cut. The stability of Lake Michigan, as evidenced by the rugged shore line, the elevation of the public land area above the lake, the age of the remains of tree stumps and timber growth, and the area's general characteristics afford positive evidence that the area was land in place on May 29, 1848, the day Wisconsin was admitted into the Union. It therefore has the status of public land and is well over 50 percent upland in character within the interpretation of the Swampland Act of September 28, 1850.

4. For a period of 90 days from July 1, 1969, the lands will be subject only to applications under the Act of February 27, 1925 (43 Stat. 1013; 43 U.S.C. 994).

5. All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager.

MAY 26, 1969.

[F.R. Doc. 69-6522; Filed, June 2, 1969; 8:50 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 25, 1969, at page 2582, there was published a list of the properties included in the National Register of Historic Places.

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

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

The following correction is to be made:

PENNSYLVANIA

Lycoming County

Williamsport, *Lycoming County Courthouse*, Destroyed.

The following properties have been added to the National Register since May 6, 1969;

ALABAMA

Mobile County

Mobile, *Fort Condé-Charlotte*, within an area bounded roughly by Emanuel, Theater, Royal, and Church Streets, and extending slightly north of Church Street.

DISTRICT OF COLUMBIA

Washington

Christ Church, 620 G Street SE.

MARYLAND

Anne Arundel County

Davidsonville vicinity, *All Hallows' Church*, intersection of Md. 2, All Hallows' Church Road, and South River Club Road.

Galesville vicinity, *Cedar Park*, 4.4 miles south of intersection of Md. 214 and 468 and 1.5 miles north of intersection of Md. 255 and 468.

Owensville vicinity, *Evergreen*, Sudley Road, 2 miles southeast of Md. 255.

Harwood vicinity, *Larkin's Hill Farm*, off Md. 2 on Mill Swamp Road.

Harwood vicinity, *Larkin's Hundred*, on Mill Swamp Road, 1 mile east of Md. 2 and 0.9 mile west of Md. 468.

Harwood vicinity, *Mary's Mount*, 0.5 mile east of Md. 2 and south of Mill Swamp Road.

Harwood vicinity, *Obligation*, west side of Md. 2, 0.2 mile south of intersection of Md. 2 and Mill Swamp Road.

South River vicinity, *The South River Club*, South River Club Road, 1 mile east of Md. 2 and 0.4 mile west of Md. 468.

MICHIGAN

Kent County

Grand Rapids, *Grand Rapids City Hall*, 35 Lyon Street NW.

MISSOURI

Cole County

Jefferson City, *Cole County Historical Society Building*, 109 Madison Street.

Jefferson City, *Governor's Mansion*, 100 Madison Street.

Cooper County

Boonville, *Lyric Theater*, northeast corner Main (Fifth) and Vine Streets.

Crawford County

Leasburg vicinity, *Scotia Iron Furnace Stack*, 6.3 miles southeast of Leasburg on County Route H.

Franklin County

Moselle vicinity, *Moselle Iron Furnace Stack*, 1 mile southeast of Moselle.

Gasconade County

Hermann, *Old Stone Hill, Inc.*, 401 12th Street.

Howard County

Glasgow, *Glasgow Public Library*, northwest corner, Market and Fourth Streets.

Iron County

Ironton, *St. Paul's Episcopal Church*, northwest corner, Knob and Reynolds Streets.

Jackson County

Kansas City, *Wornall House*, 146 West 61st Street.

Linn County

Laclede, *Pershing (General John J.) Boyhod Home,* State and Worlow Streets.

Monroe County

Florida vicinity, *Twain (Mark) Birthplace Cabin,* Mark Twain State Park, 0.25 mile south of Florida on Mo. 107.

Pemiscot County

Caruthersville vicinity, *Murphy Mound Archeological Site,* both sides of County Route D, 1.5 miles south of intersection of County Routes D and U.

Ste. Genevieve County

Ste. Genevieve, *Guibourd (Jacques Dubreuil) House,* northwest corner, Fourth and Merchant Streets.

St. Mary's vicinity, *The Kreilich Archeological Site.*

VIRGINIA

Alexandria (independent city)

The Lyceum, 201 South Washington Street.

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

[F.R. Doc. 69-6536; Filed, June 2, 1969; 8:50 a.m.]

Office of the Secretary

MONSE UNIT OF COLVILLE INDIAN IRRIGATION PROJECT, WASH.

Notice of Satisfaction of All Federal Irrigation Charges, Release of Liens for Such Charges, and Termination of Federal Responsibility

Whereas, Public Utility District No. 1, Douglas County, State of Washington, is the licensee under the Wells Hydroelectric Project, Federal Power Project No. 2149, Washington, on the Columbia River in Douglas, Chelan, and Okanogan Counties, Wash.; and

Whereas, the Monse Unit of the Colville Irrigation Project, Colville Indian Reservation, included allotted and tribal lands of the reservation all of which have been purchased by Public Utility District No. 1 for the Wells Project as a result of which Indian title to such lands has been extinguished, the lands being no longer held in trust by the United States; and

Whereas, all reimbursable irrigation charges against the lands within the Monse Unit of the Colville Indian Irrigation Project owing to the United States for construction, operation and maintenance have been fully satisfied or paid; and

Whereas, the use of the former Indian lands by the Wells Project involves the inundation of much of the land, necessitates the destruction of irrigation facilities, and is inconsistent with the continued operation of the Monse Unit of the Colville Irrigation Project;

Now, therefore, notice is hereby given that as a result of the acquisition of all Monse Unit lands for the Wells Project, and of the satisfaction of all charges owing against them to the United States, all liens to secure such payment to the United States are hereby released and in view of the physical impossibility of the continued operation of the Monse Unit, the administrative obligation and responsibility of the United States to operate and maintain the Monse Unit of the Colville Indian Reservation have been terminated.

RUSSELL E. TRAIN,
Under Secretary of the Interior.

MAY 27, 1969.

[F.R. Doc. 69-6478; Filed, June 2, 1969; 8:46 a.m.]

E. A. VAUGHEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 15, 1969.

Dated: May 21, 1969.

E. A. VAUGHEY.

[F.R. Doc. 69-6464; Filed June 2, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (34 F.R. 2330, 5084, 6125, and 7251) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90-201) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to swine with respect to Beeville Packing Co., establishment 377, is deleted. The references to sheep and goats with respect to Carteret Abattoir, Inc., establishment 639, are deleted. The reference to calves with respect to Granite State Packing Co., establishment 785, is deleted. The reference to H.A.S. Sweetmeat, Inc., establishment 7025, and the reference to swine with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Momence Pork Packers Co.	282					(*)		
Virgin Islands Packing Plant	482	(*)		(*)	(*)	(*)		
Sioux Beef Co.	857-0	(*)						
Johnsville Packing Co.	2402	(*)						
J. G. Forte, Inc.	5364		(*)	(*)				
O. K. Meat Packing Co., Inc.	6001	(*)	(*)	(*)		(*)		
Star Meat Co.	6760					(*)		
Jimmy Dean Meat Co.	7012					(*)		
Coleman Sausage Co.	7401					(*)		
New establishments reported: 9.								
D. E. Nebergal Meat Co.	3-DE		(*)					
Hygrade Food Products Corp.	12-FW		(*)					
Loeb & Gottfried, Inc.	658		(*)					
Greensboro Packing Co., Inc.	1825					(*)		
Ridley Packing Co.	2265	(*)	(*)					
Zweigart Packing Corp.	2863			(*)				
Interstate Packing Co.	7056				(*)			
Species added: 8.								

Done at Washington, D.C., on May 27, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-6482; Filed, June 2, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-238]

OCEANIC STEAMSHIP CO.

Notice of Application

Notice is hereby given that The Oceanic Steamship Co. has filed an application, dated May 15, 1969, requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit its parent, Matson Navigation Co., who operates the unsubsidized passenger ship "SS Lurline", to carry one-way coastwise passengers from Los Angeles and San Francisco, Calif., to San Diego, Calif., on a Caribbean cruise and a South American cruise commencing November 5, 1969, and January 10, 1970, respectively, and on the November 5, 1969, cruise to carry one-way intercoastal passengers from San Francisco, Los Angeles and San Diego, Calif., to San Juan, Puerto Rico, and St. Thomas, Virgin Islands, and one-way intercoastal passengers from St. Thomas, Virgin Islands and San Juan, Puerto Rico, to Los Angeles and San Francisco, Calif.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077,

GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on June 12, 1969, file same with the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business on June 12, 1969, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for June 19, 1969, at 10 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

Dated: May 29, 1969.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-6571; Filed, June 2, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

RESIDENCE

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below prescribe interim policies and requirements relating to the use of a residence requirement as a condition for approval of a State plan under sections 2, 402, 1002, 1402, or 1602 of the Social Security Act (42 U.S.C. 302, 602, 1202, 1352, 1382). These regulations are effective upon publication in the FEDERAL REGISTER. They are responsive to the decision of the U.S. Supreme Court in the case of Shapiro v. Thompson, April 21, 1969.

Interested persons who wish to submit comments, suggestions, or objections thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The regulations are issued under the authority contained in sections 2, 402, 1002, 1402, and 1602 of the Social Security Act, 49 Stat. 620, 627, 645, 64 Stat. 555, and 76 Stat. 198, respectively, and section 1102 of the Social Security Act, 49 Stat. 647; 42 U.S.C. 302, 602, 1202, 1352, 1382, and 42 U.S.C. 1302.

Dated: May 19, 1969.

JOSEPH H. MEYERS,
For Administrator, Social and Rehabilitation Service.

Approved: May 29, 1969.

ROBERT H. FINCH,
Secretary.

RESIDENCE

SEC. 202.3 *Condition of plan approval; prohibition against exclusion of residents.* (a) A State plan for OAA, AFDC, AB, APTD, or AABD, to be approved under section 2, 402, 1002, 1402, or 1602, as the case may be, of the Social Security Act (42 U.S.C. 302, 602, 1202, 1352, 1382) may not impose, as a condition of eligibility for such aid or assistance, any residence requirement which excludes any individual who resides in the State.

(b) A State plan which conditions eligibility upon residence in the State may not exclude from eligibility any individual who resides in the State under the following definition:

> A resident of a State is one who is living in the State voluntarily and not for a temporary purpose, that is, with no intention of presently removing therefrom. A child is "residing in the State" if he is making his home in the State. Temporary absence from the State, with subsequent returns to the State, or intent to return when the purposes of the absence have been accomplished, shall not interrupt continuity of residence.

Residence as defined for eligibility purposes under a State plan may not depend upon the reason for which the individual entered the State, except insofar as it may bear upon whether he is there for a "temporary purpose."

(c) A State must determine eligibility for aid or assistance with respect to a person's status as a resident of that State in accordance with the general Federal pclicies on acceptance of applications and determination of eligibility, including the requirement that prompt action will be taken on each application.

(d) Any State which has imposed, as a condition of eligibility, a requirement which is inconsistent with the provisions in paragraph (a) or (b) of this section must provide effective methods for giving notice of its present requirement to former or potential applicants for OAA, AFDC, AB, APTD, or AABD and to other interested persons. The methods which the State agency proposes to meet this notice requirement must be submitted to and be approved by the Regional Commissioner, SRS, DHEW. In addition, where the records of the State agency permit identification of persons whose applications have been denied at any time within the past year by reason of such an inconsistent requirement, the State agency must give prompt written notification to such persons concerning the change in that requirement. Such notification must be given within 90 days of publication of these regulations and must clearly explain the rights which such persons have under these regulations.

[F.R. Doc. 69-6547; Filed, June 2, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-56]

BUNGE CORP.

Notice of Qualification as U.S. Citizen

This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21, Customs Regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), the Bunge Corp. of 1 Chase Manhattan Plaza, New York, N.Y., incorporated under the laws of the State of New York, did on May 4, 1969, file with the Commandant of the U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on May 26, 1969, issued to the Bunge Corp. a certificate of compliance on form 1262, as provided in 19 CFR 3.21(i) (§ 3.21(i), Customs Regulations). The certificate

and any authorization granted thereunder will expire 3 years from the date thereof unless their first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (§ 3.21(h), Customs Regulations).

Dated: May 26, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-6511; Filed, June 2, 1969; 8:49 a.m.]

[CGFR 69-52]

KANSAS CITY, MO., AND OMAHA, NEBR.

Revocation of Designations as Ports of Documentation

Notice of the proposed revocation of the designations of Kansas City, Mo., and Omaha, Nebr., as ports of documentation and the transfer of the documentation records to the office of the Commander, 2d Coast Guard District, St. Louis, Mo., was published in the FEDERAL REGISTER of April 5, 1969 (34 F.R. 6209), as CGFR 69-8.

By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633. 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), the following action is hereby taken effective June 30, 1969:

(a) The designations of Kansas City, Mo., and Omaha, Nebr., as ports of documentation are revoked;

(b) The documentation records at Kansas City, Mo., and Omaha, Nebr., are transferred to the office of the Commander, 2d Coast Guard District, 1520 Market Street, Federal Building, St. Louis, Mo. 63103; and

(c) St. Louis is designated as home port of all vessels now having Kansas City and Omaha as home port.

Vessels marked with the name of Kansas City or Omaha as home port shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), and the regulations issued thereunder, for a period of 2 years from the effective date of this order.

Dated: May 26, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-6512; Filed, June 2, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21040]

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

MAY 26, 1969.

Notice is hereby given that the Civil Aeronautics Board on May 23, 1969, received an application, Docket 21040, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 to authorize it to engage in nonstop service between Baltimore, Md., and Norfolk, Va. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6502; Filed, June 2, 1969; 8:48 a.m.]

[Docket No. 20928]

AMERICAN AIRLINES, INC., ET AL.

Notice of Prehearing Conference

Passenger fare revisions proposed by American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 11, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Evidence requests, proposed procedural dates, statements of issues, and statements of position shall be filed with the Examiner and on all other parties on or before June 5, 1969.

Dated at Washington, D.C., May 27, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6503; Filed, June 2, 1969; 8:48 a.m.]

[Docket No. 19958]

AVION, INC., ET AL.

Enforcement Proceeding; Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held on June 5, 1969, is hereby postponed indefinitely.

Dated at Washington, D.C., May 27, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-6504; Filed, June 2, 1969; 8:49 a.m.]

[Docket No. 20648; Order 69-5-128]

EASTERN AIR LINES, INC.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of May 1969.

On January 10, 1969, Eastern Air Lines, Inc. (Eastern), filed an application for authority to suspend service temporarily at Reading, Pa., and submitted for approval an agreement[1] between it and Suburban Air Lines (Suburban), division of Reading Aviation Service, Inc., under which Suburban would replace Eastern in the Reading-Washington, D.C. market.

The Reading Airport Authority, General Airlines, Inc., and the Air Line Pilots Association, International, filed answers in opposition to Eastern's application. Eastern and Suburban filed replies to these answers together with motions for leave to file the replies.

Upon consideration of the pleadings and all the relevant facts, we have decided to set the matter for hearing. The hearing shall be limited to the question of whether the Eastern-Suburban agreement should be approved and Eastern's authority at Reading temporarily suspended.

The issues presented appear largely to involve questions of policy and law which can and should be argued on brief. The areas of factual controversy appear to be limited and therefore we think it should be possible to accelerate the hearing process. To this end the hearing examiner assigned to this proceeding will request each party to submit a statement of facts upon which the party in question intends to rely in support of its position. Such statements of fact will be circulated among all parties prior to the prehearing conference. At the prehearing conference the parties will be requested to stipulate as many of these facts as possible. We expect all parties to cooperate with this procedure which we believe will result in accelerating the hearing and decisional process.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., in Docket 20648 and CAB Agreement No. 20756, be and they hereby are set for hearing;

2. The motions of Eastern Air Lines, Inc., and Suburban Air Lines, division of Reading Aviation Service, Inc., for leave to file replies, be and they hereby are granted;

3. Motions to consolidate applications, motions or petitions, seeking modification or reconsideration of this order, be filed no later than 20 days after the date of service of this order, and that answers to such pleadings be filed no later than 10 days thereafter;

4. This proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated; and

5. A copy of this order be served upon Eastern Air Lines, Inc., Reading Aviation Service, Inc., General Airlines, Inc., the Air Line Pilots Association, International, and the Reading Airport Authority who are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6506; Filed, June 2, 1969; 8:49 a.m.]

[1] On Feb. 19, 1969, Eastern filed a minor amendment to the agreement.

[Docket No. 20781; Order 69-5-122]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority on May 26, 1969.

By Order 69-5-46, dated May 12, 1969, action was deferred, with a view toward eventual approval (subject to condition), on certain resolutions adopted by Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA). The resolutions include amendments relating to round-trip fares on North and Mid Atlantic routes, which the Board has approved through March 31, 1970, and set for investigation in Order 69-4-138. The resolutions would preclude use of domestic round-trip discounts in countries where they are now offered in the construction of through international round-trip fares, and would amend 14-21-day excursion fares so as to clarify that children's discounts will apply with respect to weekend surcharges.

In deferring action on the agreements, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 69-5-46 will herein be made final.

Accordingly, it is ordered, That:

1. Agreement CAB 20939 is approved: *Provided,* Such approval shall be limited through March 31, 1970: *Provided further,* That this agreement shall be incorporated into the investigation in this docket, instituted by Order 69-4-138; and

2. Agreements CAB 20948 and CAB 20954 are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6507; Filed, June 2, 1969; 8:49 a.m.]

[Docket No. 19922, etc.]

STANDARD AIRWAYS, INC., ET AL.

Notice of Prehearing Conference

Applications of Standard Airways, Inc., Loeb, Rhodes & Co., Wertheim & Co., Louis E. Silver et al., and Harold J. Caldwell et al., for approval of control and interlocking relationships.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 16, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., May 27, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-6505; Filed, June 2, 1969; 8:49 a.m.]

[Docket No. 20976]

PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Postponement of Prehearing Conference

Increased freight rates between Miami and San Juan and from Seattle/Portland to Fairbanks proposed by Pan American World Airways, Inc.

Pan American World Airways, Inc., has requested special tariff permission to cancel the proposed freight rate increases which were ordered investigated in this docket. Under this circumstance the prehearing conference scheduled to be held on June 4, 1969, will be postponed indefinitely.

Dated at Washington, D.C., June 2, 1969.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[F.R. Doc. 69-6623; Filed, June 2, 1969; 11:03 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Program Planning, Office of the Secretary.

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

[F.R. Doc. 69-6485; Filed, June 2, 1969; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Director of Economic Utilization Policy" to "Director of Small Business & Economic Utilization Policy."

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

[F.R. Doc. 69-6486; Filed, June 2, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Interdepartmental Affairs, Office of the Assistant Secretary for Planning and Evaluation.

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

[F.R. Doc. 69-6487; Filed, June 2, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 212.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Special Assistant to the Secretary" to "Assistant to the Under Secretary for Environmental Planning."

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

[F.R. Doc. 69-6488; Filed, June 2, 1969; 8:47 a.m.]

POST OFFICE DEPARTMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Postmaster General for Field Operations" to "Deputy Assistant Postmaster General for Field Services".

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

[F.R. Doc. 69-6489; Filed, June 2, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Director, Office of Tax Analysis" to "Deputy Assistant Secretary and Director, Office of Tax Analysis."

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

[F.R. Doc. 69-6490; Filed, June 2, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18554; FCC 69-549]

AIRSIGNAL INTERNATIONAL, INC.

Memorandum Opinion and Order Designating Request for Hearing on Stated Issues

In re applications of Airsignal International, Inc., Docket No. 18554, for authorization to become a Commission licensee in the domestic public land mobile radio services.

1. The Commission has for consideration (a) applications of Airsignal International, Inc. (ASI), for licenses for facilities in the Domestic Public Land Mobile Radio Services (DPLMRS), (b) petitions seeking to deny and/or dismiss certain of these applications[1] alleging inter alia that a grant of a license to ASI would be contrary to the provisions of section 310 of the Communications Act, as amended and (c) appropriate responsive pleadings.

2. Briefly, the following are the salient facts. ASI, a newly organized corporation, is part of a corporate family reorganization to permit more efficient operation of the radio common carrier stations under one corporate licensee and to facilitate ASI's expansion in DPLMRS. More specifically, the family structure consists of the parent corporation, International Utilities Corp. (IU), a Maryland corporation with its principal offices and residence in Toronto, Canada; ASI and General Waterworks Corp. (GWC), both domestic wholly owned subsidiary corporations of IU; and numerous corporate licensees in DPLMRS, which in turn are wholly owned subsidiaries of GWC.[2] As presently constituted, IU has four alien officers, nine out of the 15 directors are aliens, four out of six executive committee members are aliens, and aliens own 42 percent of all classes of issued IU stock as well as 67 percent of issued IU common stock. The IU stockholders elect the board of directors, and the board then designates two or more of its own members to function as an executive committee.

3. Petitioners contend that since IU is the owner of all of the ASI stock, IU's alien characteristics serve as a bar to ASI's becoming a Commission licensee in view of the provisions of section 310 (a)(4) and (a)(5) of the Act.[3] They urge essentially that IU's sole stockholder status of ASI stock constitutes more than one-fifth of the capital stock which is owned of record or voted by aliens allegedly prohibited by (a)(4); that while aliens own less than a majority of all issued stock, they do own more than the 25 percent statutory amount ((a)(5)); that although there is no information to indicate whether the foreign owned voting stock is voted as a block, or whether substantial portions are owned by individual foreigners or foreign corporation, the alien interests are known to be of a sizeable percentage and as such have it within their power to exercise effective working control over the corporation; that the alien majority of the board of directors and executive committees establishes this fact; that the control is manifested in the board's expressed authorization to exercise all powers of the corporation (subject to stockholders right to overrule), to sell, lease, or otherwise dispose of property and appoint, remove or suspend any officers, agents, or factors; that further control stems from the authorization vested in the executive committee[4] to exercise all of the powers of the board; that clearly therefore, the day-to-day operation of IU is in the control of foreigners who are obligated to carry out the will of the stockholders in the course of this day-to-day operation; that in light of all of these factors, the Commission must look beyond the "nationality" of the parent corporation and find ASI ineligible to hold a radio station license because of this alien domination and control exercised by IU; that this affiliation becomes more significant when considered in light of ASI's extended interest in preempting the available RCC paging frequencies in 26 major markets with the possibility of establishing an alien dominated network in the small RCC businessmen's paging market.[5] Additionally, petitioners contend that the financial relationship between ASI and IU raises a question of the "real party in interest."[6]

4. ASI, in opposition asserts that, since no officer or director of ASI is, nor has one ever been, an alien, it is fully qualified to become a licensee under section 310(a)(4); that likewise since IU is a domestic corporation organized under the laws of Maryland, section 310(a)(5) is no bar to ASI's qualifications as a Commission licensee; that only "out of an abundance of caution" IU and ASI have passed several resolutions[7] limiting the

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[1] Petitions were filed by the following existing licensees or competing applicants against ASI's applications for facilities on the recently allocated 150-162 Mc/s "guardband" frequencies: American Radio-Telephone Service, Inc., Central Mobile Radio Phone Service, and Cleveland Mobile Telephone, Inc. (Jointly v. Baltimore, Toledo, and Cleveland applications); Radio Broadcasting Co., and Radio Dispatch Co. (v. Wilmington application); Mobile Communications Service (v. Portland, Oreg. application); All City Telephone Answering Service, Inc. (v. Milwaukee application); Instant Communications, Inc. (v. Detroit application); Howard Hicks, Tel-Car Corp. and Abe Schonfeld (v. Fort Lauderdale and Miami); General Communications System (v. Wichita); Answer, Inc. (v. San Antonio); Dee Wefmore doing business as West Side Answering Service, and Peacock Radio Service (v. Tampa); Answer Iowa, Inc. (v. Des Moines); Answering, Inc. (v. Oklahoma City); Redco Corp., Roy M. Teel and Lowry McKee doing business as Mobilefone (v. Tulsa). No protests or petitions to deny alleging alien control have been filed against the assignment applications.

[2] ASI seeks the assignment of 11 of these licenses.

[3] Section 310 of the Act in pertinent part reads as follows: (a) The station license required hereby shall not be granted to or held by—(4) any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country; (5) any corporation directly or indirectly controlled by any other corporation of which any officer or more than one fourth of the directors are aliens, or of which more than one fourth of the capital stock is owned of record or voted after June 1, 1935, by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or the revocation of such license.

[4] The board of directors is authorized to designate two or more of its members to constitute the executive committee.

[5] ASI has filed 11 assignment applications for existing facilities licensed to the subsidiary corporations of GWC; applications for guardband facilities in 26 major cities for 36 locations requesting 46 frequencies; and an application for assignment of license from J. J. Frehe-Hayes and Calvin H. Rich, doing business as Alexander Telephone Answering Service, Memphis, Tenn., to ASI for one way signaling on 152.60 Mc/s band.

[6] ASI's initial financial statement indicated a capitalization of $100,000 (its sole assets in cash) and a $1 million line of credit from IU. This has been changed by the filing of an amended financial statement to indicate that ASI now has available the entire $1 million with the $900,000 made available to it as a contribution of capital from IU in the form of paid surplus evidenced by a demand note.

[7] On Dec. 6, 1968, the following resolutions were passed: (a) Certificate of resolution of the Executive Committee of the Board of Directors of International Utilities Corp.; (b) Airsignal International, Inc., Action by Written Consent of Sole Stockholder; (c) Airsignal International, Inc., Action by Unanimous Written Consent of Directors; (d) Certificate of Amendment of Certificate of Incorporation; (e) Airsignal Stock Certificate Evidencing Voting Right by U.S. Citizen Only.

voting of ASI stock to U.S. citizens, and ASI has had the appropriate legend affixed to the stock certificate; that the citizens voting ASI stock are IU designees and not representatives of the alien directors and/or alien stockholders of IU; that there is no privity between the alien directors and stockholders of IU and the American citizens who will vote ASI stock; that the privity is between the American citizens voting the stock and IU, the domestic corporation; that the situation now is no different from the one presented in February 1968, and for which the Commission found that an authorization for the transfer of control request from GWC to IU would be in the public interest; that in both instances the ultimate ownership and control vests in IU; [8] that all parties concerned are aware of the provisions of section 310 of the Act and propose to operate within the authorized framework thereof.

5. Although we appreciate ASI's efforts to accommodate the requirements of section 310 of the Act, we believe nevertheless that certain significant questions have been raised in the petitions concerning ASI's legal qualifications and for which no satisfactory answers have been advanced. For example, although ASI and IU have by resolutions attempted to limit the voting of ASI stock by U.S. citizens only, no specific explanation is offered as to how this is to be accomplished. IU's stockholders vote for the board of directors—alien or nonalien—and they in turn together with their executive committee designees conduct the business of the corporation in the best interest of the stockholders. Thus, even assuming that the minority members in each instance are U.S. citizens, are they not duty bound to carry out the interest of the entire board to the best interest of the corporation? This question is especially pertinent when the funds of the IU stockholders are extended for the ASI operation, and ASI has no assets to pledge other than the potential of its future operation. There is the additional collateral question as to whether IU, under its charter and bylaws, is at liberty to sanction the proposed form of limited voting by its authorized operating bodies.

6. Of further paramount concern is the extent to which ASI with its foreign association, capital, and possible alien domination, proposes to penetrate the American DPLMRS market. In this regard, the present posture differs from the one presented to the Commission in 1968, for at that time the transfer of control concerned a small number of existing facilities licensed to independent corporations with established managerial and operational formats, and for which the status quo was to be maintained. Now, on the other hand, ASI seeks a direct assignment of these existing licenses together with authorizations for new facilities in 26 cities with a total population of approximately 16,100,000 persons, for which no precedent exists for the managerial operation. The relationship between ASI and IU and the possible domination and control of the latter over the former is therefore of substantial significance.

7. The new corporate family structure as outlined in paragraph 2, supra, poses the following additional problem for consideration. Although IU has no direct interest in any landline telephone company or landline holding company, just as it has no direct interest in any of the land mobile radio telephone service, GWC, its other wholly owned subsidiary, has significant interests in each. GWC for example, has numerous subsidiaries engaged in rendering telephone answering services throughout the country. In addition, it holds an interest in approximately 4 percent of the common stock of Continental Telephone Corp., a holding company with major or controlling interests in numerous domestic telephone companies.[9] In many cases, the provisions of land mobile radiotelephone service is an important supplementary service to the telephone answering business and, accordingly many telephone answering services obtain licenses in DPLMRS, rendering a common carrier service, in addition to their telephone answering business. Moreover, many telephone answering services enter into dispatch arrangements with RCC's for the dispatching of the carrier mobile units. IU as the parent corporation, appears to be aligning the two services in the hands of each of its completely held subsidiaries—ASI for the land mobile service and GWC for the telephone answering or landline service. It is conceivable under these circumstances, that the alien dominated IU could create a major monopoly in DPLMRS. Further, GWC's interest in a wireline carrier must be evaluated for its relationship as to ASI's eligibility to use frequencies assigned pursuant to § 21.501(c) of the rules.[10] We therefore believe that GWC's present and proposed landline holdings and interest in telephone answering services, and the relationship thereof with the land mobile services which ASI seeks, is a further relevant area of inquiry.

8. On the facts presented in the petitions and opposing pleadings, we are unable to make the necessary public interest finding with respect to ASI's legal qualifications to be a Commission licensee. Thus, we have no choice but to designate the matter for hearing on appropriate issues. In view of the fact that the question presented goes to the basic qualification of ASI, to be a licensee, and is applicable to all of the applications filed by ASI, opposed or otherwise, we feel that a resolution thereof prior to consideration of the individual applications in other respects will serve ultimately to simplify such subsequent proceedings and elimate duplication.[11] However, the issuance of licenses on the guardband frequencies in the 26 markets here involved is being held in abeyance pending such determination. We will therefore require that the hearing process be conducted as expeditiously as possible and the Examiner is directed to issue his initial decision as promptly as possible after the conclusion of the hearing and his examination of proposed findings and conclusions. Further, pursuant to § 0.365 of the rules, any review of the initial decision shall be by the Commission and not the Review Board.

Accordingly, it is ordered, That pursuant to section 309(d) of the Communications Act of 1934, as amended, the request for authorization by Airsignal International, Inc., to become a Commission licensee in the Domestic Public Land Mobile Radio Services is designated for hearing, at the Commission's office in Washington, D.C., on a date to be hereafter specified on the following issues:

1. To determine the nature and extent of alien control of IU.

2. To determine the nature and extent of control by IU of ASI and GWC.

3. To determine the effect of the resolution of the board of directors of IU to restrict and/or limit the voting of ASI stock to members of its board of directors and executive committee who are U.S. citizens; whether such act is in fact permissible under the corporate charter and bylaws as well as under corporate law generally; and whether the disclaimer by the majority of the members of the board of directors to participate in the voting of ASI stock is in keeping with the fiduciary relationship which exists between the board of directors in its entirety and the stockholders—alien and nonalien—who elect them.

4. To determine the present and proposed policy of ASI with respect to its penetration into the land mobile radiotelephone service, and the nature and extent of the areas proposed to be served.

5. To determine the present and proposed policy of GWC with respect to its pentration into the telephone answering service, and the nature and extent of the areas proposed to be served.

[8] On Feb. 14, 1968, the Commission found that a transfer of control from GWC to IU would serve the public interest, convenience, and necessity. As a result thereof, IU became the holder of all of GWC's stock with GWC remaining the holder of all of the stock of each of the subject corporate licensees in DPLMRS.

[9] Since landline and miscellaneous common carrier frequencies are separately allocated, because GWC held stock in landline message telephone operations when it sought to acquire control of MCC stations, the licenses were granted subject to the following condition: "The licensee herein is hereby required to promptly report to the Commission any and all future acquisitions of interest, direct or indirect, in domestic public landline message telephone operations; and, with any application for renewal of the subject station licenses, the transferee shall include a detailed current showing of its interest, direct or indirect, in domestic public landline message telephone operations."

[10] ITT Mobile Telephone, Inc., F.C.C. 63-1064, released Nov. 20, 1963.

[11] On Apr. 30, 1969, a "Petition to Declare (sic) Airsignal International Inc. Ineligible for Radio Station Authorizations" was filed on behalf of 24 existing radio common carrier licensees. In view of the Commission action herein, this petition together with any responsive pleadings, will be dismissed as moot.

6. To determine (a) the nature and extent of GWC holdings in wireline carriers, and (b) the present policy and proposed future plans of GWC with respect to any acquisition of wireline holdings.

7. To determine whether the alignment of the two services in the hands of the two completely held subsidiaries as established pursuant to Issues 4 and 5, will afford IU an opportunity to create a major monopoly in DPLMRS; and whether the same may not constitute a domination of the radio spectrum by a foreign or alien controlled corporation.

8. To determine whether a grant of the authorization to ASI to become a Commission licensee would be consistent with the provisions of section 310(a)(5) of the Communications Act, as amended.

9. To determine whether in the final analysis, on the basis of all of the above, the public interest would be served by permitting ASI to become a Commission licensee in the land mobile radiotelephone service.

It is further ordered, That the examiner shall conduct the hearing expeditiously and issue an initial decision as promptly as possible in accordance with paragraph 8 herein.

It is further ordered, That pursuant to § 0.365 of the rules, any review of the initial decision shall be by the Commission and not the Review Board.

It is further ordered, That interested parties may avail themselves of the opportunity to be heard by filing with the Commission, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within twenty (20) days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this memorandum opinion and order.

It is further ordered, That the "Petition to Delcare [sic] Airsignal International Inc. Ineligible for Radio Station Authorizations" filed on April 30, 1969 on behalf of existing radio common carrier persons and companies is hereby dismissed as moot.

Adopted: May 21, 1969.

Released: May 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[12]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-6514; Filed, June 2, 1969; 8:49 a.m.]

[Docket No. 18555; FCC 69-567]

LOUISIANA TELEVISION BROADCASTING CORP. (WBRZ (TV))

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Louisiana Television Broadcasting Corp. (WBRZ(TV)), Baton Rouge, La., Docket No. 18555, File No. BPCT-4173; for construction permit to change facilities.

[12] Commissioner Wadsworth absent.

1. The Commission has before it for consideration a (a) "Petition for Reconsideration," filed March 3, 1969, by Southwestern Louisiana Communications, Inc. (Southwestern), licensee of Television Broadcast Station KLNI-TV, channel 15, Lafayette, La., requesting reconsideration of the action of the Chief, Broadcast Bureau, granting the application (BPCT-4173) of Louisiana Television Broadcasting Corp. (Louisiana), licensee of Television Broadcast Station WBRZ(TV), channel 2, Baton Rouge, La., for authority to relocate its transmitter from a point near Baton Rouge, approximately 55 miles from Lafayette and 51 miles from New Iberia, to a point 10 miles south, approximately 50 miles from Lafayette and 45 miles from New Iberia, and to increase antenna height from 893 feet above average terrain to 1,685 feet above average terrain; (b) an "Opposition to the Petition for Reconsideration," filed April 1, 1969, by Louisiana; and a (c) "Reply to the Opposition to the Petition for Reconsideration," filed April 18, 1969, by Southwestern.[1]

2. Southwestern claims standing pursuant to section 405 of the Communications Act of 1934, as amended, and in support alleges that Station WBRZ(TV) is now in direct competition with Station KLNI-TV for audience and revenues, that both stations are affiliates of the same network and the resulting change of facilities proposed by Louisiana will bring a stronger signal into KLNI-TV's service area, resulting in an adverse impact upon KLNI-TV's viewing audience, and that as a result, Southwestern will suffer economic injury and would otherwise be adversely affected. We find that Southwestern has standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008 (1940).

3. Louisiana's application was granted on January 27, 1969, and public notice of the action of the Chief, Broadcast Bureau, was given on January 30, 1969. Southwestern filed the petition for reconsideration on March 3, 1969, which is within the 30-day period specified by section 405 of the Act. Therefore, the petition was timely filed. However, § 1.106(b) of the Commission's rules provides, in part, that a person who is not a party to the proceeding and who files a petition for reconsideration "* * * shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding." Southwestern, while acknowledging that a pregrant informal objection could have been filed, makes no showing as to why one was not filed. Therefore, the petition is defective, Springfield Television Broadcasting Corporation v. Federal Communications Commission, 117 U.S. App. D.C. 214, 328 F. 2d 186 (1964); Valley Telecasting Company v. Federal Communications Commission, 118 U.S. App. D.C. 410, 316 F. 2d 914 (1964). However, in view of the substantial public interest question raised by Southwestern, we shall, on our own motion, waive the provisions of section 1.106 of the rules and consider the petition.

4. Southwestern petitions the Commission to set aside the action of the Chief, Broadcast Bureau, and designate the application for a hearing on a UHF impact issue. In support of its request, Southwestern states that its Station KLNI-TV, channel 15, Lafayette, La., which is authorized to identify as a "Lafayette-New Iberia, La." station, commenced operation in September of 1968, is affiliated with the NBC television network, but has not obtained a network rate because it has not yet developed sufficient audience. Louisiana's Station WBRZ(TV), channel 2, Baton Rouge, La., is also affiliated with the NBC television network and has a secondary affiliation with the ABC television network. It is alleged that the proposed change of facilities will increase the population in the overlap area between the two stations' predicted Grade A contours from approximately 5,375 people to 82,668 people, a 15-fold increase; that the present predicted Grade A contour of WBRZ(TV) overlaps approximately 2,562 people in KLNI-TV's City Grade contour area, but that the proposed facilities will overlap approximately 74,013 people, a 29-fold increase; and that WBRZ (TV)'s Grade B contour which does not presently cover all of the City Grade or Grade A contour area of KLNI-TV, will do so under the proposed change of facilities.[2] It is alleged further, that WBRZ(TV) which presently provides a predicted Grade B signal over New Iberia, La., will under the proposed change of facilities, provide a predicted Grade A signal over the entire city. Southwestern also states that it has lost $156,886 in the period from September 16, 1968, to the end of the year, and that Louisiana, on the other hand, is making a significant profit.[3]

5. Louisiana states that Southwestern has failed to show good cause why it did

[1] A "Motion for Stay" was filed by Southwestern on Mar. 7, 1969, but a subsequent letter filed with the Commission on Mar. 12, 1969, by Louisiana, agreeing not to proceed with construction of the station until the petition for reconsideration is acted upon by the Commission, makes the motion moot, and it is, therefore, dismissed.

[2] Southwestern alleges that approximately 274,243 people fall within Station KLNI-TV's predicted Grade A contour. In terms City Grade area but under the proposed change of facilities, Southwestern states that presently Station WBRZ(TV) provides a nal will be provided to 40 percent of KLNI-TV's total Grade A area, but under the proposed change of facilities, a predicted Grade A signal will be provided to 41.1 percent of KLNI-TV's Grade A area. In addition, WBRZ (TV) presently provides a predicted Grade A signal over only 3.3 percent of KLNI-TV's City Grade area, but under the proposed change of facilities a predicted Grade A signal will be provided to 40 percent of KLNI-TV's City Grade area. The population and area figures cited above and in paragraph 4 are not disputed by Louisiana and, therefore, for purposes of this case, are accepted by us as accurate.

[3] Southwestern states that Louisiana's Station WBRZ(TV) had profits of $229,614 for the 7-month period of Apr. 1–Oct. 31, 1968. This figure is not disputed by Louisiana.

not participate earlier in the proceeding; that no allegations of fact have been made sufficient to warrant reconsideration by the Commission; that the competitive situation between KLNI–TV and WBRZ(TV) will remain substantially unchanged; and that reconsideration will cause Station WBRZ(TV) economic injury, since a contract to build a tower had already been entered into and the tower had been partially completed before the petition for reconsideration was filed.

6. With respect to the question of UHF impact, we note that there are two VHF stations currently in operation in Lafayette, and that, in addition, a number of VHF stations provide a Grade B or better signals to KLNI–TV's service area. Among the stations which provide Grade B service to Lafayette are Station KALB–TV, channel 5, Alexandria, La.; Station KPIC–TV, channel 7, Lake Charles, La.; and Station WBRZ(TV), all of which are affiliated with NBC. WBRZ(TV) asserts that the proposed change of facilities will not increase the contour over Lafayette. However, despite the assertion, it is undisputed that the action here contested permitted an increase in signal intensity over Lafayette, despite the fact that the city remains within the predicted Grade B contour. Moreover, as a result of the grant, WBRZ(TV)'s signal over New Iberia will be increased from Grade B to Grade A. KLNI–TV, which is a recent affiliate of NBC, must rely upon Lafayette and New Iberia for its audience and advertising revenues.

7. The Commission's concern with the development of UHF television broadcasting is too well known to require further discussion here.[4] We believe that Southwestern has alleged sufficient facts to raise a substantial question as to whether Louisiana's proposal will jeopardize the financial prospects of KLNI–TV by fragmenting the Lafayette-New Iberia audience and preventing KLNI–TV from obtaining a network rate from NBC. We think that under these circumstances, it is necessary to explore in a hearing whether the proposed change in facilities would have an adverse impact upon the development of UHF television broadcasting in the Lafayette-New Iberia area. Therefore, we will designate the application for a hearing on appropriate issues. The burden of proceeding with the introduction of evidence will be placed on Louisiana, and the burden of proof will be placed on Southwestern.

8. *Accordingly, it is ordered,* That, the petition for reconsideration filed by Southwestern Louisiana Communications, Inc., is granted; That, the action of the Chief, Broadcast Bureau in granting the application (BPCT–4173) of Louisiana Television Broadcasting Corp., is set aside; and That, the application is designated for hearing, at a time and place specified in a subsequent order, on the following issues:

(1) To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or part, the continuation of existing UHF television service.

(2) To determine, in light of the evidence adduced under the above issue, whether a grant of the application would serve the public interest, convenience and necessity.

9. *It is further ordered,* That, Southwestern Louisiana Communications, Inc., on the Commission's own motion, is made a party to this proceeding.

10. *It is further ordered,* That, as to issue "1" the burden of proceeding with the introduction of evidence is placed upon Louisiana Television Broadcasting Corp. and the burden of proof is placed on Southwestern Louisiana Communications, Inc.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, Louisiana Television Broadcasting Corp. and Southwestern Louisiana Communications, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, Louisiana Television Broadcasting Corp., shall give notice of the hearing within the time and in the manner prescribed in that rule, and shall advise the Commission of the publication of the notice as required by § 1.594(g) of the rules.

Adopted: May 21, 1969.

Released: May 27, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–6515; Filed, June 2, 1969; 8:49 a.m.]

[4] Triangle Publications, Inc., 29 FCC 315, 17 RR 624 (1960), affirmed sub nom. Triangle Publications, Inc., v. Federal Communications Commission, 110 U.S. App. D.C. 214, 219 F. 2d 324, 21 RR 2039 (1961; Selma Television, Incorporated, FCC 65–216, 4 RR 2d 714 (1965); Gala Broadcasting Company, FCC 68–512, 13 RR 2d 103 (1968).

[5] Commissioner Bartley dissenting; Commissioner Wadsworth absent.

FEDERAL MARITIME COMMISSION

INDO CHINA STEAM NAVIGATION CO., LTD. (DOMINION FAR EAST LINE)

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–55 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1,002.

Whereas, the Indo China Steam Navigation Co., Ltd. (Dominion Far East Line), 3 Lombard Street, London E.C.3, United Kingdom, has ceased to operate the passenger vessel "Eastern ueen" subject to sections 2 and 3 of Public Law 89–777; and

Whereas, the Indo China Steam Navigation Co., Ltd. (Dominion Far East Line) has returned Certificate (Performance) No. P–55 and Certificate (Casualty) No. C–1,002 for revocation:

It is ordered, That Certificate (Performance) No. P–55 and Certificate (Casualty) No. C–1,002 be and are hereby revoked effective May 26, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on certificant.

By the Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69–6499; Filed, June 2, 1969; 8:48 a.m.]

SOUTH ATLANTIC MARINE TERMINAL CONFERENCE AND NORFOLK MARINE TERMINAL ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ernest E. Ball, Chairman, Norfolk Marine Terminal Association, Post Office Box 419, Norfolk, Va. 23501,
and
Mr. Harry C. Jackson, Chairman, South Atlantic Marine Terminal Conference, Post Office Box 3037, Wilmington, N.C. 28401.

Agreement No. T–2299 between the South Atlantic Marine Terminal Conference (SAMTC) and the Norfolk Marine Terminal Association (NMTA) provides for the formation of a joint conference whereby the members of SAMTC and NMTA may confer, discuss and make recommendations on rates, charges,

practices and matters of concern to the marine terminal industry. The agreement does not confer ratemaking power upon the members nor shall any action taken pursuant to the agreement be binding upon the members. The agreement does not preclude either association from taking any action without the concurrence of the other, provided, however, that with respect to recommendations which have been made pursuant to Agreement No. T-2299, the association taking such action shall promptly notify the other association.

Dated: May 27, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6500; Filed, June 2, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-717]

BERT FIELDS, JR.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

MAY 23, 1969.

On March 24, 1969, Bert Fields, Jr. (Fields), previously filed with the Commission a proposed change in rate from 13 cents to 14 cents per Mcf, designated as Supplement No. 2 to Fields' FPC Gas Rate Schedule No. 12, which pertains to Fields' jurisdictional sales of natural gas from Basin Dakota Field, Rio Arriba County, N. Mex. (San Juan Basin Area) to El Paso Natural Gas Co. The Commission by order issued April 23, 1969, in Docket No. RI69-717, suspended for 5 months Fields' rate filing until September 24, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On April 29, 1969, Fields submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 2 to Fields' FPC Gas Rate Schedule No. 12, amending the supplement to the aforementioned rate schedule to provide for a rate increase to 15 cents instead of the 14 cents per Mcf rate filed on March 24, 1969. Fields did not include as part of his previously filed 14-cent rate the 1 cent per Mcf minimum guarantee for liquids contained in the contract. Fields was thus advised that if he wanted to collect under the minimum guarantee provision he could do so provided he filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket No RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator), et al. The proposed substitute rate filing is set forth in Appendix A hereof.

Fields' proposed 15 cents per Mcf rate exceeds the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rate in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Fields' revised notice of change in rate subject to the suspension proceeding in Docket No. RI69-717, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Sept. 24, 1969) of the original rate filing in said docket.

The Commission orders:

(A) The suspension order issued April 23, 1969, in Docket No. RI69-717, is amended only so far as to permit the 15 cents per Mcf rate provided in Supplement No. 1 to Supplement No. 2 to Fields' FPC Gas Rate Schedule No. 12 to be filed to supersede the 14 cents per Mcf rate contained in Supplement No. 2 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69-717. The suspension period for such substitute filing shall terminate concurrently with the suspension period (Sept. 24, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on April 23, 1969, in Docket No. RI69-717, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-717	Bert Fields, Jr., 1181 First National Bank Bldg., Dallas, Tex. 75202.	12	1 to 2	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$600	4-29-69	----------	[1] 9-24-69	14.0	[2][3][4] 15.0	RI69-717.

[1] Expiration date of suspension proceeding pending in Docket No. RI69-717.
[2] Respondent filing for 1 cent per Mcf minimum guarantee for liquids omitted from previous rate filing.
[3] Pressure base is 15.025 p.s.i.a.
[4] Includes 1 cent per Mcf minimum guarantee for liquids.

[F.R. Doc. 69-6412; Filed, June 2, 1969; 8:45 a.m.]

[Dockets Nos. RI69-761, RI61-36]

KERR-McGEE CORP.

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

MAY 23, 1969.

On April 23, 1969, Kerr-McGee Corp. (Kerr-McGee)[1] tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] Address is: Kerr-McGee Building, Oklahoma City, Okla. 73102.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
					Decrease						
RI61-36	Kerr-McGee Corp.; Kerr-McGee Bldg.; Oklahoma City, Okla. 73102.	11	14	Phillips Petroleum Co. (West Panhandle and Texas-Hugoton Fields, Moore and Sherman Counties, Tex.) (RR. District No. 10).	$3,106	4-23-69	[3] 1-1-67	(Accepted, subject to proceeding in RI61-36.)	[3] [4] 12.59699	[3] [4] [5] 12.27901	RI61-36.
					222		[3] 1-1-67	do	[3] [6] 11.69773	[6] [8] 11.41321	RI61-36.
					4,570		[3] 1-1-67	do	[6] [7] 11.64373	[6] [7] 11.35921	RI61-36.
					1,572		[3] 1-1-68	do	[3] [4] 12.59699	[3] [4] [5] 12.25637	RI61-36.
					271		[6] 1-1-68	do	[3] [6] 11.69773	[6] [8] 11.39295	RI61-36.
					3,885		[6] 1-1-68	do	[7] 11.64373	[6] [7] 11.33895	RI61-36.
					59		[3] 10-1-68	do	[3] [4] 12.59699	[3] [4] [5] 12.05391	RI61-36.
					173		[3] 10-1-68	do	[3] [6] 11.69773	[3] [6] [8] 11.21180	RI61-36.
					593		[3] 10-1-69	do	[3] [7] 11.64373	[3] [6] [7] 11.15780	RI61-36.
					62		[3] 11-3-68	do	[3] [4] 12.59699	[3] [4] [5] [8] 12.47497	RI61-36.
					11		[3] 11-3-68	do	[3] [6] 11.69773	[3] [6] [8] 11.63289	RI61-36.
					32		[3] 11-3-68	do	[3] [7] 11.64373	[3] [6] [7] [8] 11.57889	RI61-36.
					Increase						
RI69-761					$1,386		[10] 5-24-69	[11] 5-25-69	[3] [4] 12.59699	[3] [4] [8] 13.52738	RI61-36.
					3,878		[10] 5-24-69	[11] 5-25-69	[3] [6] 11.69773	[3] [6] [8] 12.58007	RI61-36.
					15,000		[10] 5-24-69	[11] 5-25-69	[3] [7] 11.64373	[3] [7] [12] 12.52607	RI61-36.

[1] The stated effective date is the effective date proposed by Respondent.
[2] All rates include tax reimbursement and are subject to downward B.t.u. adjustment.
[3] Rate for sweet gas ultimately delivered by buyer to Michigan-Wisconsin Pipe Line Co.
[4] Pressure base is 14.65 p.s.i.a.
[5] Rate for sour gas ultimately delivered by buyer to Michigan-Wisconsin Pipe Line Co.
[6] Rate for sour gas ultimately delivered by buyer to El Paso Natural Gas Co. (no sweet gas is resold by buyer to El Paso).
[7] Decreased rates include increase in base rate from 4.75 cents to 5 cents for sweet gas and 4.25 cents to 4.5 cents for sour gas.
[8] Decreases reflect revenue-sharing adjustments based on decreases in rate to El Paso Natural Gas Co. (one of Phillips' resale customers) for successive periods beginning Jan. 1, 1967, Jan. 1, 1968, and Oct. 1, 1968, respectively.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] The suspension period is limited to 1 day.
[12] Proposed increased rates reflect increases in Kerr-McGee's base rates from 4.75 cents to 5 cents for sweet gas and 4.25 cents to 4.5 cents for sour gas and revenue-sharing adjustments based upon increases by El Paso which became effective on Mar. 7, 1969, subject to refund in Docket No. RP69-6.

Kerr-McGee requests a retroactive effective date of March 7, 1969, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Kerr-McGee's rate increases and such request is denied.

Kerr-McGee by its notice of change in rate proposes to reduce its present rates, which are effective subject to refund in Docket No. RI61-36, for successive periods beginning January 1, 1967, January 1, 1968, and October 1, 1968, through March 7, 1969, respectively. Kerr-McGee further proposes to increase its present rates as of March 7, 1969. The proposed decreases amount to $14,556 for the periods involved and the proposed increases amount to $20,264 annually in excess of the present effective rates. The sales are in the West Panhandle and Hugoton Fields, Moore and Sherman Counties, Tex. (Railroad District No. 10). Phillips gathers and processes the gas involved and resells the residue gas to El Paso Natural Gas Co. (El Paso) and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) at resale rates which are in effect subject to refund. Kerr-McGee's proposed decreased and increased rate filings are set forth herein.

The rates under Kerr-McGee's contract with Phillips are based on a spiral escalation provision relating to El Paso's rates. Phillips' resale contracts, as amended, with El Paso and Michigan Wisconsin provide for periodic escalations only and Kerr-McGee's rates are not related to or dependent upon any resale rate of Phillips. The proposed rate reductions reflect the prices Kerr-McGee is contractually entitled to collect as a result of Commission orders issued April 3, 1967, February 2, 1968, and November 3, 1968, in Docket No. RP67-9, approving decreases in El Paso's general rates for the aforementioned pricing periods. The proposed increases are based on an increase by El Paso in its general rates which became effective on March 7, 1969, subject to refund in Docket No. RP69-6.

Since the justness and reasonableness of Kerr-McGee's rates in Docket No. RI-61-36 has not yet been determined, Kerr-McGee's proposed rate reductions should be accepted for filing subject to further refund in Docket No. RI61-36 as of the proposed effective dates. Kerr-McGee should also be required to refund all amounts plus applicable interest, collected in excess of its proposed reduced rates for the periods involved.

Kerr-McGee's three proposed increased rates and charges exceed the applicable area price level for increased rates in Texas Railroad District No. 10 as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56) and should be suspended for only 1 day from May 24, 1969, the expiration date of the statutory notice, in view of the fact that Phillips' resale rates are in effect subject to refund.

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

The Commission finds:

(1) Good cause exists for accepting for filing Kerr-McGee's rate reductions contained in Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 11 to be effective on the dates shown in the "Proposed Effective Date" column in the above tabulation, subject to further fund in Docket No. RI61-36.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges, and that Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The rate reductions contained in Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 11 are accepted for filing and permitted to become effective on the dates shown in the "Proposed Effective Date" column in the above tabulation, subject to further refund in Docket No. RI61-36.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chap. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 14 to Kerr-McGee's FPC Gas Rate Schedule No. 11.

(C) Pending a hearing and decision thereon, the increased rates contained in Supplement No. 14 to Kerr-McGee's FCC Gas Rate Schedule No. 11 are suspended and their use deferred until May 25, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Kerr-McGee, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Kerr-McGee shall execute and file in Docket No. RI69-761, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule

involved. Unless Kerr-McGee is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Until otherwise ordered by the Commission, neither the supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(E) Kerr-McGee shall compute the difference between the rates collected subject to refund in Docket No. RI61–36 and the decreased rates filed herein for the various periods involved, with applicable interest to the date of this order, and shall within 30 days of the date of issuance of this order submit a refund report to the Commission setting out the amount of refunds (showing separately the principal and applicable interest) the basis used for such determination, and the periods covered.

(F) A copy of the refund report required by paragraph (E) above shall be served on Phillips within 30 days of the date of this order. Within 10 days from the receipt of such refund report, Phillips shall file with the Commission its written concurrence or disagreement with the refund report (and if it disagrees, the reason therefor) and shall serve a copy thereof on Kerr-McGee. If Phillips concurs with the refund report, Kerr-McGee shall refund the monies, with applicable interest, computed in accordance with paragraph (E) above, within 10 days of receipt of Phillips' concurrence, and, promptly, thereafter, shall file evidence of payment to Phillips. If Phillips does not concur, Kerr-McGee shall retain such monies pending further action by the Commission.

(G) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 7, 1969.

By the Commission.

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

[F.R. Doc. 69–6413; Filed, June 2, 1969; 8:45 a.m.]

[Dockets Nos. RI68–226, RI69–441]

MARATHON OIL CO.

Order Amending Orders Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

MAY 23, 1969.

On October 20, 1969, Marathon Oil Co., (Marathon) filed with the Commission proposed rate changes, from 17.7 cents to 17.8 cents and 17.775 cents,[1] which pertain to Marathon's jurisdictional sales of natural gas in the Aneth Area of Utah to El Paso Natural Gas Co. The Commission by order issued November 17, 1967, suspended for 1 day Marathon's rate filings in Docket No. RI68–226 until November 21, 1967. The rates were made effective subject to refund on November 21, 1967.

On December 9, 1968, Marathon Oil Co., filed with the Commission a proposed rate increase from 17.775 cents to 18.775 cents per Mcf [2] for a sale in the Chinle Wash Field, San Juan County, Utah (Aneth Area). The Commission by order issued December 31, 1968, in Docket No. RI69–441, suspended for 5 months Marathon's rate filing until June 9, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On April 23, 1969, Marathon submitted three superseding notices of change in rates [3] amending the supplements to the rate schedules previously submitted to reflect a correction in the computation of tax reimbursement for the Utah State tax. Marathon states that it has not collected the rate previously filed for in Docket No. RI69–441, but has collected the correct rate filed for herein which is lower. The proposed substitute rate filings are set forth in Appendix A hereof.

Marathon's proposed rates exceed the highest filed rate in the Aneth Area (no formal ceiling for the Aneth Area has been announced by the Commission), as did the previously suspended rates in said dockets. Since Marathon's revised filings include tax reimbursement, we conclude that it would be in the public interest to accept the substitute rate filings subject to the suspension proceedings in Dockets Nos. RI68–226 and RI69–441, with the suspension periods of such substitute rate filings to terminate concurrently with the suspension periods November 21, 1967 (Docket No. RI68–226), and June 9, 1969 (Docket No. RI69–441) of the original rate filings in said dockets.

The Commission orders:

(A) The suspension order issued November 17, 1967, in Docket No. RI68–226, and the suspension order issued December 31, 1968, in Docket No. RI69–441, be amended to reflect the increased rates set forth in Appendix A hereof in lieu of the increased rates shown in the aforementioned orders, subject to the suspension proceedings in Dockets Nos. RI68–226 and RI69–441. The suspension periods for such substitute filings shall terminate concurrently with the suspension periods November 21, 1967 (Docket No. RI68–226), and June 9, 1969 (Docket No. RI69–441) of the original rate filings in said dockets.

(B) In all other respects, the orders issued by the Commission on November 17, 1967, in Docket No. RI68–226, and December 31, 1968, in Docket No. RI69–441, shall remain unchanged and in full force and effect.

By the Commission.

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

[1] Designated as Supplement Nos. 8 and 1 to Marathon's FPC Gas Rate Schedule Nos. 44 and 86, respectively.

[2] Designated as Supplement No. 2 to Marathon's FPC Gas Rate Schedule No. 86.

[3] Designated as Supplement No. 1 to Supplements Nos. 8, 1, and 2 to Marathon's FPC Gas Rate Schedules Nos. 44, 86, and 86, respectively.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI68–226	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	44	[4] 1 to 8	El Paso Natural Gas Co. (Aneth Area, San Juan County, Utah, and Montezuma County, Colo.) (Aneth Area).	$10	4–23–69	.....	[5] 11–21–67	[5] 17.7	[6] [7] 17.7177	RI68–226.
	....do....	86	[8] 1 to 1	El Paso Natural Gas Co. (Chinle Wash Field, San Juan County, Utah) (Aneth Area).	32	4–23–69	.....	[8] 11–21–67	[10] 17.7	[6] [7] 17.7133	RI68–226.
RI69–441	....do....	86	[11] 1 to 2	....do....	2,632	4–23–69	.....	[12] 6– 9–69	[13] 17.7133	[7] [14] 18.7140	

[4] Supersedes rate increase filed Oct. 20, 1967, to correct tax reimbursement. Applies to Utah production only.

[5] Date superseded rate increase made effective subject to refund in Docket No. RI68–226.

[6] Tax reimbursement increase.

[7] Pressure base is 15.025 p.s.i.a.

[8] Rate of 17.8 cents effective subject to refund in Docket No. RI68–226.

[9] Supersedes rate increase filed Oct. 20, 1967, to correct tax reimbursement.

[10] Rate of 17.775 cents effective subject to refund in Docket No. RI68–226.

[11] Supersedes rate increase filed Dec. 9, 1968, to correct tax reimbursement.

[12] Expiration date of suspension proceeding pending in Docket No. RI69–441.

[13] Rate of 18.775 cents suspended until June 9, 1969, in Docket No. RI69–441.

[14] Periodic rate increase.

[F.R. Doc. 69–6414; Filed, June 2, 1969; 8:45 a.m.]

[Docket No. RI69-763]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 23, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 7, 1969.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-763	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	366	1	Michigan-Wisconsin Pipe Line Co. (Block 276 Field, Eugene Island Area, Offshore Louisiana) (Federal Domain).	$10,950	[2] 4-25-69	[3] 5-26-69	[4] 5-27-69	[7] [8] 18.5	[8] [9] 20.0	

[2] Shell on May 9, 1969, requested that its filing be considered as being made on the date of initial delivery.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day from the expiration date of the statutory notice, or 1 day from the date of initial delivery, whichever is later.
[6] Special by virtue of relief petition filed pursuant to Opinion No. 546-A (issued Mar. 20, 1969) for third-vintage gas.
[6] Pressure base is 15.025 p.s.i.a.
[7] Area base rate for gas well gas as conditioned by temporary certificate issued Apr. 8, 1969, in Docket No. CI69-293. Deliveries have not commenced under temporary certificate.
[8] Subject to upward and downward B.t.u. adjustment as provided by Opinion No. 546.

On April 25, 1969, Shell Oil Co. (Shell), pursuant to ordering paragraph (A) of Opinion No. 546-A, filed a notice of change in rate to 20 cents per Mcf for a sale to Michigan Wisconsin Pipe Line Co., from the Eugene Island Block 276 Field, Offshore Louisiana (Federal Domain).

By temporary certificate issued April 8, 1969, in Docket No. CI69-293, Shell was authorized to collect the third vintage prices of 18.5 cents for gas well gas and 17 cents for casinghead gas and was advised that it could file to a base rate of 20 cents for sales of gas well gas. Shell, by letter dated April 14, 1969, accepted this temporary certificate. On April 25, 1969, Shell filed a notice of change in rate to 20 cents and requested that the Commission waive the 30-day notice period and permit this increase to become effective as of the date of initial delivery. Good cause has not been shown for waiving the statutory notice period. We conclude that Shell's proposed rate increase should be suspended for 1 day from May 26, 1969, the expiration date of the 30-day statutory notice period, or for 1 day from the date of initial delivery, whichever is later.

[F.R. Doc. 69-6415; Filed, June 2, 1969; 8:45 a.m.]

[Dockets Nos. RP69-28—RP69-31]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Prescribing Procedures

MAY 26, 1969.

Columbia Gulf Transmission Co., Docket No. RP69-28; United Fuel Gas Co., Docket No. RP69-29; Kentucky Gas Transmission Corp., Docket No. RP69-30; and Atlantic Seaboard Corp., Docket No. RP69-31.

The four pipeline companies named in the above captioned proceedings, each of which is an affiliate of the Columbia Gas System, Inc., on April 15, 1969, by separate applications tendered for filing proposed changes in their FPC Gas Tariffs to become effective June 1, 1969.[1]

[1] The proposed revised tariff sheets are listed in Appendix A which is filed as part of the original document.

The proposed change filed by Columbia Gulf would increase its charges to United Fuel for transportation service under a cost of service tariff formula, while the changes filed by the other three pipeline companies would increase rates and charges for gas sold for resale, based upon operations and sales for the year ended December 31, 1968, as adjusted. The proposed annual increases are in the following approximate amounts: Columbia Gulf $7.3 million, United Fuel $9.2 million, Kentucky Gas $2.3 million, and Atlantic Seaboard $5.5 million.

In support of its proposed rate filing, Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard each states there are three principal causes necessitating its tariff changes: (1) The claimed need for a 7.5 percent rate of return due to changed economic conditions; (2) experienced increases in costs of labor, supplies, expenses, and construction; and (3) continuation of the current inflationary trend of the economy. In addition, United Fuel, Kentucky Gas, and Atlantic Seaboard indicate they

are also tracking the increases in purchased gas costs resulting from their upstream suppliers' rate filings. The four companies also propose certain changes in each of their rate schedules and general terms and conditions of their FPC Gas Tariffs, as specifically set out in their filings.

Each of the pipeline companies states that the rate of return testimony to be submitted in its proceeding, listed above, will be identical to that which has been the subject of hearings held in Manufacturers Light and Heat Co. and Home Gas Co., Dockets Nos. RP69–16 and RP69–17, and that such testimony is based upon the experience of Columbia Gas System, their common parent holding company. They further assert they are agreeable to the Commission's applying the same rate of return in their cases which is finally determined in those proceedings, subject, however, to their right to update the testimony if this procedure is not satisfactory to the Commission or to any intervener.

The Commission's public notice of proposed changes in rates and charges issued April 22, 1969, provided that interveners, in petitions filed on or before May 9, 1969, should clearly state whether the procedure regarding determination of the rate of return issue as proposed in Dockets Nos. RP69–28, RP69–29, RP69–30, and RP69–31, is acceptable, or if not acceptable, the specific further procedural steps deemed necessary on this issue.

Nineteen notices of intervention and petitions to intervene in one or more of the above proceedings have been filed.[2] In response to the request in the notice for comments on the proposed procedure on the rate of return issue, 14 intervenors (some reserving their positions generally) stated that the procedure is acceptable and 3 did not comment. The remaining two intervenors, the Public Service Commission of the State of New York, and Virginia Pipe Line Co. urge that a separate rate of return determination should be made for each of the pipeline companies. Whether those intervenors intend to offer testimony, cross-examine witnesses, file briefs, or propose other procedures relative to determination of the rate of return issue is not entirely clear from their comments.

In the circumstances it is appropriate that we provide for an early convening of hearings wherein the Presiding Examiner, after receiving pipeline companies' cases-in-chief into the record, may ascertain the specific procedures urged by the interveners on the rate of return issue, including whether any evidence other than that which has already been the subject of cross-examination in Dockets Nos. RP69–16 and RP69–17 will be offered, and whether any intervener in the captioned dockets requests the right to further cross-examine the witnesses presented in Dockets Nos. RP69–16 and RP69–17.[3]

Review of the aforementioned filings indicates that certain issues are raised therein which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in these proceedings may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the rates and charges contained in the FPC Gas Tariffs of Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard, as proposed to be amended, and that the proposed tariff sheets listed in Appendix A hereto[4] be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of these proceedings be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) public hearings shall be held commencing June 5, 1969, at 10 a.m., e.d.s.t., 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in the FPC Gas Tariffs of Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard, as proposed to be amended.

(B) Pending such hearing and decision thereon, the proposed revised tariff sheets listed in Appendix A hereto[4] are hereby suspended and their use is deferred until November 1, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on June 5, the prepared testimony (Statement P) of each of the four pipeline companies filed and served on April 29, 1969, together with their entire rate filings as submitted and served on April 15, 1969, shall be admitted into the record as their complete cases-in-chief as provided in the Commission's regulations, § 154.63(e) (1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike such evidence.

(D) Following admission of the respective case-in-chief into the record of each docket, the parties shall set forth their positions on the specific further procedures on the issue of rate of return and their views on whether that issue or any other should be considered in an initial phase of these proceedings. If the Presiding Examiner in the exercise of his discretion determines that there shall be an initial phase hearing, he shall (1) specify the issues to be heard therein; (2) fix all appropriate dates with respect thereto; (3) consolidate these proceedings for purposes of hearing and decision on the initial phase issues, if he determines such consolidation appropriate; and (4) proceed with such hearings as expeditiously as feasible.

(E) Presiding Examiner Allen C. Lande, or other Examiner, designated by the Chief Examiner (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearings in these proceedings; shall prescribe relevant procedural matters not herein provided; and shall control these proceedings in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

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

[F.R. Doc. 69–6452; Filed, June 2, 1969; 8:45 a.m.]

[Docket Nos. RP69–32, RP69–33]

HOME GAS CO. AND MANUFACTURERS LIGHT AND HEAT CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Consolidating Proceedings

MAY 26, 1969.

Home Gas Co. (Home) and The Manufacturers Light and Heat Co. (Manufacturers), each of which is an affiliate of the Columbia Gas System, Inc., on April 15, 1969, by separate applications tendered for filing proposed changes in their FPC Gas Tariffs to become effective June 1, 1969.[1]

The proposed changes filed by the pipeline companies would increase rates and charges for gas sold for resale, based

[2] The petitions to intervene will be considered in a separate Commission order.

[3] By separate action we are denying the motion presently pending before us for waiver of the intermediate decision in Dockets Nos. RP69–16 and RP69–17. Such action is without prejudice to renewal of a similar motion in those dockets and/or the captioned dockets.

[4] Appendix A filed as part of original document.

[1] The proposed revised tariff sheets are listed in Appendix A which is filed as part of the original document.

upon operations and sales for the year ended August 31, 1968, as adjusted. The proposed annual increases are in the following approximate amounts: Home $153,000, and Manufacturers $1.8 million.

In support of their proposed increased rates, Manufacturers and Home state that the purpose of these filings is to track the increases in purchased gas costs resulting from their upstream suppliers' rate filings which were filed the same date, April 15, 1969.[2] The tariff sheets tendered for filing on April 15 would supersede on June 1, 1969, the tariff sheets filed pursuant to Commission order issued March 19, 1969, in Dockets Nos. RP69–16 and RP69–17, which were permitted to become effective subject to refund on May 15, 1969, in order to track increased rates filed by Texas Eastern Transmission Corp. in Docket No. RP69–13.

The pipeline companies indicate that the rates tendered for filing on April 15 compensate them only for the increased cost of gas purchased from their upstream affiliates over and above the cost of service included in their pending rate cases. In lieu of an entirely new rate filing, involving a whole new proceeding, the pipeline companies request that they be permitted to adjust the test year data underlying their cost of service studies in Dockets Nos. RP69–16 and RP69–17. The pipeline companies therefore request that the Commission grant waiver of §§ 154.63(b)(3) and 154.63(e)(2)(i) of the regulations which require the filing of supporting statements including certain test year cost of service studies and data. The cost of service statements submitted in Dockets Nos. RP69–16 and RP69–17 are based upon operations for the year ended August 31, 1968, adjusted for changes in the 9 months ended May 31, 1969. On May 12, 1969, the pipeline companies filed Statements N cost of service studies based upon the year ended December 31, 1968, in response to Commission Secretary's letter of April 21, 1969. They, likewise, request waiver of § 154.66(b) to permit their filing of the subject increased rates during the suspension period (ending July 10, 1969) of the increased rates in the prior proceedings in order that the proposed increased rates may become effective coincidentally with those of their suppliers.

The Public Service Commission of the State of New York, an intervener in these proceedings, urges that these filings be rejected because they seek to supersede rate schedules which are presently under suspension until July 10, 1969. We think the pipelines have shown good cause for waiver of § 154.66(b). See Texas Eastern Transmission Corp. (39 FPC 630).[3] Moreover, by our action herein these filings are being suspended until November 1, 1969.

Since the increased rates proposed herein are directly and entirely based upon proposed rate increases of the pipeline companies' suppliers which are being suspended this day until November 1, 1969, these proposals should be similarly suspended. The proposed increases have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the rates and charges contained in Home's and Manufacturers' FPC Gas Tariffs, as proposed to be amended, and that the proposed tariff sheets listed in Appendix A hereto[4] be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that these proceedings be consolidated for hearing and decision with the proceedings in Dockets Nos. RP69–16 and RP69–17, as prescribed herein.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) public hearings shall be held at a time and place to be fixed by further notice of the Presiding Examiner, concerning the lawfulness of the rates, charges, classifications, and services contained in Home's and Manufacturers' FPC Gas Tariffs, as proposed to be amended.

(B) Pending such hearing and decision thereon, the proposed revised tariff sheets listed in Appendix A hereto[4] are suspended and their use is deferred until November 1, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The proceedings in Dockets Nos. RP69–16 and RP69–33 are hereby consolidated for the purposes of hearing and decision on the matters and issues involved therein.

(D) The proceedings in Dockets Nos. RP69–17 and RP69–32 are hereby consolidated for the purposes of hearing and decision on the matters and issues involved therein.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6453; Filed, June 2, 1969; 8:45 a.m.]

[2] United Fuel Gas Co., Docket No. RP69–29; Atlantic Seaboard Corp., Docket No. RP69–31.

[3] Appeal pending, C.A. 5, No. 26477. Cf. Manufacturers Light and Heat Co., Docket No. RP69–16 et al. order issued Mar. 19, 1969; and Consolidated Gas Supply Corp., Docket No. RP69–19 et al., order issued May 14, 1969.

[4] Appendix A filed as part of original document.

[Docket No. E–7483]

KENTUCKY UTILITIES CO.

Notice of Application

MAY 26, 1969.

Take notice that on May 16, 1969, Kentucky Utilities Co., (Applicant), filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition of certain securities of the Old Dominion Power Co. (Old Dominion).

Applicant is incorporated under the laws of the State of Kentucky with its principal business office in Lexington, Ky., and is engaged in the electric utility business in 78 counties in central, southeastern and western Kentucky and one county in Tennessee.

Old Dominion, a 100-percent subsidiary of Applicant, is incorporated under the laws of the State of Virginia with its principal business office in Norton, Va., and is engaged in the electric utility business in five counties in southwestern Virginia.

According to the application, Applicant proposes to acquire from Old Dominion from time to time during the year 1969, unsecured promissory notes in an aggregate amount not to exceed $1,500,000. The notes, which are to be payable on or before 10 years after the issuance date, are to bear interest not to exceed the prime rate in effect in the First National Bank of Chicago on the date of the issuance.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6454; Filed, June 2, 1969; 8:45 a.m.]

[Docket No. CP68–364]

MANUFACTURERS LIGHT AND HEAT CO. AND HOME GAS CO.

Order Denying Rehearing; Correction

MAY 26, 1969.

In the order denying rehearing issued May 16, 1969, make the following changes:

(A) Page 3, strike subparagraphs (1) and (2) and substitute the following paragraphs:

(1) Maintain books and records in such a manner that in the event the Commission denies the companies a permanent certificate Manufacturers and Home may resume individual operations; and

(2) Bill their respective customers at each company's filed rates, including rates subject to refund at Dockets Nos. RP69–16 and RP69–17 upon their effectiveness.

(B) Page 4, strike line 15, "application, pp. 6–7 and Applicants' Answer to Penn Gas".

(C) Page 4, insert the following line after line 12: "necessary for ratemaking purposes, covering the term of the".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6455; Filed, June 2, 1969; 8:45 a.m.]

[Project 2698]

NANTAHALA POWER AND LIGHT CO.

Notice of Application for License for Constructed Project

MAY 12, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nantahala Power and Light Co. (correspondence to: John M. Archer, Jr., President, Nantahala Power and Light Co., Post Office Box 260, Franklin, N.C. 28734) for constructed Project No. 2698, known as East Fork Project, located on East Fork of Tuckasegee River and tributaries thereof, Jackson County, N.C., near the town of Sylva and the city of Asheville.

The existing East Fork Project comprises: I. Cedar Cliff Development consisting of (1) an earth and rock fill dam 590 feet long with a maximum height of 173 feet, having two spillways—the right one containing a 25- x 25-foot tainter gate and the left containing a 221-foot "fuse plug"; (2) a reservoir which covers an area of 121 acres at maximum normal elevation of 2,330 feet (U.S.C. & G.S. datum) and having useful storage of 585 acre-feet in a 5-foot drawdown; (3) a 1,138-foot pressure conduit; (4) a powerhouse containing one generator rated at 6,375 kw.; (5) a boat launching area and an area reserved for future recreational development; II. Bear Creek Development consisting of (1) an earth and rock fill dam 760 feet long with maximum height of 215 feet, a spillway, located in the right abutment, containing a 25- x 25-foot tainter gate; (2) two "fuse plugs", one 107 feet long and one 276 feet long; (3) a 476-acre reservoir at maximum normal elevation of 2,560 feet (U.S.C. & G.S. datum) and having useful storage of 4,536 acre-feet in a 10-foot drawdown; (4) a 1,494-foot pressure conduit; (5) a powerhouse containing one generator rated at 9,000 kw.; (6) a boat launching area; III. Tennessee Creek Development consisting of: A. (1) East Fork dam of earth and rock fill 385 feet long with a maximum height of 140 feet and containing one 25- x 19-foot tainter gate; (2) a saddle dam, located on the left side of the dam, 225 feet long with a maximum height of 21 feet; (3) a spillway consisting of one 25- x 19-foot tainter gate and two "fuse plugs", one 43 feet long and one 97 feet long; (4) a reservoir, created by the East Fork dam, covering an area of 40 acres at maximum normal elevation of 3,080 feet (U.S.C. & G.S. datum) and having useful storage of 1,250 acre-feet in a 62-foot drawdown; (5) planned boat launching area; B. (1) Wolf Creek dam of earth and rock fill 810 feet long with a maximum height of 175 feet containing one 25- x 19-foot tainter gate and two "fuse plugs", one 36.4 feet long and the other 37.2 feet long; (2) a reservoir, created by the Wolf Creek dam, covering an area of 183 acres at maximum elevation of 3,080 feet (U.S.C. & G.S. datum) and having useful storage of 7,640 acre-feet in a 62-foot drawdown; (4) a planned boat launching area and an area reserved for future recreational development; C. pressure conduits, from the East Fork and Wolf Creek reservoirs, converging into one conduit; D. a powerhouse containing one generator rated at 10,800 kw.; IV. a transmission system for the project consisting of a 69 kv., single circuit, wood pole line beginning at the substation of Tennessee Creek powerhouse and continuing via Bear Creek and Cedar Cliff developments, where it is connected to project substations, to the switching station adjacent to the Thorpe powerhouse, and V. appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–6456; Filed, June 2, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

MAY 28, 1969.

The purpose of this notice is to announce certain requirements governing the entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea.

Under the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, the Republic of Korea has undertaken to limit its exports of cotton textiles and cotton textile products to the United States to certain designated levels. Pursuant to paragraph 15 of that agreement, providing for administrative arrangements, the Governments of the United States and the Republic of Korea have established an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea.

Effective upon publication of this notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles or cotton textile products produced or manufactured in the Republic of Korea, and exported from the Republic of Korea on or after the date of this publication, for which the Republic of Korea has not issued an appropriate export Visa, fully described below, will be prohibited.

Application of this Visa system to cotton textiles or cotton textile products exported from the Republic of Korea before the date of this publication shall become effective ninety (90) days following the date of this publication.

Such Visa is to appear on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document; otherwise the commercial invoice when used) and will indicate the quantity of goods involved, in the appropriate unit or units of measures, the category or categories under which the goods are classified, and the signature of the official issuing the Visa. The officials authorized to issue such visas are the following:

T.S.U.S.A. Category Numbers	*Signature*
1 through 38, 64	Jin Won Lee
39 through 63	Kim Hae Kang

The Visa will also include an official seal which will be superimposed on the information to be provided above. A facsimile of the seal is filed as part of the original document with the office of the FEDERAL REGISTER.

Any discrepancy between the actual quantity of goods presented for entry and the quantity specified on the Visa will be resolved as follows: Whenever the actual quantity exceeds the quantity specified the entire quantity will be denied entry pending receipt of a letter from the Chairman of the Interagency Textile Administrative Committee authorizing entry of the visaed amount; such letters will be issued automatically. Whenever the actual quantity is less than the quantity specified, the actual quantity will be entered. In such cases, a new Visa will be required for the entry of the balance of the quantity specified, except where the goods have been erroneously off loaded at another port in the United States and where (a) the goods are subsequently forwarded to the intended port of entry, or (b) entered at the port of erroneous discharge on the basis of a Customs Abstract of the certified invoice. Moreover, it is anticipated that provision may be made for entry of goods in those cases where the amount presented for entry is greater than the quantity specified on the Visa so long as the difference is nominal, i.e., not more than 5 percent. In all cases, the actual amounts permitted entry will be charged against the applicable levels provided for in the bilateral agreement of December 11, 1967.

Interested parties are advised to take all necessary steps to assure that cotton textiles and cotton textile products produced or manufactured in the Republic of Korea which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the above stated Visa requirements.

There is published below a letter of May 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, to the Commissioner of Customs to prohibit effective upon the publication of this notice, the entry or withdrawal for consumption in the United States of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea which do not meet the stated Visa requirements.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

MAY 28, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 15 of the bilateral cotton textile agreement of December 11, 1967, providing for administrative arrangements, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit effective upon publication of notice in the FEDERAL REGISTER and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in the Republic of Korea, and exported from the Republic of Korea on or after the date of said publication, for which the Republic of Korea has not issued an appropriate Visa fully described below.

Application of this Visa system to exports of cotton textiles and cotton textile products which have a date of exportation prior to publication in the FEDERAL REGISTER shall become effective ninety (90) days following the date of publication of such notice.

Such Visa is to appear on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor documents; otherwise the commercial invoice when used) and will indicate the quantity of goods involved in the appropriate unit or units of measure, the category or categories under which the goods are classified, and the signature of the official issuing the Visa.

The Visa will also include an official seal which will be superimposed on the information to be provided above. A facsimile of the seal is enclosed for your information.

Any discrepancy between the actual quantity of goods presented for entry and the quantity specified on the Visa will be resolved as follows: Whenever the actual quantity exceeds the quantity specified, the entire quantity will be denied entry, pending receipt of a letter from the Chairman of the Interagency Textile Administrative Committee authorizing entry of the visaed amount. Such letters will be issued automatically. Whenever the actual quantity is less than the quantity specified, the actual quantity will be entered. In such cases, a new Visa will be required for entry of the balance of the quantity specified, except where the goods have been erroneously off loaded at another port in the United States and where (a) the goods are subsequently forwarded to the intended port of entry, or (b) entered at the port of erroneous discharge on the basis of a properly certified photocopy of the invoice.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported in the United States from the Republic of Korea on or after the date of publication of notice in the FEDERAL REGISTER, notwithstanding the designated shipment or shipments do not meet the aforementioned Visa requirements, whenever requested to do so in writing by the Chairman of the Interagency Textile Administrative Committee.

A detained description of the 64 categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea, have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–6525; Filed, June 2, 1969; 8:50 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

IOWA

Notice of Major Disaster

Notice of major disaster for the State of Iowa, dated May 1, 1969, and published May 9, 1969 (34 F.R. 7563), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 25, 1969:

Allamakee.	Jackson.
Clayton.	Lee.
Clinton.	Louisa.
Des Moines.	Muscatine.
Dubuque.	Scott.
Fremont.	Story.
Ida.	

Dated: May 26, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69–6459; Filed, June 2, 1969; 8:45 a.m.]

SOUTH DAKOTA

Notice of Major Disaster

Notice of major disaster for the State of South Dakota, dated April 24, 1969, and published April 30, 1969 (34 F.R. 7095), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 18, 1969:

Buffalo.	Hutchinson.
Faulk.	Hyde.
Hand.	Sanborn.
Hughes.	

Dated: May 26, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69–6460; Filed, June 2, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 2), Amdt. 1; Southeastern Area]

SOUTHEASTERN AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134), Delegation of Authority No. 30 (Rev. 2), Southeastern Area, 33 F.R. 9317, dated June 25, 1968, is hereby amended by:

1. Revising Item I. E–1 to read as follows:

I. *Area Coordinators.* * * *

E. *Financial Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

2. Revising Items II. B–4 and B–5 and adding thereto Item II. B–6 to read as follows:

II. *Regional Directors.* * * *

B. *Development company assistance.* * * *

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator
By: ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

3. Revising Items II. C, II. D, II. F–2, II. G–4 and II. G–12 to read as follows:

II. *Regional Directors.* * * *

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determination.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC Program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2 (e) of SBA Loan Policy Regulations.

* * * * *

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* * * *

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

G. *Supervisory Loan Officer and/or Assistance Team Leader.* * * *

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

* * * * *

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

4. Revising Items II. I–3 and I–4 and adding thereto Item II. I–5 to read as follows:

II. *Regional Directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator
By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary action in connection with the administration, servicing, and collection, other than those accounts classified as 'in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The aproval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

Effective date: December 31, 1968.

WILEY S. MESSICK,
Area Administrator,
Southeastern Area.

[F.R. Doc. 69-6462; Filed, June 2, 1969; 8:45 a.m.]

[Delegation of Authority No. 30 (Middle Atlantic Area), Amdt. 1]

MIDDLE ATLANTIC AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5143), Delegation of Authority No. 30 (Middle Atlantic Area), 33 F.R. 10669, is hereby amended by:

(1) Revising Item I.E.1, to read as follows:

I. *Area Coordinators.* * * *

E. *Financial Assistance Coordinator.*—1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

(2) Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6, to read as follows:

II. *Regional Directors.* * * *

B. *Development Company Assistance.* * * *

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator,
By: ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

(3) Revising Items II.C., II.D., II.F.2, and II.G.12, to read as follows:

II. *Regional Directors.* * * *

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* * * *

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

G. *Supervisory Loan Officer and/or Assistance Team Leader.* * * *

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

(4) Revising Items II.I. 3 and 4 and adding thereto a new item II.I.5, to read as follows:

II. *Regional Directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator
By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

Effective date: December 31, 1968.

EDWARD N. ROSA,
Area Administrator,
Middle Atlantic Area.

[F.R. Doc. 69-6463; Filed, June 2, 1969; 8:45 a.m.]

TARIFF COMMISSION

[337-L-36]

SKI POLES

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on April 7, 1969, of a complaint under section 1337 of title 19 of the United States Code, filed by Robert J. McDonald, of Arlington,

Va., alleging unfair methods of competition and unfair acts in the importation and sale of ski poles and ski pole components, which have the effect or tendency to substantially injure, or prevent the establishment of, an industry in the United States. The unfair methods or acts are alleged to be the continued importation and sale of ski poles and ski pole rings (baskets) by—

Anderson and Thompson Ski Co., 1725 Westlake Avenue North, Seattle, Wash.
Barrecrafters, 168 Seventh Street, Brooklyn, N.Y.
Tomic Golf and Ski Equipment Co., 7701 East Compton Boulevard, Paramount, Calif.
Ski Country Imports Inc., 70 West Main Street, Littleton, Colo.
Union Distributing Co., 825 West 2500 South, Salt Lake City, Utah.
Whittlesey, Powers and Cameron, 23850 Clawiter Road, Hayward, Calif.

which have been made in accordance with the claims of U.S. Letters Patent No. 3,193,300 and No. 3,204,974 owned by the complainant. Other alleged unfair methods and acts relate to improper disclosures of confidential technical know-how, improper marking of imported components, and sundry claims set forth in the complaint.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission[1] has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the tariff act (19 U.S.C. 1337(f)).

A copy of the complaint is available for public inspection at the office of The Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse in accordance with §§ 201.5 and 201.10 of the rules (19 CFR 201.5, 201.10).

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than July 7, 1969. As stated in § 201.8 (a) and (d) of the rules (19 CFR 201.8 (a) and (d)) such information should be sent to The Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed. Information submitted which is to be treated as confidential should be appropriately marked in accordance with § 201.6 of the rules of practice and procedure (19 CFR 201.6).

Issued: May 27, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-6477; Filed, June 2, 1969; 8:46 a.m.]

[1] Chairman Metzger did not participate in the issuance of this notice.

[332-45]

INTERIM REPORT OF STUDY RELATING TO TEMPORARY ENTRY OF ARTICLES IMPORTED INTO UNITED STATES

Notice of Public Hearing

Hearing. Notice is hereby given that a public hearing will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on August 5, 1969, in connection with a study,[1] under section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), of the provisions of title 19 of the United States Code, which permit the temporary importation into the United States of merchandise without the payment of ordinary duties or which permit a virtual recovery of duties paid, when the imported merchandise, or its domestic equivalent, is exported either in the same form as entered or in changed condition.

In its original announcement of the study (FEDERAL REGISTER of July 29, 1965, 30 F.R. 9503), the Commission stated that it would review the original objectives of each provision, examine the extent to which the provision is now accomplishing its purpose, and determine its impact on United States international trade; and expressed especial interest in whether the economic forces which led to the creation of these programs have so changed in the intervening years as to warrant modification and possible consolidation of the procedures to meet current conditions. Interested parties were invited to submit written views relative to the study. In March 1966 the Commission released an interim report titled: "Report on Legislative Objectives" (T.C. Publication 170), containing the legislative history of the various provisions covered by the study.

Concurrent with this notice the Commission is releasing a second interim report titled: "Report on use of Temporary Entry Procedures and Tentative Proposals" (T.C. Publication 286), containing detailed data for the years 1965–67 on the various temporary entry provisions covered by the study. The report also contains tentative proposals under consideration by the Commission with respect to the various provisions of title 19 of the United States Code. The proposals are for the purpose of eliciting constructive comment and suggestions from interested parties.

Requests to appear. All interested parties will be given an opportunity to be present, to produce evidence, and to be heard. Parties requesting to be heard should notify the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C. 20436, no later than July 25, 1969. The request must contain the following information:

(a) The name, address, telephone number, and organization of the person filing the request, together with the name and organization of the witnesses who will testify.

(b) A statement designating which of the provisions described in T.C. Publication 286 is of interest to the party and an indication of the commodity or commodities on which his testimony will be presented. If the statement relates to the drawback provisions, the request should include, to the extent practicable, the value of each principal article on which drawback was received in 1968, the value of the imported material it contained, and the amount of the drawback. If pertaining to the other provisions, the request should include, to the extent practicable, the value of the imported material, the amount of duty which otherwise would have been assessed, and the value of the material when exported.

(c) A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearance the request is filed.

Allotment of time. Because of the anticipated response from users of the temporary entry procedures, limitation of time for the presentation of oral testimony is in the public interest. Therefore, in scheduling appearances at the hearing the time to be allotted witnesses for the presentation of oral testimony will be limited as circumstances require. Supplemental written statements will be allowed in all cases, and should be submitted at the time of presentation of oral testimony. Matters already presented in written submissions to the Commission need not be repeated. Witnesses should bring to the hearing at least 20 copies of any prepared statements, and where feasible, of any exhibits they plan to introduce.

Notification of date of appearance. Persons who have properly filed requests to appear will be individually notified in advance of the date on which they will be scheduled to present oral testimony and of the time allotted for that purpose.

Order of hearing. To the extent practicable, the hearings will follow the order of the context of T.C. Publication 286.

Written submissions. Written information and views in lieu of appearances at the public hearings may be submitted by interested persons. A signed original and 19 true copies of each submission shall be furnished. Business data to be treated as confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential". Written statements in lieu of appearance, to be assured of consideration, should be submitted at the earliest practicable date, but not later than the date of the closing of the public hearings.

Issued: May 28, 1969.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 69-6496; Filed, June 2, 1969; 8:48 a.m.]

[1] Study filed as part of the original document.

BROOM CORN BROOMS

Report to the President

MAY 23, 1969.

To the President:

In accordance with Executive Order 11377 of October 23, 1967 (copy attached),[1] to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the U.S. Tariff Commission[1a] herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1968, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms. For convenience, the Commission also reports corresponding data where available for the year 1965.

Estimated consumption of broom corn brooms. In the judgment of the Commission, the consumption in the calendar years 1965 and 1968 of brooms wholly or in part of broom corn was as follows (in dozens):

Type of broom	1965[1]	1968
Whiskbrooms of a kind provided for in items 750.26 to 750.28, inclusive, of the tariff schedules	470,612	400,215
Other brooms of a kind provided for in items 750.29 to 750.31, inclusive, of the tariff schedules	2,878,995	2,813,681

[1] As reported to the President May 2, 1968.

Basis for the Commission's judgment with respect to broom corn brooms. The Commission estimated consumption of broom corn brooms in 1968 by the same methods it used to estimate consumption in 1965 and 1967 for its first report pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and subtracting therefrom the quantity of exports. Data on imports were obtained from the Bureau of Customs of the U.S. Treasury Department; data on production and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms are as follows (in dozens):

Item	1965[1]	1968
	Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive	
U.S. producers' shipments	318,691	288,947
Imports	152,686	111,953
Exports	765	685
Apparent consumption	470,612	400,215
	Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive	
U.S. producers' shipments	2,596,457	2,615,760
Imports	296,897	202,308
Exports	14,359	4,387
Apparent consumption	2,878,995	2,813,681

[1] As reported to the President on May 2, 1968.

Brooms considered competitive with broom corn brooms. After considering information obtained from producers, importers, buyers for retail stores, jobbers, and others having knowledge of the broom trade, the Commission has concluded that whiskbrooms of all fibers other than broom corn are competitive with whiskbrooms made of broom corn, and that upright brooms of all fibers other than broom corn are competitive with upright broom corn brooms. The Commission further is of the opinion that push brooms 16 inches or less in width generally are competitive with upright broom corn brooms. The "competitive" brooms identified above are generally used for the same purpose as, and are generally substitutable for, broom corn brooms.

The Commission estimates that domestic shipments, imports, exports, and apparent consumption in 1967 and 1968 of the brooms considered to be competitive with broom corn brooms were as follows (in thousands of dozens):

Type of broom	Domestic shipments		Exports		Imports		Apparent consumption	
	1967	1968	1967	1968	1967	1968	1967	1968
Whiskbrooms:								
Plastic fiber	14	36	(1)	(1)	----	8	14	44
Other fiber	67	59	(1)	(1)	----	----	67	59
Other (upright) brooms:								
Plastic fiber	182	193	8	6	44	131	218	318
Other fiber	101	95	2	2	----	----	99	93
Push brooms (16" or less in width)	253	269	1	1	----	----	252	268

[1] Less than 500 dozen.

SOURCE: Compiled from data furnished by importers and domestic producers.

By direction of the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 69-6495; Filed, June 2, 1969; 8:48 a.m.]

[1] Copy of Executive Order 11377 filed as part of original document.

[1a] Chairman Metzger did not participate in the issuance of this report.

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

Addresses of Installations and Central Office and Jurisdictional Areas of Insurance Centers

In the Veterans Administration statement of organization (32 F.R. 9776), section 4 is amended to read as follows:

SEC. 4. *Addresses of Veterans Administration installations and Central Office and jurisdictional areas of insurance centers.* This is a guide to the location of Veterans Administration Central Office and field stations in each State (also District of Columbia, Republic of the Philippines, and Commonwealth of Puerto Rico) where information may be obtained concerning benefits to veterans and their dependents and beneficiaries. Information concerning benefits as well as such matters as office hours, location of public reference facilities, fees charged for certain services such as records searching or copying, forms for use by the public and where they may be obtained, and officials to contact for various services, information or decisions, may be obtained by writing or otherwise contacting the office concerned. On any matter in which there may be a question as to the proper point of contact for services, information, or decisions, request may be directed to the Manager or Contact Officer in the nearest VA regional office.

* * * * *

ALABAMA

Hospital, Montgomery 36109: Delete "Perry Hill Rd." and insert "215 Perry Hill Rd."

ALASKA

Regional Office, Juneau 99801: Insert "Federal Bldg., U.S. Post Office and Courthouse."

CALIFORNIA

Hospital, Palo Alto 94304: Delete "Veterans Administration Hospital," and insert "3801 Miranda Ave."

Hospital, San Francisco 94121: Delete "42d Avenue and Clement Street," and insert "4150 Clement St."

CANAL ZONE

VA Office, Balboa: Delete in its entirety.

DELAWARE

Regional Office, Wilmington: Delete "19899—Post Office Box 1266" and insert "19805."

FLORIDA

Hospital, Coral Gables 33134: Delete in its entirety and insert:
Hospital, Gainesville 32601—Archer Rd.
Hospital, Miami 33125—1201 Northwest 16th Street.

IOWA

Center (Regional Office and Hospital), Des Moines: Delete "50308" and insert "50309."

MARYLAND

Regional Office Baltimore: Delete "21202—Fayette and St. Paul Streets" and insert "21201—Federal Bldg., 31 Hopkins Plaza."

MASSACHUSETTS

Hospital, Northampton: Delete "01062" and insert "01060."

MICHIGAN

Regional Office, Detroit 48231: Delete in its entirety and insert:
Regional Office, Detroit 48232—801 West Baltimore at Third.

Below Regional Office, Detroit, insert:
Hospital, Allen Park 48101—Veterans Administration Hospital.
Hospital, Dearborn 48121: Delete in its entirety.

NEW YORK

VA Office, Syracuse 13202: Delete "Chimes Building, 500 South Salina Street," and insert "Gateway Bldg., 809 South Salina St."

OHIO

Regional Office, Cleveland: Delete 44114—Cuyahoga Building, 216 Superior Avenue," and insert "44199—Federal Office Bldg., 1240 East Ninth St."

OREGON

Regional Office, Portland 97204: Delete "208 Southwest Fifth Avenue," and insert "426 Southwest Stark St."

PENNSYLVANIA

Hospital, Pittsburgh 15240: After "University Drive," add "C".

Outpatient Clinic, Philadelphia 19102: Delete "128 North Broad Street," and insert "1421 Cherry Street."

TENNESSEE

Hospital, Memphis: Delete "38115—Park Avenue and Getwell Street," and insert "38104—1030 Jefferson Ave."

TEXAS

Hospital, Amarillo 79106: Delete "Veterans Administration Hospital," and insert "6010 Amarillo Blvd., W."

WASHINGTON

Hospital, Vancouver: Delete "98663" and insert "98661."

Hospital, Walla Walla 99362: Delete "Veterans Administration Hospital," and insert "77 Wainwright Drive."

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 69-6494; Filed, June 2, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 841]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 28, 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 340), 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 protest 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 the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 48958 (Sub-No. 103 TA), filed May 14, 1969. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, 601 Ross Street, Post Office Box 9050, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the Duval Sulphur Mine approximately 19 miles southwest of Orla, Tex. (Orla, Tex., is located midway between Carlsbad, N. Mex., and Pecos, Tex., on U.S. Highway 285); and (2) serving the construction site of Duval Sulphur Mine as an off-route point in connection with applicant's presently authorized regular route authority in certificate No. MC 48958, Sub 51, between Carlsbad, N. Mex., and Pecos, Tex., and coordinating such service by tacking at Carlsbad with other authority of the applicant in MC 48958 and subnumbered proceedings thereunder, for 180 days. NOTE: Proposed authority is to be operated in conjunction with MC 48958, Sub 51, between Carlsbad and Pecos, tacking at Carlsbad with applicant's other interstate authority in MC 48958 and subs, and interlining at all ICX gateways with other motor common carriers. Supporting shipper: Stearns-Roger Corp., 660 Bannock Street, Post Office Box 5888, Denver, Colo. 80217. Send protests to: District Supervisor W. C. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 95920 (Sub-No. 20 TA), filed May 22, 1969. Applicant: SANTRY TRUCKING COMPANY, 11552 Southwest Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and packages, and such other products as are dealt in and used by retail and wholesale petroleum distributors or dealers* (except in bulk), from points in Los Angeles County and Richmond, Calif., to points in Washington and Oregon on and west of U.S. Highway 97, for 180 days. Supporting shipper: Standard Oil Co. of California, Western Operations, Inc., 225 Bush Street, San Francisco, Calif. 94120. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 107295 (Sub-No. 196 TA), filed May 19, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe and sewer pipe fittings, bituminized fiber; and conduit and conduit connections, bituminized fiber;* from Louisiana, Mo., to points in New York, New Jersey, West Virginia, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Georgia, Alabama, Mississippi, Oklahoma, Kansas, and Minnesota, for 180 days. Supporting shipper: Tallman Conduit Co., 600 South Main Street, Louisiana, Mo. 63353. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112304 (Sub-No. 29 TA), filed May 22, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gun mounts and related equipment* requiring special equipment or special handling, between Louisville, Ky., and Crane, Ind., on the one hand, and, on the other, Long Beach, San Diego, and San Francisco, Calif.; Bremerton, Wash.; Boston, Mass.; Charleston, S.C.; Norfolk, Va.; and Jacksonville, Fla., for 180 days.

Supporting shipper: Military Traffic Management and Terminal Service, Department of the Army, Washington, D.C. 20315. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 115904 (Sub-No. 15 TA), filed May 19, 1969. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, including laminated beams*, from points in Lemhi and Custer Counties, Idaho, to points in Nevada and Washington, for 180 days. NOTE: Applicant does not intend to tack or interline the authority herein sought. Supporting shipper: Intermountain Lumber Co., Post Office Box 1208, Salmon, Idaho 83467. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 115904 (Sub-No. 16 TA), filed May 22, 1969. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasterboards* (fiberboard, felt or fiber and plaster combined), from the plantsite of the Big Horn Gypsum Company near Cody, Wyo., to points in Idaho south of the Salmon River, for 180 days. NOTE: Applicant does not intend to tack or interline the authority herein sought. Supporting shipper: Western Wholesale & Supply, Inc., 1800 South Yellowstone, Idaho Falls, Idaho 83401. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 129863 (Sub-No. 4 TA), filed May 20, 1969. Applicant: FREDERICK L. BULTMAN, INC., 3140 West Fond du Lac Avenue, Milwaukee, Wis. 53210. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpet cushions, and unfinished carpet and industrial textile products*, between the plants and warehouse facilities of the Ozite Corp. at Milwaukee, Wis., and the plant and warehouse facilities of the Ozite Corp. at Libertyville, Ill., for the account of the Ozite Corp., for 180 days. Supporting shipper: Ozite Corp., 1755 Butterfield Road, Libertyville, Ill. 60048 (Marion E. Busby). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133740 TA, filed May 19, 1969. Applicant: BBR TRUCKING CO., INC., 604 Babcock Street, Buffalo, N.Y. 14206. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted beef hides and lamb and sheep pelts*, from Buffalo, N.Y., to Peabody, North Adams, Woburn, and Salem, Mass.; Pownal, Vt.; Berwick and Sacco, Maine; Newark and Camden, N.J.; and Philadelphia, Pa., and Lebanon, N.H., for 180 days. Supporting shippers: Tog Packing Inc., 1010 Clinton Street, Buffalo, N.Y. 14206; Elmer Bender & Son, 175 Lewis Street, Buffalo, N.Y., 14206; Everett Horlein & Sons, 669 Howard Street, Buffalo, N.Y. 14206. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 133748 TA, filed May 22, 1969. Applicant: LILE MOVING & STORAGE COMPANY, 7021 Northeast Halsey Street, Portland, Oreg. 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Interstate Commerce Commission, between points in Multnomah, Washington, Columbia, Clackamas, Yamhill, and Hood River Counties, Oreg., and Clark, Cowlitz, and Skamania Counties, Wash., for 180 days. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, Calif. 94604; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, Calif. 94103; Georgia-Pacific Corp, Commonwealth Building, Portland, Oreg. 97204; Tektronix, Inc., Post Office Box 500, Beaverton, Oreg., 97005. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 450, Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–6509; Filed, June 2, 1969; 8:49 a.m.]