FEDERAL REGISTER

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Agencies in this issue—

Atomic Energy Commission
Business and Defense Services Administration
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Nutrition Service
Health, Education, and Welfare Department
Interagency Textile Administrative Committee
Internal Revenue Service
International Joint Commission—United States and Canada
Interstate Commerce Commission
National Park Service
Public Health Service
Securities and Exchange Commission
Social Security Administration

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PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Extension of Coverage

On December 20, 1969, the following was published in the FEDERAL REGISTER as proposed rule making. The purpose is to provide coverage for Presidential appointees appointed to fill an unexpired term. No adverse comments, objections, or suggestions on the proposal have been received by the Civil Service Commission. Accordingly, Part 890 of Title 5, Code of Federal Regulations, is amended by revising subparagraph (1) of paragraph (c) of § 890.102 as set out below.

§ 890.102 Coverage.

* * * * *

(c) The following employees are not eligible:

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

* * * * *

(5 U.S.C. 8913)

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

[F.R. Doc. 70-690; Filed, Jan. 19, 1970; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Regulations are hereby amended, revised, and reissued for the operation of the general cash-for-food assistance and special cash-for-food assistance phases of the National School Lunch Program pursuant to the authority contained in the National School Lunch Act, as amended (42 U.S.C. 1751–1760).

Sec.

210.1 General purpose and scope.
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210.19 Miscellaneous provisions.
210.20 Program information.

AUTHORITY: §§ 210.1 to 210.20 issued under secs. 2–12, 60 Stat. 230, as amended, 76 Stat. 944; sec. 301, 80 Stat. 379; 83 Stat. 252; 5 U.S.C. 301; 42 U.S.C. 1751–1760.

§ 210.1 General purpose and scope.

(a) Section 2 of the National School Lunch Act, as amended, states: "It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs."

(b) In furtherance of these objectives, participating schools shall serve lunches that are nutritionally adequate, as set forth in these regulations, and shall also coordinate the school's health-education activities with the formation of good eating habits in the lunchroom, to the end that participating children will gain a full understanding of the relationship between proper eating and good health.

(c) The Act authorizes the apportionment of funds to the States for (1) general food assistance, (2) special food assistance, and (3) nonfood assistance, and also authorizes donations of agricultural commodities and other foods acquired by the Department. This part announces the policies and prescribes the regulations with respect to the operation of the general cash-for-food assistance and the special cash-for-food assistance phases of the program (i.e., subparagraphs (1) and (2) of this paragraph) conducted under the National School Lunch Act.

§ 210.2 Definitions.

For the purpose of this part the term:

(a) "Act" means the National School Lunch Act, as amended.

(b) "Assistance need rate" means (1) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, 5; and (2) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, the product of 5 and the quotient obtained by dividing the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the 3 most recent years for which such data are available and certified to the Secretary by the Department of Commerce.

(c) "CND" means the Child Nutrition Division, Food and Nutrition Service of the Department.

(d) "Cost of obtaining food" means the cost of obtaining agricultural commodities and other food for consumption by children during any fiscal year. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the Program.

(e) "Department" means the U.S. Department of Agriculture.

(f) "Fiscal year" means a period of 12 calendar months beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(g) "FNS" means the Food and Nutrition Service of the Department.

(h) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the Department.

(i) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of fresh fluid whole milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of fresh fluid whole milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

(j) "Nonprofit lunch program" means food service maintained by the School Food Authority for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food service.

(k) "Nonprofit private school" means a nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(l) "OIG" means the Office of the Inspector General of the Department.

(m) "Participation rate" means a number equal to the number of lunches

meeting the minimum requirements prescribed for a Type A lunch in § 210.10 served in the preceding fiscal year by schools participating in the Program as determined by the Secretary.

(n) "Program" means the National School Lunch Program conducted under the Act.

(o) "School" means an educational unit of high school grade or under operating under public or nonprofit private ownership in a single building or complex of buildings and, with respect to Puerto Rico, also includes a nonprofit child-care center certified as such by the Governor of Puerto Rico. The term "high school grade or under" includes classes of preprimary grade when they are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State, regardless of whether such preprimary grade classes are conducted in a school having classes of primary or higher grade.

(p) "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program therein. The term "School Food Authority" also includes a nonprofit agency to which such governing body has delegated authority for the operation of a lunch program in a school.

(q) "Secretary" means the Secretary of Agriculture.

(r) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(s) "State Agency" means the State educational agency.

(t) "State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State Superintendent of Public Instruction, Commissioner of Education, or similar officer), or (2) a board of education controlling the State department of education.

§ 210.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, CND shall be responsible for Program administration.

(b) Within the States, responsibility for the administration of the Program shall be in the State educational agency (hereinafter referred to as the "State Agency"), except that FNSRO shall administer the Program with respect to nonprofit private schools of any State wherein the State Agency is not permitted by law to disburse Federal funds paid to it under the act to nonprofit private schools, or to match Federal funds paid with respect to such schools. References in this part to "FNSRO where applicable" are to FNSRO as the agency administering the Program with respect to nonprofit private schools.

(c) Each State Agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreements shall cover a fiscal year and may be extended for succeeding fiscal years at the option of the Department.

§ 210.4 Apportionment of funds to States.

(a) Any Federal funds made available for general cash-for-food assistance for any fiscal year shall be apportioned among the States in accordance with section 4 of the Act on the basis of two factors: (1) The participation rate for the State, and (2) the assistance need rate for the State. The amount apportioned to any State shall be determined by the following method: First, by determining an index for the State by multiplying factors (1) and (2) of this paragraph; second, by dividing this index by the sum of the indices for all the States; and third, by applying the figure thus obtained to the total funds to be apportioned.

(b) If any State cannot utilize all the funds apportioned to it for general cash-for-food assistance in any fiscal year, or if additional funds are made available under section 3 of the Act for apportionment among the States, further apportionment shall be made among the remaining States in the same manner as the initial apportionment: *Provided, however,* That the Department may determine the minimum amount of such funds it is practicable to so apportion.

(c) A share of the general cash-for-food assistance funds apportioned to any State shall be withheld by FNS for the nonprofit private schools of that State, if the State Agency does not administer the Program with respect to such schools. The funds so withheld by FNS shall be an amount which bears the same ratio to the general cash-for-food assistance funds apportioned to that State as the participation rate of all nonprofit private schools of the State bears to the participation rate of all schools in the State.

(d) Three percent of any Federal funds made available for special cash-for-food assistance under section 11 of the Act for any fiscal year shall be apportioned to Puerto Rico, the Virgin Islands, Guam, and American Samoa. The apportionment to each of those States shall be in an amount which bears the same ratio to the total of such funds as the number of free or reduced price lunches served in accordance with § 210.10 in those States in the preceding fiscal year bears to the total number of free or reduced price lunches so served in all those States in the preceding fiscal year. Of the remaining amount made available for special cash-for-food assistance under section 11 of the Act for any fiscal year, not less than 50 percent shall be apportioned among the States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of two factors, (1) the number of free or reduced price lunches served in accordance with § 210.10 in the preceding fiscal year and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2) of this paragraph; second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned to a State under section 11 of the Act which cannot be used for special cash-for-food assistance, together with the remainder of the funds available under section 11, shall be further apportioned on the same basis as the initial apportionment to States which justify the need for additional funds on the basis of operating experience.

(e) A share of the Special cash-for-food assistance funds apportioned to any State shall be withheld by FNS for the nonprofit private schools of that State, if the State Agency does not administer the Program with respect to such schools. The funds so withheld by FNS shall be an amount which bears the same ratio to the special cash-for-food assistance funds apportioned to the State as the number of free and reduced price lunches served in accordance with § 210.10 in the preceding fiscal year by all nonprofit private schools participating in the Program in the State bears to the number of free and reduced price lunches so served during the year by all schools participating in the Program in the State.

(f) Any supplemental funds made available for any fiscal year from section 32 funds (Act of Aug. 24, 1935, as amended) shall be tentatively allocated as follows: (1) Three percent shall be allocated to Puerto Rico, the Virgin Islands, Guam, and American Samoa, the amount to be allocated to each of those States being an amount which bears the same ratio to the total funds for such States as the number of children aged 3 to 17, inclusive, in each bears to the total number of children of such ages in all of them; and (2) the remaining funds shall be allocated to States other than Puerto Rico, the Virgin Islands, Guam and American Samoa, in an amount for each State which bears the same ratio to such remaining funds as (i) the number of children in that State aged 3 to 17, inclusive, in families with incomes of less than $3,000 per annum, and (ii) the number of children in that State aged 3 to 17, inclusive, in families receiving an annual income in excess of $3,000 per annum from payments under the program of aid to families with dependent children pursuant to a State plan approved under Title IV of the Social Security Act bears to the total number of such children in all such States. Final apportionments of supplemental funds shall be made on the basis of justifications of the need for additional funds submitted by the States.

(g) A share of the supplemental funds so allocated to any State shall be withheld by FNS for the nonprofit private schools of that State, if the State agency does not administer the program with respect to such schools. The funds so withheld by FNS shall be an amount which bears the same ratio to the supplemental funds apportioned to that State as the participation rate of all nonprofit private schools of the State bears

to the participation rate of all schools in the State.

§ 210.5 Payments to States.

(a) The general cash-for-food assistance funds apportioned to any State shall be made available by means of Letters of Credit issued by FNS to appropriate Federal Reserve Banks in favor of the State Agency. Such Letters of Credit shall be designed to provide funds for the State Agency for the operation of the Program in such amounts and at such times as the funds are needed to reimburse School Food Authorities. As soon as practicable after funds are made available to FNS, FNS shall prepare a Letter of Credit for each State with which it has an approved agreement. Such Letters of Credit shall contain 10 cumulative monthly limitations, except that for American Samoa, Guam, Puerto Rico and the Virgin Islands, the Letter of Credit shall contain 8 cumulative monthly limitations. These cumulative limitations shall be in accordance with the monthly pattern of participation in each State, as measured by the number of lunches served, based upon the most recent year for which final participation data are available. The first amount authorized shall be for July and August operations, and the final amount authorized shall be for May and June operations except that for American Samoa, Guam, Puerto Rico, and the Virgin Islands, the final amount authorized shall be for March, April, May, and June operations. Notwithstanding the foregoing provisions, if funds have been authorized by Congress for the operation of the Program under a continuing resolution, Letters of Credit shall reflect only the amounts authorized for the effective period of the resolution, with appropriate monthly limitations. The State Agency shall obtain funds needed to reimburse School Food Authorities through presentation by designated State officials of a Payment Voucher on Letter of Credit (Treasury Department Form TUS 5401) to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department. The State Agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State Agencies shall report information on the status of Program funds on a monthly basis to FNS on a form provided for it. Notwithstanding the foregoing provision for the use of Letters of Credit, Program funds shall be made available to the State Agency in the District of Columbia by means of Treasury Department checks on the same monthly basis as is prescribed for payments made by Letters of Credit.

(b) The special cash-for-food assistance funds apportioned to any State Agency for any fiscal year shall be made available in accordance with the method set forth in this section for general cash-for-food assistance, and, to the extent practicable, shall be in accordance with the same schedules.

(c) The supplemental funds apportioned to any State Agency for any fiscal year shall be made available in accordance with the method set forth in this section for general cash-for-food assistance funds, and, to the extent practicable, shall be made available in accordance with the same schedules. Initially, supplemental funds in an amount not to exceed 60 percent of the State's tentative allocation shall so be made available. Increases in amounts made available, up to the amount of the tentative allocation, as well as final apportionments, shall be made on the basis of justifications of the need for additional funds submitted by the States.

(d) The State Agency shall return to FNS any Federal funds paid to it under the Program which are unobligated at the end of each fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by FNSRO.

§ 210.6 Matching of funds.

(a) Payments of general cash-for-food assistance funds made by FNS to each State Agency for any fiscal year shall be upon the condition that each dollar thereof shall be matched by 3 dollars of funds from sources within the State determined by the Secretary to have been expended in connection with the Program, and the aggregate payment of general cash-for-food assistance funds made by FNS with respect to nonprofit private schools in any State for any fiscal year shall be upon the condition that each dollar thereof shall be matched by 3 dollars of funds from sources within the State determined by the Secretary to have been expended by School Food Authorities of nonprofit private schools in connection with the Program: *Provided, however,* That if the per capita income of any State is less than the per capita income of the United States, the matching requirement for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States.

(b) Funds from sources within the State shall include: (1) Funds expended for the Program, including Program administration, by the State or its political subdivisions or by or on behalf of any school, from children's payments or from any other source of State or local funds, except funds expended for land or the acquisition, construction or alteration of buildings; and (2) the value of commodities, services, supplies, facilities, and equipment donated to the Program, except the value of commodities donated by FNS or the value of land or the rental value of buildings used in connection with the Program. The value of donations eligible for matching shall be certified by the State Agency or by the nonprofit private schools with respect to which the Program is administered by FNSRO.

(c) It shall be the responsibility of the State Agency, or FNSRO where applicable, to determine whether the matching requirements of this section are being met. In the event it appears that the matching requirements will not be met, the State Agency or FNSRO shall take corrective action to assure compliance with these requirements.

(d) In the event any State fails to match the full amount of the general cash-for-food assistance funds advanced to it, the State shall return to FNS the amount of the funds which it failed to match.

(e) In any State where FNSRO administers the Program with respect to nonprofit private schools, if the aggregate payment of general cash-for-food assistance funds for private schools is not matched, any School Food Authority not matching the general cash-for-food assistance funds paid to it shall return to FNS its pro rata share of the amount of the funds determined by FNS not to have been matched.

§ 210.7 Use of funds.

(a) Federal funds available as cash-for-food assistance shall be used only to reimburse School Food Authorities in connection with lunches served to children of high school grade or under in accordance with the provisions of this part during the fiscal year for which such funds are appropriated.

(b) Income accruing to the lunch program in any school shall be used only for Program purposes: *Provided, however,* That such income shall not be used to purchase land, to acquire or construct buildings, or to make alterations of existing buildings: *And provided further,* That only funds from sources other than Federal or children's payments for lunches shall be used to finance out-of-State travel of school lunch personnel or the purchase of automotive equipment.

§ 210.8 Requirements for school participation.

(a) The School Food Authority shall make written application to the State Agency, or FNSRO where applicable, for any school in which it desires to operate the Program, if such school did not participate in the Program in the prior fiscal year.

(b) Applications shall include the name and address of the School Food Authority and of each school in which the Program will be operated, and the following information with respect to each such school: (1) The beginning date of lunch service under the Program; (2) the estimated average daily attendance or membership; (3) the lunch price to be charged children; (4) the estimated daily number of free or reduced price lunches to be served; and (5) the amount of funds and the value of food on hand for the Program at the time of application.

(c) Selection of schools for participation in the Program shall be in accordance with the following:

(1) Schools shall be selected for participation in the general cash-for-food assistance phase of the Program on the basis of need and attendance.

(2) Schools shall be selected for participation in the special cash-for-food assistance phase of the Program on the basis of the following factors: (i) The economic condition of the area from which such schools draw attendance; (ii) the needs of pupils in such schools for

free and reduced price lunches; (iii) the percentage of free and reduced price lunches being served in such schools to their pupils; (iv) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under the National School Lunch Act and (v) the need of such schools for additional assistance as reflected by the financial position of the school lunch program in such schools. (For the purposes of subdivision (v) of this subparagraph the need for additional assistance shall mean the need for reimbursement at rates above 12 cents per Type A lunch.) The need for special cash-for-food assistance shall be reviewed annually.

(d) Except as provided in this subparagraph, no school in which the food or milk service is operated under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement shall be eligible for participation in the program even though the School Food Authority obtains no profit from the operation of such food or milk service. The State Agency, or FNSRO where applicable, may authorize a School Food Authority to operate under the Program, through fiscal year 1970, under a contract with a food service management company, on an experimental basis: *Provided*, That (i) such operation will extend food service to needy children not previously benefiting from the Program, (ii) the contract with the food service management company is one which is substantially in conformity with the applicable prototype contract published in the Federal Register (34 F.R. 3704), and (iii) the contract is approved by the State Agency, or FNSRO where applicable, and the Department in advance of the beginning of the food service.

(e) Each School Food Authority for schools selected for participation in the Program shall enter into a written agreement with the State Agency on a form approved by FNSRO, or, in those States in which FNSRO administers the Program with respect to private schools, each School Food Authority for such private schools shall enter into a written agreement with the Department. Such agreements shall provide that the School Food Authority shall, with respect to participating schools under its jurisdiction:

(1) Operate a nonprofit lunch program and observe the limitations on the use of Program income set forth in § 210.7(b);

(2) Limit its operating balance to a level consistent with Program needs;

(3) Serve lunches which meet the minimum requirements prescribed in § 210.10 during a period designated as the lunch period by the School Food Authority;

(4) Price the Type A lunch as a unit;

(5) Supply lunches without cost or at reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof;

(6) Make no discrimination against any child because of his inability to pay the full price of the lunch;

(7) Claim reimbursement only for the type or types of lunches specified in the agreement;

(8) Submit claims for reimbursement in accordance with procedures established by the State Agency, or FNSRO where applicable;

(9) Maintain, in the storage, preparation and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations;

(10) Purchase, in as large quantities as may be efficiently utilized in its lunch program, foods designated as plentiful by the State Agency, or FNSRO where applicable;

(11) Accept and use, in as large quantities as may be efficiently utilized in its lunch program, such foods as may be offered as a donation by the Department;

(12) Maintain necessary facilities for storing, preparing and serving food;

(13) Maintain full and accurate records of its lunch program, including records with respect to the following:

(i) *Lunch service.* (*a*) Daily number of lunches served to children, by school and by type of lunch.

(*b*) Daily number of lunches served free or at reduced price to children, by school and by type of lunch.

(*c*) Daily number of adults eating in each lunchroom (unless the income from food sales to adults is maintained as a separate account under subdivision (ii) (c) of this subparagraph).

(ii) *Food service income (receipts).* (*a*) From childrens' payments.

(*b*) From Federal school lunch reimbursement.

(*c*) From all other sources, including Federal reimbursement under the Special Milk Program and the School Breakfast Program.

(iii) *Food service expenditures for the School Lunch, Special Milk, and School Breakfast Programs.* (Supported by invoices, receipts, or other evidence of expenditures).

(*a*) For food.

(*b*) For labor.

(*c*) For all other supplies and services.

(iv) *Value of donations to Program.* (*a*) Donated food, exclusive of foods donated by the Department.

(*b*) Donated services.

(*c*) All donations other than food and services.

Such records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain.

(14) Upon request, make all accounts and records pertaining to its lunch program available to the State Agency and to FNS, for audit or administrative review, at a reasonable time and place.

(15) Comply with the requirements of the Department's regulations respecting nondiscrimination (7 CFR Part 15) and the serving of free and reduced-price lunches (33 F.R. 15674).

(f) Any school in which a lunch program is operated under an agreement as provided in paragraph (e) of this section may serve children from any other school, whether or not a lunch program is operated in such other school. The School Food Authority of the school in which the Program is operated may make a claim for reimbursement in connection with all the lunches served, except that, where such school serves children from both public and private schools in a State where FNSRO administers the Program with respect to nonprofit private schools, the School Food Authority of the public school shall file a separate claim with the State Agency and the School Food Authority of the private school shall file a separate claim with FNSRO for meals served to their respective participating children.

§ 210.9 Free and reduced price lunches.

The determination of the children to whom free or reduced price lunches are to be served because of inability to pay the full price thereof, and the serving of the lunches to such children, shall be effected in accordance with the provisions of the Department's Notice on Determining Eligibility for Free and Reduced Price Lunches and Other Meals (33 F.R. 15674).

§ 210.10 Requirements for lunches.

(a)(1) Except as otherwise provided in this section, a Type A lunch shall contain, as a minimum, each of the following food components in the amounts indicated:

(i) One-half pint of milk as a beverage.

(ii) Two ounces (edible portion as served) of lean meat, poultry, or fish; or 2 ounces of cheese; or one egg; or one-half cup of cooked dry beans or peas; or 4 tablespoons of peanut butter; or an equivalent quantity of any combination of the above-listed foods. To be counted in meeting this requirement, these foods must be served in a main dish or in a main dish and one other menu item.

(iii) A three-fourths cup serving consisting of two or more vegetables or fruits, or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement.

(iv) One slice of whole-grain or enriched bread; or a serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour.

(v) One teaspoon of butter or fortified margarine.

(2) The kinds and amounts of foods specified in subparagraph (1) of this paragraph are approximate amounts of food to serve 10 to 12 year old boys and girls. The State Agency, or FNSRO where applicable, may allow the younger children to be served lesser amounts of selected foods than are specified in subparagraph (1) of this paragraph. The State Agency, or FNSRO where applicable, shall encourage the serving to older boys and girls of larger amounts of selected foods than are specified in subparagraph (1) of this paragraph. The Department shall issue guidance materials for the use of the State Agencies and FNSROs on the amount of foods to be served children in the various age groups.

(b) If emergency conditions prevent a school normally having a supply of milk from temporarily obtaining delivery thereof, the State Agency, or FNSRO where applicable, may approve the service of lunches without milk during the emergency period.

(c) The inability of a school to obtain a supply of milk on a continuing basis shall not bar it from participation in the program. In such cases the State Agency, or FNSRO where applicable, may approve the service of lunches without milk: *Provided,* That an equivalent amount of canned, whole dry or nonfat dry milk is used in the preparation of the components of the Type A lunch.

(d) A Type C lunch is one-half pint of milk. A school in which any food aside from milk is served shall not be approved to serve a Type C lunch, unless it is approved to serve a Type A lunch.

(e) In American Samoa, Puerto Rico, and the Virgin Islands the following variations from the lunch requirements are authorized: In the Type A lunch, a serving of a starchy vegetable, such as ufi, tanniers, yams, plantains, sweet potatoes, or a serving of enriched rice or enriched or whole-grain cereal products, such as macaroni, dumplings, or noodles, may be substituted for the bread requirement.

(f) Substitutions may be made in foods listed in paragraph (a)(1) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods.

(g) The CND may approve variations in the food components of the Type A lunch on an experimental or on a continuing basis in any school where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic or physical needs.

§ 210.11 Reimbursement payments.

(a) Reimbursement shall be made only in connection with lunches meeting the requirements of § 210.10.

(b) The maximum rate of reimbursement for lunches served in schools participating in the general cash-for-food assistance phase of the Program shall be 12 cents for a Type A lunch, and 2 cents for a Type C lunch, from general cash-for-food assistance funds: *Provided,* That, in situations where it is determined by the State Agency, or FNSRO where applicable, that additional assistance is needed in order to meet program requirements, the State Agency, or FNSRO where applicable, may make reimbursement at either:

(1) A maximum rate of 20 cents for a Type A lunch from general cash-for-food assistance funds, or

(2) A maximum rate of 12 cents for a Type A lunch from general cash-for-food assistance funds, and, in addition, for free and reduced price lunches served to needy children, a maximum rate of 25 cents for a Type A lunch from supplemental funds.

(c) Reimbursement for lunches served in schools participating in the special cash-for-food assistance phase of the Program shall be at 2 cents for a Type C lunch, from general cash-for-food assistance funds, and at either:

(1) A maximum rate of 20 cents for a Type A lunch from special cash-for-food assistance funds, or

(2) A maximum rate of 12 cents for a Type A lunch from general cash-for-food assistance funds, and, in addition, for free and reduced price lunches served to needy children, a maximum rate of 25 cents for a Type A lunch from special cash-for-food assistance funds.

(d) State Agencies, or FNSRO where applicable, in reimbursing for Type A lunches served in schools participating in the special cash-for-food assistance phase of the Program may utilize supplemental funds in place of the special cash-for-food assistance funds, to the extent necessary.

(e) In agreements with School Food Authorities, the State Agency, or FNSRO where applicable, shall assign rates of reimbursement within the maximum rates for each school in which the Program will be operated, and any variation between schools in the assigned rates for particular lunch types shall reflect the relative needs of the schools as determined by the State Agency, or FNSRO where applicable. Assigned rates may be changed by the State Agency, or FNSRO where applicable. Notice of any change shall be given to the School Food Authority.

(f) Reimbursement shall be made on the basis of the number of lunches served to children times the assigned rate or rates, except that the last claim from a School Food Authority each fiscal year may be paid at a rate in excess of the assigned rate or the maximum rate: *Provided, however,* That the total reimbursement to a School Food Authority during any fiscal year shall not exceed the lesser of (1) an amount equal to the number of lunches served to children during the fiscal year times the maximum rate, or (2) the cost of obtaining food.

§ 210.12 Effective date for reimbursement.

Reimbursement payments shall be made only to School Food Authorities operating under an agreement with the State Agency, or the Department, and shall be made only after execution of the agreement. Such payments may include reimbursement in connection with lunches served in accordance with provisions of the Program in the calendar month preceding the calendar month in which the agreement is executed, provided that both months are in the same fiscal year.

§ 210.13 Reimbursement procedure.

(a) Each State Agency, or FNSRO where applicable, shall require School Food Authorities to submit a "Claim for Reimbursement" on a calendar month basis: *Provided, however,* That not more than 10 days of the beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. Any claim for reimbursement combining the ending month of 1 fiscal year and the beginning month of the next fiscal year shall not be permitted.

(b) Except as otherwise provided in this section, the Claim for Reimbursement shall include the following items: (1) The month and year for which claim is made and (2) the name and address of the School Food Authority and of each school in which the Program was operated, and the following information with respect to each such school: (i) The number of days that lunches were served; (ii) the total number of lunches served to children, the assigned rate of reimbursement for such lunches, and the total amount of reimbursement claimed; (iii) the number of free or reduced price lunches served; (iv) income (receipts) from children's payments; (v) income (receipts) from reimbursement; (vi) all other income (receipts); (vii) expenditures representing the cost of obtaining food; (viii) all other expenditures, and (ix) the value of donated goods and services, excluding the value of commodities donated by the Department. In submitting a claim, each School Food Authority shall certify that the claim is true and correct; that records are available to support the claim; and that payment has not been received. Reporting of income (receipts) and expenditures shall be in accordance with the system of accounting established by the State Agency, or FNSRO where applicable, and shall be such as to permit determination of the operating balance available to the School Food Authority. State Agencies may obtain approval of CND for collecting the information required in subdivisions (iv), (v), (vi), (viii), and (ix) of this paragraph on other than a monthly basis.

§ 210.14 Special responsibilities of State Agencies.

(a) *Program supervision.* (1) Each State Agency shall provide or cause to be provided, adequate personnel for program supervision, including instructional and advisory services to School Food Authorities, and other supervisory assistance to assure adequacy of program operations. As one part of the supervisory assistance activities, administrative reviews, supplemented if necessary by performance surveys, shall be made each fiscal year for a minimum of one-third of the participating schools in which food is prepared. Administrative reviews made by personnel directly involved in the daily management and operation of the lunch program under review shall not be counted in meeting this requirement. Performance surveys may be conducted in lieu of administrative reviews in not more than one-sixth of the participating schools in which food is prepared, after consultation with and approval by FNSRO.

(2) An administrative review shall include, as a minimum, information on the

following phases of Program operations: (i) whether the lunches served met the requirements of § 210.10; (ii) whether free or reduced price lunches are being served in accordance with § 210.9; (iii) whether the Program is in compliance with the requirements of the Department's nondiscrimination regulations (Part 15 of this title), issued under Title VI of the Civil Rights Act of 1964; (iv) whether the records maintained are sufficient to support the claims and to provide a proper basis for establishing the nonprofit status of the lunch program. The information shall be compiled through visits to schools, except that the State agency may use audits or other types of visits to determine the adequacy of records. An administrative review shall include recommendations to correct operating weaknesses revealed during the course of the review.

(3) Performance surveys shall be reports to the State Agency submitted by the School Food Authority, on a form approved by FNSRO, providing information from which the State Agency may evaluate the areas of program operations referred to in subparagraph (2) of this paragraph. Such surveys shall be reviewed by the State Agency and recommendations shall be made to the School Food Authority in the event that the surveys reveal operating weaknesses.

(4) Administrative review reports and performance surveys, together with a record of followup action taken, shall be maintained on file by the State Agency.

(b) *State conducted audit programs.* A State Agency may submit for approval by the Department a plan whereby it will conduct audits in schools. Any State Agency satisfactorily conducting such an audit program as of the effective date of this part may be deemed to have an approved plan, or such State Agency may submit its plans for formal approval. Audits performed by or on behalf of State Agencies shall meet standards prescribed by the Department, and shall be reviewed by the Department to the extent necessary to determine compliance therewith. The Department shall have the right to perform test audits of schools and to make audits on a statewide basis if it determines that the State Agency audit program is not functioning satisfactorily or if the State Agency terminates its audit program.

(c) *Annual information statement.* (1) Prior to the execution or extension of an agreement between the State Agency and the Department, each State Agency shall submit to CND a current annual information statement concerning the number and type of personnel and the amounts of administrative and program funds available to the State Agency for administering the Program during that fiscal year.

(2) In the event that the State Agency conducts its own audits of schools, the current annual information statement shall include the number of auditors, the number of audits planned, and the number of audits completed during the last fiscal year.

(d) *Section 6 distribution information.* Information on schools elegible to receive food commodities available under section 6 of the Act shall be prepared each year by the State Agency with accompanying information on the average daily number of Type A lunches to be served in such schools. This information shall be prepared as early as practicable each fiscal year and forwarded no later that September 1 to the agency of the State handling the distribution of section 6 commodities. The State Agency shall be responsible for promptly revising the information to reflect additions or deletions of eligible schools, and for providing such adjustments in participation data as are determined necessary by the State Agency.

(e) *Plentiful foods.* State Agencies shall provide schools with monthly information on foods available in plentiful supply, based on information provided by FNSRO.

(f) *Accounting for Program funds.* Each State Agency shall maintain a separate account of all Federal funds advanced to it under the Program each fiscal year and shall maintain a current record of payments made to School Food Authorities and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(g) *Records and reports.* Each State Agency shall maintain current records on Program operations in schools and submit monthly reports to CND on such operations, on a form provided by CND. Such records shall be maintained for a period of 3 years after the end of the fiscal year to which they pertain.

(h) *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. FNS or OIG shall make investigations at the request of the State Agency or where FNS or OIG determines investigations are appropriate.

§ 210.15 Review of operating balances.

At least once during each fiscal year, but not later than March 1, the State Agency, or FNSRO where applicable, shall review the information on operating balances reported for schools and shall require an explanation of the need for balances of more than 2 months' operating cost. If, after consideration of such explanation or the plan for utilizing the operating balance, it is determined that such balance is excessive to operating needs, the State Agency, or FNSRO where applicable, shall reduce or deny reimbursement payments for the school until the operating balance is reduced to an amount consistent with operating needs. The amounts by which reimbursement payments were reduced or the amounts denied shall not subsequently be paid to the School Food Authority. Evidence of the action taken as a result of the review of balances shall be maintained on file.

§ 210.16 Claims against School Food Authorities.

(a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a School Food Authority is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the School Food Authority of the reasons for nonpayment or disallowance. The School Food Authority may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency recieves information or has reason to believe that a payment already made to a School Food Authority was not proper under this part, it shall advise the School Food Authority of the amount and basis of the alleged overpayment and may request a refund or advise the School Food Authority that the amount overpaid is being deducted from subsequent claims. The School Food Authority shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evidence is not sufficient, the State Agency shall collect the amount of the overpayment from the School Food Authority by refund or by deduction from subsequent claims for reimbursement made by the School Food Authority. If new evidence becomes available to the School Food Authority, it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State Agency may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer to CND, through FNSRO, for determination any action it proposes to take under this section.

(d) The State Agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain.

(e) If CND does not concur with the State Agency's action in paying a claim or reclaim, or in failing to collect an overpayment, CND shall assert a claim against the State Agency for the amount of such claim, reclaim, or overpayment. In all such cases the State Agency shall have full opportunity to submit to CND evidence or information concerning the action taken. If, in the determination of CND, the State Agency's action was unwarranted, the State Agency shall promptly pay to FNS the amount of the claim, reclaim, or overpayment.

(f) The amounts recovered by the State Agency from School Food Authorities may be utilized, first, to make payments to School Food Authorities for the purposes of the Program during the fiscal year for which the funds were initially available, and second, to repay any State funds expended in the reimbursement of claims under the Program and not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

(g) When FNSRO administers the program with respect to nonprofit private schools, and disallows a claim or a portion of a claim, or makes a demand for a refund of an alleged overpayment, it shall notify the School Food Authority of the reasons for such disallowance or demand and the School Food Authority shall have full opportunity to submit evidence or to file reclaims for any amount disallowed or demanded in the same manner afforded in this section for schools with respect to which the Program is administered by State Agencies.

(h) In the event that the State Agency, or FNSRO where applicable, finds that a school is failing to meet the requirements of § 210.10(a)(1), the State Agency or FNSRO need not disallow payment or collect an overpayment arising out of such failure, if the State Agency or FNSRO takes such other action as, in its opinion, will have a corrective effect.

§ 210.17 Administrative analyses and audits.

(a) Each State Agency shall provide FNS with full opportunity to conduct administrative analyses (including visits to schools) of all operations of the State Agency under the Program and shall provide OIG with full opportunity to conduct audits of all operations of the State Agency under the Program. Each State Agency shall make available its records, including records of the receipt and expenditure of funds under such programs, upon a reasonable request by FNS or OIG. OIG shall also have the right to make audits of the records and operations of any school.

(b) In making administrative analyses or audits for any fiscal year, the State Agency, or OIG, may disregard any overpayment which does not exceed $5 or, in the case of State Agency administered programs, does not exceed the amount established under State law, regulations, or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however*, That no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is evidence of violation of Federal or State statutes.

§ 210.18 Prohibitions.

In carrying out the provisions of the Act neither the Department nor the State Agency shall impose any requirements with respect to teaching personnel, curriculum, instructions, methods of instruction, or materials of instruction in any school as a condition for participation in the Program.

§ 210.19 Miscellaneous provisions.

(a) *Disqualification and noncompliance.* Any State Agency or any School Food Authority may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the Department or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency, or by any private School Food Authority with respect to which FNSRO administers the Program, by any improper or negligent action, is diminished, lost, misapplied or diverted from the Program, by the State Agency, or by the School Food Authority to which such funds are disbursed, FNSRO may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the School Food Authority causing the loss. The State Agency or the School Food Authority shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be withdrawn, or amended, at any time by the Department: *Provided, however*, That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies and to the nonprofit private School Food Authorities with respect to which the Program is administered by FNSRO: *And provided further*, That no change in the requirements for lunches which increases food costs or which decreases the maximum rates of reimbursement shall become effective less than 60 days after publication of notice thereof.

(c) *State requirements.* Nothing contained in this part shall prevent a State Agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 210.20 Program information.

School Food Authorities desiring information concerning these programs should write to their State educational agency or to the appropriate Regional Office of FNS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 26 Federal Plaza, New York, N.Y. 10007.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and the Virgin Islands:

Southeast Regional Office, FNS, U.S. Department of Agriculture, 1795 Peachtree Street NE., Atlanta, Ga., 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill. 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Southwest Regional Office, FNS, U.S. Department of Agriculture, 500 South Ervay Street, Dallas, Tex. 75201.

(e) In the States of Alaska, Arizona, American Samoa, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Western Regional Office, FNS, U.S. Department of Agriculture, 630 Sansome Street, San Francisco, Calif. 94111.

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

This revision shall be effective upon publication.

RICHARD E. LYNG,
Assistant Secretary.

JANUARY 14, 1970.

[F.R. Doc. 70-687; Filed, Jan. 19, 1970; 8:46 a.m.]

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

[Navel Orange Reg. 191, Amdt. 1]

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

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER

(5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.491 (Navel Orange Reg. 191, 35 F.R. 283) are hereby amended to rea ' as follows:

§ 907.491 Navel Orange Regulation 191.

* * * * *

(b) ***

(1) ***

(i) District 1: 1,032,000 cartons;

(ii) District 2: 132,000 cartons;

(iii) District 3: 36,000 cartons.

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

Dated: January 14, 1970.

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

[F.R. Doc. 70–686; Filed, Jan. 19, 1970; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 335—SECURITIES OF INSURED STATE NONMEMBER BANKS

Forms for Financial Statements

The Federal Deposit Insurance Corporation has adopted an amendment to Part 335 of its rules and regulations (12 CFR Part 335). Such amendment is issued pursuant to the provisions of Public Law 88–467 of the 88th Congress, Second session, approved August 20, 1964.

The purpose of the amendment is to correct a typographical error appearing in § 335.71 of the Corporation's regulations. The prior publication before the effective date described in section 4 of the Administrative Procedure Act (5 U.S.C. 553) and the notice and public participation described in section 4 of the same Act are not followed in connection with the amendment to Part 335 for good cause found, as stated in § 302.6 of the Federal Deposit Insurance Corporation's procedure and rules of practice. This procedure is followed because the Corporation finds that the amendment is only technical and that notice and procedure pursuant to the Administrative Procedure Act would serve no useful purpose. Accordingly, the amendment to Part 335 of the Corporation's rules and regulations shall become effective upon publication in the FEDERAL REGISTER.

The amendment is as follows:

Section 335.71 is amended as set forth below:

§ 335.71 Forms for financial statements (Forms F–9A, B, C, and D).

FORM F–9—FINANCIAL STATEMENTS

A. * * *

B. * * *

C. * * *

D. Schedules (Form F–9D).

* * * * *

(15 US.C. 78*l*. Interpret or apply 15 U.S.C. 78*l*, 78m, 78n(a), and 78n(c))

Dated this 14th day of January 1970.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 70–700; Filed, Jan. 19, 1970; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration

[Docket No. 69–SO–47; Amdt. 39–924]

PART 39—AIRWORTHINESS DIRECTIVE

Grumman G–159 Aircraft

Amendment 39–848 (34 F.R. 15291) AD 69–20–3 requires installation of a fuel temperature indicating system and a placard requiring the use of fuel filter heat for certain specified operations on the Grumman G–159 aircraft. After issuing Amendment 39–848, the Administration learned that procedures for the use of fuel heat prior to takeoff and landing were overly restrictive.

Therefore, the airworthiness directive is being amended to delete the manual use of fuel heat during takeoff and landing. Also, an equivalent means of compliance is being called out for additional clarification.

Since this amendment relieves a restriction and provides an alternate means of compliance, it imposes no additional burden on any person. Notice and public procedure hereon are unnecessary and this amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of Federal Aviation Regulations, Amendment 39–848 (34 F.R. 15291), AD 69–20–3 is amended to read as follows:

Airworthiness Directive 69–20–3, Amendment 39–848, as amended by Amendment 39–924, Grumman aircraft applies to all G–159 aircraft.

Compliance required within the next 50 hours' time in service after the effective date of this airworthiness directive as amended. To prevent fuel filter blockage due to ice and possible engine flameout, accomplish the following or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

(a) Install a fuel temperature indicator on each engine fuel system in accordance with Grumman Gulfstream Service Change 114, with Amendment 1 or later approved revision.

(b) Mark gage with red radial lines at +5° C. and +54° C. and a green arc from +5° C. to +54° C.

(c) Install a placard adjacent to fuel temperature indicator which reads as follows: "Caution See AFM for use of fuel filter heater."

The use of a fuel additive as outlined in Advisory Circular 20–29A along with an appropriate Airplane Flight Manual supplement or Revision 21 to the G–159 Airplane Flight Manual is considered an equivalent means for showing compliance with paragraphs (a), (b), and (c).

This amendment becomes effective January 23, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1345(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 8, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70–704; Filed, Jan. 19, 1970; 8:47 a.m.]

[Airworthiness Docket No. 69–WE–26–AD; Amdt. 39–925]

PART 39—AIRWORTHINESS DIRECTIVE

Hughes Model 269 Series Helicopters

Cracks have been discovered on the collective pitch mixer bellcrank attaching lugs on the main rotor mast, P/N 269A2020. Such cracking could result in total failure of the control system. Since this condition is likely to exist or develop in other Hughes Model 269 Series helicopters, an airworthiness directive is being issued to require inspection of the main rotor mast for cracks and replacement of the main rotor mast if such cracks are found on Hughes Model 269 Series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

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

HUGHES. Applies to Model 269A, 269A–1, 269A–2, and 269B Series helicopters, with P/N 269A2020 main rotor mast installed, certificated in all categories.

Compliance required as indicated.

To detect possible failure of the collective pitch mixer bellcrank attaching lugs on the main rotor mast, accomplished the following:

(a) Within 50 hours' time in service after the effective date of this airworthiness directive and thereafter at periods not to exceed 300 hours' time in service from the last inspection, perform a dye penetrant inspection for cracks in the two main rotor

mast lugs which connect with the collective pitch mixer bellcrank. Inspect the total area of the lugs including the fillets to the main rotor mast. If cracking is noted, remove the mast prior to further flight and install a serviceable main rotor mast.

NOTE: (Hughes Service Information Notice No. N-56.1, dated January 23, 1970 covers the same subject.)

(b) After the effective date of this Airworthiness Directive and following any incident in which the main rotor blade strikes an object or after any sudden stoppage of the drive system, inspect for cracks as in (a) above prior to further flight.

(c) If any cracks are found during the inspection in (a) above, a description of such cracks and the time in service as of the date of said inspection should be reported on preaddressed Form FAA 8330-2 Malfunction or Defect Report (reporting approved by the Bureau of the Budget under BOB No. 04-R0174).

This amendment becomes effective January 20, 1970.

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

Issued in Los Angeles, Calif., on January 8, 1970.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 70-705; Filed, Jan. 19, 1970; 8:47 a.m.]

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10063; Amdt. 95-188]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective February 5, 1970, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—United States* is amended to delete:

From, to, and MEA

Marlowe INT, Ga.; Savannah, Ga., LOM; *1,700. *1,400—MOCA.
Daytona Beach, Fla., VOR; Woodruff INT, Fla.; *1,600. *1,400—MOCA.
Lumpkin INT, Ga.; Omaha INT, Ga.; *3,500. *2,000—MOCA.
Augusta, Ga., VOR; Woodford INT, S.C.; 2,100.
Smith-Reynolds, N.C., LOM; INT 221° M rad, Greensboro VOR and 192° M bearing from Smith-Reynolds LOM *2,500. *2,000—MOCA.
Smith-Reynolds LOM (Winston-Salem), N.C.; INT 221° M rad, Greensboro VOR and 192° M bearing Smith-Reynolds LOM; *2,500. *2,000—MOCA.
INT 231° M rad, Holston MTN VOR and 133° M bearing Boone RBN; *Roan MTN INT, Tenn.; **7,000. *7,000—MCA Roan MTN INT, Southbound. **6,000—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Lavon INT, Tex.; McAlester, Okla., VOR; *4,000. *2,500—MOCA.
Int. 216° M rad, Monroe VOR and 122° M rad, Shreveport VOR; Jamestown INT, La.; *5,000. *1,500—MOCA.
Humble, Tex., VOR; Quitman, Tex., VOR; *9,000. *2,200—MOCA. MAA-41,000.
Quitman, Tex., VOR; McAlester, Okla., VOR; *5,000. *2,400—MOCA. MAA-41,000.
Lufkin, Tex., VOR; Tyler, Tex., LF/RBN; *2,500. *2,100—MOCA.
Int. 081° M rad, Greater Southwest VOR and 306° M rad, Gregg County VOR; Int. 231° M rad, Quitman VOR and 081° M rad, Gregg County VOR; *7,000. *1,900—MOCA.
Int. 231° M rad, Quitman VOR and 081° M rad, Gregg County VOR; Fitch INT, Texas.; *5,000. *1,900—MOCA.
Int. 286° M rad, Alexandria VOR and 125° M rad, Gregg County VOR; Gregg County, Tex., VOR; *2,500. *1,900—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Defuniak Springs INT, Fla.; Crenshaw INT, Ala.; *4,800. *2,000—MOCA.
Montgomery, Ala., VORTAC; Crenshaw INT, Ala.; 2,500.
Oceanside INT, Fla.; Pineapple INT, Fla.; *3,000. *1,400—MOCA.
Lumpkin INT, Ga.; INT 323° M rad, Albany VOR and 218° M rad, Columbus VOR; *2,500. *1,600—MOCA.
Gulfport, Miss., VOR; Poplarville INT, Miss.; *2,000. *1,700—MOCA.
Huntsville, Ala., VOR; Rome, Ga., VOR; *4,000. *3,500—MOCA.
INT 221° M rad, Greensboro VOR and 192° M bearing Smith-Reynolds LOM; Smith-Reynolds LOM (Winston-Salem), N.C.; *2,500. *2,000—MOCA.
Santa Barbara, Calif., VOR; Palmdale, Calif., VOR COP 40 NM SBA; 9,000. MAA—45,000.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Kinston, N.C., VOR; *Zang INT, N.C.; 2,000. *5,000—MRA.
Zang INT, N.C.; Cofield, NC., VOR; 2,000.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Burley, Idaho, VOR; Rehn Ranch INT, Idaho; 8,400.

Section 95.6005 *VOR Federal airway 5* is amended to read:

Macon, Ga., VOR via W alter; Loraine INT, Ga., via W alter; 2,000.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

*Cross City, Fla., VOR via W alter.; *Lobster INT, Fla., via W alter.; ***5,000. *5,000—MCA Cross City VOR, Westbound. **3,000—MRA. ***1,500—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Waco, Tex., VOR; *Abbott INT, Tex.; **2,500. *4,000—MRA. **2,300—MOCA.
Abbott INT, Tex.; Waxie INT, Tex.; *2,500. *2,300—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Cimarron, N. Mex., VOR; *Gordon INT, Colo.; **11,000. *14,000—MCA Gordon INT, Westbound. **10,200—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Homer, INT, Ga., via N alter.; Elizabeth INT, Ga., via N alter.; *4,500. *2,000.
Tyrone INT, Ga.; Atlanta, Ga., VOR; *2,500. *2,300—MOCA.

Section 95.6029 *VOR Federal airway 29* is amended to read in part:

Salisbury, Md., VOR; Kenton, Del., VOR; *1,800. *1,700—MOCA.

Section 95.6029 *VOR Federal airway 29* is amended by adding:

Salisbury, Md., VOR; via W alter.; Ridgely INT, Md., via W alter.; *1,800. *1,700—MOCA.
Ridgely INT, Md., via W alter.; Kenton, Del., VOR via W alter.; *1,800. *1,500—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Indianapolis, Ind., VOR; Jackson INT, Ind.; *2,700. *2,200—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to delete:

Texico, N. Mex., VOR; Plainview, Tex., VOR; *5,800. *5,500—MOCA.
Plainview, Tex., VOR; Lubbock, Tex., VOR; *5,500. *4,600—MOCA.
Texico, Tex., VOR via S alter.; Spade INT, Tex., via S alter.; *5,700. *5,500—MOCA.
Spade INT, Tex., via S alter.; Lubbock, Tex., VOR via S alter.; 4,700.

Section 95.6062 *VOR Federal airway 62* is amended by adding:

Texico, N. Mex., VOR; Spade INT, Tex.; *5,700. *5,500—MOCA.
Spade INT, Tex.; Lubbock, Tex., VOR; 4,700.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Banks INT, Ala.; Eufaula, Ala., VOR; *2,400. *1,900—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Harrison, Ark., VOR; Reeds INT, Mo.; *3,100. *2,600—MOCA.

Section 95.6083 *VOR Federal airway 83* is amended to read in part:

Alamosa, Colo., VOR; *Gordon INT, Colo.; **14,000. *13,500—MCA Gordon INT, westbound. **13,600—MOCA.
Gordon INT, Colo.; Pueblo, Colo., VOR; 8,300.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Brooks INT, Ga.; Atlanta, Ga., VOR; *2,500. *2,300—MOCA.
Griffin INT, Ga., via E alter.; Atlanta, Ga., VOR via E alter.; *2,600. *2,300—MOCA.

Section 95.6101 *VOR Federal airway 101* is amended to read in part:

Malta INT, Idaho; *Burley, Idaho, VOR; northwestbound 8,000; southeastbound 11,400. *9,300—MCA Burley VOR, southeastbound.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Jackson INT, Ind.; Indianapolis, Ind., VOR; *2,700. *2,200—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Eufaula, Ala., VOR; Tuskegee, Ala., VOR; *2,000. *1,900—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended to read in part:

Vicky, Mo., VOR; Hallsville, Mo., VOR; *2,900. *2,300—MOCA.
Vicky, Mo., VOR via W alter.; Algoa INT, Mo., via W alter.; *2,900. *2,500—MOCA.
Algoa Int, Mo., via W alter.; Hallsville, Mo., VOR via W alter.; 2,800.

Section 95.6192 *VOR Federal airway 192* is added to read:

Champaign, Ill., VOR; Terre Haute, Ind., VOR; *2,500. *2,100—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Alamosa, Colo., VOR; *Gordon INT, Colo.; **14,000. *13,500—MCA Gordon INT, Westbound. **13,600—MOCA.
Gordon INT, Colo.; *Rattlesnake INT, Colo.; **12,000. *10,900—MCA Rattlesnake INT, Westbound. **8,500—MOCA.
Rattlesnake INT, Colo.; Bloom INT, Colo.; *9,400. *7,400—MOCA.

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

Ridgely INT, Md.; Kenton, Del., VOR; *1,800. *1,500—MOCA.

Section 95.6241 *VOR Federal airway 241* is amended to read in part:

Woodbury INT, Ga.; Atlanta, Ga., VOR; *2,500. *2,300—MOCA.
Brooks INT, Ga., via E alter.; Atlanta, Ga., VOR via E alter.; *2,500. *2,300—MOCA.
Tyrone INT, Ga., via Walter.; Atlanta, Ga., VOR via W alter.; *2,500. *2,300—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Griffin INT, Ga.; Atlanta, Ga., VOR; *2,600. *2,300—MOCA.

Section 95.6251 *VOR Federal airway 251* is added to read:

Champaign, Ill., VOR; Danville, Ill., VOR; *2,500. *2,200—MOCA.
Danville, Ill., VOR; Lafayette, Ind., VOR; *2,500. *2,000—MOCA.
Lafayette, Ind., VOR; Knox, Ind., VOR; *2,500. *2,100—MOCA.

Section 95.6298 *VOR Federal airway 298* is amended to read in part:

Lamont INT, Idaho; *Signal INT, Wyo.; **15,000. *13,600—MCA Sgnal INT, westbound. *11,200—MCA Signal INT, eastbound. **14,600—MOCA.
Signal INT, Wyo.; *Dunoir, Wyo., VOR; *11,200. *11,800—MCA Dunoir VOR, eastbound.

Section 95.6328 *VOR Federal airway 328* is amended to read in part:

Big Piney, Wyo., VOR; Jackson, Wyo., VOR; *13,500. *13,200—MOCA.
*Jackson, Wyo., VOR; DuBois, Idaho, VOR; 15,000. *14,300—MCA Jackson VOR, westbound.

Section 95.6330 *VOR Federal airway 330* is amended to read in part:

*Jackson, Wyo., VOR; Ione INT, Idaho; **14,000. *13,600—MCA Jackson VOR, westbound. **13,300—MOCA.

Section 95.6341 *VOR Federal airway 341* is amended to read in part:

Cedar Rapids, Iowa, VOR; Anamosa INT, Iowa; *2,600. *2,500—MOCA.
Anamosa INT, Iowa; Dubuque, Iowa, VOR–TAC; *2,600. *2,200—MOCA.

Section 95.6343 *VOR Federal airway 343* is amended to read in part:

Gateway INT, Mont.; *Bozeman, Mont., VOR; southbound **14,000; northbound **8,000. *10,500—MCA Bozeman VOR, southbound. **7,700—MOCA.
Bozeman, Mont., VOR; *Three Forks INT, Mont.; **8,000. *8,600—MCA Three Forks INT, westbound. **7,900—MOCA.

Section 95.6434 *VOR Federal airway 434* is amended by adding:

Peoria, Ill., VOR; Champaign, Ill., VOR; 2,700.
Champaign, Ill., VOR; Indianapolis, Ind., VOR; *2,800. *2,400—MOCA.

Section 95.6436 *VOR Federal airway 436* is amended to read in part:

Nenana, Alaska, VOR; Quail INT, Alaska; *5,000. *4,800—MOCA.
Quail INT, Alaska; Chandalar Lake, Alaska, LF/RBN; *10,000. *8,000—MOCA.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

Tyrone INT, Ga.; Atlanta, Ga., VOR; *2,500. *2,300—MOCA.

Section 95.6472 *VOR Federal airway 472* is amended to read:

Kinston, N.C., VOR; *Zang INT, N.C.; 2,000. *5,000—MRA. *5,000—MCA Zang INT, eastbound.
Zang INT, N.C.; Bertie INT, N.C.; *5,000. *1,500—MOCA.
Bertie INT, N.C.; Elizabeth City, N.C., VOR; *3,000. *1,300—MOCA.

Section 95.6476 *VOR Federal airway 476* is deleted.

Section 95.7034 *Jet Route No. 34* is amended to delete:

From, To, MEA, and MAA

Ephrata, Wash., VOR; Mullan Pass, Mont., VORTAC; 18,000; 45,000.
Mullan Pass, Mont., VORTAC; Helena, Mont., VORTAC; 18,000; 45,000.

Section 95.7034 *Jet Route No. 34* is amended by adding:

Ephrata, Wash., VOR; Helena, Mont., VOR TAC; #28,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7052 *Jet Route No. 52* is amended by adding:

Denver, Colo., VORTAC; Lamar, Colo., VORTAC; 18,000; 45,000.
Lamar, Colo., VORTAC; Liberal, Kans., VORTAC; 18,000; 45,000.
Liberal, Kans., VORTAC; Ardmore, Okla., VORTAC; 18,000; 45,000.
Ardmore, Okla., VORTAC; Greater Southwest, Tex., VORTAC; 18,000; 45,000.

Section 95.7507 *Jet Route No. 507* is amended to read in part:

Northway, Alaska, VOR; Border INT, Alaska; 18,000; 45,000.
Border INT, Alaska; Yakutat, Alaska, VORTAC; 22,000; 45,000.
Yakutat, Alaska, VORTAC; Fairweather INT, Alaska; 18,000; 18,000.
Fairweather INT, Alaska; Sisters Island, Alaska, VOR; 18,000; 45,000.
Sisters Island, Alaska, VOR; Annette Island, Alaska, VOR; 18,000; 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on January 7, 1970.

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

[F.R. Doc. 70-632; Filed, Jan. 19, 1970; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

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

[Reg. 1, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Disclosure of Certain Information to Federal or State Agencies Charged With the Administration of Titles V and XIX of the Social Security Act

Regulation No. 1 of the Social Security Administration (20 CFR 401.1 et seq.) is further amended as set forth below.

Section 401.3 is amended by adding paragraph (u) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * * *

(u) To any officer or employee of an agency of the Federal or a State government lawfully charged with the administration of a program receiving grants-in-aid under titles V and XIX of the Social Security Act for the purpose of administration of such titles, except that the release of such information shall not be authorized by a fiscal intermediary or carrier,

(1) Information, including the identification number, concerning charges made by physicians, other practitioners, or suppliers, and amounts paid under title XVIII of the Act for services furnished to beneficiaries by such physicians, other practitioners, or suppliers, to enable the agency to determine the proper amount of benefits payable for medical services performed in accordance with such titles; or

(2) Information as to physicians or other practitioners that has been disclosed under paragraph (i)(1) or (q);

(3) Information relating to the qualifications and certification status of hospitals and other health care facilities obtained in the process of determining whether, and certifying as to whether, institutions or agencies meet or continue to meet the conditions of participation of providers of services or whether other entities meet or continue to meet the conditions for coverage of services they furnish; or

(4) Information concerning costs of operation and other pertinent information from the financial reports and other

records of providers furnishing services pursuant to title XVIII of the Act.

(Secs. 1102, 1106, and 1871, 49 Stat. 647, as amended, 53 Stat. 1398, as amended, 79 Stat. 331; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 1302, 1306, and 1395hh)

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

Dated: December 9, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: January 14, 1970.

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

[F.R. Doc. 70-696; Filed, Jan. 19, 1970; 8:46 a.m.]

[Reg. 4, further amended]

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

Subpart E—Deductions; Reductions; Nonpayments; Increases

WORKMEN'S COMPENSATION EXCLUSIONS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. Paragraph (d) of § 404.408 is revised to read as follows:

§ 404.408 Reduction of benefits based on disability on account of receipt of workmen's compensation.

* * * * *

(d) *Items not counted for reduction.* Amounts included in the workmen's compensation award or compromise agreement for medical, legal, or related expenses paid or incurred by the individual in connection with his workmen's compensation claim, or the injury or occupational disease on which such award or agreement is based, are excluded in computing the reduction under paragraph (a) of this section to the extent that they are consonant with State law. Such medical, legal, or related expenses for purposes of exclusion from the workmen's compensation award or compromise agreement may be established by the workmen's compensation award, compromise agreement, or court order which specifies or itemizes the amount of such expenses included in the workmen's compensation award or compromise agreement. In addition, amounts specified or itemized in the workmen's compensation award or compromise agreement as reimbursement for anticipated medical expenses shall also be excluded from such award or such agreement. Anticipated medical expenses not specified or itemized in the award or compromise agreement will not be excluded. In the event that such award, agreement, or court order does not specify the amount of reimbursement included for medical, legal, or related expenses, paid or incurred, and the individual alleges such expenses were paid or incurred by him, they may be established by:

(1) A detailed statement by the individual's attorney, physician, or the employer's insurance carrier; or

(2) Bills, receipts, or canceled checks; or

(3) Other clear and convincing evidence indicating the amount of such expenses included in the award or compromise agreement; or

(4) Any combination of the foregoing evidence from which the amount of such expenses included in the workmen's compensation award or compromise agreement is determinable.

* * * * *

(Secs. 205, 224, and 1102, 53 Stat. 1368, as amended, 79 Stat. 406, as amended, 49 Stat. 647, as amended, section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 424, and 1302)

2. *Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 15, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: January 14, 1970.

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

[F.R. Doc. 70-697; Filed, Jan. 19, 1970; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7022]

PART 143—TEMPORARY EXCISE TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Taxable Expenditures by Private Foundations

The following regulations relate to the application of section 4945 of the Internal Revenue Code of 1954, as added by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 512), to certain individual grants.

The regulations set forth herein are temporary and are designed to inform taxpayers of the application of subsections (d)(3) and (g) of section 4945 to certain individual grants awarded prior to January 1, 1970, the effective date of such section, and those awarded prior to the issuance of guidelines to be prescribed by the Secretary or his delegate for the issuance of such grants.

In order to provide such temporary regulations under section 4945 of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 143.1 Taxable expenditures by private foundations; individual grants.

(a) *In general.* Section 4945(d) of the Internal Revenue Code of 1954, as added by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 512) provides that the term "taxable expenditure" means any amount paid or incurred by a private foundation as a grant to an individual for travel, study, or other similar purposes by such individual, unless such grant satisfies the requirements of section 4945(g). Subsection (g) of section 4945 provides that a grant to an individual does not constitute a taxable expenditure if it is awarded on an objective and nondiscriminatory basis and it is demonstrated that the grant is awarded for purposes prescribed in such subsection pursuant to a procedure approved in advance by the Secretary or his delegate. Subsections (d)(3) and (g) of section 4945 are effective on January 1, 1970.

(b) *Individual grants awarded prior to January 1, 1970.* Subsections (d)(3) and (g) of section 4945 shall not apply in the case of a grant to an individual paid on or after January 1, 1970, pursuant to a grant awarded to such individual prior to such date provided the grant was made in accordance with the foundation's usual practices and is reasonable in amount in light of its purposes. For purposes of section 4945 and the preceding sentence, a grant will be considered awarded prior to January 1, 1970, only if the amount and nature of such grant and the name of the individual grantee have been entered in the records of the grantor, or have been otherwise adequately evidenced, prior to January 1, 1970, or the notice of the grant has been communicated in writing to the grantee prior to January 1, 1970.

(c) *Approval of grant procedures.* In the case of a grant awarded on or after January 1, 1970, but prior to the issuance of regulations prescribing guidelines for grant-making procedures or the withdrawal or modification of these temporary regulations, and paid within 18 months after the award of such grant, the requirements of section 4945(g) that an individual grant be awarded on an objective and nondiscriminatory basis pursuant to a procedure approved in advance by the Secretary or his delegate will be deemed satisfied if the grantor utilizes any procedure in good faith in awarding a grant to an individual which, in fact, is reasonably calculated to provide objectivity and nondiscrimination in the awarding of such grant and to result in a grant which complies with the conditions of section 4945(g) (1), (2), or (3).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: January 16, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-741; Filed, Jan. 19, 1970; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.54—Contracts and Subcontracts Utilizing Uranium Enriched in the Isotope U^{235}

This revision to Subpart 9-4.54 extends the requirement for fixed-price contractors who are licensees to obtain not only uranium but plutonium under the standard lease agreement and provides for use charge credits to be issued under fixed-price prime and subcontracts to be applied against use charges incurred for plutonium under lease agreements.

Subpart 9-4.54, Contracts and Subcontracts Utilizing Uranium Enriched in the Isotope U^{235}, is revised to read as follows:

Subpart 9-4.54—Contracts and Subcontracts Utilizing Special Nuclear Material

Sec.
9-4.5400 Scope of subpart.
9-4.5401 Use of lease agreement.
9-4.5402 Contract article covering special nuclear material.
9-4.5403 Invitations for bids and requests for proposals.
9-4.5404 Contracts and subcontracts for fabrication, conversion, and scrap recovery.

AUTHORITY: Section 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9-4.5400 Scope of subpart.

This subpart sets forth the policies and procedures of the Atomic Energy Commission for furnishing special nuclear material (which term for the purpose of this subpart only means "uranium enriched in the isotope U^{235} and plutonium other than Pu^{238}") under a lease agreement for use under AEC fixed-price contracts or subcontracts in any tier (when the contractor or subcontractor is licensed by AEC to possess and use the special nuclear material), which call for the production of special nuclear products, including fabrication and conversion, for Government use. This subpart also sets forth policies limiting the use of cost-type contracts and subcontracts (where all higher-tier arrangements are cost-type) for such purposes, as well as for scrap recovery services.

§ 9-4.5401 Use of lease agreement.

(a) Special nuclear material shall be furnished under AEC fixed-price contracts and subcontracts subject to this subpart only pursuant to a standard form lease agreement. Lease agreements for uranium will be executed and administered by the AEC Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37830. Lease agreements for plutonium except Pu^{238} will be executed and administered by AEC Richland Operations Office, Post Office Box 550, Richland, Wash. 99352.)

(b) Any exception to the financial responsibility of contractors and subcontractors for Government-furnished special nuclear material provided for in the standard contract article § 9-4.5402 and in the standard form lease agreement shall be made only with the approval of the Director, Division of Contracts.

§ 9-4.5402 Contract article covering special nuclear material.

Contracts and subcontracts involving special nuclear material to be furnished to the contractor or subcontractor pursuant to the lease agreement referred to in § 9-4.5401 shall include an article substantially as follows:

STANDARD CONTRACT ARTICLE COVERING SPECIAL NUCLEAR MATERIAL

(a) Except as otherwise agreed, all special nuclear material used in the performance of this contract shall be material owned by the AEC which is obtained under a standard form AEC Lease Agreement (hereinafter referred to as the "Lease Agreement").

(b) The contractor shall be responsible for obtaining the special nuclear material required in the performance of this contract, including making arrangements for and/or execution of a Lease Agreement to enable the contractor and all subcontractors to order and possess special nuclear material for the purposes of this contract. Except as otherwise provided in this contract, the terms and conditions of the Lease Agreement shall govern with respect to all special nuclear material utilized, or to be utilized, in the performance of this contract. The Government shall not be responsible for any delays or liable for any damages resulting from the contractor's failure or inability to obtain such material; or resulting from cancellation of said Lease Agreement. If special nuclear material required in the performance of this contract is furnished by the Commission under the Lease Agreement, and if the term of such Lease Agreement would otherwise expire during the period of performance of this contract, the Commission may extend the term of the Lease Agreement to permit use of such material for completion of performance of work under this contract, or will make other arrangements to furnish such material pursuant to this contract.

(c) Nothing herein shall require the contractor to assume lease responsibility for any special nuclear material which is otherwise subject to and covered by a Lease Agreement.

(d) The Contracting Officer will furnish to the contractor and/or subcontractors, upon compliance with (e)(1) below, credit memoranda equal to the total amount of use charge credits provided for in this contract, which, subject to the conditions hereinafter provided, may be utilized in payment of use charges due or which may become due for special nuclear material pursuant to a Lease Agreement.

(e) The conditions applicable to the issuance and redemption of use charge credit memoranda are:

(1) The contractor shall submit applications for all use charge credits for the performance of work under this contract, and each such application shall specify the Lease Agreement number to which the credit is to be issued. The contractor shall certify in each such application that it pertains to work under this contract and is true and correct to the best of his knowledge and belief. If such credit or a portion thereof is to be issued to a subcontractor under this contract, the contractor shall specify in his application the amount of such credit and the Lease Agreement number and subcontractor to which the credit is to be issued.

(2) Except as provided in this paragraph, credit memoranda will be issued upon completion of the contract work. Where the contract includes a partial or progress payments clause, a credit memorandum will be given, if proper application is made, for use charges incurred with respect to material used under this contract for the period covered by such partial or progress payment. Where billings are made for use charges on material used in the performance of work under this contract prior to completion of the contract or before partial or progress payments are due, a credit memorandum for the amount of use charge incurred with respect to material used under this contract will be given if proper application is made.

(3) The amount of use charge credit provided for in this contract will be adjusted to reflect any changes in the Commission's published base charges and use charge rates for special nuclear material during the performance of this contract.

(4) The credit memoranda provided for in this article may be used only by the person to whom issued in payment of use charges due from such person under a Lease Agreement. Credit memoranda issued for uranium may be applied only against use charges incurred under a lease for uranium, and credit memoranda issued for plutonium may be applied only against use charges incurred for plutonium under a lease for plutonium. It is expressly understood and agreed that such credit memoranda are not negotiable; may not be transferred to or utilized by any other person; and are not redeemable in cash. They may not be used in payment of any charges due under any other agreement for special nuclear material; nor in payment of any other obligation to the Government.

(5) The amount of use charge credit provided for in this contract shall be subject to equitable adjustment under the "Changes" article of this contract.

(6) Within a reasonable time after the execution of the contract, the contractor will provide to the contracting officer on a continuing basis a forecast showing by month the use charge credit memorandums to be earned under the contract.[1]

§ 9-4.5403 Invitations for bids and requests for proposals.

Invitations for bids or requests for proposals which will result in a contract or

[1] This information is needed for AEC accounting and budgeting purposes only. Contracting Officers shall furnish copies of forecasts covering uranium to the Manager, OR, and forecasts covering plutonium to the Manager, RL.

subcontract involving special nuclear material to be furnished under the Lease Agreement referred to in § 9–4.5401 shall contain as a term or condition of such invitation to bid or request for proposals the following paragraph:

Bidders (proposers) shall be responsible for obtaining under the terms and conditions of a standard lease agreement special nuclear material necessary for the performance of any resulting contract (or subcontract). The lease agreement requires the payment of a use charge for the special nuclear material subject to the agreement. However, Article ---------- of the proposed contract, attached hereto, provides for the issuance by the contracting officers of a use charge credit applicable to work under the proposed contract. Bids (proposals) shall separately state, based on the quantity of material and the time (including the time necessary for recovery of scrap) required for the performance of the contract (or subcontract): (1) the total dollar amount of use charge credit, such total to include all use charge credits, if any, to lower-tier subcontractors; and (2) the total dollar amount of cash bids (quotation) price (the difference between the total bid and the total dollar amount of use charge credit) to be paid to the contractor (subcontractor). Bids (proposals) will be evaluated on the basis of the total sum of the total dollar amount of use charge credit (including all use charge credits to lower-tier subcontractors) specified by the bidder (proposer) and the cash bid (quotation) price. In addition to any other right of rejection of bids (proposals) provided for herein, the Government (contractor) specifically reserves the right to reject any bid (proposal) if, in the judgment of the contracting officer (representative of the contractor), the total bid (proposal) is excessive or the amount of the use charge credit specified is either unreasonably high or low in relation to the quantity of special nuclear material required and the time required for performance of the proposed contract.

§ 9–4.5404 Contracts and subcontracts for fabrication, conversion, and scrap recovery.

(a) Contracts and subcontracts for fabrication of end items using special nuclear material generally shall be of the fixed-price type. Cost-type contracts or subcontracts for fabrication shall be used only with the approval of the Manager of the Field Office, and this approval authority shall not be redelegated.

(b) Contracts and subcontracts for conversion or scrap recovery of special nuclear material shall be of a fixed-price type except as otherwise approved by the Director, Division of Contracts.

Dated at Germantown, Md., this 12th day of January 1970.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 70–670; Filed, Jan. 19, 1970; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Houston-Galveston Intrastate Air Quality Control Region

On October 28, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17390) to amend Part 81 by designating the Metropolitan Houston-Galveston Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on November 10, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.38, as set forth below, designating the Metropolitan Houston-Galveston Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.38 Metropolitan Houston-Galveston Intrastate Air Quality Control Region.

The Metropolitan Houston-Galveston Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Brazoria County:	Harris County.
Chambers County.	Liberty County.
Fort Bend County.	Montgomery County.
Galveston County.	Waller County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: January 13, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70–693; Filed, Jan. 19, 1970; 8:46 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region

On October 29, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17446) to amend Part 81 by designating the Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on November 12, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.39, as set forth below, designating the Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.39 Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region.

The Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Collin County.	Kaufman County.
Dallas County.	Parker County.
Denton County.	Rockwall County.
Ellis County.	Tarrant County.
Johnson County.	Wise County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: January 13, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70–694; Filed, Jan. 19, 1970; 8:46 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan San Antonio Intrastate Air Quality Control Region

On October 30, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17526) to amend Part 81 by designating the Metropolitan San Antonio Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on November 14, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the

notice of proposed rule making, § 81.40, as set forth below, designating the Metropolitan San Antonio Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.40 Metropolitan San Antonio Intrastate Air Quality Control Region.

The Metropolitan San Antonio Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Bexar County. Guadalupe County.
Comal County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: January 13, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-695; Filed, Jan. 19, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 4, 5, 10, 18, 23, 24]

CUSTOMS RELATIONS WITH CANADA AND MEXICO

Notice of Proposed Rule Making

Notice is hereby given that under the authority of 5 U.S.C. 301, Revised Statute 251 (19 U.S.C. 66), and section 624 of the Tariff Act of 1930, as amended (19 U.S.C. 1624), it is proposed to amend the Customs Regulations relating to customs procedures applicable at the borders with Canada and Mexico.

The primary purpose of the proposed amendment is to revise Part 5 of the Customs Regulations (19 CFR Part 5), as part of the general revision of the Customs Regulations, and to include practices and procedures not now a part of the regulations or presently in other parts of the regulations.

The principal changes in Part 5 proposed by the revision are:

1. In order that all instruments of international traffic, other than aircraft, which are used only in traffic between the United States and Canada or Mexico will be governed by regulations appearing in one part, paragraphs (b), (e), and (g) of § 10.41 and paragraphs (e), (f), and (g) of section 10.42 of this chapter are incorporated in the revised Part 5 (§ 5.14–5.18);

2. In order to clarify identification and manifesting procedures, a train sheet will be required of arriving railroad trains (§ 5.6), a consolidated manifest may be presented for trains remaining intact while transiting Canadian territory (§ 5.22), and in addition, the manifest forms to be used for shipments in transit through Canada or Mexico are specified (§ 5.22);

3. In order to clarify the provision relating to foreign repairs to domestic railroad equipment, and other vehicles, the revision states that running repairs need not be reported (§§ 5.13, 5.17);

4. In order to incorporate procedures agreed upon with Canada for the handling of trucks in transit through the United States or Canada, Subpart E—United States and Canada In-Transit Truck Procedures, has been added (§§ 5.41–5.42); and

5. In order to incorporate in this part the procedures for baggage in transit through Canada or Mexico, a section has been added (§ 5.65).

It is also proposed to omit certain provisions of Part 5 and delete others in Part 18 of the Customs Regulations which are now obsolete. These provisions are as follows:

1. Examination and shipment of baggage in foreign territory, §§ 5.5 and 18.13(d);

2. Merchandise arriving from a contiguous foreign country in sealed vessels or vehicles, §§ 5.6 and 18.29–18.31; and

3. Diversion or delay in foreign territory, § 5.10(a).

To effect these changes, it is proposed to amend the Customs Regulations as follow:

1. Part 5 is revised to read as follows:

PART 5—CUSTOMS RELATIONS WITH CANADA AND MEXICO

Sec.

5.0 Scope.

Subpart A—General Provisions

5.1 Report of arrival from Canada or Mexico and permission to proceed.
5.2 Penalty for failure to report arrival or for proceeding without a permit.
5.3 Inward foreign manifest required.
5.4 Inward foreign manifest forms to be used.
5.5 Certification and filing of inward foreign manifest.
5.6 Train sheet for arriving railroad trains.
5.7 Manifest used as an entry for unconditionally free merchandise valued not over $250.
5.8 Permit or special license to unlade or lade a vessel or vehicle.

Subpart B—International Traffic

5.11 Supplies on international trains.
5.12 Entry of foreign locomotives and equipment in international traffic.
5.13 Foreign repairs to domestic locomotives and other domestic railroad equipment.
5.14 Entry of foreign-based trucks, busses, and taxicabs in international traffic.
5.15 Vehicles of foreign origin used between communities of the United States and Canada or Mexico.
5.16 Entry of returning trucks, busses, or taxicabs in international traffic.
5.17 Foreign repairs to domestic trucks, busses, taxicabs and their equipment.
5.18 Equipment and material for constructing bridges or tunnels between the United States and Canada or Mexico.

Subpart C—Shipments In Transit Through Canada or Mexico

5.21 Merchandise in transit.
5.22 In-transit manifest.
5.23 Train sheet for in-transit rail shipments.
5.24 Sealing of conveyances or compartments.
5.25 Certification and disposition of manifests.
5.26 Transshipment of merchandise moving through Canada or Mexico.
5.27 Feeding and watering animals in Canada.
5.28 Merchandise remaining in or exported to Canada or Mexico.
5.29 Procedure on arrival at port of reentry.

Subpart D—Shipments In Transit Through the United States

5.31 Merchandise in transit.
5.32 Manifests.
5.33 Sealable rail shipments at Canadian border.
5.34 Certain vehicle and vessel shipments.

Subpart E—United States and Canada In-Transit Truck Procedures

5.41 Truck shipments transiting Canada.
5.42 Truck shipments transiting the United States.

Subpart F—Commercial Travelers Samples In Transit Through the United States or Canada

5.51 Commercial samples transported by automobile through Canada between ports in the United States.
5.52 Commercial samples transported by automobile through the United States between ports in Canada.

Subpart G—Baggage

5.61 Baggage arriving in baggage car.
5.62 Baggage in possession of traveler.
5.63 Examination of baggage from Canada or Mexico.
5.64 Baggage in transit through the United States between ports in Canada or in Mexico.
5.65 Domestic baggage in transit through Canada or Mexico between ports in the United States.

Subpart H—Miscellaneous Provisions

5.71 Merchandise found in building on the boundary.
5.72 Treatment of stolen vehicles returned from Mexico.

AUTHORITY: The provisions of this Part 5 issued under R.S. 251, sec. 624, 46 Stat. 759, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624. Additional authority is cited in the text or following the sections affected.

§ 5.0 Scope.

This part contains special regulations pertaining to customs procedures at the Canadian and Mexican borders. Included are provisions governing report of arrival, manifesting, unlading and lading, instruments of international traffic, shipments in transit through Canada or Mexico or through the United States, commercial traveler's samples transiting the United States or Canada, and baggage arriving from Canada or Mexico including baggage transiting the United States or Canada or Mexico. Aircraft arriving from or departing for Canada or Mexico are governed by the provisions of Part 6 of this chapter. The arrival of vessels of less than 5 net tons by sea and of all vessels 5 net tons or over, and the clearance of all vessels departing for Canada or Mexico are governed by the provisions of Part 4 of this chapter.

Subpart A—General Provisions

§ 5.1 Report of arrival from Canada or Mexico and permission to proceed.

(a) *Persons.* Any person arriving otherwise than in a vessel or vehicle from Canada or Mexico, who is importing or bringing in baggage or merchandise with him, shall immediately report his arrival to the customs officer at the port of entry or customhouse nearest the place at which the boundary was crossed

and shall not proceed until permission to proceed is granted.

(b) *Vehicles.* The person in charge of every vehicle arriving in the United States from Canada or Mexico, whether or not the vehicle is carrying passengers, baggage, or merchandise, shall immediately report arrival to the customs officer at the port of entry or customhouse nearest the place at which the boundary was crossed and shall not proceed until permission to proceed is granted.

(c) *Vessels—(1) Less than 5 net tons arriving otherwise than by sea.* The master of every vessel of less than 5 net tons arriving from Canada or Mexico otherwise than by sea, if carrying baggage or other merchandise, shall immediately report arrival to the customs officer at the port of entry or customhouse nearest the point at which the vessel entered the territorial waters of the United States and shall not proceed until permission to proceed is granted.

(2) *Other vessels.* For requirements applicable to vessels of less than 5 net tons arriving by sea, and to vessels of 5 net tons or over, see §§ 4.2 and 4.3 of this chapter.

(Sec. 459, 46 Stat. 717, as amended; 19 U.S.C. 1459)

§ 5.2 Penalty for failure to report arrival or for proceeding without a permit.

(a) *Vehicles.* Whether or not a vehicle is carrying passengers, baggage, or merchandise, the penalty of $100 imposed by section 460, Tariff Act of 1930, as amended (19 U.S.C. 1460), for failure to report or for proceeding inland without a permit applies.

(b) *Vessels of less than 5 net tons.* The penalty imposed by section 460, Tariff Act of 1930, as amended (19 U.S.C. 1460), for failure to report or for proceeding inland without a permit applies only when such vessels are carrying baggage or merchandise.

(Sec. 460, 46 Stat. 717, as amended; 19 U.S.C. 1460)

§ 5.3 Inward foreign manifest required.

(a) *General requirement.* Baggage or other merchandise carried on a vehicle or on a vessel of less than 5 net tons arriving otherwise than by sea from Canada or Mexico shall be listed on a manifest as prescribed by § 5.4. Vessels which are required to make entry under § 4.3 of this chapter because they are arriving by sea or are 5 net tons or over shall have manifests on board as provided in § 4.7(a) of this chapter.

(b) *Exception where in possession of traveler.* When baggage arrives in the actual possession of a traveler, his declaration will be accepted in lieu of a manifest. Merchandise imported by a person otherwise than in a vessel or vehicle need not be covered by a manifest but shall be presented for inspection, and entry shall be made in accordance with the applicable laws and regulations.

(Sec. 459, 46 Stat. 717, as amended; 19 U.S.C. 1459)

§ 5.4 Inward foreign manifest forms to be used.

The inward foreign manifest required by § 5.3 for a vehicle or a vessel of less than 5 net tons arriving in the United States from Canada or Mexico otherwise than by sea with baggage or merchandise, shall be on customs Form 7533, except as provided for shipments in transit in Subparts C, D, E, F, and G of this part, and in the following special cases:

(a) For merchandise free of duty entered on customs Form 7523, the same form may be used as a manifest in lieu of other forms. (See § 8.51a of this chapter.)

(b) For dutiable merchandise not exceeding $250 in value entered on customs Form 5119–A, the same form may be used as a manifest in lieu of other forms. (See § 8.51 of this chapter.)

(c) For a shipment not exceeding $250 in value consisting of articles of American origin entered free of duty under the provisions of § 10.1(f) of this chapter and imported in a vehicle, customs Form 3311 used in entering the goods, in duplicate, may be accepted in lieu of a manifest.

(d) For baggage arriving in baggage cars, customs Form 7533–A shall be used. (See Subpart G of this part.)

§ 5.5 Certification and filing of inward foreign manifest.

The manifest listing baggage and other merchandise, certified by the master of the vessel or the person in charge of the vehicle, shall be presented to the customs officer at the time the report of arrival is made. It shall be filed in the original only, unless additional copies are required in this part.

§ 5.6 Train sheet for arriving railroad trains.

The conductor of a railroad train arriving from Canada or Mexico shall present to the customs officer at the port of arrival individual car manifests and a train sheet, sometimes called a consist, bridge, sheet, or trip sheet, listing each car and showing the car numbers and initials.

§ 5.7 Manifest used as an entry for unconditionally free merchandise valued not over $250.

When a shipment not exceeding $250 in value which is unconditionally free of duty and not subject to quota or to internal revenue tax arrives on a vessel of less than 5 net tons arriving otherwise than by sea, the inward foreign manifest on customs Form 7533 may be presented in duplicate and used as an entry if:

(a) No merchandise for a different entrant is listed on the same page of the manifest,

(b) The country of exportation of the merchandise, its value, and the provision of law under which free entry is claimed are noted thereon, and

(c) Evidence of the right to make entry is furnished as required by § 8.6 of this chapter.

(Sec. 498(a), 46 Stat. 728, as amended; 19 U.S.C. 1498(a))

§ 5.8 Permit or special license to unlade or lade a vessel or vehicle.

(a) *Permission to unlade or lade.* Before any passenger or merchandise, including baggage, may be landed or discharged from any vessel of less than 5 net tons arriving from Canada or Mexico by any route, or from a vehicle, permission to unlade shall be obtained from a customs officer. Permission to unlade at night, on a Sunday or holiday, or to lade at night on a Sunday or holiday merchandise requiring customs supervision, shall be obtained from the district director of customs. Permission to unlade is not required for a vessel of less than 5 net tons arriving otherwise than by sea carrying no baggage or other merchandise. For permission to unlade or lade for vessels of 5 net tons or over, see § 4.30 of this chapter.

(b) *Application for permit or special license to unlade or lade—(1) Permit to unlade during regular hours.* Application for a permit to unlade any vehicle or a vessel of less than 5 net tons may be made and permission may be granted orally. The district director of customs may require that the application and permission to unlade be on customs Form 3171.

(2) *Special license to unlade or lade at night, on a Sunday or holiday.* Application for permission to unlade passengers or merchandise from, or lade any mechandise requiring customs supervision on, a vessel of less than 5 net tons or a vehicle arriving from or departing for Canada or Mexico by any route at night, on a Sunday or holiday, and requests for any reimbursable overtime services shall be made on customs Form 3171. In the discretion of the district director of customs and under such condition as he may deem advisable the application may be made orally for vessels of less than 5 net tons and vehicles not carrying persons or property for hire, but requests for reimbursable overtime services shall be on customs Form 3171. The district director may authorize customs inspectors to approve the request for overtime services and to grant oral permission to unlade or lade.

(c) *Cash deposit or bond for overtime services.* A request for reimbursable overtime services shall not be approved unless the required cash deposit or bond on customs Form 7567, 7569, or 7597 shall have been received. However, when a carrier has on file a bond on customs Form 3587, no further bond shall be required if the merchandise, including baggage, is covered by an entry for transportation in bond.

(d) *Term permit or special license.* A permit or special license required by this section may be issued on a term basis in the manner, and under the conditions applicable, described in § 4.30 (f) or (g) of this chapter.

(Secs. 448, 450, 451, 452, 453, 454, 459, 46 Stat. 714, 715, as amended, 716, 717, as amended; 19 U.S.C. 1448, 1450, 1451, 1452, 1453, 1454, 1459)

Subpart B—International Traffic

§ 5.11 Supplies on international trains.

(a) *Articles acquired abroad.* Articles subject to internal revenue tax and other

merchandise acquired abroad constituting supplies arriving on international trains crossing and recrossing the boundary line, for which the train crew elects not to file an inventory as provided for in paragraph (b) of this section, shall be subject to duty and tax unless locked or sealed in a separate compartment or locker upon arrival, and the lock or seal remains unbroken until the train departs from the United States at the final port of exit.

(b) *Inventory procedure.* Supplies acquired abroad for which internal revenue stamps are not required may be used in the United States under the following procedure:

(1) *Port of arrival.* An inventory executed in duplicate consisting of an itemized list showing the kind and quantity of each class of supplies on hand in the car with space for a parallel column in which to show at the port of exit the quantity used, shall be certified by the person in charge of the car and furnished to the customs officer upon arrival. The customs officer shall certify the correctness of both copies of the inventory, return the original to the person in charge of the car, and retain the duplicate, or forward it to the port of exit if this differs from the port of arrival.

(2) *Port of exit.* Upon arrival at the port of exit, the inventory returned at the port of arrival to the person in charge of the car shall be submitted to the customs officer after completion by showing the quantity of each item used in the United States, and being certified by the person in charge of the car. Entries must be filed and applicable duties and taxes paid at the port of exit on the quantity of supplies consumed in the United States.

(c) *Supplies purchased in the United States.* Supplies purchased in the United States shall be passed free of duty without inventory or entry.

(Sec. 465, 46 Stat. 718; 19 U.S.C. 1465)

§ 5.12 Entry of foreign locomotives and equipment in international traffic.

(a) *Use on a continuous route.* Foreign locomotives or other foreign railroad equipment in use on a continuous route crossing the boundary into the United States shall be admitted without formal entry or the payment of duty to proceed to and return from the end of the run, in accordance with the following:

(1) *On inward trip.* Unless formally entered and cleared through customs into the United States, a foreign locomotive shall be used on the inward trip only in connection with taking the inbound train to the last place in a continuous haul, including the switching of cars which it has hauled into the United States. Other foreign railroad equipment may proceed to the place of complete unloading for any merchandise imported therein.

(2) *On outward trip.* Foreign locomotives may be used on the outward trip only in connection with through trains crossing the boundary, including switching to make up such trains. Other foreign railroad equipment may be used in such trains or for such local traffic as is reasonably incidental to its economical and prompt return to the country from which it entered the United States.

(b) *Admission of empty equipment.* Empty foreign railroad equipment shall be admitted to the United States without formal entry and payment of duty only if the passengers or goods to be loaded are to be transported directly to or through the country from which the equipment entered the United States.

(c) *Use in violation of regulations.* Any foreign locomotive and other foreign railroad equipment used in violation of this section shall be subject to forfeiture under the provisions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592).

§ 5.13 Foreign repairs to domestic locomotives and other domestic railroad equipment.

(a) *Domestic locomotives and other railroad equipment defined.* For the purpose of this section, locomotives or other railroad equipment manufactured in, or regularly imported into the United States, shall be considered "domestic" if not subsequently formally entered and cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of the return of the equipment to the United States.

(b) *Report of arrival and payment of duty on repairs.* A report of the first arrival in the United States of a domestic locomotive or other railroad equipment after repairs have been made in a foreign country other than those required to restore it to the condition in which it last left the United States ("running repairs"), shall be made promptly, in writing, to the customs officer at the port of reentry. The report shall state the time and place of arrival, and the nature and value of the repairs. Each such locomotive or other piece of railroad equipment when withdrawn from international traffic shall be subject to duty upon the value of the repairs (other than "running repairs") made abroad at the rate at which the repaired article would be dutiable if imported.

(Sec. 14, 67 Stat. 516, 77A Stat. 14; 19 U.S.C. 1202 (Gen. Hdnte 11), 1322)

§ 5.14 Entry of foreign-based trucks, busses, and taxicabs in international traffic.

(a) *Admission without entry or payment of duty.* Trucks, buses, and taxicabs, however owned, which have their principal base of operations in a foreign country and which are engaged in international traffic, arriving with merchandise or passengers destined to points in the United States, or arriving empty or loaded for the purpose of taking out merchandise or passengers, may be admitted without formal entry or the payment of duty. Such vehicles shall not engage in local traffic except as provided in paragraph (c) of this section.

(b) *Deposit or registration by vehicle not on regular trip.* In any case in which a foreign-based truck, bus, or taxicab admitted under this section is not in use on a regularly scheduled trip, the district director may require that the registration card for the vehicle be deposited pending the return of the vehicle for departure to the country from which it arrived, or the district director may take other appropriate measures to assure the proper use and departure of the vehicle.

(c) *Use in local traffic.* Foreign-based trucks, busses, and taxicabs admitted under this section shall not engage in local traffic in the United States unless the vehicle comes within one of the following exceptions:

(1) The vehicle may carry merchandise or passengers between points in the United States while in use on a regularly scheduled trip if such carriage is directly incidental to the international schedule.

(2) A foreign-based truck trailer may carry merchandise between points in the United States on the return trip to the country from which it entered the United States under the same conditions as are prescribed for "other equipment" in § 5.12(a)(2).

(d) *Penalty for use without proper entry.* Any such vehicle used in violation of this section shall be subject to forfeiture under the provisions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592).

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

§ 5.15 Vehicles of foreign origin used between communities of the United States and Canada or Mexico.

Vehicles of foreign origin which are used for commercial purposes between adjoining or neighboring communities of the United States and Canada or Mexico, such as delivery, peddlers', and service trucks, or wagons, are subject to duty on first arrival, but may thereafter be admitted without formal entry or the payment of duty so long as they are continuously employed in such service.

(Sec. 14, 67 Stat. 516, 19 U.S.C. 1322)

§ 5.16 Entry of returning trucks, busses, or taxicabs in international traffic.

(a) *Admission without entry or payment of duty.* Trucks, busses, and taxicabs, whether of foreign or domestic origin, taking out merchandise or passengers for hire or leaving empty for the purpose of bringing back merchandise or passengers for hire shall on their return to the United States be admitted without formal entry or the payment of duty upon their identity being established by State registration cards.

(b) *Use in local traffic.* Trucks, busses, and taxicabs in use on regularly scheduled trips in international traffic, which may include the incidental carrying of merchandise or passengers for hire between points in a foreign country, or between points in this country, shall be admitted under this section. However, such vehicles taken abroad for commercial use between points in a foreign country, otherwise than in the course of a regularly scheduled trip in international traffic shall be considered to have been exported and must be regularly entered on return.

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

§ 5.17 Foreign repairs to domestic trucks, busses, taxicabs and their equipment.

(a) *Domestic trucks, busses, and taxicabs and their equipment defined.* For the purpose of this section, trucks, busses, and taxicabs and their equipment manufactured in, or regularly imported into the United States, shall be considered "domestic" if not subsequently formally entered and cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of their return to the United States.

(b) *Report of arrival and payment of duty on repairs.* A report of the first arrival in the United States of domestic trucks, busses, and taxicabs and their equipment after repairs have been made in a foreign country, other than those required to restore such vehicle or equipment to the condition in which it last left the United States ("running repairs"), shall be made by the driver or person in charge of the vehicle promptly, in writing, to the customs officer at the port of reentry. The report shall state the time and place of arrival and the nature and value of the repairs. Each such vehicle or its equipment when withdrawn from international traffic shall be subject to duty upon the value of the repairs (other than "running repairs") made abroad at the rate at which the repaired article would be dutiable if imported.

(Sec. 14, 67 Stat. 516, 77A Stat. 14; 19 U.S.C. 1202 (Gen. Hdnote 11), 1322)

§ 5.18 Equipment and materials for constructing bridges or tunnels between the United States and Canada or Mexico.

(a) *Admission of equipment and materials.* Equipment for use in construction of bridges or tunnels between the United States and Canada or Mexico shall be admitted without entry or the payment of duty. Materials for such use shall be admitted without entry or payment of duty only for installation in the bridge or tunnel proper, and not in the approaches on land at the United States end of such bridge or tunnel.

(b) *Customs supervision.* All articles admitted under paragraph (a) of this section shall be subject to customs supervision at the expense of the builder until installed, entered, or exported.

(Sec. 14, 67 Stat. 516, 19 U.S.C. 1322)

Subpart C—Shipments in Transit Through Canada or Mexico

§ 5.21 Merchandise in transit.

(a) *Status.* Merchandise may be transported from one port to another in the United States through Canada or Mexico in accordance with the regulations in this subpart or Subparts E for trucks transiting Canada, F for commercial traveler's samples, or G for baggage. Merchandise so transported is not subject to treatment as an importation when returned to the United States, and no inward foreign manifest is required for merchandise returned under an in-transit manifest. In-transit merchandise returned to the United States shall be treated as an importation as are shipments made from Canada or Mexico if:

(1) An in-transit manifest is not furnished for the merchandise upon its return to the United States;

(2) The merchandise has been transshipped in foreign territory without customs supervision when the transshipment required the breaking of customs seals; or

(3) The customs inspector finds any of the customs seals applied to the conveyance or compartment unlocked or missing.

(b) *Use of certain vessels prohibited.* Merchandise shall not be transported from port to port in the United States through Canada or Mexico by vessel in violation of the provisions of section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883), or section 588, Tariff Act of 1930, as amended (19 U.S.C. 1588). (See § 4.80 of this chapter.)

(c) *Regulations applicable.* The provisions of this subpart shall govern all merchandise transported from one port to another in the United States through Canada or Mexico under in-transit procedures, except as otherwise provided in this subpart or in Subpart E for truck shipments transiting Canada, Subpart F for commercial traveler's samples transiting Canada, and Subpart G for baggage transiting Canada or Mexico.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.22 In-transit manifest.

(a) *Manifest required.* A manifest in duplicate covering the in-transit merchandise which is to proceed under the provisions of this subpart shall be presented by the carrier to the customs officer at each port of lading of a vessel, or at the port of exit of a vehicle. Where the merchandise is transported under customs red in-bond seals and is accompanied by a transportation in-bond manifest, a separate in-transit manifest is not required.

(b) *Additional copies.* In the following cases additional copies of the manifest shall be presented:

(1) When the merchandise is to be transshipped in foreign territory under customs supervision, a copy of the manifest for each place of transshipment shall be presented.

(2) When a customs officer requests an extra copy of the manifest as a record of the transaction.

(c) *Manifest forms to be used.* The in-transit manifest forms to be used are:

(1) For trucks, railroad cars or other overland carriers transiting Mexico a manifest on customs Form 7533–B shall be presented.

(2) For vessels of less than 5 net tons departing and arriving otherwise than by sea, a manifest on customs Form 7533–B shall be presented. All other vessels are subject to the manifesting requirements contained in § 4.82 of this chapter.

(3) For rail cars transiting Canada, a manifest on customs Form 7533–C (Canada A4–1/2) shall be presented. For trains which will remain intact while transiting Canadian territory, a consolidated train manifest containing all the information included in the individual car manifests and the train sheet required by § 5.23 may be used in lieu of individual car manifests. For a number of cars which will transit Canada as a group, a consolidated manifest may be used, but a train sheet shall also be presented.

(4) In all other cases where no in-transit manifest form is specified in this subpart, or in Subpart E relating to truck shipments on the Canadian border, Subpart F relating to commercial traveler's samples, and Subpart G relating to baggage, customs Form 7533–B shall be presented.

(d) *Contents of in-transit manifest.* The information contained in the manifest shall correspond to the information contained in the waybill accompanying the shipment, except that:

(1) The conveyance shall be identified in a suitable manner in the place provided for such identification.

(2) The description of ladings made up of several shipments which are to go forward in a conveyance or compartment sealed with customs seals shall be "miscellaneous shipments."

(3) When an in-transit rail shipment will enter and reenter Canada in a continuing movement en route to a final destination in the United States, only the final United States port of reentry shall be shown on the manifest.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.23 Train sheet for in-transit rail shipments.

Before an in-transit train proceeding under the provisions of this subpart departs from the United States, the carrier shall furnish to the customs officer at the port of exit a train sheet, sometimes called a consist, bridge sheet or trip sheet, listing each car of the train and specifically identifying the in-transit cars, unless a consolidated manifest containing this information has been presented for a train which will remain intact.

(Sec 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.24 Sealing of conveyances or compartments.

(a) *Sealing required.* Merchandise in transit proceeding under the provisions of this subpart shall be transported in sealed conveyances or compartments, except that:

(1) Less than load or compartment lots may be forwarded in unsealed conveyances or compartments, without cording and sealing;

(2) The Commissioner of Customs may authorize treatment of full loads or lots in the same manner as less than load or compartment lots;

(3) Live animals identifiable by specific description in the manifest may be transported in the care of an attendant or customs inspector at the expense of the parties in interest, in unsealed conveyances or compartments.

(b) *Seals to be affixed.* The carrier shall affix blue in-transit seals to all openings of conveyances and compartments containing in-transit merchandise except that:

(1) Sealable carload shipments on the Canadian border shall be sealed with yellow in-transit seals.

(2) Conveyances or compartments sealed with U.S. customs red in-bound seals may go forward without additional seals.

(c) *Carrier relieved of responsibility.* The district director of customs may relieve the carrier of the responsibility of affixing in-transit seals by notification in writing that customs inspectors will assume it.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1551)

§ 5.25 Certification and disposition of manifests.

(a) *Certification.* Conveyances proceeding under the provisions of this subpart shall not proceed until the customs inspector has certified the in-transit manifest or verified its certification by the carrier. The district director may require the carrier to execute the certificate as an alternative to certification by the customs officer. When the carrier is to execute the certificate, and the merchandise will be forwarded without being under customs seals, the agent of the carrier shall carefully examine the packages covered by the manifests to satisfy himself that the merchandise agrees with the manifest as to quantity and description.

(b) *Disposition of manifest.* The original manifest, after certification, shall accompany the merchandise. Additional copies required when the merchandise is to be transshipped in Canada or Mexico under customs supervision shall be given to the person in charge of the conveyance for delivery to the customs officers who will supervise transshipment.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.26 Transshipment of merchandise moving through Canada or Mexico.

(a) *General.* Merchandise in transit proceeding under the provisions of this subpart may be transshipped from one conveyance to another in foreign territory. When transshipment requires the breaking of customs seals, the breaking of the seals, transshipment and sealing of the conveyance or compartment to which the merchandise is transshipped shall be under the supervision of a customs officer. He shall note his action on both the additional copy of the manifest presented to him, in accordance with § 5.25(b), and on the original copy, which shall be returned to the person in charge of the conveyance to accompany the merchandise. Merchandise transshipped in foreign territory without customs supervision when customs seals were broken shall be treated upon return to the United States as imported merchandise.

(b) *Storage awaiting transshipment.* Merchandise moving under in-transit manifests and customs seals which is to be stored in foreign territory awaiting transshipment shall be checked into a storehouse by the customs officer at the place of transshipment. It shall remain under customs locks and seals until transshipment is completed under customs supervision.

(c) *Manifests where contents broken up.* When transshipment involves the breaking up of the in-transit contents of a conveyance or compartment, in such a manner as to require separate manifests for articles previously covered by a single manifest, the customs officer supervising the transshipment shall take up the carrier's copy of the manifest and require the carrier to prepare a new manifest, in duplicate, for each conveyance to which the merchandise is transshipped. If there is to be further transshipment, an additional copy of each new manifest shall be presented by the carrier, and shall be returned to the person in charge of the carrier for delivery to the customs officer at the point of further transshipment in accordance with § 5.25(b). After the transshipment and sealing of the conveyances and compartments has been supervised and the new manifests certified the originals of the new manifests shall be returned to the carrier to accompany the merchandise to the point of reentry into the United States.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.27 Feeding and watering animals in Canada.

If animals in sealed conveyances or compartments cannot be fed and watered in Canada without breaking customs seals, the seals shall be broken and the animals fed and watered under the supervision of a United States or Canadian customs officer. The supervising officer shall reseal the conveyance or compartment, and make notation as to the resealing on the manifest.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.28 Merchandise remaining in or exported to Canada or Mexico.

(a) *In transit status abandoned.* When the in-transit status of merchandise transiting Canada or Mexico is abandoned and the merchandise is entered for consumption or other disposition in Canada or Mexico, the carrier shall send the in-transit seals and manifests to the port where the manifests were first filed with U.S. customs, or in the case of trucks under Subpart E, the port of exit, with an endorsement by the carrier's agent on each manifest showing that the merchandise was so entered. The carriers shall comply with the export control regulations, 15 CFR Part 370.

(b) *In-transit merchandise exported to Canada or Mexico.* Merchandise to be exported to Canada or Mexico after moving in-transit through a contiguous country shall be treated as exported when it has passed through the last port of exit from the United States. This paragraph shall control whether or not the merchandise to be exported is domestic or foreign and whether or not it is exported with benefit of drawback. The manifest, shipper's export declaration, and the notice of exportation, if any, shall be filed at the last port of exit from the United States.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.29 Procedure on arrival at port of reentry.

(a) *Presentation of documents.* At the first port in the United States after transportation through Canada or Mexico under the provisions of this subpart, the carrier shall present to customs the in-transit manifest or manifests for each loaded conveyance. For mixed ladings, that is, ladings made up of several shipments, the waybills shall be available at the port of return or discharge for use by customs officers. For a railroad train for which a consolidated manifest was not used the conductor shall also present a train sheet showing the car numbers and initials.

(b) *Vessels and rail shipments continuing in-transit movement*—(1) *Vessels.* In the case of a vessel carrying in-transit merchandise, the master's copies of the in-transit or in-bond manifest covering the merchandise given final customs release at that port shall be retained by customs at that port and the manifests covering merchandise to be discharged at subsequent ports of arrival shall be returned to the master of the vessel for presentation to customs at the next port.

(2) *Rail shipments.* An in-transit rail shipment arriving at an intermediate port of reentry or exit intended for further in-transit movement through Canada may be permitted to go forward under the accompanying in-transit manifest after verification by customs that the manifest satisfactorily identifies the shipment.

(c) *Checking and breaking of seals*—(1) *Checking seals.* The customs officer at the port of arrival shall check customs seals applied to the conveyance or compartment for unlocked or missing seals. Where the seals are unlocked or missing, the merchandise shall be treated as having been imported from the transited country.

(2) *Breaking seals.* In-bond seals shall be broken only by a customs officer or by a person acting under the direction of a customs officer. In-transit seals may be broken by any carrier's employee, or by a consignee at any time or place after the merchandise under such seals has been released by customs.

(d) *Proper manifest.* In-transit merchandise shall not be released until proper in-transit manifests are received except that it may be treated as imported merchandise.

(e) *Substitution of merchandise.* Any instance of substitution of merchandise shall be reported to the Commissioner of Customs, and the merchandise shall be detained.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

Subpart D—Shipments in Transit Through the United States

§ 5.31 Merchandise in transit.

(a) *From one contiguous country to another.* Merchandise may be transported in transit across the United States between Canada and Mexico under the procedures set forth in Part 18 of this

chapter for merchandise entered for transportation and exportation.

(b) *From one point in a contiguous country to another through the United States.* Merchandise may be transported from point to point in Canada or in Mexico through the United States in bond in accordance with the procedures set forth in §§ 18.20 to 18.24 of this chapter except where those procedures are modified by this subpart or Subparts E for trucks transiting the United States, F for commercial traveler's samples, or G for baggage.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

§ 5.32 Manifests.

(a) *Form and number of copies required.* Three copies of the transportation entry and manifest on customs Form 7512 shall be presented upon arrival of merchandise which is to proceed under the provisions of this subpart.

(b) *Consolidated train manifest.* When the route is such that a train will remain intact while proceeding through the United States, a consolidated train manifest containing the same information as is required on individual manifests may be used.

(c) *Disposition of manifest form.* One copy of the manifest shall be delivered to the person in charge of the carrier to accompany the conveyance and be delivered to the customs officer at the final port of exit.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

§ 5.33 Sealable rail shipments at Canadian border.

No seals other than the green in-transit seals placed on cars prior to departure from Canada shall be required for sealable carload shipments arriving at frontier ports for in-bond movement through the United States and return to Canada if:

(a) The sealing has been verified by Canadian customs officers, and

(b) The seals are found to be properly attached and locked.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

§ 5.34 Certain vehicle and vessel shipments.

In the following circumstances, the copy of customs Form 7512 to be retained at the port of first arrival may be adapted for use as a combined inward foreign manifest and in-bond transportation or direct exportation entry:

(a) When all the merchandise arriving on one vehicle (except on trucks on the Canadian border) is to move in bond in the importing vehicle in a continuing movement through the United States; or

(b) When all the merchandise arriving on one vessel or on one vehicle (except on trucks on the Canadian border) is entered immediately upon arrival either under a single immediate transportation entry or a single transportation and exportation or direct exportation entry.

When customs Form 7512 is to be used in this manner, the foreign port of lading and the name of the shipper shall be shown in every case, and a certificate in the following form shall be legibly stamped on the manifest or on a separate paper securely fastened thereto and executed by the master of the vessel or the person in charge of the vehicle:

This entry correctly covers all the merchandise on the vessel or vehicle, of which I am the master or person in charge, when it first arrived in the United States. If an error in the quantity, kind of article, or other details is discovered, I will immediately report the correct information to the district director of customs.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

Subpart E—United States and Canada In-Transit Truck Procedures

§ 5.41 Truck shipments transiting Canada.

(a) *Manifest required.* Sealable truckload and less than truckload shipments transiting Canada from point to point in the United States shall be manifested on customs Form 7512–B, Canada 8–1/2. Trucks transiting Canada will be allowed to proceed without presentation of this in-transit manifest at the U.S. port of departure.

(b) *Procedure at Canadian ports of arrival and exit.* Truck shipments transiting Canada shall comply with Canadian customs regulations. These procedures are generally the following:

(1) *Canadian port of arrival.* The driver will present a manifest on customs Form 7512–B, Canada 8–1/2, to the Canadian customs officer. The truck will be sealed unless sealing is waived by Canadian customs.

(2) *Canadian port of exit.* The driver will present the manifest to the customs officer at the Canadian port of exit for certification. The customs officer will verify that the seals are intact if the vehicle has been sealed, or if sealing has been waived that there are no irregularities. After verification and certification of the in-transit manifest by Canadian customs the truck will be allowed to proceed to the United States.

(c) *Procedure at the U.S. port of reentry.* The driver of a truck reentering the United States after transiting Canada shall present a copy of the combined inward foreign and in-transit manifest on customs Form 7512–B, Canada 8–1/2, to the customs officer. When this copy of the manifest does not bear the certification of a customs officer at the Canadian port of exit, the driver shall be allowed to return to that port to obtain certification. The carrier will be permitted to break any seals affixed by Canadian customs upon presentation of a certified manifest. If sealing was waived, the U.S. customs officer shall satisfy himself that the truck contains only that merchandise which moved on the truck from the United States through Canada.

(d) *Proof of exportation from Canada.* Upon request of the carrier at the port of reentry, a certified copy of the in-transit manifest presented at the time of reentry shall be furnished as proof of exportation of the shipment from Canada.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.42 Truck shipments transiting the United States.

(a) *Procedure at U.S. port of arrival—*(1) *Combined inward foreign and in-transit manifest.* Trucks with merchandise transiting the United States from point to point in Canada shall present a combined inward foreign and in-transit manifest on customs Form 7512–B, Canada 8–1/2, to the customs officer at the port of arrival. The customs officer shall note on the form over his initials the seal numbers or the waiver of sealing, retain the original and return three copies to the person in charge of the carrier to accompany the shipment for presentation and cretification at the port of exit.

(2) *Sealing or waiver of sealing.* Trucks transiting the United States shall be sealed with red in-bond seals at the U.S. port of arrival unless sealing is waived in accordance with § 18.4 of this chapter. If a truck cannot be sealed effectively and sealing is deemed necessary to protect the revenue or to prevent violation of the customs laws or regulations, the truck shall not be permitted to transit the United States under bond.

(b) *Procedure at U.S. port of exit.* The driver shall present the returned copies of the manifest to the customs officer at the U.S. port of exit. The customs officer shall check the numbers and condition of the seals and record and certify his findings on all copies of the manifest, returning two copies to the person in charge of the carrier. The check shall be made as follows:

(1) If the seals are intact, they shall be left unbroken unless there is indication that the contents should be verified.

(2) If the seals have been broken, or there is other indication that the contents should be verified, all merchandise shall be required to be unladen and a detailed inventory made against the waybills.

(3) If sealing has been waived, the customs officer shall verify the goods against the accompanying waybills in sufficient detail to detect any irregularity.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

Subpart F—Commercial Traveler's Samples in Transit Through the United States or Canada

§ 5.51 Commercial samples transported by automobile through Canada between ports in the United States.

(a) *General provisions.* A commercial traveler arriving at a U.S. frontier port desiring to transport his commercial samples by automobile through Canada to another place in the United States without displaying the samples in Canada may request a U.S. customs officer at the port of departure to cord and seal the outer containers of the samples if they can be effectively corded and sealed.

(b) *List of samples.* The traveler shall furnish the U.S. customs officer at the port of exit a list, in duplicate, of all the articles in the containers, with their approximate values, in substantially the following form:

SAMPLES CARRIED IN TRANSIT THROUGH CANADA IN PRIVATE VEHICLE

(U.S. port of exit printed here) (Date)

I have checked the quantity and values of the below-listed articles carried by------

---

(Name and address of traveler)

and owned by----------

(Name and address of firm or company)

These articles are contained in----------

(Number)

packages which have been corded and sealed for in-transit movement through Canada to ---------- in ----------.

(U.S. port of reentry) (Year, make and license number of vehicle)

(U.S. Customs Inspector)

Description of merchandise	*Value*

When the traveler arrives at customs with lists already prepared, the form may be inscribed "as per list attached."

(c) *Checking, cording and sealing by U.S. Customs officers.* The customs officer shall check the list with the articles and satisfy himself that the values shown are approximately correct. The customs officer will cord and seal the containers with yellow in-transit seals. The traveler may be required to assist the customs officer in the cording and sealing. The original of the list, signed by the customs officer over his title and showing that the articles on the list have been checked by the officer against those in the containers shall be returned to the traveler for submission by him to Canadian customs upon his arrival in Canada.

(d) *In-transit manifest.* The traveler shall execute and file customs Form 7533–B, in the original only, at the U.S. port of departure, as an in-transit manifest covering the movement of the samples to the U.S. port through which the traveler will return. Descriptions, quantities, and values may be shown thereon by noting "Commercial Samples" and the number of corded and sealed containers. The manifest shall be returned to the traveler to accompany the samples after being signed and dated by the customs officer.

(e) *Presentation of in-transit manifest at U.S. port of reentry.* Upon return to the United States, the traveler shall present customs Form 7533–B and the corded and sealed samples to the U.S. customs officer at the port where the samples are returned to this country. The customs officer shall verify that there has been no irregularity.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.52 Commercial samples transported by automobile through the United States between ports in Canada.

(a) *General provisions.* A commercial traveler arriving from Canada may be permitted to transport effectively corded and sealed samples in his automobile without further sealing in the United States, upon compliance with this section and subject to the conditions of § 18.20(b), since customs bonded carriers as described in § 18.1 of this chapter are not considered to be reasonably available. Samples having a total value of not more than $200 may be carried by a nonresident commercial traveler through the United States without cording and sealing and without an in-transit manifest in accordance with § 10.18(d) of this chapter.

(b) *Presentation of sample list at Canadian port of exit.* A commercial traveler arriving from Canada desiring to transport without display in the United States commercial samples in his automobile through the United States to another port in Canada, may present his samples to a Canadian customs officer at the Canadian port of exit. The traveler will be required to furnish the Canadian customs officer a list in duplicate of all articles presented showing their approximate values. The list shall bear the traveler's name and address, and the name and address of the firm represented.

(c) *Checking, cording, and sealing by Canadian customs officers.* The Canadian customs officer will examine the articles, identify them with the list, and satisfy himself that the values shown are approximately correct. The Canadian customs officer will cord and seal the outer containers with uncolored in-transit seals and authenticate the list of samples with his signature and title. Cording and sealing may be waived with the concurrence of United States and Canadian customs officers.

(d) *Treatment at U.S. port of arrival.* The list of samples properly authenticated shall be submitted upon arrival to the U.S. customs officer at the port of arrival. After ascertaining that the samples are effectively corded and sealed, or that sealing has been waived, notation of the number of corded and sealed containers, or of the waiver shall be made on the list of samples and the list shall be retained by the customs officer as a record of the shipment.

(e) *In-transit manifest.* Movement of the samples from the port of arrival to the port of exit from the United States under this procedure shall be under an in-transit manifest on customs Form 7520 executed and filed in triplicate by the traveler at the port of arrival in the United States. Descriptions, quantities, and values may be shown thereon by noting "Commercial Samples," the number of corded and sealed containers, and the approximate total value of the samples. When cording and sealing has been waived with the concurrence of a Canadian customs officer, samples must be identified on the manifest by suitable itemized descriptions and approximate values, or by attaching to the manifest a copy of the list of samples which has been initialed by the customs officer.

(f) *Presentation of samples and manifest at U.S. port of exit.* The manifest on customs Form 7520 shall be presented to the customs officer at the U.S. port of exit, together with the samples covered. If the seals are broken or cording and sealing has been waived, the customs officer shall verify that there are no irregularities.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

Subpart G—Baggage

§ 5.61 Baggage arriving in baggage car.

An inward foreign manifest on customs Form 7533–A shall be used for all baggage arriving in baggage cars.

§ 5.62 Baggage in possession of traveler.

For baggage arriving in the actual possession of a traveler, his declaration shall be accepted in lieu of an inward foreign manifest. (See § 5.3.)

§ 5.63 Examination of baggage from Canada or Mexico.

(a) *Opening vehicle or compartment to examine baggage.* Customs officers shall not unlock a vehicle or compartment thereof for the purpose of examining baggage unless the owner or operator refuses to unlock such vehicle or compartment.

(b) *Inspection of baggage.* Customs officers shall not open baggage for the purpose of making the inspection required by section 461, Tariff Act of 1930 (19 U.S.C. 1461), but shall detain such baggage until its owner or his agent opens or refuses to open it. If the owner or his agent refuses to open the baggage, it shall be opened and examined in accordance with the provisions of section 462, Tariff Act of 1930 (19 U.S.C. 1462), unless a request is received from the owner or his agent to make other proper disposition thereof.

(Sec. 461, 462, 46 Stat. 717, 718; 19 U.S.C. 1461, 1462)

§ 5.64 Baggage in transit through the United States between ports in Canada or in Mexico.

(a) *Procedure.* Baggage in transit from point to point in Canada or Mexico through the United States may be transported in bond through the United States in accordance with the procedures set forth in §§ 18.13, 18.14, and 18.20–18.24 of this chapter except where those procedures are modified by this section.

(b) *In-transit manifest.* Three copies of the manifest on customs Form 7520 shall be required. One copy shall be delivered to the person in charge of the carrier to accompany the baggage and shall be delivered by the carrier to the customs officer at the port of departure from the United States.

(c) *Consolidated train manifest.* When the route is such that a train carrying baggage in bond will remain intact while proceeding through the United States, a consolidated train manifest containing the same information as is required on individual manifests may be used in lieu of individual manifests on customs Form 7520.

(d) *Baggage cards—(1) Baggage arriving from Mexico.* For baggage arriving at a port on the Mexican border for

in-transit movement through the United States in bond and return to Mexico, the in-transit baggage card described in § 18.14 of this chapter shall be used.

(2) *Baggage arriving from Canada.* For baggage arriving at a port on the Canadian border for in-transit movement through the United States in bond and return to Canada, the joint United States-Canada in-transit baggage card, customs Form 7524, Canada A–21, shall be used. The baggage card will be filled out and securely attached to the baggage and the attachment verified by a Canadian customs officer before the baggage leaves Canada. If the joint in-transit baggage card is found to be improperly prepared or attached upon arrival of the baggage in the United States for movement in bond, the carrier may be required to furnish the baggage card described in § 18.14 of this chapter for attachment to the baggage before being allowed to proceed. At the port of exit from the United States the joint in-transit baggage card shall be allowed to remain on the baggage.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

§ 5.65 Domestic baggage transiting Canada or Mexico between ports in the United States.

(a) *General provision.* Upon request of the carrier, checked baggage of domestic origin may be transported from one port in the United States to another through Canada or through Mexico in accord with the procedure set forth in this section. The provisions of this section shall not apply to domestic hand baggage crossing Canada or Mexico which, upon reentry into the United States, shall be examined in the same manner as baggage of foreign origin.

(b) *Special in-transit tag manifest.* The carrier shall complete and attach to each piece of baggage by wire or cord under customs supervision a special in-transit tag manifest furnished by the carrier as follows:

(1) *Baggage transiting Mexico.* For baggage of domestic origin to be transported through Mexico between ports of the United States, the special in-transit tag manifest attached to each piece of baggage shall be on white cardboard not less than 2½ x 4½ inches in size printed in substantially the following form:

UNITED STATES CUSTOMS

IN-TRANSIT BAGGAGE MANIFEST

Carrier's Baggageman: Destroy this tag if owner has access to baggage before its return to United States.

Check No. _____.

This baggage is in transit from _____ through foreign
(Port of exit)

territory to _____ in the United States.
(Port of reentry)

This baggage was laden for transportation as above stated.

Date _____

_____
(U.S. Customs Officer)

(2) *Baggage transiting Canada.* For baggage of domestic origin to be transported through Canada between ports in the United States, the joint United States-Canada in-transit baggage card, customs Form 7524, Canada A–21, shall be used as the special in-transit tag manifest attached to each piece of baggage.

(c) *Removal of special in-transit tag manifest.* The special in-transit tag manifest shall be removed only by the customs officer at the final port of reentry into the United States. If the officer finds the special in-transit tag manifest missing or not intact, or for any other reason believes that the baggage has been tampered with while outside the United States, he shall detain it for examination. Otherwise, baggage transported under the procedure in this section may be passed without examination.

(d) *Procedure in lieu of special in-transit tag manifest.* In lieu of attaching the special in-transit tag manifest to each piece of baggage as set forth in paragraph (b) of this section, baggage of domestic origin may be forwarded in a car or compartment sealed with in-transit seals and manifested as in the case of other merchandise in transit through Canada or Mexico, as provided in Subpart C of this part.

Subpart H—Miscellaneous Provisions

§ 5.71 Merchandise found in building on the boundary.

When any merchandise on which the duty has not been paid or which was imported contrary to law is found in any building upon or within 10 feet of the boundary line between the United States and Canada or Mexico, such merchandise shall be seized and a report of the facts shall be made to the Commissioner. With his approval the building or that portion thereof which is within the United States shall be taken down or removed. The provisions of § 23.11 of this chapter shall be applicable to the search of any such building.

(Sec. 595, 46 Stat. 752; 19 U.S.C. 1595)

§ 5.72 Treatment of stolen vehicles returned from Mexico.

District directors shall admit without entry and payment of duty allegedly stolen or embezzled vehicles, trailers, airplanes, or component parts of any of them, under the provisions of Executive Order 7965, dated August 29, 1938 (T.D. 49851), if accompanied by a letter from the U.S. Embassy in Mexico City containing:

(a) A statement that the Embassy is satisfied from information furnished it that the property is stolen property being returned to the United States under the provisions of the convention between the United States and Mexico concluded October 6, 1936, and

(b) An adequate description of the property for identification purposes.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

2. In section 4.30, paragraph (a) is amended by substituting "§ 5.8" for "§ 5.2."

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

3. In § 10.41, paragraph (a) is amended, and paragraphs (b), (e), and (g) are deleted as follows:

§ 10.41 Instruments; exceptions.

(a) Locomotives and other railroad equipment, trucks, busses, taxicabs, and other vehicles used in international traffic shall be subject to the treatment provided for in Part 5 of this chapter.

(b) [Deleted]

* * * * *

(e) [Deleted]

* * * * *

(g) [Deleted]

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

4. Section 10.42 is amended by deleting therefrom paragraphs (e), (f), and (g).

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

5. In § 18.1, paragraph (e) is amended by substituting "Part 5" for "§ 5.11" in the parenthetical matter at the end of the paragraph.

6. In § 18.2, paragraph (b) is amended by substituting "Subpart D of Part 5" for "§ 5.11" in the last sentence.

7. In § 18.4, paragraph (a) is amended by substituting "§ 5.33" for "§ 5.11(b)" in the parenthetical matter in the first sentence.

8. In § 18.6, paragraph (e) is amended by substituting "Subpart D of Part 5 of this chapter, and § 18.11, or § 18.20" for "§ 5.11 of this chapter, and §§ 18.11, 18.20, or § 18.29." As amended, paragraph (e) reads as follows:

(e) In the case of shipments arriving in the United States by rail or seatrain which are forwarded under customs in-bond seals under the provisions of Subpart D of Part 5 of this chapter, and § 18.11, or § 18.20, a notation shall be made by the carrier or shipper on the in-bond manifest, customs Form 7512, to show whether the shipment was transferred to the car designated in the manifest or whether it was laden in the car in the foreign country, which shall be named.

9. Section 18.13 is amended by deleting therefrom paragraph (d).

10. Section 18.14 is amended by substituting "§ 5.64" for "§ 5.11" in the last sentence.

11. In § 18.15, the heading of the section is revised, paragraph (c) is revised, paragraph (d) is revised, and paragraph (e) is deleted, as follows:

§ 18.15 Domestic baggage through foreign territory.

* * * * *

(c) In lieu of attaching a special in-transit manifest to each piece as set forth in paragraph (a) of this section, the baggage may be forwarded in a car or compartment sealed with in-transit seals in harmony with Subpart C of Part

5 of this chapter and manifested as in the case of other merchandise in transit through foreign territory.

(d) The provisions of this section shall not apply to domestic hand baggage crossing foreign territory which, upon reentry into the United States, shall be examined in the same manner as baggage of foreign origin.

(e) [Deleted]

12. In § 18.20, paragraph (a) is amended by substituting "Subparts D, E, F, and G of Part 5" for "§ 5.11" in the first sentence.

13. Sections 18.28–18.31 are deleted.

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

14. In § 23.11, paragraph (h) is amended by substituting "§ 5.71" for "§ 5.15" in the parenthetical matter at the end thereof.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

15. In § 24.13, paragraph (b) is revised to read as follows:

(b) Red in-bond seals used for sealing imported merchandise shipped between ports in the United States shall be stamped "U.S. Customs in Bond." Green seals used by Canadian customs officer to seal railroad cars moving in bond through the United States between Canadian ports as provided in § 5.33 of this chapter shall be stamped [Can. Customs] [U.S. Transit], and uncolored seals used to seal containers of commercial traveler's samples transiting the United States as provided by § 5.52 of this chapter shall be stamped "Canada-United States Customs." Blue in-transit seals used to seal merchandise transiting foreign territory or waters between ports in the United States as provided in § 5.24 of this chapter shall be stamped "U.S. Customs In-Transit." Yellow in-transit seals used on rail shipments of merchandise and on containers of commercial traveler's samples transiting Canada between U.S. ports as provided in §§ 5.24 and 5.51 of this chapter shall be stamped [U.S. Customs] [Can. Transit] for use on railroad cars, and "United States-Canada Customs" for use on samples. Uncolored seals used for customs purposes other than for (1) shipping in bond, (2) shipping by other than a bonded common carrier in accordance with section 553, Tariff Act of 1930, as amended, or (3) shipping in transit shall be stamped "U.S. Customs." All seals (except uncolored in-transit seals on containers of commercial traveler's samples) shall be stamped with the name of the port for which they are ordered. Each strap seal shall be stamped with a serial number. Each automatic metal seal shall be stamped with a symbol number and, when required, with a serial number.

For ready comparison there is annexed to this notice a parallel reference table showing the relation of sections in the proposed Part 5 to 19 CFR Parts 5, 10, and 18.

Prior to adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: January 12, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

ANNEX TO NOTICE OF PROPOSED RULE MAKING—REVISION OF PART 5

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 5 to 19 CFR Part 5.)

Proposed Part 5 section	*19 CFR section*
5.0	None
5.1(a)	5.1(b)
5.1(b)	5.1(a)
5.1(c)	5.1(a)
5.2	5.1(d)
5.3	5.1 (a) and (b)
5.4	5.1 (b) and (c)
5.5	5.1 (a) and (b)
5.6	None
5.7	5.1(b)
5.8(a)	5.2 (a) and (b)
5.8(b)	5.2(b)
5.8(c)	5.2(c)
5.8(d)	5.2(d)
5.11(a)	5.7(a)
5.11(b)	5.7 (b), (c), (d) and (e)
5.11(c)	5.7(f)
5.12	5.12(a)
5.13	5.12(b)
5.14	10.41 (b) and (d)
5.15	10.41(g)
5.16	10.42(f)
5.17	10.42(g)
5.18	10.41(e)
5.21(a)	5.8(a), 5.10 (f), (g) and (h)
5.21(b)	None
5.21(c)	None
5.22(a)	5.8 (e) and (g)
5.22(b)	5.8(e)
5.22(c)	None
5.22(d)	5.8(d)
5.22(d)(1)	5.8(b)
5.22(d)(2)	5.8(e)
5.22(d)(3)	5.8(b)
5.23	5.8(f)
5.24(a)	5.8 (b) and (c)
5.24(b)	5.8(g)
5.24(c)	5.8(g)
5.25(a)	5.8 (b) and (g)
5.25(b)	5.8(h)
5.26(a)	5.9(a), 5.10(f)
5.26(b)	5.9(d)
5.26(c)	5.9(b)
5.27	5.9(c)
5.28(a)	5.10(b)
5.28(b)	18.28
5.29(a)	5.10(c) (1) and (h)
5.29(b)	5.10(d), 5.10(c)(2)
5.29(c)	5.10 (e) and (f)
5.29(d)	5.10(g)
5.29(e)	5.10(f)
5.31(a)	None
5.31(b)	5.11(a)
5.32	5.11(a) (1) and (2)
5.33	5.11(b)
5.34	5.11(d), 5.1(c)
5.41	None
5.42	None
5.51	18.15(e)
5.52	5.11(c)
5.61	5.1(b)
5.62	5.1(b)
5.63	5.4
5.64	5.11(a)
5.65(a)	18.15 (a) and (d)
5.65(b)	18.15(a)
5.65(c)	18.15(b)
5.65(d)	18.15(c)
5.71	5.15
5.72	5.13, 10.42(e)

[F.R. Doc. 70–720; Filed, Jan. 19, 1970; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 56]

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

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), under authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of considerations. It is being proposed that the required lot marking system for officially identified cartons of shell eggs be changed to provide for one simplified method. The lot number would be shown as the consecutive day of the year on which the eggs are packed (e.g., 132). Other lot numbering systems would be used only when written approval is obtained from the Administrator. The use of additional company codes, expiration dates, etc., would be optional.

The temperature of shell eggs at the time of official grading would be changed to allow grading if the internal temperature of the shell eggs does not exceed 80° F. Some difficulties have been encountered in complying with the present 70° F. requirement for on farm-in-line grading operations and because of the temperatures used to wash shell eggs. Studies during recent years indicate that there would be no problems in accurately grading eggs at an 80° F. or lower temperature. The requirement would remain unchanged for placing officially graded eggs under refrigeration of 60° F. or lower promptly after packaging.

The system of dating and the temperature requirements would remain the same as present for shell eggs officially identified and packaged under the quality control program.

Other minor changes would be made for the sake of clarity and to be consistent with the regulations for the grading of poultry and the inspection of egg products.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than March 1, 1970.

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

The proposed amendments are as follows:

1. Section 56.7 would be deleted.

2. Preceding § 56.31, a new title would be added and in § 56.31, paragraph (b) would be deleted, and the title of the section, the introductory text in paragraph (a) and paragraph (a)(1)(i) would be amended to read:

DENIAL OF SERVICE

§ 56.31 Debarment.

(a) The following acts or practices or the causing thereof may be deemed sufficient cause for the debarment by the Administrator, of any person, including any agents, officers, subsidiaries or affiliates of such person, from all benefits of the act for a specific period. The rules of practice governing withdrawal of grading services set forth in Part 50 of this Chapter shall be applicable to such debarment action.

(1) * * *

(i) The making or filing of an application for any grading service, or sampling service, appeal or regarding service;

* * * * *

3. A new § 56.32 would be added to read:

§ 56.32 Retention authorities.

A grader may use retention tags or other devices and methods as approved by the Administrator for the identification and control of shell eggs which are not in compliance with the regulations or are held for further examination and for any equipment, utensils, rooms or compartments which are found unclean or otherwise in violation of the regulations. Any such item shall not be released until in compliance with the regulations and retention identification shall not be removed by anyone other than a grader.

4. Section 56.37 would be amended to read:

§ 56.37 Lot marking of officially identified product.

Each carton identified with the grade marks shown in Figures 2, 3, or 6 of § 56.36 shall be legibly lot numbered on either the carton or the tape used to seal the carton. The lot number shall be the consecutive day of the year on which the eggs were packed (e.g., 132), except other lot numbering systems may be used when submitted in writing and approved by the Administrator.

5. A new § 56.41 would be added to read:

§ 56.41 Check grading officially identified product.

Officially identified shell eggs packed or received in an official plant may be subject to final check grading prior to their shipment. Such product found not to be in compliance with the assigned official grade shall be placed under a retention tag until it is regarded to comply with the grade assigned or until the official identification is removed.

6. Section 56.76(f)(1) would be revised to read:

§ 56.76 Minimum facility and operating requirements for shell egg grading and packing plants.

* * * * *

(f) * * *

(1) Shell eggs, except as otherwise provided for in §§ 56.42 and 56.43, shall not exceed an internal temperature of 80° F. at the time of official grading. Shell eggs held in the official plant shall be placed under refrigeration of 60° F. or lower promptly after packaging. Officially identified shell eggs with an internal temperature of 70° F. or higher when shipped from the official plant should be transported at a temperature of 60° F. or less.

* * * * *

Signed at Washington, D.C., this 14th day of January 1970.

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

[F.R. Doc. 70-685; Filed, Jan. 19, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18651]

AM STATION ASSIGNMENT STANDARDS AND THE RELATIONSHIP BETWEEN THE AM AND FM BROADCAST SERVICES

Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was commenced by a notice of proposed rule making adopted on September 4, 1969 (19 F.C.C. 2d 472) and published in the FEDERAL REGISTER on September 13, 1969 (34 F.R. 14384).

2. The original dates for filing comments and reply comments were November 14 and December 15, 1969, respectively. By order released November 14, 1969, the dates were extended to January 14 and February 13, 1970, respectively.

3. The law firm of McKenna and Wilkinson, on January 12, filed a petition for extension of time to January 28, 1970, in which to file comments, and for a corresponding extension of time for filing reply comments.

4. As grounds therefor, it is stated that the Notice is of very substantial and far reaching importance to the American communications industry and that intervening holidays and other matters have precluded the finalization of comments which would be of maximum assistance to the Commission in resolving the important issues of the proceeding.

5. It is further stated that in view of the extension previously accorded (in response to petitions of that law firm and another party) no further extension will be sought.

6. In view of the desire of the Commission to be fully informed on the matters set forth in the notice, it is reluctantly granting the request.

7. *Accordingly, it is ordered,* That the time for filing comments in the above-captioned proceeding is extended to and including January 28, 1970, and the time for filing reply comments is extended to and including February 27, 1970.

8. The action herein is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: January 13, 1970.

Released: January 14, 1970.

[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-701; Filed, Jan. 19, 1970; 8:46 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 243]

DECORATIVE WALL PANELING INDUSTRY

Proposed Guides

Revised proposed Guides for the Decorative Wall Paneling Industry were made public by the Commission on May 28, 1969, and were published in the FEDERAL REGISTER on that date at page 8246. In response to the invitation to industry members and other interested parties to submit written comments concerning the proposed Guides, a number of suggestions, criticisms, and objections were received. Upon consideration of the comments and other pertinent information submitted, the Commission hereby extends an opportunity to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed Guides for the Decorative Wall Paneling Industry to appear and be heard in the premises and to present to the Commission their views concerning the proposed Guides, including such pertinent information, suggestions, or objections as they may desire to submit.

For this purpose, additional copies of the proposed Guides may be obtained upon request to the Commission. Such data, views, information, and suggestions may be presented orally at the hearing, or by letter, memorandum, brief, or other written communication not later than March 12, 1970, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Oral and written comments received in the proceeding will be available for examination

by interested parties at the Commission's Washington address and will be fully considered by the Commission.

Opportunity to be heard orally will be afforded at the hearing beginning at 10 a.m., e.s.t., on March 12, 1970, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

One purpose of the hearing is to revise Guide 2 (§ 243.2) and invite comments from industry and consumers on the types of information respecting quality and performance which aid consumers in their selection of wall paneling.

Guides for this industry, if and when finally approved and adopted by the Commission, will be designed to assist manufacturers and other sellers of decorative wall panels in avoiding violations of the Federal Trade Commission Act, as amended (15 U.S.C., secs. 41–58), in labeling and advertising their products. Their purpose will be to encourage voluntary compliance with the Act which makes illegal unfair methods of competition and unfair or deceptive acts or practices in commerce. Proceedings to prevent deceptive practices in the sale of decorative wall panels may be brought under the Federal Trade Commission Act.

As noted above, the text of the revised Proposed Guides were published in the FEDERAL REGISTER on May 28, 1969 at page 8246 (34 F.R. 8246).

Issued: January 19, 1970.

By direction of the Commission.

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

[F.R. Doc. 70–668; Filed, Jan. 19, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Release No. 34–8782]

ANNUAL INCOME AND EXPENSE REPORTS

Notice of Proposed Rule Making

The Securities and Exchange Commission has announced that it proposes to amend certain portions of the General Instructions, Introduction, and Parts I, II, and III of Form X–17A–10 (17 CFR 249.618). The amendments are mostly technical in nature and will not require the filing of additional financial information. They are designed primarily to aid in maintaining statistical continuity of the data to be compiled from the reports over a period of time and to clarify questions which have arisen regarding the reporting requirements.

The Commission, on June 28, 1968, in Securities Exchange Act Release No. 8347, and in the FEDERAL REGISTER for July 20, 1968 (33 F.R. 10390), adopted Rule 17a–10 (17 CFR 240.17a–10) under the Securities Exchange Act of 1934 and the forms accompanying the rule.[1] This rule, which became effective on January 1, 1969, requires every registered broker or dealer and every exchange member to file each year with the Commission a report giving financial information on Form X–17A–10 (17 CFR 249.618) unless such member, broker, or dealer has filed the information required by the form with a national securities exchange or a registered national securities association in conformity with a plan adopted by the exchange or association pursuant to subsection (b) of Rule 17a–10 (17 CFR 240.17a–10). All reports are to be prepared on a calendar year basis and the first reports will cover the calendar year ending December 31, 1969. Reports must be filed within 90 days of the close of the calendar year.

The proposed changes in the form are summarized below:

1. The introduction would be modified in several respects. Additional nonfinancial information would be requested—for example, the reporting firm would be asked to list every member, broker or dealer acquired by it during the calendar year through merger or consolidation, to show changes in its form of organization during the calendar year, and to indicate whether it is a clearing member of any exchanges. The first sentence in Question 9 of the present introduction which asks whether the report is being filed on a consolidated basis including all subsidiaries of the reporting firm would be superseded by the new questions in the introduction. This sentence and Question 4 in the present introduction which requests the firm's SEC broker-dealer file number would be deleted as no longer necessary. Technical language changes have been made in the introduction. Definitions would be provided with respect to certain terms used in the introduction.

2. The general instructions would be amended primarily in response to a number of questions which have arisen regarding reporting requirements, (including those applicable to firms which have been in business less than a full calendar year and to firms reporting on a consolidated basis for two or more broker-dealers). The amended general instructions provide that only majority-owned subsidiaries as defined in Rule 12b–2 under the Securities Exchange Act which are members, brokers, or dealers may be consolidated in this report. Further, additional instructions regarding the preparation and filing of the report have been included for administrative purposes. The instructions would also be renumbered.

3. In December 1968, the New York and American Stock Exchanges and all major regional exchanges amended their rules to prohibit customer-directed commission sharing ("give-up") practices. As a result of these actions, Parts I, II, and III of Form X–17A–10 (17 CFR 249.618) would be amended so as to delete captions requiring financial information regarding customer-directed give-ups and the related instructions. Thus, the following deletions would be made in Parts I, II, and III:

Part I: Caption 2 in Statement AAA and related instruction.

Part II: Captions 1(b) (2) and (3), 3 (b) and (c) and 12 (b) and (c) in Statement AA and related instructions.

Part III: Captions 1(c) (1) and (2) in section I of Schedule A–1 and captions 3 (a) and (b) in section II of Schedule A–1 and related instructions.

As a result of the above deletions in Parts I, II, and III, captions would be renumbered and related language changes and deletions would be made in Parts I, II, and III. Other technical language changes have also been made in these parts.

The forms have been recast to make them suitable for use with electronic data processing equipment of the Commission and the self-regulatory agencies. It is presently contemplated that the definitive forms will be available in early February 1970 for those firms required to submit reports directly to the Commission[2] and other interested persons. Reports must be filed on the prescribed forms or exact copies of the form may be duplicated and used for filing purposes. Copies will be available at the Commission or any of its regional offices.

* * * * *

The above actions would be taken pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 17(a) and 23(a) thereof.

All interested persons are invited to submit their views and comments on the above proposals, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before January 21, 1970. All such comments will be available for public inspection.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, as amended, 49 Stat. 1379, 15 V.S.C. 78q, 78w)

By the Commission.

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

DECEMBER 30, 1969.

NOTE: Copies of certain pertinent portions of Form X–17A–10 with the proposed changes have been filed with the Office of the Federal Register. Copies of Release 34–8782 with such portions of the form attached may be obtained from the Headquarters Office of the Commission.

[F.R. Doc. 70–683; Filed, Jan. 19, 1970; 8:45 a.m.]

[1] Filed as part of the original document.

[2] The National Association of Securities Dealers, Inc., and New York Stock Exchange and any other exchanges who may qualify a plan pursuant to subsection (b) of Rule 17a–10 (17 CFR 240.17a–10) will send copies of their respective forms to their members.

Notices

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JANUARY 14, 1970.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on February 25, 1970, the following standard broadcast application will be considered as ready and available for processing:

BP-17991 NEW, Naples, Fla.
Radio Voice of Naples.
Req: 1510 c., 250 w., DA-Day.

Pursuant to § 1.227(b)(1), § 1.591(b) and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete and tendered for filing at the offices of the Commission by the close of business on February 24, 1970.

The attention of any party in interest desiring to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: January 12, 1970.

Released: January 14, 1970.

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

[F.R. Doc. 70-702; Filed, Jan. 19, 1970; 8:47 a.m.]

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ROBERT A. CARLSON

Notice of Granting of Relief

Notice is hereby given that Robert A. Carlson, Kingston, N.H., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 15, 1968, in the Superior Court, New Haven, Conn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert A. Carlson because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Robert A. Carlson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert A. Carlson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Robert A. Carlson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of January 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-721; Filed, Jan. 19, 1970; 8:48 a.m.]

NICHOLAS A. CAROLA

Notice of Granting of Relief

Notice is hereby given that Nicholas A. Carola, 18 Valley Brook Road, Rocky Hill, Conn. 06067, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 22, 1957, in the Superior Court of Hartford County, Conn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Nicholas A. Carola because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Carola to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Nicholas A. Carola's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Nicholas A. Carola be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of January 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-722; Filed, Jan. 19, 1970; 8:48 a.m.]

GUY THOMAS

Notice of Granting of Relief

Notice is hereby given that Guy Thomas, Route No. 1, Spencer, Tenn. 38585, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about May 22, 1956, in the U.S. District Court, Chattanooga, Tenn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Guy Thomas because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would

be unlawful for Guy Thomas to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Guy Thomas' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Guy Thomas be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of January 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-723; Filed, Jan. 19, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S-489]

OLAF HEMNES AND ALYCE V. HEMNES

Notice of Loan Application

JANUARY 13, 1970.

Olaf Hemnes and Alyce V. Hemnes, 2009 Northwest 61st, Seattle, Wash., 98107, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 35.7-foot registered length wood vessel to engage in the fishery for salmon, albacore, halibut, sablefish, shrimp, and Dungeness crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-682; Filed, Jan. 19, 1970; 8:45 a.m.]

National Park Service

YOSEMITE NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Yosemite National Park, proposes to issue a concession permit to Clyde E. and Sharon L. Deal, doing business as El Portal Motor Service, authorizing them to provide garage service, including all sales and service customary in the trade, for the public at the El Portal Administrative Site, Yosemite National Park, for a period of 5 years from November 1, 1969, through October 31, 1974.

The foregoing concessioners have performed their obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of the permit. However, under the Act cited above, the Superintendent, Yosemite National Park, is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contract the Superintendent, Post Office Box 577, Yosemite National Park, for information as to the requirements of the proposed permit.

Dated: December 4, 1969.

LAWRENCE C. HADLEY,
Superintendent.

[F.R. Doc. 70-708; Filed, Jan. 19, 1970; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00515-33-46500. Applicant: Research Foundation of the State University of New York, Upstate Medical Center, 766 Irving Avenue, Syracuse, N.Y. 13210. Article: Ultramicrotome, Model Reichert SIDEA "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for both teaching and research. The instrument, which has been received, is the only thermally advanced unit in the medical school. It is essential in training students to expose them to all types of instrumentation available. For research purposes, a unit capable of producing uniformly thin serial sections of high quality of viruses having overall dimensions ranging from diameters of 40 microns to diameters of 100 microns is required. This requirement is critical since the electron microscope utilized is equipped with a high resolution kit capable of a resolution of 2 angstroms, and probably 1.5 angstroms. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received April 7, 1969. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received, was the Model MT-2 ultramicrotome that was being manufactured by the Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of November 10, 1969, that the applicant's research studies require uniform sections of less than 100 angstroms.

For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, which was being manufactured in the United States at the time the application was received.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-671; Filed, Jan. 19, 1970; 8:45 a.m.]

UNIVERSITY OF IOWA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00569–33–46500. Applicant: University of Iowa, Dental Research Laboratory, Oakdale Campus, Oakdale, Iowa 52319. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for serial and ultrathin sectioning of nerve, muscle and periodontal tissues for electron microscopy. Nerve tissue will be used for an analysis of the three dimensional relationship between nerve endings and muscle cells. Periodontal tissues will be studied with both light microscopy and high resolution electron microscopy. An extensive program is planned for development of tissue preparation for electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received May 1, 1969. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received, was the Model MT–2 ultramicrotome that was being manufactured by the Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of November 12, 1969, that the applicant's research studies require uniform sections of less than 100 angstroms. For this reason, we find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, which was being manufactured in the United States at the time the application was received.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–672; Filed, Jan. 19, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Office of Education) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (32 F.R. 10478 and 10479, dated July 15, 1967) is hereby amended to change the order of succession to act as Commissioner of Education. The order of succession, Part 6–C.1, is revised as follows:

6–C Delegations of authority.

1. Order of Succession: During the absence or disability of the Commissioner of Education or in the event of a vacancy in that office, the first official listed below who is available shall act as Commissioner.

a. Deputy Commissioner.

b. Deputy Commissioner for Planning, Research and Evaluation.

c. Deputy Commissioner for School Systems.

d. Deputy Commissioner for Higher and International Education.

e. Deputy Commissioner for Instructional Resources.

f. Associate Commissioners in order of the seniority of their appointments as Associate Commissioners or, in the event of concurrent appointments, in order of their seniority in the Office of Education.

g. For a planned period of absence, the Commissioner may specify a different order of succession.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

DECEMBER 17, 1969.

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

JANUARY 14, 1970.

[F.R. Doc. 70–698; Filed, Jan. 19, 1970; 8:46 a.m.]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 7 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (34 F.R. 1279, Jan. 25, 1969, as amended) is hereby further amended to reflect the reorganization of the Assistance Payments Administration. For such purposes, Part 7–B is amended as follows:

By striking out all that follows under the heading "Assistance Payments Administration" and inserting in lieu thereof the following:

The mission of the Assistance Payments Administration is to provide leadership in the planning, development, and coordination of those Social and Rehabilitation Service programs which provide for the administrative and financial assistance aspects of public assistance programs under the Social Security Act, as amended. The Assistance Payments Administration has responsibility for programs of assistance for U.S. citizens or nationals returned from foreign countries and welfare planning for refugees and immigrants. The Assistance Payments Administration is administered by a Commissioner under the direction of the Administrator, Social and Rehabilitation Service.

OFFICE OF THE COMMISSIONER

The Commissioner, with the assistance of the Deputy Commissioner, directs the activities of the Assistance Payments Administration, Advises the Administrator, Social and Rehabilitation Service, on matters concerning assistance payments activities. Directs multiple assistance payments activities toward the common objective of improved program delivery with adequate safeguards to protect and promote the legal, civil, and human rights of persons served. Coordinates Assistance Payments Administration objectives and operations with other Social and Rehabilitation Service organizations, and provides professional consultation to the Regional Commissioners and Assistance Payments staffs to enhance the delivery of social welfare programs by State and local agencies for persons in economic need. Provides technical consultation through Regional Commissioners and Regional Assistance Payments staffs to State and local agencies. Recommends policy and serves as the focal point for preparation of the public assistance budget, grants management organization, and administration of Assistance Payments Administration activities. Coordinates the public information programs of the bureau, and answers public inquiries concerning its programs.

DIVISION OF PROGRAM PAYMENT STANDARDS

Develops policy, standards and guidelines for the planning, development, and coordination of the income maintenance program and develops policy, methods, and guides for the determination of eligibility and standards of assistance for the money payment programs and in combination with the Medical Services Administration for the medical assistance programs. Provides technical advice to Assistance Payments Administration regional component staff.

DIVISION OF STATE ADMINISTRATIVE AND FISCAL STANDARDS

Develops policy and standards for the guidance of States in the organization and administration of the public welfare program, including financing and fiscal management, personnel administration, automatic data processing and management information systems. Develops and promotes programs for State welfare staffs for the implementation of new administrative policies and procedures. Conducts surveys, in coordination with Regional Commissioners and Regional Assistance Payments staffs, of State administrative practices at the request of the States. Provides technical advice to Assistance Payments Administration regional component staff.

DIVISION OF PROGRAM EVALUATION

Reviews and assesses the effectiveness of State income maintenance programs, in coordination with Regional Commissioners and Regional Assistance Payments staffs, through administrative reviews and other fact-finding evaluations. Develops evaluation standards and through Regional component staffs monitors the effectiveness of State implementation of the determination of eligibility system and State standards of assistance. Determines Assistance Payments

Administration requirements and analyzes statistical and other operating data on assistance payments to determine trends, forecasts and other information for program evaluation. Collects and publishes characteristics of State programs.

Approved: January 14, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-699; Filed, Jan. 19, 1970; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-298]

CONSUMERS PUBLIC POWER DISTRICT

Order Changing Name of Company

Consumers Public Power District (CPPD), is the holder of Construction Permit No. CPPR-42, dated June 4, 1968, authorizing it to construct and operate a single cycle, forced circulation, boiling water nuclear reactor at its Cooper Nuclear Station site near the village of Brownville, Nemaha County, Nebr. On November 21, 1969, CPPD informed the Commission that subject to approval of the Department of Water Resources of the State of Nebraska, its name will be changed to Nebraska Public Power District effective January 1, 1970. The Commission was subsequently advised that this approval had been given.

Accordingly, it is hereby ordered that the name of the licensee appearing on Construction Permit No. CPPR 42 is changed from Consumers Public Power District to Nebraska Public Power District, effective January 1, 1970.

Dated at Bethesda, Md., this 14th day of January 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-689; Filed, Jan. 19, 1970; 8:46 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, Food and Nutrition Service.

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

[F.R. Doc. 70-692; Filed, Jan. 19, 1970; 8:46 a.m.]

DIRECTOR, NATIONAL COLLECTION OF FINE ARTS

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective January 2, 1970, that there is a manpower shortage for the single position of Director, National Collection of Fine Arts, GS-1015-17, Smithsonian Institution, Washington, D.C. This finding will terminate when the position is filled.

The appointee to this position may be paid for the expense of travel and transportation to first post of duty, assuming other legal requirements are met.

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

[F.R. Doc. 70-691; Filed, Jan. 19, 1970; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

HERB B. MEYER ET AL.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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.

Herb B. Meyer, Roger C. Anderson, and Enterprise Shipping Corp.

Notice of agreement filed for approval by:

Mr. G. G. Gregory, President, Enterprise Shipping Corp., 58 Sutter Street, San Francisco, Calif. 94104.

Agreement No. FF 69-13 among Herb B. Meyer, Roger C. Anderson (Sellers), and Enterprise Shipping Corp. (Enterprise) provides for the sale by Sellers of all of the common shares of capital stock (1,250 shares) of Herb B. Meyer & Co., Inc. (Meyer & Co.) to Enterprise. Enterprise and Meyer & Co., California corporations, hold FMC Independent Ocean Freight Forwarder Licenses Nos. 1104 and 398 respectively. The agreement has been filed for Commission approval pursuant to section 15, Shipping Act, 1916.

In consideration of the sale, Enterprise shall pay to Sellers the sum of $56,250, in cash and common capital shares of Enterprise, pursuant to a time arrangement and allocation among Sellers as set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: January 15, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-725; Filed, Jan. 19, 1970; 8:48 a.m.]

[Independent Ocean Freight Forwarder License No. 123]

BRITO FORWARDING CO.

Rescission of Revocation

By Order served December 18, 1969, Independent Ocean Freight Forwarder License No. 123 was revoked pursuant to section 44(c), Shipping Act, 1916, and § 510.9 of Federal Maritime Commission General Order 4 for apparent failure of the licensee to maintain a valid surety bond on file with the Commission.

Brito Forwarding Co., 1755 West Jefferson Street, Brownsville, Tex. 78520, and its surety company, St. Paul Fire & Marine Insurance Co., acting through its Attorney-In-Fact, now have submitted evidence indicating that Brito Forwarding Co. has been and is in fact covered by a valid surety bond, and that an apparent loss in the mails of such surety bond resulted in the Commission's December 18, 1969, Revocation Order. A duplicate of the required bond effective November 4, 1969, has been filed with the Commission.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03,

It is ordered, That Order of Revocation served December 18, 1969, concerning Independent Ocean Freight Forwarder License No. 123 of John L. Brito, doing business as Brito Forwarding Co., be and is hereby rescinded effective December 18, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Brito Forwarding Co.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 70-726; Filed, Jan. 19, 1970; 8:48 a.m.]

[Docket No. 70-5]

TRANSCONEX, INC.

Increased Northbound Rates in the Puerto Rico/Jacksonville Trade; Order of Investigation and Suspension

There have been filed with the Maritime Commission by Transconex, Inc.,

Third Revised Pages 22 and 23 to its Tariff FMC–F No. 1, scheduled to become effective January 17, 1970, which result in increased northbound rates and charges in the subject trade, as indicated by diamond symbols.

Upon consideration of said schedules, and a protest thereto, filed by the Commonwealth of Puerto Rico, the Commission is of the opinion that the proposed designated rate increases should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the proposed increases contained in the aforementioned revised pages, with a view to making such findings and orders in the premises as the facts and circumstances warrant;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of all tariff matter prefixed with the diamond symbol on the aforementioned revised pages is suspended and the use thereof be deferred to and including May 16, 1970, unless otherwise ordered by this Commission. In the event the matter hereby placed under investigation is further changed, amended or reissued upon termination of the suspension period or before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

It is further ordered, That there shall be filed immediately with the Commission by Transconex, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until May 17, 1970, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Transconex, Inc. be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order be forthwith served upon the respondent and protestant herein and published in the FEDERAL REGISTER; and (II) the said respondent and protestant be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR § 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-727; Filed, Jan. 19, 1970; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 171]

WIN-MAR, INC.

Order of Revocation

By letter dated January 4, 1970, Win-Mar, Inc., confirmed that it had ceased operations as an independent ocean freight forwarder and voluntarily returned its License No. 171 for cancellation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 171 of Win-Mar, Inc., be and is hereby revoked effective January 7, 1970, without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Win-Mar, Inc., care of Mr. Victor E. Castillo, 2543 Banks Street, New Orleans, La. 70119.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 70-728; Filed, Jan. 19, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-1039 etc.]

MOBIL OIL CORPORATION ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 9, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 23, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided for in section 154.102(b)(2) of the Regulations, Order No. 377, 40 FPC 1449, has been filed by a producer, 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 at 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
RI70-1039	Mobil Oil Corp.	457	1	Transcontinental Gas Pipe Line Corp., Offshore Louisiana.	136,875	12-15-69	1-15-70	1-16-70	18.5	[1] 20.0
RI70-1040	Texas City Refining, Inc., et al.	2	3	Transcontinental Gas Pipe Line Corp., Texas Railroad Commission District No. 1.	246	12-16-69	12-16-69	12-17-69	14.189	14.2415
	do	3	2	do	22	12-16-69	12-16-69	12-17-69	14.189	14.2415
RI70-1041	Smith, Frankhauser, Voight & York, agent for F. M. Anderson et al.	1	6	South Texas Natural Gas Gathering Co., Texas Railroad Commission District No. 4.	321	12-15-69	12-15-69	12-16-69	15.0	15.0563

[1] Proposed increased rate filed in accordance with ordering paragraph (A) of the Commission's Opinion No. 546-A, 41 FPC 301, 340.

Mobil's proposed rate increase, from 18.5 cents to 20 cents per Mcf, involves a sale of third vintage gas well gas in Offshore Louisiana and was filed pursuant to Ordering Paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas well gas. Mobil was issued a temporary certificate authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas subject to quality adjustments).

Consistent with previous Commission action on similar rate filings, we conclude that this proposed rate increase should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

The proposed rate increases herein, except for Mobil's increase, reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. These rates exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56). We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, these proposed tax increases from underlying firm rates are suspended for 1 day from the date of filing since the filings involved here were made after October 31, 1969.

[F.R Doc. 70-678; Filed, Jan. 19, 1970; 8:45 a.m.]

[Docket Nos. RI70-1036 etc.]

SUPERIOR OIL COMPANY ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 19, 1970.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before February 23, 1970.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

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
RI70-1036	The Superior Oil Co.	17	6	United Gas Pipe Line Co., Texas Railroad Commission District No. 2.	[1] Contract amendment.	12-10-69	1-10-70	Accepted	13.1157	
	do	17	7	do	17,369	12-10-69	1-10-70	6-10-70	13.1157	18.34575
RI70-1037	Associated Programs, Inc.	2	6	Trunkline Gas Co., Texas Railroad Commission, District No. 4.	1,970	12-15-69	1-15-70	6-15-70	14.3676	15.4269
RI70-1038	Associated Programs, Inc. (Operator), et al.	3	8	do	27,386	12-15-69	1-15-70	6-15-70	14.37454	15.4536

[1] Contract amendment, which has been designated as Supplement No. 6 to The Superior Oil Co. FPC Gas Rate Schedule No. 17, provides, inter alia, for a renegotiated rate of 18.34575 cents per Mcf for the 5-year period commencing June 19, 1969, with 1 cent per Mcf periodic increases every 5 years thereafter; it deletes the contract rate redetermination provisions; provides for a downward B.t.u. adjustment; establishes the right of seller to file for any higher just and reasonable rate determined for the applicable area by the Commission, and provides for one-half tax reimbursement for any possible future tax increases.

With its rate increase, Superior submitted a contract amendment, designated as Supplement No. 6 to Superior's FPC Gas Rate Schedule No. 17, which provides the basis for its proposed rate. We shall accept for filing Superior's contract amendment to become effective as of January 10, 1970, the expiration date of the statutory notice period, but not the proposed rate contained therein which is suspended as provided in this order.

The proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70–680; Filed, Jan. 19, 1970; 8:45 a.m.]

[Project No. 2317]

APPALACHIAN POWER CO.

Notice of Postponement

JANUARY 9, 1970.

Notice is hereby given that the oral argument presently scheduled to be held on January 26, 1970, in the above-designated matter is postponed to Monday, February 2, 1970, to commence at 9:30 a.m., e.s.t.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–673; Filed, Jan. 19, 1970; 8:45 a.m.]

[Docket No. R–371 etc.]

AREA RATES FOR THE APPALACHIAN AND ILLINOIS BASIN AREAS ET AL.

Notice of Extension of Time

JANUARY 9, 1970.

Requests for an extension of time within which to file comments in the above-designated matter have been filed by: Ashland Oil & Refining Co. on December 22, 1969; Cities Service Oil Co. on December 29, 1969; motions in support of the requested extension of time have been filed as follows: United Natural Gas Co., January 2, 1970; Texas Gas Transmission Corp., January 5, 1970; Associated Gas Distributors, January 5, 1970; Consolidated Natural Gas Service Co., January 5, 1970; and The Pittston Corp., January 7, 1970. Ashland Oil & Refining Co. further requests that provision be made for service of comments upon timely request by not later than March 15, 1970. Cities Service Oil Co. joins in this request. United Natural Gas Co. requests a similar procedure.

Upon consideration, notice is hereby given that the time is extended to and including February 16, 1970, within which comments may be filed in the above-designated matter. The time for filing responses to comments is extended to and including April 16, 1970.

The request for a provision for service of comments is denied on the ground that such a procedure in this particular proceeding would be administratively infeasible.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–674; Filed, Jan. 19, 1970; 8:45 a.m.]

[Docket No. CP70–166]

CITIES SERVICE GAS CO.

Notice of Application

JANUARY 9, 1970.

Take notice that on January 5, 1970, Cities Service Gas Co. (applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP70–166 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of existing facilities for the sale and delivery of natural gas to present customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to continue the operation of facilities which generally consist of meters and regulators installed at taps on it's pipelines between 1942 and 1963 and were thought to require no prior Commission authorization. The application states that 86 customers are served directly through these facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–675; Filed, Jan. 19, 1970; 8:45 a.m.]

[Docket No. E–7519]

SIERRA PACIFIC POWER CO.

Notice of Application

JANUARY 9, 1970.

Take notice that on December 29, 1969, Sierra Pacific Power Co. (applicant) filed an application for authority pursuant to section 203 of the Federal Power Act to enter into a 30-year lease agreement whereby applicant would lease the transmission and distribution facilities of Mineral County Power System (Mineral County). Applicant also agrees to purchase from Mineral County all office equipment and supplies and automotive equipment used by Mineral County and all poles, wires, meters, transformers, and other electrical materials and supplies owned by Mineral County and held in stock, but not in service.

Applicant is a public utility corporation organized under the laws of Nevada, with its principal business office in Reno, Nev., and engaged in the business of generating, purchasing, transmitting, distributing, supplying, and selling electric energy in 11 counties in the State of Nevada and six counties in the State of California.

Mineral County owns and operates properties for the purchase, transmission, distribution, supply, and sale of electric energy and is engaged in the business of supplying and selling electric energy to consumers in parts of Mineral County, Nev., and is owned and operated by the county of Mineral, State of Nevada with offices in Hawthorne, Nev.

Under the terms of the proposed lease agreement, applicant agrees to pay as rental therefor the following sums: Each month during the term of this lease the company shall pay to Mineral County ten percent (10%) of the first Fifteen Thousand Dollars ($15,000) of gross electric revenues received by the company from the sale of electricity within Mineral County's service area, plus five percent (5%) of the next Twenty Thousand Dollars ($20,000), plus two percent (2%) of such revenues over Thirty-Five Thousand Dollars ($35,000). The first said monthly payment to be payable on the 20th day of the second month in or during which this lease shall become effective and succeeding monthly installments shall be paid on the 20th day of each succeeding calendar month thereafter throughout the term of this lease.

For the property which applicant agrees to purchase, applicant will pay Mineral County the fair value thereof, as agreed by applicant and Mineral County.

The proposed use of the electric facilities by applicant will be the same as it was by Mineral County. Applicant agrees that for a period of 3 years following the effective date of the lease, applicant will not increase any of the rates now charged by Mineral County unless required to do so by the Public Service Commission of Nevada. Applicant will apply certain proposed schedules of rates to Mineral County's electric customers in all cases where such rates are lower than

those rates presently charged by Mineral County for the same classifications of service.

The application also states that because of recent developments in Mineral County's electric operations the board of county commissioners of Mineral County believes that a substantial increase in Mineral County's electric rates would be necessary in order to upgrade the present electric service by constructing either a new transmission facility or installing local generation in order to eliminate the severe outages which have occurred for many years in the past.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR .18 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. 70-676; Filed, Jan. 19, 1970; 8:45 a.m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Notice of Application for Amendment of License for Constructed Project

JANUARY 9, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by South Carolina Public Service Authority (correspondence to: J. B. Thomason, General Manager, South Carolina Public Service Authority, Post Office Box 398, Moncks Corner, S.C. 29461) for constructed Project No. 199, known as Santee-Cooper Project, and located on the Santee-Cooper River, S.C.

The application seeks to include in the license for the project the following described two proposed 115-kv. transmission lines to be located in Berkeley, Dorchester, and Charleston Counties near the cities of St. George, Summerville, and Charleston: (1) The Pinapolis-Faber place line, 31.1 miles long, to be constructed on the same right-of-way presently occupied by the Pinapolis-Charleston No. 1—115-kv. line with the centerline of the proposed line 35 feet west of the centerline of the existing line; and (2) the Pinapolis-St. George line, 38.2 miles long, to be constructed on the same right-of-way occupied by the Pinapolis-Charleston No. 1 line, but with its centerline 35 feet north of the centerline of the Pinapolis-Charleston No. 1 line.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-677; Filed, Jan. 19, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

PEOPLES-LIBERTY BANK AND TRUST CO.

Order Approving Merger of Banks

JANUARY 13, 1970.

In the matter of the application of The Peoples-Liberty Bank and Trust Co. for approval of merger with Bank of Independence.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by The Peoples-Liberty Bank and Trust Co., Covington, Ky., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bank of Independence, Independence, Ky., under the charter and name of The Peoples-Liberty Bank and Trust Co. As an incident to the merger, the two offices of Bank of Independence would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

Dated at Washington, D.C., this 13th day of January 1970.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-707; Filed, Jan. 19, 1970 8:47 a.m.]

[Reg. Z]

VIRGINIA

Application for Exemption From Truth in Lending Act

Pursuant to 12 CFR 226.12 (Supplement II to Reg. Z) the State of Virginia has applied to the Board of Governors for an exemption from the Truth in Lending Act (Title I of the Consumer Credit Protection Act, 15 U.S.C. 1601ff) on the grounds that under the laws of the State of Virginia credit transactions within that State are subject to requirements substantially similar to those imposed under chapter 2 of the Truth in Lending Act and that there is adequate provision for enforcement of such requirements.

The application is available for inspection at the Federal Reserve Building in Washington and at the Federal Reserve Bank of Richmond.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 1, 1970. Under the Board's rules regarding availability of information (12 CFR 261), such materials will be available for inspection and copying unless the person submitting the material requests that it be considered confidential.

Board of Governors, January 14, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-706; Filed, Jan. 19, 1970; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

JANUARY 14, 1970.

On July 4, 1969, there was published in the FEDERAL REGISTER (34 F.R. 11285) a letter dated June 30, 1969, from the Chairman of the President's Cabinet

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Governors Robertson, Mitchell, Daane, Maisel and Brimmer. Absent and not voting: Chairman Martin and Governor Sherrill.

Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States during the 12-month period beginning July 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to those provisions of the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan, which provide that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year, and for administrative arrangements and adjustments. The aforementioned letter also provided that such adjustments in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee. Accordingly, there is published below a letter of January 14, 1970, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the levels of restraint applicable to cotton textiles and cotton textile products in Categories 18/19 and part of 26 (print cloth) and part of 26 (bark cloth), pursuant to the provisions of the bilateral agreement referred to above and at the request of the Government of Pakistan, for the 12-month period which began on July 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

JANUARY 14, 1970.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive supplements and amends but does not cancel the directive issued to you on June 30, 1969, regarding imports of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Pakistan, and exported to the United States on or after July 1, 1960. You were advised in the directive of June 30, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, that in the event there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of June 30, 1969, the levels of restraint for cotton textiles in the following categories, produced or manufactured in Pakistan and exported to the United States during the period beginning July 1, 1969 and extending through June 30, 1970, are hereby amended as follows:

Categories	Amended 12-month level of restraint
18/19 and parts of 26 (print cloth)[2]	13,231,313
Part of 26 (bark cloth)[3]	4,630,954

[2] In category 26, only T.S.U.S.A. Nos:

320.--34	322.--34	327.--34
321.--34	326.--34	328.--34

[3] Only T.S.U.S.A. Nos.:

320.--88	328.--88	324.--92
321.--88	329.--88	325.--92
322.--88	330.--88	326.--92
323.--88	331.--88	327.--92
324.--88	320.--92	328.--92
325.--88	321.--92	329.--92
326.--88	322.--92	330.--92
327.--88	323.--92	331.--92

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan 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. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 70-709; Filed, Jan. 19, 1970; 8:47 a.m.]

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of July 3, 1967, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

CRESTON VALLEY WILDLIFE MANAGEMENT AREA

Order Amending Order

In the matter of the application of the Creston Valley Wildlife Management Area to the International Joint Commission for an order amending the order of approval of the Commission dated the 12th day of October 1950, as amended by the Commission's order dated the 3d day of April 1956.

Notice is hereby given that the International Joint Commission will conduct a public hearing on this application at 9 a.m., local time, Friday, February 27, 1970, at the Downtowner Motel, Creston, British Columbia. The hearing previously scheduled for August 1969 was postponed at the request of the applicant. The said order of approval relates to the regulation of Duck Lake on the Kootenay River and the amendments sought are to permit the construction and operation of a wildlife nesting habitat including the construction of a dyke within Duck Lake enclosing approximately 850 acres; the water levels in the enclosed area to be maintained at elevation 1,744 feet or lower. The remaining portion of Duck Lake would continue as a flood control reservoir with a maximum elevation of 1,745 feet.

At the hearing all interested persons will be given opportunity to express their views either orally or by written statements. While not mandatory, written statements are desirable for accuracy of the record. Where possible, fifteen (15) copies of written statements should be filed with each Secretary ten (10) days in advance of the hearing. Additional copies may be deposited with the Secretary at the hearing for the information of interested persons.

Copies of the application and of the order of approval of the Commission referred to above are available upon request to the Secretaries of the Commission.

WILLIAM A. BULLARD,
Secretary, U.S. Section,
International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section,
International Joint Commission.

JANUARY 13, 1970.

[F.R. Doc. 70-681; Filed, Jan. 19, 1970; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 78; Amdt. 1]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Car Distribution

The Baltimore and Ohio Railroad Co., Chicago and North Western Railway Co., and Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 78, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 78 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., February 1, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 18, 1970, and that it shall be served upon the Association of American

Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 15, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-710; Filed, Jan. 19, 1970; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 71; Amdt. 4]

THE KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 71, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 71 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., February 1, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 18, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 15, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-711; Filed, Jan. 19, 1970; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 67; Amdt. 5]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., February 1, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 18, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 15, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-712; Filed, Jan. 19, 1970; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 77; Amdt. 3]

READING CO. ET AL.

Car Distribution

Reading Company, Western Maryland Railway Co., Baltimore and Ohio Railroad Co., and Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 77, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 77 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., February 1, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 18, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 15, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-713; Filed, Jan. 19, 1970; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 79; Amdt. 1]

SOUTHERN PACIFIC CO. AND GREAT NORTHERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 79, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 79 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., February 1, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 18, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 15, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-714; Filed, Jan. 19, 1970; 8:47 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (22 F.R. 996; 22 F.R. 6584; 23 F.R. 1062; 23 F.R. 6730; 24 F.R. 552; 24 F.R. 6251; 24 FR. 9699; 25 F.R. 109; 26 F.R. 1693; 26 F.R. 6463; 27 F.R. 684; 27 F.R. 6409; 28 F.R. 1093; 28 F.R. 7060; 29 F.R. 1861; 29 F.R. 9813; 30 F.R. 769; 30 F.R. 8765; 31 F.R. 493; 31 F.R. 9432; 32 F.R. 769; 32 F.R. 10277; 33 F.R. 523; 33 F.R. 10545; 34 FR. 1346; and 34 F.R. 12472) for the period ended January 25, 1970.

No changes in financial interests or business connections.

F. A. MECHLING.

JANUARY 6, 1970.

[F.R. Doc. 70-715; Filed, Jan. 19, 1970; 8:47 a.m.]

[Sec. 5a Application No. 60; Amdt. 4]

ROCKY MOUNTAIN MOTOR TARIFF BUREAU, INC.

Petition for Approval of Agreement

DECEMBER 9, 1969.

The Commission is in receipt of a petition in the above entitled proceeding for approval of amendments to the agreement therein approved.

Filed November 14, 1969, by: Everett C. Funk, Attorney-in-Fact, 4045 Pecos Street, Post Office Box 5746, Terminal Annex, Denver, Colo. 80217.

The amendments involve: Changes in the agreement so as to (1) broaden the collective ratemaking function and tariff

publication of member motor common carriers to cover general commodities to and from Pacific-Northwest points, including Alaska and Canada (Alberta and British Columbia) presently published by Pacific Inland Tariff Bureau, Inc.; (2) establish a separate Rules Committee with territorial jurisdiction over rules and charges for terminal and other services; (3) revise the number, scope, composition and quorum of existing rate and quotation committees; (4) delete references to "regulatory authority of a State" and substitute therefor "other regulatory body"; (5) provide for joint rates with other nonmotor carriers in lieu of only with rail carriers; and (6) make other incidental changes made necessary by the foregoing changes.

The petition is docketed and may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-716; Filed, Jan. 19, 1970; 8:47 a.m.]

[Notice 7]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 14, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107295 (Sub-No. 270 TA), filed December 24, 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: *Hardboard, wallboard, and particleboard, and parts and accessories*, from Brooklyn, N.Y., and Newark, N.J., to points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, Pennsylvania, Indiana, Ohio, Michigan, Illinois, Wisconsin, Virginia, North Carolina, South Carolina, Delaware, West Virginia, Tennessee, Alabama, Missouri, Texas, Florida, New York, and the District of Columbia, for 180 days. Supporting shipper: Hardboard Fabricators Corp., 79 Empire Street, Newark, N.J. 07114. 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 108207 (Sub-No. 282 TA), filed January 2, 1970. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Fort Worth, Tex., to Evansville, Ind., and Columbia, Tenn., for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 108207 (Sub-No. 283 TA), filed January 2, 1969. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: L. M. McLean, (same address as above). Authority sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Pittsburgh, Pa., and Milwaukee, Wis., to Berkeley, Calif., for 150 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, Calif. 94710. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 117765 (Sub-No. 93 TA), filed December 29, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest 5th, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, from the plantsite of United States Gypsum Co., Southard, Okla., to points in Etowah County, Ala., for 180 days. Supporting shipper: United States Gypsum Co., John J. Murphy, Assistant General Manager, Corporate T&PD Department, 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 117940 (Sub-No. 15 TA), filed December 29, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs*, from St. James and Madelia, Minn., to points in Connecticut, Delaware, Maryland, New York, Ohio, and Pennsylvania, for 150 days. Supporting Shipper: Tony Downs Foods Co., St. James, Minn. 56081. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 118142 (Sub-No. 33 TA), filed December 24, 1969. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. 67219. Applicant's representative: M. Bruenger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from plantsite and storage facilities of Dold Packing Co. and Sunflower Packing Co., both of Wichita, Kans.; to Salt Lake City, Utah; Portland, Eugene, and Salem, Oreg.; and Spokane, Seattle, Richland, and Tacoma, Wash.; for 180 days. Supporting shippers: Dold Packing Co., Inc., 421 East 21st, Wichita, Kans. 67214; Sunflower Packing Co., Inc., Post Office Box 8183, Munger Station, Wichita, Kans. 67208. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 118959 (Sub-No. 59 TA) (Correction), filed December 12, 1969, published FEDERAL REGISTER, issue of January 3, 1970, and republished as corrected this issue. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. The purpose of this republication is to show that, among other items, applicant proposes to transport *plastic pipe*. The previous publication listed plastic type. This was in error. The remainder of commodities proposed to be transported were listed correct in the publication of January 3, 1970.

No. MC 123639 (Sub-No. 122 TA), filed December 29, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton

Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock Street, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, except hides and commodities in bulk, from the plantsite of Swift & Co. at Scottsbluff, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and District of Columbia, for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124391 (Sub-No. 4 TA), filed December 24, 1969. Applicant: HUNTINGTON WESTFORD, INC., Westford, N.Y. 13488. Applicant's representative: Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silos and parts and accessories thereof*, from Town of Whitestown (Oneida County) N.Y., to points in Pennsylvania, Connecticut, Massachusetts, and Vermont, return of *returned, refused, excess and damaged merchandise*, for 180 days. Supporting shipper: Madison Silos, Division of Martin Marietta Corp., Judd Road, Oriskany, N.Y. 13424. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y.

No. MC 126305 (Sub-No. 23 TA), filed December 24, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and millwork*, from Tunica, Miss., to Denver, Colo., and Phoenix, Ariz., and from Denver, Colo., to Phoenix Ariz., for 150 days. Supporting shippers: The Mill, Inc., Post Office Box 741, Tunica, Miss. 38676; Mastercraft, Inc., 4881 Ironton Street, Denver, Colo. 80239. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-717; Filed, Jan. 19, 1970; 8:47 a.m.]

[Notice 8]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 15, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 108207 (Sub-No. 281 TA), filed January 2, 1970. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, other than frozen, from Little Rock, Ark., to Cincinnati, Columbus, and Dayton, Ohio, for 180 days. NOTE: Does not intend to tack with existing authority. Supporting shipper: Campbell Taggart Associated Bakeries, Inc., 6211 Lemmon Avenue, Post Office Box 2640, Dallas, Tex. 75221. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 115181 (Sub-No. 16 TA), filed January 2, 1970. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from the Borough of Auburn, Schuylkill County, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and Virginia, for 180 days. Supporting shipper: A "Mark One" Co., Auburn, Pa. 17922. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 115181 (Sub-No. 17 TA), filed January 2, 1970. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid fertilizer in bulk, in tank vehicles), from Hagerstown, Md., to Milton, Northumberland County, Pa., and points within 100 airline miles of the Borough of Milton, Northumberland County, Pa., for 180 days. NOTE: Applicant states it will tack with its sub 5 certificate, as pertains to fertilizer, at Milton, Ohio. Supporting shipper: Central Chemical Corp., Milton, Pa. 17847. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 118159 (Sub-No. 85 TA), filed January 2, 1970. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70113. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages and containers, from Enid, Okla., to points in Delaware, Indiana, Maryland, New Jersey, New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Champlin Petroleum Co., Enid, Okla. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 119531 (Sub-No. 134 TA), filed January 2, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, cleaning and washing products, toilet preparations, and advertising materials and supplies used in connection therewith*, except commodities in bulk, in tank vehicles, from the plant and warehouse sites of The Procter & Gamble Co., and its subsidiaries at Cincinnati, Ohio, and the Cincinnati commercial zone to Detroit, Mich., and the Detroit commercial zone, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. 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 126473 (Sub-No. 11 TA), filed January 2, 1970. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage and transfer facilities utilized by Arco Chemical Co., Division of Atlantic Richfield Co., located in Cerro Gordo County, Iowa, to points in Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Arco Chemical Co., Division, Atlantic Richfield Co., Post Office Box 328, Fort Madison, Iowa 52627. Send protests to: District Supervisor Chas. C. Biggers, Interstate

Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 127361 (Sub-No. 4 TA), filed January 2, 1970. Applicant: FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers and partitions;* and *paper products*, between Portland, Oreg., on the one hand, and, on the other, Longview, Renton, and Seattle, Wash., for 180 days. Supporting shipper: Container Corporation of America, 2800 De La Cruz Boulevard, Santa Clara Calif. 95050. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 133065 (Sub-No. 9 TA), filed December 24, 1969. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Post Office Box 156, Mead, Nebr. 68041. Applicant's representative: Frederick J. Coffman, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forest products and those commodities normally used and distributed by wholesale forest product yards*, from points in Colorado on the west of the Continental Divide; and on the south of U.S. Highway 50; California north of U.S. Highway 40; Washington, Oregon, Idaho, Montana, Arkansas, and Louisiana, to Iowa, Kansas, North Dakota, South Dakota, Ohio, Minnesota, Oklahoma, Michigan, Wisconsin, Indiana, Illinois, Missouri, and Nebraska, and between Lincoln, Nebr., and its commercial zone, on the one hand, and on the other, points in Kansas, Missouri, Colorado, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, and Iowa, for 180 days. Supporting shipper: Mid-West Lumber Co., 301 P Street, Lincoln, Nebr. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133415 (Sub-No. 4 TA), filed December 24, 1969. Applicant: SID PLANAMENTA, doing business as S & R AUTO PARTS DELIVERY SERVICE, 913 McKinley Street, Peekskill, N.Y. 10566. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, supplies, and accessories*, from storage facilities of TRW Replacement Division of TRW, Inc., at Carlstadt, N.J.; to points in New York, N.Y., and the counties of Nassau, Suffolk, and Westchester, N.Y.; *returned shipments* of the *same commodities*, from points in New York, N.Y., and the counties of Nassau, Suffolk, and Westchester, N.Y.; to storage facilities of TRW Replacement Division of TRW, Inc., of Carlstadt, N.J. *Restriction:* Under a continuing contract, or contracts, with TRW Replacement Division of TRW, Inc., of Carlstadt, N.J., for 150 days. Supporting shipper: TRW, Inc., TRW Replacement Division, 8001 East Pleasant Valley Road, Cleveland, Ohio 44131. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y.

No. MC 133515 (Sub-No. 3 TA), filed January 2, 1970. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa 50310. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt, snack dips, ice cream, ice milk, fruit flavored drinks, dairy products, and vegetable fat products*, from Des Moines, Iowa, to Kansas City, Mo., and points in the Kansas City commercial zone, for 150 days. Supporting shipper: Borden, Inc., 2341 Second Avenue, Des Moines, Iowa 50333. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 134165 (Sub-No. 1 TA), filed January 2, 1970. Applicant: P. B. CROWELL and CHARLES E. REED, doing business as CROWELL AND REED, 103 First Avenue South, Franklin, Tenn. 37064. Applicant's representative: Richard D. Gleaves, Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked and/or precooked poultry*, from Shelbyville, Tenn., to all States in the continental United States except to points in Alaska, for 180 days. Supporting shipper: Dixie Home Foods, Post Office Box 8, Shelbyville, Tenn. 37160. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 134244 TA, filed January 2, 1970. Applicant: JAMES H. SHELTON, doing business as SHELTON TRUCKING, Route 1, Lawrenceburg, Ky. 40342. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from New Albany, Ind., to Louisville, Ky., and plantsite of Gro-Green Chemical Co. near Shelbyville, Ky., and from Jeffersonville, Ind., to Lawrenceburg, Ky., for 180 days. Supporting shippers: John Hoekstra, General Manager, North American Fertilizer Co., Louisville, Ky.; Garvice Gibson, Gibson Fertilizer, Route 3; Lawrenceburg, Ky. 40342; Lanban P. Jackson, President, Gro-Green Chemical Co., Inc., Shelbyville, Ky. 40065. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-718; Filed, Jan. 19, 1970; 8:48 a.m.]

[Notice 478-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 14, 1970.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71900. By application filed January 13, 1970, HARRISON TRANSPORT, INC., 221 Terrace Drive, Brandon, Fla. 33511, seeks temporary authority to lease the operating rights of FRANK M. TEACHOUT, doing business as F. & M. TRANSPORTATION, 52d Street and A.C.L.R.R., Post Office Box 5236, Tampa, Fla., under section 210a(b). The transfer to HARRISON TRANSPORT, INC., of the operating rights of FRANK M. TEACHOUT, doing business as F. & M. Transportation, is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-719; Filed, Jan. 19, 1970; 8:48 a.m.]

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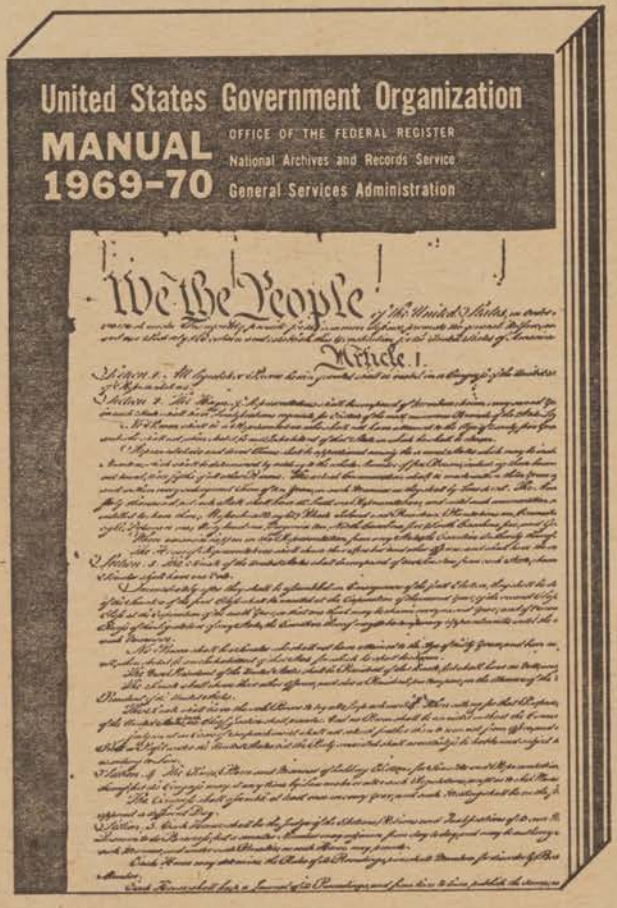

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