Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1969)

Title 7—Agriculture (Parts 900–944) (Revised) $1.50

Title 26—Internal Revenue Part 1 (§§ 1.641–1.850) (Revised) 1.50

Title 35—Panama Canal (Pocket Supplement) .35

[A Cumulative checklist of CFR issuances for 1969 appears in the first issue of the Federal Register each month under Title 1]

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

THE PRESIDENT

PROCLAMATION
Mother’s Day, 1969

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE
Rules and Regulations
Mangos from Central America and West Indies; revision of administrative instructions prescribing method of treatment

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Direct-consumption portion of mainland sugar quota for Puerto Rico; 1969 allotment

AGRICULTURE DEPARTMENT
See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION
Rules and Regulations
Commission seal and flag
Procedure for review of certain nuclear reactors exempt from licensing requirements; contents of applications

COAST GUARD
Notices
Equipment, construction, and materials; termination or approval notice

COMMODITY CREDIT CORPORATION
Rules and Regulations
Hone; price support regulations for 1968 and subsequent crops; Texas flaxseed; 1969 purchase program

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Handling limitations; Grapefruit grown in Indian River District in Florida; Lemons grown in California and Arizona

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Food additives: BHT and BHA; Biquinolate
Human foods; current good manufacturing practice
O,O-diethyl O-2-pyrazinyl phosphorothioate; tolerances
Potassium sodium copper chlorophyllin (chlorophyllin-copper complex); listing for drug and cosmetic use exempt from certification

FEDERAL COMMUNICATIONS COMMISSION
Notices
Hearings, etc.: Certain TV signal specifications
Chronicle Broadcasting Co.
Midwest Radio-Television, Inc.

FEDERAL HOUSING ADMINISTRATION
Rules and Regulations
Miscellaneous amendments to chapter

FEDERAL MARITIME COMMISSION
Notices
Trans-Pacific Freight Conference; notice of agreement filed for approval
Strike surcharges; North Atlantic/Continental trades; order to show cause

FEDERAL POWER COMMISSION
Proposed Rule Making
Procurement competition; order setting oral argument

FISCAL SERVICE
Notices
Superior Insurance Company: termination of authority to qualify as surety on Federal bonds

FOREIGN TRADE ZONES BOARD
Notices
Honolulu, Hawaii; application for contiguous expansion of Foreign-Trade Zone No. 9 (Pier 39); notice of filing and investigation

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration; Social Security Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Housing Administration.

INTERIOR DEPARTMENT
See also Land Management Bureau.

LABOR DEPARTMENT
Proposed Rule Making
Uniform system of accounts for express companies; extension of time for filing comments

Notices
Louisville and Nashville Railroad Co., and Illinois Central Railroad Co.; car distribution
Motor carrier:
Temporary authority applications
Transfer proceedings

LABOR DEPARTMENT
Proposed Rule Making
Certain manpower programs; proposed fiscal safeguards

LAND MANAGEMENT BUREAU
Notices
Nevada; termination of proposed classification

MONETARY OFFICES
Rules and Regulations
Gold regulations; imports of gold coin

(Continued on next page)
List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

3 CFR
   Proclamation: 3910 6961

7 CFR
   66 6963
   319 6963
   815 6964
   910 6965
   912 6965
   1421 6965
   1434 6966

10 CFR
   1 6972
   115 6972

18 CFR
   Proposed Rules: 50 6984
   180 6984

20 CFR
   404 6973

21 CFR
   8 6975
   120 6976
   121 (2 documents) 6976, 6977

   Proposed Rules: 148h 6983

24 CFR
   207 6980
   213 6980
   220 6980
   221 6980
   232 6991
   235 6981
   236 6991
   1000 6982
   1100 6982

29 CFR
   Proposed Rules: 52 6983

31 CFR
   54 6982

41 CFR
   14-2 6982
   14-7 6982

49 CFR
   Proposed Rules: 1203 6984
Title 3—THE PRESIDENT
Proclamation 3910
MOTHER'S DAY, 1969
By the President of the United States of America
A Proclamation

Fifty-five years ago President Woodrow Wilson called upon the American people to display the flag as "a public expression of our love and reverence for the mothers of the country." The United States of America and the world have changed greatly since then, but the desire and need for a public display of love and affection for our mothers has remained.

How has such a day of commemoration survived the changes of taste, of value, of belief that have marked these years? I am convinced that the answer lies in the fact that the essential things never change at all. Mother's Day is set aside not only to publicly demonstrate what we all privately feel about our mothers, but for another purpose: it serves to remind us all that there is, at the heart of things, a sense of mystery and wonder, a dimly-understood but strongly felt feeling of continuity and interdependence which binds all men together and which is most clearly seen in the miracle of motherhood.

Nowhere in the complexity of the modern world are we more forcefully reminded of the power of love against hate, of creation over destruction, of life against death than in the gentle strength, the deep compassion of a mother.

On Mother's Day we demonstrate to our mothers not only love for who they are but reverence for what they represent: the sacredness of human life and the majesty of the ancient principles which enhance it and guide it toward public and private virtue.

A joint resolution of the Congress, approved on May 8, 1914, sets aside the second Sunday of May as the special day to pay tribute to our mothers.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request that Sunday, May 11, 1969, be observed as Mother's Day; and I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on that day.

I call upon the people of the United States to honor the mothers of our country by displaying the flag at their homes or other suitable places and by expressions of love and respect.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

[FR Doc. 69-5103; Filed, Apr. 25, 1969; 12:31 p.m.]
Rules and Regulations

Title 7—Agriculture

Chapter 1—Consumer and Marketing Service (Standards, Inspections, Marketing Practices) Department of Agriculture

PART 68—Regulations and Standards for Inspection and Certification of Certain Agricultural Commodities and Products Thereof

Postponement of Effective Dates

On March 27, 1969, a revision of the regulations (7 CFR Part 68) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), was published in the Federal Register (34 F.R. 5703) to become effective 30 days after publication, except that the provisions deleting references to the inspection of U.S. grain in Canada and testing of wheat for protein content and sedimentation value were to become effective 180 days after publication.

The members of the rice industry requested postponement of the effective dates until after a discussion meeting could be held in New Orleans, La., during the week of May 19. In view of the request it is deemed appropriate to postpone the effective dates of the revision, and under authority contained in sections 203 and 205 of the Act (7 U.S.C. 1622 and 1624), the effective date of the revision is hereby postponed until June 1, 1969, except that the provisions deleting references to the inspection of U.S. grain in Canada and the testing of wheat for protein content and sedimentation value shall become effective 180 days after the date of publication of this notice in the Federal Register.

If it appears after such meeting that further consideration should be given to the merits of the revision, a notice of further rule-making therefor will be published in the Federal Register and interested persons will be afforded opportunity to comment thereon. Otherwise the revision shall become effective as herein provided.

This document shall become effective upon issuance.

Since the purpose of the document is to delay at the request of the affected industry the effective dates of certain amendments which would otherwise take effect on April 28, 1969, it is found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable and good cause is found for making this document effective less than 30 days after its publication in the Federal Register.

Done at Washington, D.C., this 24th day of April 1969.

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

[F.R. Doc. 69-5102; Filed, Apr. 25, 1969; 11:30 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—Foreign Quarantine Notices

Subpart—Fruits and Vegetables

Revision of Administrative Instructions Prescribing Method of Treatment of Mangoes from Central America and the West Indies

Fumigation with ethylene dibromide upon arrival, in accordance with the procedures described in this section, is hereby authorized as a condition—of—entry treatment for mangoes from Central America and the West Indies.

Fumigation with ethylene dibromide shall consist of fumigation in the following manner:

(a) Mangoes treated because of fruit flies of the genus Anastrepha from the countries of West Indies and Central America, except Bermuda, Costa Rica, Nicaragua, and Panama, shall be fumigated with one of the following schedules:

<table>
<thead>
<tr>
<th>Fruit load in</th>
<th>Dosage of EDB in oz.</th>
<th>Temperature in °F</th>
<th>Time in Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5 to 4 oz.</td>
<td>6 oz.</td>
<td>50 to 54°F</td>
<td>4 to 6 hours</td>
</tr>
<tr>
<td>4 to 9 oz.</td>
<td>8 oz.</td>
<td>55 to 59°F</td>
<td>4 to 6 hours</td>
</tr>
<tr>
<td>10 to 15 oz.</td>
<td>10 oz.</td>
<td>60 to 64°F</td>
<td>4 to 6 hours</td>
</tr>
<tr>
<td>16 oz. to 4 lb.</td>
<td>12 oz.</td>
<td>65 to 69°F</td>
<td>4 to 6 hours</td>
</tr>
</tbody>
</table>

1% of chamber capacity.

The temperature shall be that of the fruit. Cubic feet of space shall be that of the unloaded chamber.

(b) Mangoes treated because of fruit flies of the genus Anastrepha and the Mediterranean fruit fly (Ceratitis capitata Wiedemann) from the countries of Bermuda, Costa Rica, Nicaragua, and Panama shall be fumigated with one of the following schedules:

<table>
<thead>
<tr>
<th>Fruit load in</th>
<th>Dosage of EDB in oz.</th>
<th>Temperature in °F</th>
<th>Time in Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5 to 4 oz.</td>
<td>6 oz.</td>
<td>50 to 54°F</td>
<td>10 to 12 hours</td>
</tr>
<tr>
<td>4 to 9 oz.</td>
<td>8 oz.</td>
<td>55 to 59°F</td>
<td>10 to 12 hours</td>
</tr>
<tr>
<td>10 to 15 oz.</td>
<td>10 oz.</td>
<td>60 to 64°F</td>
<td>10 to 12 hours</td>
</tr>
<tr>
<td>16 oz. to 4 lb.</td>
<td>12 oz.</td>
<td>65 to 69°F</td>
<td>10 to 12 hours</td>
</tr>
</tbody>
</table>

1% of chamber capacity.

The temperature shall be that of the fruit. Cubic feet of space shall be that of the unloaded chamber.

(c) Mangoes treated because of fruit flies of the genus Anastrepha from the countries of West Indies and Central America, except Bermuda, Costa Rica, Nicaragua, and Panama, shall be fumigated with one of the following schedules:

<table>
<thead>
<tr>
<th>Fruit load in</th>
<th>Dosage of EDB in oz.</th>
<th>Temperature in °F</th>
<th>Time in Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5 to 4 oz.</td>
<td>6 oz.</td>
<td>50 to 54°F</td>
<td>4 to 6 hours</td>
</tr>
<tr>
<td>4 to 9 oz.</td>
<td>8 oz.</td>
<td>55 to 59°F</td>
<td>4 to 6 hours</td>
</tr>
<tr>
<td>10 to 15 oz.</td>
<td>10 oz.</td>
<td>60 to 64°F</td>
<td>4 to 6 hours</td>
</tr>
<tr>
<td>16 oz. to 4 lb.</td>
<td>12 oz.</td>
<td>65 to 69°F</td>
<td>4 to 6 hours</td>
</tr>
</tbody>
</table>

1% of chamber capacity.

The temperature shall be that of the fruit. Cubic feet of space shall be that of the unloaded chamber.

(d) Mangoes treated because of fruit flies of the genus Anastrepha and the Mediterranean fruit fly (Ceratitis capitata Wiedemann) from the countries of Bermuda, Costa Rica, Nicaragua, and Panama shall be fumigated with one of the following schedules:

<table>
<thead>
<tr>
<th>Fruit load in</th>
<th>Dosage of EDB in oz.</th>
<th>Temperature in °F</th>
<th>Time in Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5 to 4 oz.</td>
<td>6 oz.</td>
<td>50 to 54°F</td>
<td>10 to 12 hours</td>
</tr>
<tr>
<td>4 to 9 oz.</td>
<td>8 oz.</td>
<td>55 to 59°F</td>
<td>10 to 12 hours</td>
</tr>
<tr>
<td>10 to 15 oz.</td>
<td>10 oz.</td>
<td>60 to 64°F</td>
<td>10 to 12 hours</td>
</tr>
<tr>
<td>16 oz. to 4 lb.</td>
<td>12 oz.</td>
<td>65 to 69°F</td>
<td>10 to 12 hours</td>
</tr>
</tbody>
</table>

1% of chamber capacity.

The temperature shall be that of the fruit. Cubic feet of space shall be that of the unloaded chamber.

(Federal Register, Vol. 34, No. 80—Saturday, April 26, 1969)
RULES AND REGULATIONS

Done at Hyattsville, Md., this 23rd day of April 1969.

[SSAL] F. A. JOHNSTON, Director, Plant Quarantine Division.

[FR Doc. 69-8007; Filed, Apr. 25, 1969; 8:48 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Regulation 815.10, Amdt. 1]

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

1969

Basis and purpose. This amendment is issued under section 206(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act") for the purpose of amending Sugar Regulation 815.10 (34 F.R. 425), which establishes allotments of the direct-consumption portion of the 1969 mainland quota for Puerto Rico.

This amendment of S.R. 815.10 is necessary (1) to substitute in the allotment formula final 1968 data on entries of direct-consumption sugar for estimates of such quantities, (2) to give effect to the direct-consumption portion of the 1969 mainland quota for Puerto Rico amounting to 162,006 short tons, raw value, as established in S.R. 811, Amendment 3 (34 F.R. 6469) for 1969 and (3) to allot the entire direct-consumption portion of the 1969 quota.

Previous 1969 allotments were limited to 90 percent of the direct-consumption portion of the quota in effect on January 1, 1969.

The substitution of final data for estimates of 1968 direct-consumption entries in finding (7) results in the 1964–68 average annual marketings and 1964–68 highest annual marketings as follows, which are used herein in determining the allotments:

<table>
<thead>
<tr>
<th>Procedure or refiner</th>
<th>Average annual marketings 1964–68</th>
<th>Highest annual marketings 1964–68</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Short tons raw value</td>
<td>Percent of total</td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td>Central Aguila Sugar Co., a trust</td>
<td>6,222</td>
<td>4.9660</td>
</tr>
<tr>
<td>Central Belt Refining Co.</td>
<td>26,781</td>
<td>22.0621</td>
</tr>
<tr>
<td>Central San Francisco</td>
<td>1,000</td>
<td>0.0836</td>
</tr>
<tr>
<td>Puerto Rican American Sugar Refinery, Inc.</td>
<td>102,201</td>
<td>85.7500</td>
</tr>
<tr>
<td>Western Sugar Refining Co., Inc.</td>
<td>25,848</td>
<td>20.6441</td>
</tr>
<tr>
<td>Total</td>
<td>154,301</td>
<td>100.0000</td>
</tr>
</tbody>
</table>

Findings heretofore made by the Secretary in the course of this proceeding (34 F.R. 425) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

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

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 206(a) of the Act, and in accordance with paragraph (e) of § 815.10 of this chapter, it is hereby ordered that paragraph (a) of § 815.10 be amended to read as follows:

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

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

Direct-consumption allotment

<table>
<thead>
<tr>
<th>Allottee</th>
<th>Short tons raw value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Aguila Sugar Co., a trust</td>
<td>6,222</td>
</tr>
<tr>
<td>Central Belt Refining Co.</td>
<td>26,781</td>
</tr>
<tr>
<td>Central San Francisco</td>
<td>1,000</td>
</tr>
<tr>
<td>Puerto Rican American Sugar Refinery, Inc.</td>
<td>102,201</td>
</tr>
<tr>
<td>Western Sugar Refining Co., Inc.</td>
<td>25,848</td>
</tr>
<tr>
<td>Total</td>
<td>154,301</td>
</tr>
</tbody>
</table>

Liquid sugar reserve for persons other than named above:

<table>
<thead>
<tr>
<th>Allottee</th>
<th>Short tons raw value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Aguila Sugar Co., a trust</td>
<td>6,222</td>
</tr>
<tr>
<td>Central Belt Refining Co.</td>
<td>26,781</td>
</tr>
<tr>
<td>Central San Francisco</td>
<td>1,000</td>
</tr>
<tr>
<td>Puerto Rican American Sugar Refinery, Inc.</td>
<td>102,201</td>
</tr>
<tr>
<td>Western Sugar Refining Co., Inc.</td>
<td>25,848</td>
</tr>
<tr>
<td>Total</td>
<td>162,000</td>
</tr>
</tbody>
</table>

Effective date: Allotments established in this order for all allottees are larger than the allotments established in S.R. 815.10 (34 F.R. 425). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement in 5 U.S.C. 553 is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the Federal Register.

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

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

[FR Doc. 69-5008; Filed, Apr. 25, 1969; 8:48 a.m.]
PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.671 Lemon Regulation 371.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon Administrative Committee, established under the said amended marketing agreement and order and upon other available information, it is hereby fixed that the limitation of handling such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) Order. (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period April 26, 1969 through May 4, 1969, is hereby fixed at 185,000 standard packed boxes.

(c) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.362 Grapefruit Regulation 62.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the 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 Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby fixed that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 27, 1969, through May 3, 1969, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 237,150 cartons;
(iii) District 3: Unlimited movement.

(ii) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

Dated: April 24, 1969.

Paul A. Nicholson,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

F.R. Doc. 69-5049; Filed, Apr. 25, 1969; 8:48 a.m.

[Grapefruit Reg. 62]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Texas Flaxseed Purchase Program

PURCHASE PRICE, PREMIUMS, AND DISCOUNTS

A special purchase program has been authorized for 1969 crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1969 program and together with the provisions contained in CCC Texas Flaxseed Bulletin (26 F.R. 3979, 29 F.R. 6245) constitutes the 1969 Texas Flaxseed Purchase Program.

§ 1421.3101 Purchase prices, premiums, and discounts.

(a) 1969 county purchase prices. Basic purchase prices per bushel of eligible flaxseed of the 1969 crop which is produced in the counties listed below and which is delivered to authorized dealers under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. The basic purchase prices for
flaxseed grading No. 1 and containing from 9.1 to 9.5 percent moisture are as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Rate per bushel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atascosa</td>
<td>$2.61</td>
</tr>
<tr>
<td>Bee</td>
<td>$2.70</td>
</tr>
<tr>
<td>Bell</td>
<td>$2.69</td>
</tr>
<tr>
<td>Calhoun</td>
<td>$2.68</td>
</tr>
<tr>
<td>Caldwell</td>
<td>$2.68</td>
</tr>
<tr>
<td>Calhoun</td>
<td>$2.69</td>
</tr>
<tr>
<td>Bee</td>
<td>$2.69</td>
</tr>
<tr>
<td>Calhoun</td>
<td>$2.68</td>
</tr>
<tr>
<td>Caldwell</td>
<td>$2.68</td>
</tr>
<tr>
<td>Bee</td>
<td>$2.69</td>
</tr>
<tr>
<td>Calhoun</td>
<td>$2.68</td>
</tr>
<tr>
<td>Caldwell</td>
<td>$2.68</td>
</tr>
<tr>
<td>Bee</td>
<td>$2.69</td>
</tr>
<tr>
<td>Calhoun</td>
<td>$2.68</td>
</tr>
<tr>
<td>Caldwell</td>
<td>$2.68</td>
</tr>
</tbody>
</table>

1 Plus 1 cent for each 1/8 percent of moisture in excess of 11.0 percent.

**PART 1434—HONEY**

Subpart—Honey Price Support Regulations for 1968 and Subsequent Crops

The regulations issued by the Commodity Credit Corporation, published in 33 F.R. 5203, 5656, 11705, and 34 F.R. 246, and containing the honey price support regulations for 1968 and subsequent crops are hereby revised to incorporate amendments 1 through 3 and are amended to permit heirs of decedent producers to continue or obtain price support on their decedent’s production on meeting specified conditions, to permit lienholders to continue liens on honey under loan on execution of a subordination agreement, to change the lot sampled, and to correct a minor typographical error.

### Table of Honey Prices

<table>
<thead>
<tr>
<th>Grade</th>
<th>Price (per pound)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-9.4</td>
<td>$2.50</td>
</tr>
<tr>
<td>9.5-10</td>
<td>$2.54</td>
</tr>
<tr>
<td>10.1-10.5</td>
<td>$2.62</td>
</tr>
<tr>
<td>10.6-11.0</td>
<td>$2.67</td>
</tr>
<tr>
<td>11.1-11.5</td>
<td>$2.70</td>
</tr>
<tr>
<td>Above 11.6</td>
<td>$2.73</td>
</tr>
</tbody>
</table>

§ 1434.1 General statement.

This subpart contains the regulations which set forth the requirements with respect to price support for the 1968 and each subsequent crop of extracted honey for which a price support program is authorized. Price support on honey will be evidenced by notes and secured by chattel mortgages. Cooperative (warehouse) storage loans will be evidenced by notes and security agreements and secured by the pledge of warehouse receipts representing eligible honey in approved warehouse storage. The producer may also sell to CCC any or all of his eligible honey which is not security for a price support loan by delivering the honey to CCC. As used in this subpart “CCC” means the Commodity Credit Corporation and “ASCS” means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1434.2 Administration.

(a) Responsibility. The Farmer Programs Division, ASCS, will administer this subpart under the direction and supervision of the Deputy Administrator, State and County Operations, in accordance with program provisions and procedures, and within the limits of funds, and cost assumption, to require execution of a Purchase Agreement form to be eligible to sell honey to CCC, and to make other minor changes.

(c) Limitation of authority. The authority conferred by this subpart to administer the honey price support program does not include authority to modify or waive any of the provisions of this subpart.

(d) State committee. The State committee may take any action which is authorized or required by this subpart to be taken by the county committee but which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action which was taken by such county committee but which is not in accordance with this subpart or (2) require a county committee to withhold any action which is not in accordance with this subpart.

(e) Executive Vice President, CCC. No delegation of authority herein shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under this subpart or...
§ 1434.3 Eligible producers.

(a) Producer. An eligible producer shall be a person (i.e., an individual, partnership, association, corporation, estate, trust, or other legal entity) who extracts honey produced by bees owned by him or a successor or assigns.

(b) Estates and trusts. A receiver or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and a trustee of a trust estate will be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiary of a trust respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person represented.

(c) Loan or purchase documents. Loan or purchase documents executed by such legal representative will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(d) Minors. A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) a minor's right to property has been conferred on him by court proceedings or statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is signed by a financially responsible person; or (4) a bond is furnished under which a surety guarantees the minor's ability to fulfill any obligations incurred for which the minor would be liable had he been an adult.

(e) Approved cooperative. A cooperative marketing association which is approved by the appropriate Vice President of CCC, pursuant to Part 1425 of this chapter, to obtain price support on a crop of extracted honey, may obtain price support on eligible prices of such honey on a commodity basis only if such cooperative has a marketing association which describes the identity, quantity, and quality of the honey as required by State law. A cooperative marketing association which describes the identity, quality, ownership, and location of the honey placed under loan. The cost of filing and recording shall be for the account of CCC.

§ 1434.4 Eligibility requirements.

(a) Beneficial interest. To be eligible for price support, the beneficial interest in the honey must be in the producer who is entered on a claim file or record as required by State law. The beneficial interest of the producer, the producer's representative, and the producer's繼承人 shall be for the account of CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(b) Restrictive notes. A producer shall not delegate to any person (or his representative) who has any interest in storing, processing, or merchandising honey authority to exercise the producer's rights or privileges under this program or any loan agreement or other instrument executed in obtaining price support, price support payments, or loan payments, except that such authority may be exercised by a successor or assign of a producer who is the successor or assign of such person. Each such successor or assign shall be required to execute a restrictive note which describes the identity, quantity, ownership, and location of the honey produced by such person. The cost of filing and recording shall be for the account of CCC.

§ 1434.6 Availability, disbursement, and maturity of loans.

(a) Where to request price support. A producer shall request price support at the local ASCS county office of the county in which the honey is stored. An approved cooperative marketing association must request price support at the ASCS county office for the county in which the principal office of the cooperative is located unless the State committee designates some other ASCS county office. In the case of an approved cooperative marketing association having operations in two or more States, requests may be made at the county office for the county in which the principal office for each such State is located.

(b) Availability and maturity date. The availability and maturity date applicable to loans and purchases will be specified in the annual crop year supplement to the regulations in this subpart, except that whenever the final date of availability or the maturity date falls on a nonworkday for ASCS county offices, the applicable final date shall be extended to include the next work day.
(c) Disbursement of loans. Disbursement of loans will be made to producers by means of drafts drawn on CCC or by credit to the producer’s account. The producer shall not present the loan document for disbursement unless the honey covered by the mortgage or pledge has been extracted and is in approved storage. If the honey was not either in existence or extracted at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1434.7 Eligible honey.

Honey must meet the requirements of this section in addition to other applicable requirements of this subpart and the annual applicable supplement thereto in order to be eligible for a loan or for delivery under a loan or purchase. Honey described in § 1434.8 is not eligible.

(a) Production. The honey must have been produced and extracted in the United States by an eligible producer during the calendar year for which price support is requested.

(b) Floral source. Honey from the floral sources listed below and honey having similar flavor shall be eligible for price support regardless of whether it meets other eligibility requirements.

1. Table honey. Table honey means honey having a good flavor of the predominant floral source which can be readily manufactured for table use in all parts of the country. Such sources include Alfalfa, Bird’s-foot Trefoil, Blackberry, Brazil Bush, Catesclaw, Clover, Cotton, Fireweed, Gallberry, Huesillo, Lino Bean, Orange, Orange Berry, Sage, Saw Palmetto, Soybean, Sourwood, Star Thistle, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, Wild Alalfa, and similar mild flavors, or blends of mild flavored honeys, as determined by the Director, Farmer Programs Division, ASCS.

2. Nontable honey. Nontable honey means honey having a predominant flavor of limon or clover for table use in all parts of the country but which may be considered suitable for table use in areas in which it is produced. Such honeys include those with a predominant flavor of Aster, Buckwheat (except Western Wild Buckwheat), Cabbage Palmetto, Dandelion, Eucalyptus, Goldenrod, HeartsEase (Sweetweed), Horsemint, Mangrove, Manzanita, Mint, Partridge Pea, Rattan Vine, Safflower, Salt Cedar (Tamarix Gallica), Spanish Needle, Spikeweed, Titl-Toyon (Christmas Berry), Tullip-Toplar, Willow and similar flavored honey or blends of such honeys, as determined by the Director, Farmer Programs Division, ASCS.

(e) Containers. The honey must be packed in metal containers of a capacity of not less than 5 gallons or greater than 70 gallons and of a style used in normal commercial practice in the honey industry.

1. Five-gallon. The 5-gallon containers must contain approximately 60 pounds of honey and shall be new, clean, sound, uncased, and free from appreciable dents and rust. The handle of each container must be firm and strong enough to permit carrying the filled can. The cover and opening must not be damaged in any way that will prevent a tight seal. Cans which are punctured or have been punctured and resealed by soldering will not be acceptable.

2. Steel drums. Such containers must be open-end type, filled to their rated capacities and be new, or used drums which have been reconditioned inside and outside. They must be clean, treated to prevent rusting and fitted with gaskets which provide a tight seal.

§ 1434.8 Ineligible honey.

(a) Floral source. Honey from the following floral sources is not eligible for price support regardless of whether it meets other eligibility requirements:

Andromeda, Athel, Bitterweed, Broomweed, Cajeput, Carrot, Chinquapin, Dog Fennel, Desert Holly Hook, Gumweed, Mescal, Onion, Prickly Pear, Prunes, Queen’s Delight, Rabbit Brush, Snowbush (Ceanothus), Snow-on-the-Mountain, Tarweed, and similar flavored honey or blends of honey as determined by the Director, Farmer Programs Division, ASCS. If any blends of such honey contain such ineligible honey, the entire blend shall be considered ineligible for loan or delivery for purchase.

(b) Contamination or poisonous substances. Honey which is contaminated or contains chemicals or other substances poisonous to man or animals is not eligible for price support.

(c) Containers. Honey packed in steel drums which have removable liners of polyethylene, or other materials is not eligible for price support regardless of whether it meets other eligibility requirements.

§ 1434.9 Approved storage.

(a) Loans. Loans will be made only on honey in approved farm storage or approved cooperative storage as defined in this section.

1. Farm storage. Approved farm storage shall consist of a storage structure located on or off the farm (excluding public or commercial warehouses) which is determined by the county committee to be under the control of the producer and to afford safe storage for honey. Producers may also obtain loans on honey stored on leased space in facilities owned by third parties in which the honey of more than one person is stored segregated so as to preserve the identity of the honey securing each loan. Honey securing a loan must also be segregated from any nonloan honey in the same structure.

(b) Segregation of loan collateral. If the honey in a storage structure secures more than one loan, the honey must be segregated so as to preserve the identity of the honey securing each loan. Honey securing a loan must also be segregated from any nonloan honey in the same structure.

Purchase, Purchases will be made by CCC without regard to whether the honey is in approved storage.

§ 1434.10 Warehouse receipts.

(a) General. Warehouse receipts tendered to CCC under this program must meet the requirements of the regulations in this subpart and Part 108 of this chapter.

(b) Manner of issuance and endorsement. Warehouse receipts must be issued in the name of the approved cooperative marketing association. The receipts must be properly endorsed in the name of the person having an interest in the honey and presented to CCC-864 before a loan is made. The lease or warehouse receipt is issued to the producer as owner thereof. A copy of the lease or warehouse receipt shall be obtained and evidenced by CCC before a loan is made. A lien on the warehouse receipt or lease shall authorize the producer and any subordinates his security interest to the rights of CCC in the honey subject to the foreclosure of the producer’s lien thereon.

§ 1434.11 Applicable forms.

The forms for use in connection with this program shall be as follows: Form CCC-614, Purchase Agreement; Form CCC-677, Farm Storage Note, Chattel Mortgage, and Security Agreement; Form CCC-678, Warehouse Storage Note and Security Agreement; Form CCC-679, Lien Waiver; Form CCC-681, Authorization for Removal of Farm Stored Collateral; Form CCC-687-1, Approval to Move Loan Collateral; Form CCC-691, Commodity Delivery Notice; Form CCC-692, Settlement Statement; Form CCC-693, Price Support Settlement Intention (Farm Storage); Form CCC-694, Price Support Settlement Intention (Warehouse Storage); and Form CCC-828, List Furnished to Cooperative Associations; and such other forms as may be prescribed by CCC. These forms may be obtained in ASCS State and county offices.

§ 1434.12 Liens.

If there are any liens or encumbrances on the honey, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on honey tendered as security for a loan, a lienholder may execute a Lienholder’s Subordination Agreement (Form CCC-864) with CCC in which he subordinates his security interest to the rights of CCC in the honey subject to the

FEDERAL REGISTER, VOL. 34, NO. 80—SATURDAY, APRIL 26, 1969
§ 1434.13 Fees and charges.
(a) Loan service fee. A producer shall pay a loan service fee of $4 for each farm storage loan disbursed. An approved cooperative marketing association shall pay a loan service fee of $2 for each cooperative storage loan disbursed. The loan service fee is nonrefundable.

(b) Delivery charge. A delivery charge of 1 cent per hundredweight, in addition to any loan service fee, shall be paid by the producer as a drying equipment and inspection fee on the quantity of honey acquired by CCC under the loan or purchase.

§ 1434.14 Setoffs.
(a) Facility and drying equipment loans. If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are payable under the provisions of the note or mortgage evidencing such loan out of any amount due the producer under these regulations, the amount due the producer, after deduction of applicable fees and charges and amount due prior lienholders, shall be applied to such installment(s).

(b) Producers listed on claims control record. If a producer is indebted to CCC or to any other agency of the United States to the extent of its interest, after first satisfying the justness of its interest in the honey involved in the loss, and amounts due prior lienholders, the extent of the loss shall be determined as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(c) Producer's right. Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the loss as determined in the setoff action by either administrative appeal or by legal action.

§ 1434.15 Determination of quantity.
(a) For loan purposes. The estimated quantity of honey placed under loan shall be determined as provided in § 1434.22. The estimate shall be made on the basis of 12 pounds for each gallon of rated capacity of the container.

(b) At time of acquisition—(1) Farm storage. The quantity of honey acquired by CCC on delivery in liquidation of a loan or purchase for purchase shall be determined by weighing the honey delivered under the direction of the State committee. The quantity of honey acquired in 5-gallon cans shall be determined by using a tare weight of 2.5 pounds for each can. The quantity of honey acquired in 55-gallon drums shall be determined by using a tare weight of 53 pounds for each drum unless the producer can furnish evidence of a lesser tare weight.

(2) Cooperative storage. The quantity of honey acquired by CCC in approved cooperative storage in liquidation of a loan or delivery for purchase shall be the net weight of the honey as declared and certified on the ware receipt pledged to CCC or representing honey offered to CCC for purchase.

§ 1434.16 Determination of quality.
(a) Quality for loan—(1) Farm storage. Loans on farm stored honey will be settled on the basis of the color, class (table or nontable), and the age of the honey as declared and certified by the producer or the Farm Storage Work Sheet at the time the honey is placed under loan.

(2) Cooperative storage. Loans on cooperative stored honey will be made on the basis of (i) the class and (ii) the color categories stated on the Extracted Honey Inspection and Weight Certificate accompanying the warehouse receipt representing such honey.

(b) Samplings for delivery. When honey is delivered to CCC, its quality and color shall be determined by the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, CCM, by the use of the standards for Grades of Extracted Honey provided in this subpart, after segregation by color and floral source and color of the honey as declared and certified by the producer.

§ 1434.18 Transfer of producer's interest prohibited.

The producer shall not transfer either his remaining interest in or his right to redeem honey mortgaged as security for a loan, nor shall anyone acquire such interest or right. Subject to the provisions of § 1434.23, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the honey must obtain written prior approval of the county office on a form prescribed by CCC to remove the honey from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers or prospective purchasers at the ASCS county office.

§ 1434.19 Insurance.

CCC will not require the producer to insure the honey placed under a farm stored loan; however, if the producer insures such honey and an indemnity is paid thereon, such indemnity shall move to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the honey involved in the loss.

§ 1434.20 Loss or damage.

The producer is responsible for any loss in quantity or quality and loss due to change in color of the honey placed under loan. Notwithstanding the foregoing, any such loss arising solely from a physical injury to the honey occurring after delivery, and any such loss arising solely from a physical injury to the storage structure or drying equipment are. The loss occurred to the producer shall be payable under the provisions of the note or mortgage evidencing such loan out of any amount due the producer under the provisions of the note or mortgage evidencing such loan out of any amount due the producer under these regulations, the amount due the producer, after deduction of applicable fees and charges and amount due prior lienholders, shall be applied to such installment(s).

(c) Segregation by color. Table honey shall, insofar as is practicable, be segregated into lots by color to conform with the color categories stated in the crop year supplement. If a lot of honey is not segregated so that it can be certified as one color in accordance with the U.S. Standards for Grades of Extracted Honey, the color category of the lot of honey shall be the next lighter color.

(d) Segregation by classes. If the honey is not segregated so that it can be certified in terms of class, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

(e) Blends. In the case of blends of table and nontable hones, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

§ 1434.17 Interest rate.

Loans shall bear interest at the rate announced in a separate notice published in the Federal Register.
If a producer has made any such fraudulent representation or unlawful disposition, the loan shall become payable upon demand and the producer shall be personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amount paid to the producer in connection with the honey, for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts. If a producer has made such fraudulent representation or any unlawful disposition, the amount for which he shall be credited will be the market value of the honey as determined by CCC on the date of delivery to or removal from storage by CCC, or the sales price if the honey is sold by CCC in order to determine its market value. If the unlawful disposition of loan collateral is determined by CCC not to have been willful conversion, the value of the honey or part thereof delivered to CCC or removed from the share shall be the same as the settlement value for eligible honey acquired by CCC as provided in this subpart.

§ 1434.22 Quantity for loan.

(a) Farm storage. Loans shall be made on not more than 90 percent (hereinafter called "loan percentage") of the estimated eligible quantity of honey stored in an approved farm storage to be covered by the chattel mortgage. The State committee may establish a lower loan percentage on a statewide basis or for specified areas within the State in establishing a loan percentage lower than the maximum loan percentage, the State committee shall consider the following factors: (1) General crop conditions peculiar to an area or State, and (2) climatic conditions affecting storability. A new loan percentage shall apply only to new loans and not to loans already made. The loan percentage established by the county committee may be lowered by the county committee on an individual producer basis when determined to be necessary in order to provide CCC with adequate protection factors to be considered by the county committee are: (1) Condition or suitability of the storage structure, (2) condition of the honey, (3) hazardous location of the storage structure, such as a location which exposes the structure to danger of hazards of flood, fire, and theft (when the percentage is lowered for one or more of these factors), (4) county committee, after considering the requirements of the local market, shall be the same as the settlement value for eligible honey acquired by CCC as provided in this subpart.

(b) Contamination or poisonous substances. A producer shall be personally liable for any damages resulting from delivery to CCC of contaminated honey or honey containing chemicals or other substances poisonous to man or animals.

(c) Joint loans. In the case of joint loans, the market value of the amounts specified in this section shall be joint and several on the part of each producer signing the note.

§ 1434.23 Release of the honey under loan.

(a) Obtaining release—farm storage. A producer shall not remove honey covered by a chattel mortgage until he has received prior approval in writing from the county committee. A producer may, at any time, obtain release of all or part of the honey remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the honey released plus interest. When the proceeds of a sale of honey are needed to repay all or part of the loan, see § 1434.18.

(b) Release of chattel mortgage. The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county office manager shall release the chattel mortgage.

(c) Obtaining release—cooperative storage. A cooperative may arrange with the county office for release of all or part of the honey under a cooperative storage loan on or prior to maturity by repayment of the amount of the loan with respect to the quantity of the honey to be released plus interest. Each partial release must cover all of the honey represented by one warehouse receipt.
§ 1434.25 Purchases from producers.

(a) Quantity eligible for purchase. An eligible producer may sell to CCC any or all of his eligible honey which is not mortgaged to CCC under a loan: Provided, That he may, on request of a producer to the county office prior to the maturity date a Purchase Agreement (Form CCC-614) indicating the approximate quantity of honey he will sell to CCC. The producer is not obligated, however, to complete the sale by delivery of any quantity of his honey to CCC. Delivery points for honey under purchase shall be limited to those approved by the Commodity Office.

(b) Delivery period. The producer desiring to complete the sale of any quantity of honey subject to a purchase agreement must make delivery of the honey within the period of time, after the honey price support loan maturity date shown in the applicable crop supplement, specified in delivery instructions issued by the county office shall be made to the location specified in such instructions. Notwithstanding any other provisions of this § 1434.25, in the case of eligible honey not under loan, the county committee may, on request of a producer, purchase and accept delivery of such eligible honey prior to loan maturity date. In the event of such purchase and delivery, the settlement value of the honey shall be determined as provided in paragraph (e) of § 1434.24.

§ 1434.26 Settlement.

(a) General. Except as provided in §§ 1434.20 and 1434.21 and paragraph (b) of this section, settlement with the producer for eligible honey acquired by CCC under loan or purchase will be made on the basis of the quantity, class, quality, and color of such honey as provided in this section and other applicable provisions of this subpart. The settlement value shall be based on the support rate for the class, grade, quality, and color times the quantity acquired at the time of settlement adjusted by the discounts contained in the crop supplement rate per pound of honey at which settlement will be made shall be the rate for the State where the producer obtained price support.

(b) Ineligible honey inadvertently accepted by CCC. If ineligible honey is inadvertently accepted by CCC, the settlement value shall be the market value as of the date he executes and delivers to CCC. The provisions of § 1434.21 shall be applicable to settlement on ineligible honey where there has been a fraudulent representation on the part of the producer.

(c) Payments of amount due producer. If the settlement value of the honey delivered exceeds the amount due on the loan (excluding interest), such amount shall be paid to the producer. Any payment due the producer on either a loan or purchase will be made by draft drawn on CCC by the county office.

(d) Payment deficiency by producer. If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of any deficiency plus interest thereon shall be paid to CCC. If the amount paid, plus any adjustment to addition to its other rights, satisfy the amount of such deficiency plus interest out of any payment which would otherwise be due the producer, CCC may, in lieu of such adjustment, make payment to the producer under a loan or purchase agreement with the Commodity Office.

(e) Storage where CCC is unable to take delivery. A producer may be required to retain the honey under loan or for sale to CCC for 60 days after the loan maturity date without any cost to CCC. However, if CCC is unable to take delivery of the honey within the 60-day period after the loan maturity date, the producer shall be paid a storage payment upon delivery of the honey to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after such maturity date and shall continue until the earlier of: (1) The final date of delivery, or (2) the final date for delivery as specified in the delivery instructions issued to the producer by the county office, which date shall be on or after the last day of the 60-day period.

§ 1434.27 Foreclosure.

(a) Removal from storage. If the loan indebtedness (i.e., the unpaid amount of the note, interest, and charges) is not satisfied upon maturity of the note, CCC may remove the honey from storage, and assign, transfer, and deliver the honey or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine, at public or private sale. Any such disposition may similarly be effected without the proceeds of the public sale and CCC may remove the honey from storage. The honey may be processed before sale. CCC may become the purchaser of the whole or any part of the honey hereunder at either a public or private sale.

(b) When CCC takes title to honey. Upon maturity and nonpayment of the producer's note, at CCC's election, title to all or any part of the unredeemed honey acquired by CCC may be assigned, transferred, and delivered to the principal amount of the loan, plus interest and charges if the collateral honey is sold to third persons as provided in paragraph (a) of this section instead of full title to such collateral honey being acquired by CCC as provided in paragraph (b) of this section.

(d) Honey sold at less than amount due on loan. If honey is removed from storage by CCC and is sold pursuant to paragraph (a) of this section at less than the amount due on the loan (excluding interest), the producer shall pay CCC the amount by which the settlement value of the honey removed by CCC is less than the amount of the loan, plus interest on the amount of such deficiency. The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

§ 1434.28 Charges not to be assumed by CCC.

CCC will not assume any charges for insurance, storage, or handling or processing.

§ 1434.29 Handling payments and collateral not excessive.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1434.30 Death, incompetency, or disappearance.

In the case of the death, incompetency, or disappearance of any person who is entitled to the payment of any sum under a loan or purchase, payment of such sum upon proper application to the office of the county committee which made the loan shall be made to the person who would be entitled to such producer's payment under the regulations contained in Chapter VII, Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture, of this title (Payments of Amounts Due Persons Who Have Died, Disappeared or Have Been Declared Incompetent).

§ 1434.31 ASCS Commodity Office and Data Processing Center.

The Minneapolis ASCS Commodity Office serves all States for honey. Accounting, recording, and related activities for all States will be handled through the Data Processing Center, Post Office Box 205, Kansas City, Mo. 64141.

Effective date: Upon publication in the Federal Register.

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

KENNETH E. FRIED, Executive Vice President, Commodity Credit Corporation.

[FR Doc. 69-4990; Filed, Apr. 25, 1969; 8:46 a.m.]
The Official Seal is illustrated in § 1.266.

§ 1.261 Custody of the AEC seal.

The Secretary shall be responsible for custody of the AEC impression seals and of replica (plaque) seals.

§ 1.262 Use of the AEC seal, or replicas thereof.

(a) The use of the AEC seal or replica thereof is restricted to the following:

(1) AEC letterhead stationery.

(2) AEC award certificates and medals.

(3) Security credentials and employee identification cards.

(4) AEC documents. These documents include, without limitation, agreements with States, interagency or intergovernmental agreements, foreign patent applications, certifications, special reports to the President and Congress and, at the discretion of the Secretary, other documents as he finds appropriate.

(b) The AEC flag (which incorporates the design of the seal).

(7) Official films prepared by or for the Commission, which the Director, Division of Public Information or his designee determines warrant such identification.

(8) Official AEC publications which represent the achievements or mission of AEC as a whole or which are sponsored by AEC and other Government departments or agencies.

(9) Such other uses as the Secretary or his designee finds appropriate.

(c) Any person who uses the official AEC seal in a manner other than as permitted by this section is prohibited.

(d) Any use of the AEC seal or replicas thereof other than as permitted by this section is prohibited.

§ 1.263 Establishment of the official AEC flag.

The official AEC flag is based on the design of the seal and was designed by the Heraldry Branch of the Office of the Quartermaster General in April 1957. The AEC flag is 4 feet 2 inches by 5 feet 6 inches in size with a 38-inch diameter AEC seal incorporated in the center of a white field and with a yellow fringe. (Reference: Army QMOC Dwg. 5-1-330, Nov. 28, 1956.)

§ 1.264 Use of the AEC flag.

(a) The use of the AEC flag is restricted to the following:

(1) On or in front of AEC installation buildings.

(b) At AEC ceremonies.

(3) At conferences involving official AEC participation (including permanent display in AEC conference rooms).

At governmental or public appearances of AEC executives.

In private offices of senior officials.

As otherwise authorized by the Secretary.

The AEC flag must always be displayed with the U.S. flag. When the U.S. flag and the AEC flag are displayed on a speaker's platform in an auditorium, the U.S. flag must occupy the position of honor and be placed at the AEC representative's right as he faces the audience and the AEC flag must be placed at his left.

§ 1.265 Compliance and enforcement.

In order to insure adherence to the authorized uses of the AEC seal and flag as provided herein, a report of each suspected violation of this part or questionable use of the AEC seal or flag should be submitted to the Secretary.

§ 1.266 Illustration of the AEC seal.

Dated at Washington, D.C., this 23d day of April 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69-4992: Filed, Apr. 25, 1969; 8:45 a.m.]

PART 115—PROCEDURE FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Contents of Applications

On April 3, 1969, F.R. Doc. 69-3852 was published in the Federal Register (34 F.R. 6093). Among other things, the Atomic Energy Commission's regulation 10 CFR Part 115. In paragraph 6 of the amendments, the section being amended by deletion of paragraph (e) was erroneously referred to as 115.33 rather than § 115.32. Accordingly, the text of paragraphs 6 and 7 in F.R. Doc. 69-3852 is amended to read as follows:

§ 115.22 [Amended]

6. Paragraph (e) of § 115.32 is deleted.

7. A new paragraph (j) is added to § 115.23 to read as follows:

§ 115.23 Contents of applications: technical information safety analysis report.

Each application shall state the following technical information:

(j) The technical qualifications of the applicant to engage in the proposed activities.

(Sec. 161, 88 Stat. 948; 42 U.S.C. 2201)
Title 20—EMPLOYEES’ BENEFITS

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

[Regs. No. 4, further amended]

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

Subpart J—Procedures, Payment of Benefits, and Disqualification of Representatives

On January 7, 1969, there was published in the Federal Register (34 F.R. 207) a notice of proposed rule making with proposed amendments to the Federal Old-Age, Survivors, and Disability Insurance regulations relating to the procedures concerning the suspension or disqualification of individuals from acting as representatives of claimants in proceedings before the Social Security Administration. Interested persons were given the opportunity to submit written comments, views, or objections with regard to the proposed regulations. No comments or objections have been received and the proposed regulations are hereby adopted without significant change and are set forth below.


Effective date. These regulations shall be effective upon publication in the Federal Register.

Dated: March 20, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: April 22, 1969.

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

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

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

1. Section 404.906, paragraph (g), is added to read as follows:

§404.906 Administrative actions which are not initial determinations.

The disqualification or suspension of an individual from acting as a representative in a proceeding before the Social Security Administration is hereby adopted as a new section of the regulations.

Whenever it appears that an individual has violated any of the rules in §404.978, or has been convicted of a violation under section 206 of the Social Security Act, or has otherwise refused to comply with the Secretary’s rules and regulations governing representation of claimants before the Social Security Administration, the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance may institute proceedings as herein provided to suspend or disqualify such individual from acting as a representative in proceedings before the Administration.

§404.980 Notice of charges.

The Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance will prepare a notice containing a statement of charges that constitutes the basis for the proceeding against the individual. This notice will be delivered to the individual charged, either by certified or registered mail to his last known address or by personal delivery, and will advise the individual charged to file an answer, within 30 days from the date the notice was mailed, or was delivered to him personally, indicating why he should not be suspended or disqualified from acting as a representative before the Social Security Administration. This 30-day period may be extended for good cause shown, by the Deputy Commissioner, the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance. The answer must be in writing under oath (or affirmation) and filed with the Social Security Administration, Bureau of Hearings and Appeals, P.O. Box 2518, Washington, D.C. 20013, with a copy to the Bureau of Retirement and Survivors Insurance, 4601 Security Boulevard, Baltimore, Md. 21235, within the prescribed time limitation. If an individual charged does not file an answer within the time prescribed, he shall not have the right to present evidence. However, see §404.956(d) relating to statements with respect to sufficiency of the evidence upon which the charges are based or challenging the validity of the proceedings.

§404.981 Withdrawal of charges.

If an answer is filed or evidence is obtained that establishes, to the satisfaction of the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, that reasonable doubt exists about whether, the individual charged should be suspended or disqualified from acting as a representative before the Social Security Administration, the charges may be withdrawn. The notice of withdrawal shall be mailed to the individual charged at his last known address.

§404.982 Referral to Bureau of Hearings and Appeals for hearing and decision.

If action is not taken to withdraw the charges before the expiration of 15 days after the time within which an answer may be filed, the record of the evidence in support of the charges shall be referred to the Bureau of Hearings and Appeals with a request for a hearing and a decision on the charges.

§404.983 Hearing on charges.

(a) Hearing officer. Upon receipt of the notice of charges, the record, and the request for hearing (see §404.982), the Director, Bureau of Hearings and Appeals, or his delegate shall designate a hearing examiner to act as a hearing officer to hold a hearing on the charges. No hearing officer shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party to the hearing may have to the hearing officer who has been designated to conduct the hearing shall be made at the earliest opportunity. The hearing officer shall consider the objection(s) and shall, in his discretion, either proceed with the hearing or withdraw. If the hearing officer withdraws, another hearing officer shall be designated as provided in this section to conduct the hearing. If the hearing officer does not withdraw, the objection(s) may, upon presentation, present his objections to the Appeals Council as reason why he believes the hearing officer’s decision should be reviewed or a new hearing held before another hearing officer.

(b) Time and place of hearing. The hearing officer shall notify the individual charged and the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, of the time and place for a hearing on the charges. The notice of the hearing shall be mailed to the individual charged at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, not less than 20 days prior to the date fixed for the hearing.

(c) Change of time and place for hearing. The hearing officer may change the time and place for the hearing (see paragraph (b) of this section) either on his own motion or at the request of a party for good cause shown. The hearing officer may adjourn or postpone the hearing, or he may reopen the hearing.

Dated at Washington, D.C., this 23d day of April 1969.

For the Atomic Energy Commission.

W. B. McCool, Secretary.

[FR Doc. 69-4973; Filed, Apr. 25, 1969; 8:45 a.m.]
RULES AND REGULATIONS

for the receipt of additional evidence at any time prior to the mailing of notice of the decision in the case (see § 404.984). Reasonable notice shall be given to the parties of any change in the time or place of hearing or of an adjournment or reopening of the hearing.

(d) Parties. A person against whom charges have been filed at the hearing, the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, shall also be a party to the hearing. The Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, shall also be a party to the hearing.

(e) Subpoenas. Any party to the hearing may request the hearing officer or a member of the Appeals Council to issue subpoenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are relevant and material to any matter in issue at the hearing. The hearing officer may on his own motion issue subpoenas for the same purposes when he deems such action reasonable and necessary to establish all of the facts. Any party who desires the issuance of a subpoena shall, not less than 5 days prior to the time fixed for the hearing, file with the hearing officer a written request therefor, designating the witnesses or documents to be produced, and describing the address or location thereof with sufficient particularity to permit such witnesses or documents to be found.

(f) Conduct of the hearing. The hearing officer shall be present for the purpose of presenting the evidence and the allegations contained in the charge, or the decision, or submittal of a recommended decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the hearing officer.

(g) Evidence. Evidence may be received at the hearing, subject to the provisions herein, even though inadmissible under the rules of evidence applicable to court procedure. The hearing officer shall rule on the admissibility of evidence.

(h) Witnesses. Witnesses at the hearing shall testify under oath or affirmation. The witnesses of a party may be examined by such party or by his representative, subject to interrogation by the other party or by his representative. The hearing officer may ask such questions as he deems necessary. He shall rule upon any objection made by either party as to the propriety of any question.

(i) Oral and written summation. The parties shall be given, upon request, a reasonable time for the preparation of an oral summation and for the filing of briefs or other written statements of proposed findings of fact and conclusions of law. Copies of such briefs or other written statements shall be served on the other party or parties designated by the Appeals Council.

(j) Record of hearing. A complete record of the proceedings at the hearing shall be made and transcribed in all cases.

(k) Representation. The individual charged may appear in person and he may be represented by counsel or other representative.

(l) Failure to appear. If after due notice of the time and place for the hearing, a party to the hearing fails to appear and fails to show good cause as to why he could not appear, such party shall be considered to have waived his right to be present at the hearing. The hearing officer may hold the hearing so that the party present may offer evidence to sustain or rebut the charges.

(m) Dismissal of charges. The hearing officer may dismiss the charges in the event of the death of the individual charged.

(n) Cost of transcript. On the request of a party, a transcript of the hearing before the hearing officer will be prepared and sent to the requesting party upon the payment of cost, or if the cost is not readily determinable, the estimated amount thereof, unless for good cause such payment is waived.

§ 404.984 Decision by hearing officer.

(a) General. As soon as practicable after the close of the hearing, the hearing officer shall issue a decision or certify the case with a recommended decision to the Appeals Council for decision under the regulations described in §§ 404.942 through 404.944 which shall be in writing and contain findings of fact and conclusions of law. The decision shall be based upon the evidence of record. If the hearing officer finds that the charges have been sustained, he shall either

(1) Suspend the individual for a specified period of not less than 1 year, nor more than 5 years, from the date of the decision, or

(2) Disqualify the individual from further practice before the Administration until such time as the individual may be reinstated under § 404.990.

A copy of the decision shall be mailed to the individual charged, at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, together with notice of the right of either party to request the Appeals Council to review the decision of the hearing officer.

(b) Effect of hearing officer's decision. The hearing officer's decision shall be final and binding unless reversed or modified by the Appeals Council upon review (see § 404.390).

(1) If the final decision is that the individual is disqualified from practice before the Social Security Administration, he shall not be permitted to represent an individual in a proceeding before the Administration until authorized to do so under the provisions of § 404.990.

(2) If the final decision suspends the individual for a specified period of time, he shall not be permitted to represent an individual in a proceeding before the Social Security Administration during the period of suspension unless authorized to do so under the provisions of § 404.990.

§ 404.985 Right to request review of the hearing officer's decision.

(a) General. After the hearing officer has issued a decision, either of the parties (see § 404.983) may request the Appeals Council to review the decision.

(b) Time and place of filing request for review. The request for review shall be made in writing and filed with the Appeals Council within 30 days from the date of mailing the notice of the hearing officer's decision, except where the time is extended for good cause. The requesting party shall certify that a copy of the request for review and of any documents that are submitted therewith (see § 404.986) have been mailed to the opposing party.

§ 404.986 Procedure before Appeals Council on review of hearing officer's decision.

The parties shall be given, upon request, a reasonable time to file briefs or other written statements as to fact and law and to appear before the Appeals Council for the purpose of presenting oral argument. Any brief or other written statement of contents shall be filed with the Appeals Council, and the presenting party shall certify that a copy has been mailed to the opposing party.

§ 404.987 Evidence admissible on review.

(a) General. Evidence in addition to that introduced at the hearing before the hearing officer may not be admitted
except where it appears to the Appeals Council that the evidence is relevant and material to an issue before it and subject to the provisions in this section.

(b) Individual charged filed answer. Where it appears to the Appeals Council that additional relevant material is available and the individual charged filed an answer to the charges (see § 404.980), the Appeals Council shall require the production of such evidence and may designate a hearing officer or member of the Appeals Council to receive such evidence. Before additional evidence is admitted into the record, notice that evidence will be received with respect to certain issues shall be mailed to the parties, and each party shall be given a reasonable opportunity to comment on such evidence and present other evidence which is relevant and material to the issues unless such notice is waived.

(c) Individual charged did not file answer. Where the individual charged filed no answer to the charges (see § 404.980), evidence in addition to that introduced without objection before the hearing officer may not be admitted by the Appeals Council.

§ 404.988 Decision by Appeals Council on review of hearing officer's decision.

The decision of the Appeals Council shall be based upon evidence received into the record. (See § 404.983(f)) and such further evidence as the Appeals Council may receive (see § 404.987) and shall either affirm, reverse, or modify the hearing officer's decision. The Appeals Council, in modifying a hearing officer's decision suspending the individual at his last known address and to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance, of the receipt of the petition and grant him 30 days in which to present a written report of any experiences which the Administration may have had with the suspended or disqualified individual during the period subsequent to the suspension or disqualification. A copy of the such report shall be made available to the suspended or disqualified individual.

§ 404.989 Dismissal by Appeals Council.

The Appeals Council may dismiss a request for the review of any proceedings instituted under § 404.979 pending before it in any of the following circumstances:

(a) Upon request of party. Proceedings pending before the Appeals Council may be discontinued and dismissed upon written application of the party or parties who filed the request for review and provided the request is by a party who objects to discontinuance and dismissal.

(b) Death of party. Proceedings before the Appeals Council may be dismissed upon death of a party against whom charges have been preferred.

(c) Request for review not timely filed. A request for review of a hearing officer's decision shall be dismissed when the party has failed to file a request for review within the time specified in § 404.985 and such time is not extended for good cause.

§ 404.990 Reinstatement after suspension or disqualification.

(a) General. An individual shall be automatically reinstated to serve as a representative before the Social Security Administration if the individual is charged with a violation of any regulation and on the basis of such violation the Appeals Council is reasonably satisfied that the individual is not likely in the future to conduct himself contrary to the provisions of section 208(a) of the Social Security Act or the rules and regulations of the Social Security Administration.

(b) Basis of action. A request for revocation of a suspension or a disqualification shall not be granted unless the Appeals Council is reasonably satisfied that the petitioner is not likely in the future to conduct himself contrary to the provisions of section 208(a) of the Social Security Act or the rules and regulations of the Social Security Administration.

(c) Notice. Notice of the decision on the request for reinstatement shall be mailed to the petitioner and a copy shall be mailed to the Deputy Commissioner, or the Director (or Deputy Director) of the Bureau of Retirement and Survivors Insurance.

(d) Effect of denial. If a petition for reinstatement is denied, a subsequent petition for reinstatement shall not be considered prior to the expiration of 1 year from the date of notice of the previous denial.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

Potassium SodiuM Copper Chlorophyllin (Chlorophyllin-Copper Complex) Listing for Drug and Cosmetic Use Exempt From Certification

The Commissioner of Food and Drugs, based on consideration given a petition (CAP 77) filed by Colgate-Palmolive Co., 300 Park Avenue, New York, N.Y. 10022, and other relevant material, finds that potassium copper chlorophyllin (chlorophyllin-copper complex) is safe for use in or on drugs and cosmetics under the conditions prescribed in this order and that certification is not necessary for the protection of the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (2), (d), 74 Stat. 599-603; 21 U.S.C. 378 (b), (c), (d) and under authority delegated to the Commissioner (21 CFR 1.250) it is ordered, that Part 8 be amended by adding § 8.6014 to Subpart F and § 8.8004 to Subpart H, as follows:

§ 8.6014 Potassium sodium copper chlorophyllin (chlorophyllin-copper complex).

(a) Identity. The color additive potassium sodium copper chlorophyllin is a green to black powder obtained from chlorophyll by replacing the methyl and phenyl ester groups with alkali and replacing the magnesium with copper. The source of the chlorophyll is dehydrated alfalfa.

(b) Color additive mixtures for drug use made with potassium sodium copper chlorophyllin may contain only those duffluents that are suitable and that are listed in this subpart as safe for use in color additive mixtures for coloring drugs.

(b) Specifications. Potassium sodium copper chlorophyllin shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Moisture, not more than 5.0 percent.

Nitrogen, not more than 6.0 percent.

Total copper, not less than 0.25 percent and not more than 6.0 percent.

Free copper, not more than 0.25 percent.

Iron, not more than 0.5 percent.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 5 parts per million.
Ratio, absorbance at 405 ma to absorbance at 700 ma, not less than 3.4 and not more than 3.9.
Total color, not less than 75 percent.

(c) Uses and restrictions. Potassium sodium copper chlorophyllin may be safely used for coloring dentifrices that are drugs at a level not to exceed 0.1 percent. Authorization for this use shall not be construed as waiving any of the requirements of section 706(c) of the act. Effective date. This order shall become effective 60 days from the date of its publication in the Federal Register, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the Federal Register.

§ 8.8004 Potassium sodium copper chlorophyllin (chlorophyllin-copper complex).

(a) Identity and specifications. The color additive potassium sodium copper chlorophyllin shall conform in identity and specifications to the requirements of § 8.6014 (a) (1) and (b).
(b) Uses and restrictions. Potassium sodium copper chlorophyllin may be safely used for coloring dentifrices that are cosmetics subject to the following conditions:
(1) It shall not be used at a level in excess of 0.1 percent.
(2) It may be used only in combination with the following substances:
Water.
Glycerin.
Sodium carboxymethylcellulose.
Tetrasodium pyrophosphate.
Sorbitol.
Tetrasodium pyrophosphate.
Sodium carboxymethylcellulose.
Glycerin.
Water.

§ 8.8016 O,O-Diethyl O-2-pyrazinyl phosphorothioate.

O,O-Diethyl O-2-pyrazinyl phosphorothioate.

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl O-2-Pyrazinyl Phosphorothioate

A petition (PP 69-0777) was filed with the Food and Drug Administration by American Cyanamid Co., Box 400, Princeton, N.J. 08540, proposing the establishment of tolerances for negligible residues of the insecticide O,O-diethyl O-2-pyrazinyl phosphorothioate and its oxygen analog diethyl 2-pyrazinyl phosphorothioate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, mint, and strawberries at 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The tolerances established by this order will protect the public health.
2. The insecticide and its oxygen analog should be added to the list of members of the class of cholinesterase-inhibiting pesticides.
3. Tolerances are unnecessary regarding meat or milk since the proposed usage is not reasonably expected to result in residues of the insecticide or its oxygen analog occurring in these commodities. The usage is classified in the category specified in § 120.5 (a) (2).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 348a(d) (2)) and under authority delegated to the Commissioner (21 CFR 21.120), Part 120 is amended as follows:

§ 120.3 Tolerances for related pesticide chemicals.

(a) O,O-Diethyl O-2-pyrazinyl phosphorothioate.
(b) Diethyl 2-pyrazinyl phosphorothioate.

SUBPART C—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

BUQUINOLATE

§ 121.291 [Amended]

A. The Commissioner of Food and Drugs, having evaluated a petition filed by The Norwich Pharmacal Co., Post Office Box 101,
PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BHT and BHA

The Commissioner of Food and Drugs, having evaluated the data in a petition (PAP 9A2344) filed by Idaho Potato Foods, Inc., Post Office Box 506, Idaho Falls, Idaho 83401, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of BHT and BHA, alone or in combination, as antioxidants in dehydrated potato shreds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.1034(b) is amended by alphabetically inserting in the list a new item, as follows:

§ 121.1034 BHT.

(b) * * *

Food

Dehydrated potato shreds

50

* * *

2. Section 121.1035(b) is amended by alphabetically inserting in the list a new item, as follows:

§ 121.1035 BHA.

(b) * * *

Food

Dehydrated potato shreds

50

* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the Federal Register.

Dated: April 18, 1969.

J. K. Kink, Associate Commissioner for Compliance.

PART 128—HUMAN FOODS; CURRENT GOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURING, PROCESSING, PACKING, OR HOLDING

In the Federal Register of December 15, 1967 (32 F.R. 17980), the Commissioner of Food and Drugs proposed the promulgation of Part 128 covering current good manufacturing practice (sanitation) in the manufacture, processing, packing, or holding of human foods. Comments were received in response thereto which resulted in significant changes in the proposed regulations, and the Commissioner concluded that a revised proposal should be published. The revised proposal was published December 20, 1968 (33 F.R. 19023), and provided for the filing of comments within 30 days. The time for filing comments was extended to February 16, 1969, by a notice published January 10, 1969 (34 F.R. 399).

In response to the revised proposal, communications were received from 46 firms and trade associations. Some recommended issuance of guidelines in place of regulations. Suggestions for changes were mostly of a clarifying nature. A few offered full endorsement to the proposal. Having considered the comments received and other relevant material, the Commissioner concludes that the proposed regulations, with some of the suggested changes adopted, should be promulgated as set forth below.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Title 21 is amended by adding to Chapter I a new Part 128, as follows:

Sec. 128.1 Definitions.

128.2 Current good manufacturing practice (sanitation).

128.3 Plant and grounds.

128.4 Equipment and utensils.

128.5 Sanitary facilities and controls.

128.6 Sanitary operations.

128.7 Processes and controls.

128.8 Personnel.

128.9 Exclusions.

§ 128.1 Definitions.

The definitions and interpretations contained in the Federal Food, Drug, and Cosmetic Act are applicable to such terms when used in this part. The following definitions shall also apply:

(a) "Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

(b) "Plant" means the building or buildings or parts thereof, used for or in connection with the manufacturing, processing, packaging, labeling, or holding of human food.

(c) "Sanitize" means adequate treatment of surfaces by a process that is effective in destroying vegetative cells of pathogenic bacteria and in substantially reducing other micro-organisms. Such treatment shall not adversely affect the product and shall be safe for the consumer.

§ 128.2 Current good manufacturing practice (sanitation).

The criteria in §§ 128.3 through 128.8 shall apply in determining whether the facilities, methods, practices, and controls used in the manufacture, processing, packing, or holding of food are in accordance with or are operated or administered in conformity with good manufacturing practices to assure that food for human consumption is safe and has been prepared, packed, and held under sanitary conditions.

§ 128.3 Plant and grounds.

(a) Grounds. The grounds about a food plant under the control of the operator shall be free from conditions which may result in the contamination of food including, but not limited to, the following:

1. Improperly stored equipment, litter, waste, refuse, and uncultivated weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractant, breeding place, or harborage for rodents, insects, and other pests.

2. Excessively dusty roads, yards, or cleanable and parking lots that may constitute a source of contamination in areas where food is exposed.

3. Inadequately drained areas that may contribute contamination to food products through seepage or foot-borne filth and by providing a breeding place for insects or micro-organisms.

If the plant grounds are bordered by grounds not under the operator's control of the kind described in subparagraphs (1) through (3) of this paragraph, care must be exercised in the plant by inspection, extermination, or other means to effect exclusion of pests, dirt, and other filth that may be a source of food contamination.

(b) Plant construction and design. Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food-processing purposes. The plant and facilities shall:

1. Provide sufficient space for such placement of equipment and storage of materials as is necessary for sanitary operations and production of safe food.

2. Provide separation by partition, location, or other effective means for those operations which may cause contamination of food products with undesirable microorganisms and in substantially reducing pathogenic bacteria and in substantially reducing other micro-organisms. Such treatment shall not adversely affect the product and shall be safe for the consumer.

3. Provide adequate lighting to hand-washing areas, dressing and locker rooms, and toilet rooms and to all areas where food is exposed. Lights shall be examined, processed, or stored and where equipment, and utensils are cleaned. Light bulbs, fixtures, skylights, or other glass surfaces shall be effectively cleaned, and food in any step of the preparation shall be kept under the safety type or otherwise protected to prevent food contamination in case of breakage.

4. Provide adequate ventilation or control equipment to minimize odors and noxious fumes or vapors (including steam) in areas where they may cause contamination of food. Such ventilation or control equipment shall not contribute airspace contamination (such as double doors, positive air-flow systems, etc.).

5. Provide, where necessary, effective screening or other protection against birds, animals, and vermin (including, but not limited to, insects and rodents).

§ 128.4 Equipment and utensils.

All plant equipment and utensils shall be (a) suitable for their intended use, (b) so designed and of such material and workmanship as to be adequately cleanable, and (c) properly maintained. Equipment, utensils, and components thereof shall be kept in such a manner as to minimize the danger of contamination of food or food-contact surfaces. Such equipment and utensils shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems, etc.).

§ 128.5 Sanitary facilities and controls.

Each plant shall be equipped with adequate sanitary facilities and accommodations including, but not limited to, the following:

(a) Water supply. The water supply shall be sufficient for the operations intended and shall be derived from an adequate source. Any water that contacts food or food-contact surfaces shall be safe and of adequate sanitary quality. Running water at a suitable temperature and under pressure as needed shall be provided in all areas where the processing of food, the cleaning of equipment, utensils, or containers, or employee sanitary facilities require.

(b) Sewage disposal. Sewage disposal shall be made into an adequate sewerage system or disposed of through other adequate means.

(c) Plumbing. Plumbing shall be of adequate size and design and adequately installed and maintained to:

1. Provide sufficient quantities of water to required locations throughout the plant.

2. Properly convey sewage and liquid disposable waste from the plant.

3. Not constitute a source of contamination to foods, food products or ingredients, water supplies, equipment, or utensils or create an insanitary condition.

4. Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

(d) Toilet facilities. Each plant shall provide its employees with adequate toilet and associated hand-washing facilities within the plant. Toilets shall be furnished with toilet tissue. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doores to toilet rooms shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems, etc.). Signs shall be posted directing employees to wash their hands with cleaning soap or detergents after using the toilet.

(e) Hand-washing facilities. Adequate and convenient facilities for hand washing and, where appropriate, hand sanitizing shall be provided at each location in the plant where good sanitary practices require employees to wash or sanitize and dry their hands. Such facilities shall be furnished with running water at a suitable temperature for hand washing, effective hand-cleaning preparations, sanitary towel service or suitable drying devices, and, where appropriate, easily cleanable waste receptacles.

(f) Rubbish and offal disposal. Rubbish and, if offal, shall be so conveyed, stored, and disposed of as to minimize the development of odor, prevent waste from becoming an attractant and harborage, or breeding place for vermin, and prevent contamination of food, food-contact surfaces, ground surfaces, and water supplies.

§ 128.6 Sanitary operations.

(a) General maintenance. Buildings, fixtures, and other physical facilities of the plant shall be kept in good repair and shall be maintained in a sanitary condition. Cleaning operations shall be conducted in such a manner as to minimize the danger of contamination of food and food-contact surfaces. Detergents, sanitizers, and other supplies employed in cleaning and sanitizing procedures shall be free of significant microbiological contamination and shall be safe and effective for their intended use.
uses. Only such toxic materials as are required to maintain sanitary conditions, for use in laboratory testing procedures, for plant and equipment maintenance and operation, or in manufacturing or processing operations shall be used or stored in the plant. These materials shall be identified and used only in such manner and for such conditions as will be safe for their intended uses.

(b) Animal and vermin control. No animals or birds, other than those, essential as raw material, shall be allowed in any area of the food plant. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of foods in or on the premises by animals, birds, and vermin. Where necessary to prevent the introduction of undesirable microorganisms or other objectionable material to or otherwise distributed from a manufacturing area, it shall be the responsibility of the operator to maintain the premises in an adequate condition to prevent contamination.

Sanitation of equipment and utensils. All utensils and product-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent the contamination of food and food products. Nonproduct-contact surfaces of equipment used in the operation of food plants should be cleaned as frequently as necessary to minimize the accumulation of dust, dirt, food particles, and other debris. Single-service articles (such as utensils intended for one-time use, paper cups, paper towels, etc.) should be stored in appropriate containers handled, dispensed, used, and disposed of in a manner that prevents contamination of food or food-contact surfaces. Where necessary to prevent the introduction of undesirable microbiological organisms into food products, all utensils and product-contact surfaces of equipment used in the plant shall be cleaned and sanitized prior to such use and following any interruption during which such utensils and contact surfaces may have become contaminated. Where such equipment and utensils are used in a continuous production or in a product-contact surface of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule using adequate methods for cleaning and sanitizing. Sanitizing agents shall be effective and safe under conditions of use. Any facility, procedure, machine, or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine, or device will routinely render equipment and utensils clean and provide adequate treatment.

(d) Storage and handling of cleaned portable equipment and utensils. Cleaned and sanitized portable equipment and utensils with product-contact surfaces should be stored in such a location and manner that product-contact surfaces are protected from splash, dust, and other contamination.

§ 128.7 Processes and controls.

All operations in the receiving, inspecting, transporting, packaging, segregating, preparing, processing, and storing of food shall be conducted in accord with adequate sanitation principles. Overall sanitation of the plant shall be under the supervision of an individual assigned responsibility for this function. All reasonable precautions, including the following, shall be taken to assure that contamination of food results from the process or contributing to the contamination such as filth, harmful chemicals, undesirable microorganisms, or any other objectionable material to the processed product:

(a) Raw materials and ingredients shall be inspected and segregated as necessary to assure that they are clean, wholesome, and fit for processing into human food and shall be stored under conditions that prevent contamination and minimize deterioration. Raw materials shall be washed or cleaned as required to remove soil or other contamination. Water used for washing, rinsing, or conveying of food products shall be of adequate quality, and water shall not be reused for washing, rinsing, or conveying products in a manner that may result in contamination of food products.

(b) Containers and carriers of raw ingredients should be inspected on receipt to assure that their condition has not contributed to the contamination or deterioration of the products.

(c) When ice is used in contact with food products, it shall be made from potable water and shall be used only if it has been thoroughly washed, handled, and stored, transported, and handled in a sanitary manner.

(d) Food-processing areas and equipment used for processing human food should not be used to process nonhuman food-grade animal feed or inedible products unless there is no reasonable possibility for the contamination of the human food.

(e) Processing equipment shall be maintained in a sanitary condition through frequent cleaning including sanitization where indicated. Insofar as necessary, equipment shall be taken apart for thorough cleaning.

(f) All food processing, including packaging and storage, should be conducted under such conditions and controls as are necessary to minimize the potential for undesirable bacterial or other microbiological growth, toxin formation, or deterioration or contamination of the processed product or ingredients. This may require careful monitoring of such physical factors as time, temperature, humidity, pressure, flow-rate and such processing operations as freezing, defrosting, deflavoring, defatting, and refrigeration to assure that mechanical breakdowns, time delays, temperature fluctuations, and other factors do not contribute to the decomposition or contamination of the processed product or ingredients.

(g) Chemical, microbiological, or extraneous-material testing procedures shall be utilized where necessary to identify sanitation failures or food contamination, and all foods and ingredients that have become contaminated shall be rejected or treated or processed to eliminate the contamination where this may be properly accomplished.

(h) Packaging processes and materials shall not transmit contaminants or objectionable substances to the products, shall conform to any applicable food additive regulation (Part 121 of this chapter), and shall provide adequate protection from contamination.

(1) Meaningful coding of products sold or otherwise distributed from a manufacturing, processing, packing, or repackaging plant should be utilized to facilitate, where necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use. Records should be retained for a period of time that exceeds the shelf life of the product, except that they need not be retained more than 2 years.

(2) Storage and transportation of finished products should be under such conditions as will prevent contamination, including development of pathogenic or toxigenic microorganisms, and will protect the product from unauthorized introduction of the product and the container.

§ 128.8 Personnel.

The plant management shall take all reasonable measures and precautions to assure the following:

(a) Disease control. No person affected by disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contamination, shall work in a food plant in any capacity in which there is a reasonable possibility of food or food ingredients becoming contaminated by such person, or of disease being transmitted by such person to other individuals.

(b) Cleanliness. All persons, while working in direct contact with food preparation, food ingredients, or surfaces coming into contact therewith shall:

(1) Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty, to the extent necessary to prevent contamination of food products.

(2) Wash their hands thoroughly (and sanitize if necessary to prevent contamination by undesirable microorganisms) in an adequate hand-washing facility before starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated.

(3) Remove all insecure jewelry and, during periods when food is manipulated by hand, remove from hands any jewelry that cannot be adequately sanitized.

(4) If gloves are used in food handling maintain them in an intact, clean, and sanitary condition. Such gloves should be of an impermeable material except where their use would be inappropriate or incompatible with the work done.

(5) Wear hair nets, headbands, caps, or other effective hair restraints.

(6) Not store clothing or other personal belongings, eat food or drink beverages, or use tobacco in any form...
In areas where food or food ingredients are exposed or in areas used for washing equipment or utensils.

(7) Take any other necessary precautions to prevent contamination of foods with micro-organisms or foreign substances including, but not limited to, Perpiration, hair, cosmetics, tobacco, chemicals and medicaments.

(e) Education and training. Personnel responsible for identifying sanitation failures or food contamination should have a background of education or experience, or a combination thereof, to provide a level of competency necessary for production of clean and safe food. Food handlers and supervisors should receive appropriate training in proper food-handling techniques and food-processing principles and should be cognizant of the danger of poor personal hygiene and insanitary practices.

(d) Supervision. Responsibility for assuring compliance by all personnel with all requirements of this Part 218 shall be clearly assigned to competent supervisory personnel.

§ 218.9 Exclusions.

The following operations are excluded from coverage under these general regulations, however, the Commissioner will issue special regulations when he believes it necessary to cover these excluded operations:

Establishments engaged solely in the harvesting, storage, or distribution of one or more raw agricultural commodities, as defined in section 201(t) of the act, which are ordinarily cleaned, prepared, treated or otherwise processed before being marketed to the consuming public.

Effective date. This order shall become effective 30 days after its date of publication in the Federal Register.

Dated: April 21, 1969.

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

[F.R. Doc. 69-9795; Filed. Apr. 25, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

Subchapter D—Rental Housing Insurance

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.19 the introductory text of paragraph (b) and paragraph (c) (5) are amended to read as follows:

§ 207.19 Required supervision of private mortgagees.

(b) Rate of return. Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semianual or annual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after:

(c) Requirements incident to insurance of advances.

(5) Prior to the initial endorsement of the mortgage for insurance, the mortgagor and the mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

§ 221.524 Prepayment privileges.

(a) Prepayment in full—(1) Without prior Commissioner consent.

(iv) Where the mortgage is insured pursuant to section 221(h) of the Act and the prepayment occurs as a result of a sale of the individual units comprising the project.

In § 221.531 the introductory text of paragraph (b) is amended to read as follows:

§ 221.531 Supervision applicable to general mortgagees.

(b) Rate of return. Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semianual or annual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after:

Section 221.541 is amended to read as follows:

§ 221.541 Building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and the mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner.

In § 221.559b paragraph (c) (1) (ii) is amended to read as follows:

§ 221.559b Eligibility for insurance under section 221(j) of mortgage financing purchase of existing project by cooperative.

(c) * * *

(1) * * *

(ii) The project's actual cost at the time of completion (as determined by the Commissioner) or the project's fair market value for residential purposes as
determined by the Commissioner on the basis of operating the project without the benefit of a below market interest rate mortgage or rent supplement payments and without the controls by the Commissioner over the project imposed by the provisions in this subpart, whichever amount is the greater.

(1) "Adjusted annual income" means the annual family income remaining after making certain exclusions from gross annual income. The following items shall be excluded, in the order listed, from family gross annual income:

(1) 5 percent of such gross annual income, in lieu of amounts to be withheld (social security, retirement, health insurance, etc.).

(2) Any unusual income or temporary income, as defined by the Commissioner.

(3) The earnings of each minor in the family who is living with such family, plus the sum of $300 for each such minor.

(d) "Gross annual income" means the total income, before taxes and other deductions, received by all members of the mortgagor’s household. There shall be included in this total income all wages, social security payments, retirement benefits, military and veteran’s disability payments, unemployment benefits, welfare benefits, interest and dividend payments, and such other income items as the Commissioner considers appropriate.

§ 235.15 Eligible types of dwellings.

In § 235.15 paragraph (c) is amended to read as follows:

(c) A one-family unit in a condominium project (together with an undivided interest in the common facilities serving the project) which is released from a multifamily project, the construction or substantial rehabilitation of which has been completed not more than 2 years prior to the filing of the application for assistance payments under Subpart C of this part. The family unit shall have had no previous occupant other than the mortgagor.

§ 235.20 Requirements for family unit in condominiums.

In § 235.20 paragraphs (a) through (e) are redesignated as paragraphs (b) through (f) and a new paragraph (a) is added to read as follows:

(a) FHA project financing. The project in which the family unit is located (except where it involves 11 or less units) has been financed from a mortgage which is or has been insured under any of the FHA multifamily housing programs other than sections 213(a)(1) and 213(a)(2) of the National Housing Act.

§ 235.50 Subsection applicable to limited distribution mortgages.

(a) Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semiannual or annual fiscal period. The amount of any allowable distribution, or disbursement from surplus cash, shall not exceed in any 1 fiscal year more than 5 percent of the mortgagor’s initial equity investment in the projects, as determined by the Commissioner.

§ 286.55 [Amended]

In § 286.55 paragraph (d) is deleted. In § 286.70 paragraph (a) (4) is amended and paragraphs (d) and (e) are deleted as follows:
is being amended to permit the importation of gold coin made during or subsequent to 1934. Licenses may be issued for gold coin made prior to 1934 for circulation within the country of issue. Licenses may be issued for gold coin made after 1933 make no change in present Regulations and licensing policies, it is found that notice and public is unnecessary.

Section 54.20 is amended to read:

§ 54.20 Rare coin.

(a) Gold coin of recognized special value to collectors of rare and unusual coin may be acquired, held, and transported within the United States without license of the Director of Munitions and Equipment, Office of the Solicitor. Such coin may be imported, however, only as permitted by this section or §§ 54.28 to 54.30, .34 or licenses issued thereunder, and may be exported only in accordance with the provisions of § 54.23.

(b) Gold coin made prior to 1934 is considered to be of recognized special value to collectors of rare and unusual coin.

(c) Gold coin made during or subsequent to 1934 is presumed not to be of recognized special value to collectors of rare and unusual coin.

(d) Gold coin made prior to 1934, may be imported without the necessity of obtaining a license therefor.

(e) Gold coin made during or subsequent to 1934 may be imported only pursuant to a specific or general license issued by the Director, Office of Domestic Gold and Silver Operations. Licenses under this paragraph may be issued only for gold coin made prior to 1930, which can be established to the satisfaction of the Director to be of recognized special value to collectors of rare and unusual coin and to have been originally issued for circulation within the country of issue. Licenses may be issued for gold coin made during or subsequent to 1960 in cases where the particular coin was licensed for importation prior to April 30, 1969. Because the amendments relieve an existing restriction and in the case of coins made after 1933 make no change in present Regulations and licensing policies, it is found that notice and public procedure thereon are unnecessary.

Effective date: These amendments shall become effective on publication in the Federal Register.

Dated: April 22, 1969.

Paul A. Volcker, Under Secretary for Monetary Affairs.

Title 41—Public Contracts and Property Management

Chapter 14—Department of the Interior

PART 14—PROCUREMENT BY FORMAL ADVERTISING

PART 14—IMPORTANT CONTRACT CLAUSES

Correction of CFR as of Jan. 1, 1969

The following amendments to 41 CFR Parts 14–2 and 14–7 published at 3 F.R. 18579, Dec. 14, 1968, were inadvertently omitted from 41 CFR Chapters 6 to 17, revised as of Jan. 1, 1969.

§14–2.405–50 Other irregularities in bids.

All communications with the Comptroller General will be conducted by the Assistant Secretary for Administration: Provided, however, That contracting officers may submit bid irregularities and other questions pertaining to contract awards directly to the Comptroller General when demanded by exigency or pressure of circumstances. When time will permit, consultation with members of the Office of the Solicitor, either at its headquarters or regional or field office, shall be accomplished prior to such communication. A copy of the letter, with attachments, if any, to the Comptroller General shall be forwarded simultaneously to the Director, Office of Survey and Review and to the Office of the Solicitor.


(a) In the interest of uniformity the heads of bureaus and offices shall require in every construction contract the inclusion of a safety and health clause similar to the one given below, containing as a minimum those requirements. Insert in the blank space of the clause the title of (1) the bureaus and offices own approved construction safety manual, (2) "Construction Safety Standards" of the Bureau of Reclamation, or (3) "Manual of Accident Prevention in Construction" (latest revised edition) of the Associated General Contractors of America, Inc.
Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 148h]

KANAMYCIN SULFATE

Kanamycin B Content Testing Method

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that § 148h.1 (b) (9) be revised to read as follows to provide for an improved testing method for kanamycin B content:

§ 148h.1 Kanamycin sulfate.

... * * *

(b) ** * 

(9) Kanamycin B content—(i) Test procedure. Proceed as directed in § 141.110 (a), (b), and (c) of this chapter, preparing the sample for assay as follows: To 100 milligrams, accurately weighed, of kanamycin sulfate in a suitable container (such as a serum vial), add 5 milliliters of 6N hydrochloric acid, and tightly close the container. Heat in a water bath at 100°C for 1 hour and cool. Add 4 milliliters of 6N sodium hydroxide, then dilute with sufficient 0.1M potassium phosphate buffer, pH 6.0 (solution 2), to obtain an activity equivalent to 1 microgram of kanamycin per milliliter (estimated).

(ii) Estimation of potency. Proceed as directed in § 141.110(d) of this chapter, except calculate the micrograms of kanamycin B per milligram of sample as follows:

\[ P \times 0.46 \times \text{dilution factor} \times 18.5 \]

Sample weight in milligrams

where:

\[ P \] = Observed potency of the assay solution in micrograms of kanamycin per milliliter;

0.46 = Empirical factor to correct for the fact that kanamycin B is 2.18 times as potent as kanamycin on a weight basis;

18.5 = Empirical factor to correct for the loss of kanamycin B activity due to heating the assay solution in acid.

(iii) Calculation of kanamycin B content. Calculate the kanamycin B content of the sample as follows:

\[ \frac{K_x \times 100}{K_x - 1.18 \times K_y} \]

where:

\[ K_x \] = Micrograms of kanamycin B per milligram of sample;

\[ K_y \] = Total kanamycin per milligram of sample.

* * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 18, 1969.

J. K. Knkr,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4979; Filed, Apr. 25, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 52]

CERTAIN MANPOWER PROGRAMS

Proposed Fiscal Safeguards

To utilize in the summer work and training programs under section 123(a) (1) of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2740) the fiscal safeguards developed by, and experience of, State employment security agencies in making payments to individuals and in fraud and overpayment detection, I hereby propose to amend Title 29 of the Code of Federal Regulations by adding a new Part 52 to include the provisions set forth below. The proposal is made under authority contained in section 602 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2942) and the delegation of authorities to the Secretary of Labor by the Director of the Office of Economic Opportunity published in the FEDERAL REGISTER at 38 F.R. 15139.

In order that interested persons may have an opportunity to participate in the rule making process, oral data, views, or argument will be received by a Hearing Examiner to be designated for this purpose, on May 12, 1969, beginning at 10 a.m. in room 107-A of the U.S. Department of Labor building at 14th Street and Constitution Avenue NW., Washington, D.C.

Any person wishing to participate in the oral proceedings shall state at the inception thereof his name, address, his interest, and the amount of time his presentation will require. Interested persons may also submit written data, views, or argument by mailing four (4) copies to the Manpower Administrator not later than May 12, 1969, the date of the oral proceedings.

The oral proceedings shall be reported, and transcripts shall be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters and confine the presentations to matters pertinent to this proposal. He shall have discretion to keep the record open for a reasonable, stated time to receive written recommendations and supporting reasons and additional data, views or argument from persons who have participated in the oral proceedings.

Upon completion of the oral proceedings, the transcript thereof, together with the exhibits, written submissions and all post-hearing recommendations and supporting reasons shall be certified to the Assistant Secretary of Labor for Manpower. Upon consideration of such matters and of such other information as may be available, the Assistant Secretary will issue such regulations as he will deem appropriate.

Title 29 of the Code of Federal Regulations is proposed to be amended by adding a new Part 52 as follows:

PART 52 — REQUIREMENTS FOR AGREEMENTS PROVIDING FINANCIAL ASSISTANCE FOR SUMMER WORK AND TRAINING PROGRAMS UNDER TITLE I, PART B, OF THE ECONOMIC OPPORTUNITY ACT OF 1964, AS AMENDED

Sec. 52.1 Purpose.

52.2 General requirements.

52.3 Exceptions.

52.4 Effective date.

A. Advisory: The provisions of this Part 52 issued under authority contained in section 602 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2942), and the delegation of authorities to the Secretary of Labor by the Director of the Office of Economic Opportunity published in the FEDERAL REGISTER at 33 F.R. 15139.

§ 52.1 Purpose.

The purpose of this part is to provide for the utilization in summer work and training programs under section 123(a) (1) of the Economic Opportunity Act of 1964, as amended, of the fiscal safeguards developed by State employment security agencies and the experience of such agencies in making payments to individuals and in fraud and overpayment detection.

§ 52.2 General requirements.

All agreements providing financial assistance for summer work and training...
programs under section 123(a)(1) of the Economic Opportunity Act of 1964, as amended, shall contain provisions that the sponsor (a) will assure that payments to enrollees in such programs, whether employed by the sponsor or others, shall be made by the State employment security agency of the State in which the sponsor is located; (b) will furnish the State employment security agency data on the basis of which such payments will be made; (c) will provide such access to books, records and work sites as will enable the State employment security agency to verify the propriety of payments by it; and (d) will otherwise cooperate with the State employment security agency to assure the effective administration of the summer work and training program. The services of the State employment security agency shall be procured by the sponsor on a cost reimbursable basis and in accordance with the applicable agreement between the Secretary of Labor and the State employment security agency for this purpose.

§ 52.3 Exceptions.

The provisions contained in § 52.2 shall not apply (a) in States where the State employment security agency and the Secretary of Labor have not entered into an appropriate agreement, and (b) where the Secretary of Labor determines that economy and efficiency make other arrangements more appropriate.

§ 52.4 Effective date.

This Part shall be applicable thirty (30) days after its publication in the Federal Register to all agreements providing financial assistance for summer work and training programs under section 123(a)(1) of the Economic Opportunity Act of 1964, as amended, which shall not apply for the purpose.

Secretary of Labor and the State employment security agency to assure the effective administration of the summer work and training program. The services of the State employment security agency shall be procured by the sponsor on a cost reimbursable basis and in accordance with the applicable agreement between the Secretary of Labor and the State employment security agency for this purpose.

In view of the diversity of the comments and the requests for a public hearing, we have determined that it would be appropriate to hold oral argument on the proposed regulation. This argument will be held on May 26, 1969, and it is our intention that it be concluded in 1 day. In order to accomplish this and to prevent duplication of argument we are requiring that parties with the same or similar views join together and select one spokesman for such views. To implement this we have directed our staff to work with the parties wishing to participate and point out to them those parties who appear to have similar positions with whom they should join in the selection of a spokesman. Mr. Donald L. Young, Special Assistant to the Chairman, will be in charge of this coordination and any questions should be directed to him (telephone, area code -202, 386-6081).

While the regulation as proposed in the notice of September 13, 1968, will be the formal subject of the oral argument, it should be understood that the Commission does not wish the presentations to be limited to the regulation exactly as proposed but instead any alternatives or modifications considered desirable should also be presented. In this connection, suggestions have been made that the Commission limit its rule several different ways. The rulemaking could be issued as a set of guidelines rather than as a set of requirements. It could be limited to require only that the company make its procurement policies available on its premises along with a list of items the company is interested in obtaining and that the company keep records for a reasonable period of time. It could be limited even further to require only that each company file a statement setting forth the procurement policies of the company. On the other hand, some parties have fully supported the rule as proposed or suggested that it does not go far enough. We expect that these parties will be prepared to discuss the abuses the rule is intended to mitigate and how the rule or some stronger version of it would so mitigate these abuses.
DEPARTMENT OF THE TREASURY

Fiscal Service

SUPERIOR INSURANCE COMPANY

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Superior Insurance Company, Indianapolis, Ind., under sections 6 to 13 of title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is terminated, effective as of December 31, 1968.

The Treasury has been advised that, effective December 31, 1968, Superior Insurance Company merged into American-Economy Insurance Company, Indianapolis, Ind., which is the surviving corporation.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by Superior Insurance Company.


JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR. Doc. 69-4965; Filed, Apr. 25, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
[Serial No. N-818]

NEVADA

Notice of Termination of Proposed Classification

April 16, 1969.

Notice was given in F.R. Doc. 69-4052, on page 7591 of the issue for May 22, 1969, of a proposed classification for the disposal of 5,000 acres of land in Clark County, the lands being described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 58 E.,
Sec. 14, NW 1/4 SW 1/4, SH 1/4 SW 1/4;
Sec. 15, W 1/4 NE 1/4, W 1/2, SE 1/4;
Sec. 16, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, W 1/2;
Sec. 25, W 1/2 W 1/2;
Sec. 26, all;
Sec. 27, all.

These lands were classified in accordance with section 2 of the Classification and Multiple-Use Act of September 19, 1964 (73 Stat. 986, 43 U.S.C. 1412), and their disposal authorized by the Public Land Sale Act of September 19, 1964 (73 Stat. 988, 43 U.S.C. 1421-1427).

As a result of subsequent review and reconsideration, the proposed classification has been determined to be inappropriate. The publication of this notice shall terminate the proposed classification and its segregative effect, and restore the lands to unclassified status.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[FR. Doc. 69-6052; Filed, Apr. 25, 1969; 8:45 a.m.]

Office of the Secretary

ROADBUILDING IN NATIONAL PARKS

Revocation of Procedures

Notice is hereby given that the procedures adopted on January 18, 1969, and published in the Federal Register on January 29, 1969, 34 F.R. 1456, regarding the location and design of major road projects in the National Park System administered by the Department of the Interior are revoked, effective immediately.

Issued in Washington, D.C., on April 21, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[FR. Doc. 69-4992; Filed, Apr. 25, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OLD VIRGINIA, INC.

FRUIT JELLY AND JAMS DEVIATING FROM IDENTITY STANDARDS; TEMPORARY PERMIT FOR MARKET TESTING

Pursuant to §10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Old Virginia, Inc., Front Royal, Va., 22630. This permit covers interstate marketing tests of black raspberry jelly, apple-raspberry jelly, and black raspberry jam made from dried black raspberries, an ingredient not provided for by the standard of identity for fruit jellies (21 CFR 29.2) or preserves and jams (21 CFR 29.3).

Labels on the food will name the ingredient. On each principal panel, the statement "Made from dried black raspberries" will immediately precede or follow the name of the jelly or jam, as the case may be.

This permit expires August 1, 1969.

Dated: April 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[FR. Doc. 69-4990; Filed, Apr. 25, 1969; 8:46 a.m.]

METHYL m-HYDROXYCARBANILATE m-METHYL CARBANILATE

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Morton Chemical Co., Woodstock, Ill., a temporary tolerance of 0.1 part per million is established for residues of the herbicide methyl m-hydroxy-carbanilate m-methylcarbanilate in or on sugar beets. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Morton Chemical Co. name.

This temporary tolerance will expire April 21, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 21 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[FR. Doc. 69-4980; Filed, Apr. 25, 1969; 8:46 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Paragraph 8-D.2. of Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority (DEPARTMENT OF Health, Education, and Welfare (33 F.R. 5828 et seq., April 16, 1968), is amended to read as follows:

FEDERAL REGISTER, VOL. 34, NO. 80—SATURDAY, APRIL 26, 1969
2. Delegations of authority to the Bureau of Hearings and Appeals. In accordance with 40 CFR, Chapter I, the Appeals Council, its members, and Hearing Examiners in the Bureau of Hearings and Appeals, shall exercise all duties, powers, and functions of the Secretary relating to the holding of hearings, the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses, the receipt of evidence, and the issuance of orders and other written or oral communications. The Appeals Council shall exercise such discretion as is necessary to carry out these functions.

3. Appeals, on an ad hoc basis to act as

4. The recommendation and rendition of decisions made pursuant to section 160 of the Social Security Act and affecting their operations made under title XVIII of the Social Security Act, as amended, and affecting administrative appeals:

5. This action was taken in accordance with the procedures set forth in 46 CFR 2.75-5 to 2.75-50.

6. The U.S. Coast Guard with respect to these

7. The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

8. The Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J., Approval Nos. 164.002/80/0 and 164.002/81/0 expired and was terminated effective March 6, 1969.

9. The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn., Approval Nos. 164.02/82/0 and 164.02/83/0 expired and was terminated effective March 6, 1969.

10. The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn., Approval Nos. 164.02/82/0 and 164.02/83/0 expired and was terminated effective March 6, 1969.

11. The International Boiler Works Co., 1 Birch Street, East Stroudsburg, Pa., Approval No. 160.035/90/0 expired and was terminated effective March 12, 1969.

12. The Style-Crafters, Inc., Post Office Box 2777, Station A, Greenville, S.C., Approval Nos. 160.05/31/0, 160.05/32/0, and 160.05/33/0 expired and was terminated effective March 6, 1969.

13. The Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J., Approval Nos. 164.002/80/0 and 164.002/81/0 expired and was terminated effective March 6, 1969.

14. The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn., Approval Nos. 164.02/82/0 and 164.02/83/0 expired and was terminated effective March 6, 1969.

15. The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn., Approval Nos. 164.02/82/0 and 164.02/83/0 expired and was terminated effective March 6, 1969.

16. The Isoflex Sales Co., 1564 Rollins Road, Burringle, Calif., Approval No. 164.069/56/0 expired and was terminated effective March 12, 1969.


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

[F.R. Doc. 69-5005; Filed, Apr. 25, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[DOCKET NO. 18500; FCC 69-376]

CHRONICLE BROADCASTING CO.

Specification Order


By memorandum opinion and order released March 20, 1969 (FCC 69-362) the Commission designated the above application for hearing on four issues as follows:

(1) Whether Chronicle Publishing Co., parent of the licensee, has an undue concentration of control of the media of
mass communications in the San Francisco Bay area;

(2) Whether the Chronicle Publishing Co. has engaged in anticompetitive or monopolistic practices in the newspaper field in the San Francisco Bay area;

(3) Whether the licensee has used the facilities of Stations KRON-FM and KRON-TV to "manage," control, and public affairs for the purpose of advancing the interests of the Chronicle Publishing Co.;

(4) Whether in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned applications would serve the public interest, convenience, and necessity.

We stated at that time that we would further particularize the specification of facts and matter in issue in a later opinion. This specification follows:

Issue 1. Whether Chronicle Publishing Co., the parent of the licensee, has an undue concentration of control of the media of mass communications in the San Francisco Bay area;

1. KRON-TV and KRON-FM are wholly owned by the Chronicle Broadcasting Co., and are both assigned to the city of San Francisco. KRON-TV has an 80 percent interest in Concord TV Cable, which owns and operates a community antenna television (CATV) system in the city of Concord, Calif., and serves unincorporated areas in Contra Costa County adjacent, to and/or near to, the city of Concord, (2) and 60 percent interest in County TV Cable, which owns and operates a CATV system in the unincorporated areas of San Mateo County, generally west of, and adjacent to, the boundaries of Redwood City, San Carlos, Belmont, and (3) 100 percent interest in Western TV Cable, which owns and operates a CATV system in the city of South San Francisco, Calif., and is an applicant for franchises in other Northern California communities. Western TV Cable also possesses a franchise to own, construct and operate a CATV system in the city of San Francisco, Calif.

2. The Chronicle Broadcasting Co.'s parent, Chronicle Publishing Co., owns the San Francisco Chronicle. This newspaper is a daily morning paper and is published jointly on Sunday with the San Francisco Examiner, a daily evening paper, as the San Francisco Examiner & Chronicle. Oakland has the Oakland Tribune. It further appears that Chronicle Publishing Co. has a 50 percent interest in the San Francisco Newspaper Printing Co., which is owned by Hearst Corp.-owned San Francisco Examiner, the only other major daily newspaper in San Francisco. The San Francisco Newspaper Printing Co. performs the mechanical, circulation, advertising, accounting, credit, and collection functions of the two newspapers, as well as for the San Francisco Sunday Examiner & Chronicle, San Francisco's only Sunday newspaper. It has been determined that the Chronicle and the Examiner offer a combination rate permitting an advertiser who uses the Chronicle to have the advertisement appear in the Examiner by paying another 10 percent above the present rate.

3. It further appears that the parent of Chronicle, the Chronicle Publishing Co., wholly owns Western Communications, Inc., which in turn holds (1) an 80 percent interest in Concord TV Cable, which owns and operates a community antenna television (CATV) system in the city of Concord, Calif., and serves unincorporated areas in Contra Costa County adjacent, to and/or near to, the city of Concord, (2) and 60 percent interest in County TV Cable, which owns and operates a CATV system in the unincorporated areas of San Mateo County, generally west of, and adjacent to, the boundaries of Redwood City, San Carlos, Belmont, and (3) 100 percent interest in Western TV Cable, which owns and operates a CATV system in the city of South San Francisco, Calif., and is an applicant for franchises in other Northern California communities. Western TV Cable also possesses a franchise to own, construct and operate a CATV system in the city of San Francisco, Calif.

3. The Chronicle Broadcasting Co.'s parent, Chronicle Publishing Co., owns the San Francisco Chronicle. This newspaper is a daily morning paper and is published jointly on Sunday with the San Francisco Examiner, a daily evening paper, as the San Francisco Examiner & Chronicle. Oakland has the Oakland Tribune. It further appears that Chronicle Publishing Co. has a 50 percent interest in the San Francisco Newspaper Printing Co., which is owned by Hearst Corp.-owned San Francisco Examiner, the only other major daily newspaper in San Francisco. The San Francisco Newspaper Printing Co. performs the mechanical, circulation, advertising, accounting, credit, and collection functions of the two newspapers, as well as for the San Francisco Sunday Examiner & Chronicle, San Francisco's only Sunday newspaper. It has been determined that the Chronicle and the Examiner offer a combination rate permitting an advertiser who uses the Chronicle to have the advertisement appear in the Examiner by paying another 10 percent above the present rate.

4. It is necessary to determine, in light of these facts, and under Issue 1 whether and, if so, to what extent the Chronicle Publishing Co. has an undue degree of control of the media of mass communications. In the light of information now available to the Commission, this ownership appears to be limited to the San Francisco Bay area. The hearing will explore the media influence of the Chronicle with regard to the following particular considerations:

a. The relevant geographic area or areas, whether the city of San Francisco, San Francisco-Oakland, or a wider area.

b. The extent to which the licensee of KRON-FM and KRON-TV, together with affiliated companies, have dominated the furnishing of local, regional, and national news and the presentation of information and discussion of public affairs in the relevant area or areas.

c. What particular effects, if any, have resulted from concentration of control of the mass media in the area or areas in terms of diversity of approach to news and public affairs coverage and presentation.

d. Whether the Chronicle Publishing Co. has an undue degree of concentration of control of the mass media in the area or areas which have ownership interest in, or are subject to common ownership interest or common control with, or have substantial business relationships with, local mass communications media.

(4) Whether the editorial and comment, and other programing broadcast by KRON-FM and KRON-TV have been subject in its creation, production or presentation to the review, judgment, control or other influence of other media (or persons associated with them) with which the stations are directly or indirectly affiliated, or with business or ownership relationships to such media.

f. Whether the editorial and comment, and other programing broadcast by KRON-FM and KRON-TV has been similar to that of other media with which the stations are directly or indirectly affiliated.

h. The nature and extent of effect of business relationships among the media of mass communications in the area or areas, and those persons with ownership interests in them, including:

(1) Whether any officer, director, or employee of the licensee has had an ownership interest in, or substantial business relationship (including employment) with, other mass communications media.

(2) Whether Chronicle Broadcasting Co. in any of its operations uses offices, equipment, facilities, or any other property or services in common with or owned by persons or entities which have ownership interest in, are subject to common ownership interest or common control with, or have substantial business relationships with, local mass communications media.

(3) The nature of contracts or any other agreements between Chronicle Broadcasting Co. and entities in the area or areas which have ownership interest in, or are subject to common ownership interest or common control with, Chronicle Broadcasting Co.

(4) The extent to which there are advertisers who deal with both Chronicle Broadcasting Co. and other local mass communications media in the area or areas which have ownership interest in, or are subject to common ownership interest or common control with, Chronicle Broadcasting Co., and the proportion of revenues derived from these advertisers to the total billings to the individual media entities involved.

(5) The proportion of the advertising revenues of Chronicle Broadcasting Co. and the other mass communications entities in the area or areas which have ownership interest in or are subject to common ownership interest or common control with, Chronicle to the total advertising revenues derived by all local mass communications media.

Issue 2. Whether the Chronicle Publishing Co. has engaged in anticompetitive or monopolistic practices in the newspaper field in the San Francisco Bay area.

1. Prior to 1965, there were three daily newspapers of general circulation in San Francisco: (1) The independently owned San Francisco Chronicle in the morning; (2) the Hearst-owned San Francisco Examiner in the morning; and (3) the Hearst-owned San Francisco News Call Bulletin in the evening. On October 23, 1964, the Chronicle Publishing
Co. and Hearst Corp. executed an agreement to create a joint operating facility for their newspapers. The agreement contemplated the creation of "San Francisco Newspaper Publishing Co.," whose stock would be owned equally by Chronicle and Hearst. The new corporation would perform the mechanical, circulation, advertising, accounting, credit, and collection functions of the newspapers.

The agreement was submitted to the Department of Justice and, on August 30, 1965, the General Attorney, representing Hearst (and thereafter Chronicle) that it was not the Department's intention to institute antitrust action against implementation of the plan. On September 12, 1965, the agreement was put into effect.

The Examiner was changed to an afternoon paper and the News-Call Bulletin was dropped, leaving one morning and one afternoon daily. The Sunday morning editions were combined into the single San Francisco Sunday Examiner & Chronicle.

2. It has been alleged as follows:

a. The Chronicle Publishing Co., in 1965 and prior thereto, used the profits of KRON-TV to cause the San Francisco Examiner, its morning competitor, to fail, thereby leaving the Chronicle with a morning newspaper monopoly. The Chronicle then campaigned extensively to substantially increase circulation outside the San Francisco city zone by using the profits of KRON-TV. The Chronicle then claimed that it, not the Examiner, was the leading San Francisco newspaper.

b. It is also alleged that the Chronicle Publishing Co. has acquired and maintained an undue and monopolistic concentration of power in the communications field in San Francisco, with adverse competitive effects.

3. The licensee by letter of October 28, 1968, has denied that its parent corporation has a monopoly and that there is inadequate competition of media in the San Francisco area. It also denied that KRON-TV profits were used to stiffe competition, stating that prior to 1966, when Chronicle Publishing Co. was in control of the station, the profits were used for general corporate purposes.

4. On July 28, 1967, Mr. J. Hart Clinton, editor and publisher of the San Mateo (California) Times, appeared before the Senate Antitrust Subcommittee in connection with its consideration of S. 1312, the Failing Newspaper Act. The Times does not compete with either of the San Francisco newspapers in the San Francisco city area, but the Examiner does compete with the Times in San Mateo County. Mr. Clinton presented in his testimony three areas in which he alleged that the Chronicle Publishing Co. had engaged in anticompetitive activities:

a. The "failing newspaper" status of the San Francisco Examiner in 1965 was a result of the Chronicle's extension of KRON-TV advertising to the San Mateo city zone, through the use of KRON-TV profits to finance such circulation. The Chronicle became the leading morning newspaper, a position once enjoyed by the Examiner, through use of KRON-TV profits.

b. After the Chronicle and Examiner entered into the joint operating agreement in 1965, the Chronicle doubled its advertising rates. The Examiner (which has a nearby competitor, the Oakland Tribune) increased its rates by 50 percent and the newspapers offered to run an advertising rate combination; but the Examiner was out of advertising. As a result of the joint operating agreement, the San Mateo Times had experienced a drop in retail advertising lineages, especially from the San Francisco department stores. These stores used the combination rate to cover the San Mateo area in the afternoon instead of advertising separately in the Times.

5. Mr. Clinton was unable to obtain rights to publish certain syndicated news features in his San Mateo newspaper. His inability to buy the rights was due to the fact that the San Francisco newspapers had tie-up agreements with the right to buy through rates on the entire San Francisco Bay area through rates paid by them to the feature distributors.

6. The Chronicle Publishing Co. also appeared before the Senate Antitrust Subcommittee and stated that there was a connection between newspaper and the operation of the broadcast stations owned by Chronicle Publishing Co. It was stated that the Chronicle's syndicate contracts did contain territorial restrictions and that the features tied up were not available to potential users in the geographical areas in which the Chronicle operated.

Because the Chronicle territorial exclusivity was said to vary with each contract, he was unable to specify how many, if any, eliminated competition in the whole northern California area. In a letter dated December 11, 1967, to Senator Philip A. Hart, Chronicle Publishing Co.'s president further responded to testimony adverse to the Chronicle, not only by Mr. Clinton but by a University professor who testified that the Chronicle had spent thousands of dollars to tie up syndicated material, 1965, which it did not need to keep others from using. He denied that the Chronicle contracted for material which it did not intend to use. He also denied that the Chronicle had been tied up in a joint operating agreement and that the Chronicle did not produce a sufficient cash flow (except in years when newspaper costs increased) to sustain newspaper operations.

6. These allegations and rejoinders raise unresolved questions of fact as to whether Chronicle has used its television profits in an attempt to monopolize the newspaper and newspaper ownership control, and whether it has achieved ownership or control of the newspaper market to the extent that the existence of competitors is jeopardized by an inability to obtain rights to syndicated features or to otherwise compete with Chronicle's commercial practices.

Issue 3. Whether the licensee has used the facilities of Stations KRON-FM and KRON-TV to "manage" or slant the news and public affairs for the purpose of advancing the interests of Chronicle Publishing Co.

1. On September 11, 1968, the Commission received a letter from Albert Kihn, a KRON-TV cameraman for the past 8 years. Mr. Kihn alleged that ownership of KRON-TV by Chronicle Publishing Co. had resulted in management restrictions.

The Department of Justice has filed suit against three of these feature syndicates (but not against the individual San Francisco newspapers) alleging that the contracts between the syndicates and the Chronicle newspaper, which preclude the licensing of features to other newspapers, are unreasonable in breadth.

FEDERAL REGISTER, VOL. 34, NO. 80—SATURDAY, APRIL 26, 1969
and slanting of news and public affairs in the publishing company's interests, giving examples which included the alleged instructions to KRON-TV staff personnel. The major allegations of Mr. Kihn, with the licensee's response thereto, are set forth below.

2. Mr. Kihn alleged that the KRON-TV news department was forbidden in 1965 to comment on the Chronicle-Examiner joint operating agreement, except for a "last minute statement dictated by Chronicle management." The licensee responded that the station did not discuss the proposed agreement because it was not privy to the plans of its parent, and therefore any story on KRON-TV would have been based on speculation and rumor, and that any speculation by KRON-TV would appear to give credence to the rumors because of the station's relationship to one of the parties.

3. Mr. Kihn also alleged that KRON-TV suppressed news stories regarding strikes which might affect the San Francisco Chronicle. Instances of this alleged suppression are as follows:

a. In 1965, the licensee responded that the station moved its mobile unit from the building housing the newspaper to another area, so that no further news coverage as promised.

b. Mr. Kihn also alleged that KRON-TV failed to mention threatened strikes against the San Francisco newspapers in March 1965 and February 1966, and did not mention a strike against Station KEO-TV in May 1966. The licensee submitted evidence that the station did present news programs of the February 1966 strike. As to the threatened strike in 1965, the licensee stated that it determined the story not to be newsworthy, and in fact the strike never took place. The response makes clear to what extent, if any, it gave coverage to the strike against KEO-TV in 1966.

c. Mr. Kihn further complained that in 1965 and 1966 a CATV strike against Chronicle and Examiner in 1969 the news programs were "slanted in favor of the newspaper management." The licensee responded with evidence that six persons favoring the publishers' side of the strike and 20 persons favoring the union side appeared on KRON-TV. Twenty minutes and 43 seconds of news time were devoted to the representatives of the CATV publishers, against 34 minutes and 51 seconds to the union representatives. The strike was mentioned on 51 days during the strike in 143 different news programs: Mr. Kihn alleged that the KRON-TV news staff went to the request to give coverage to the CATV strike and provide expanded news coverage as promised.

d. Mr. Kihn complained that during the 1968 newspaper strike, KRON-TV did not fulfill its promise and provide expanded news coverage as promised.

e. Mr. Kihn sat forth in his letter information which he said was evidence that Station KRON-TV managed its CATV and documentary programming to further the Chronicle Publishing Co.'s desire to obtain a CATV franchise in that area. The licensee responded that KRON-TV had coverage in CATV and that the 1968 coverage had no relationship to the CATV bid for the San Carlos area (which was submitted in August 1967).

f. The second allegation regarding CATV interests concerned a KRON-TV program on the opening of a new library in South San Francisco. Mr. Kihn said that he had been told by people in the library that the licensee was forbidden to give the mayor prominence in the film, allegedly because the licensee's parent was "counting" the city for a CATV franchise. The licensees response was that the library dedication was filmed at the request of the library director and that no mention was made by management to employees regarding a connection between the coverage and the CATV interest.

g. Mr. Kihn's third allegation concerned the 1966 filming of a documentary program in the Vallejo, Calif., area. The writer assigned to the project had no relationship to the strike, and the 1965 program about this area and told the KRON-TV management that in fact there was a scandal which could be exposed in the area. The writer was then allegedly told by the general manager (now president) of the licensee: "[L]ook, there's a reason for [the documentary], and the reason is that we want that cable franchise." The licensee's response, written by the alleged author of the quotation, stated: "Mr. Kihn, the general manager did mention to the writer that he had been in Vallejo for exploratory talks about CATV, and that a CATV interest might develop, but that the writer was not instructed to produce the documentary because of the CATV interest. The licensee also pointed out that the CATV interest in Vallejo was dropped prior to completion of the documentary, and that the Chronicle Publishing Co. never applied for a CATV franchise there. According to the licensee, the documentary dealt with towns in the area other than Vallejo (which occupied 38 percent of the program time).

5. Mr. Kihn later sent another letter, dated December 22, 1968, which did not make reference to the licensee's December 12, 1968 letter, a copy of which had been sent to him. He termed this letter a supplement to his original complaint, and stated that it would give a larger picture of KRON-TV policies and practices of news management in behalf of the licensee's own corporate interests and news preferences.

6. Mr. Kihn further alleged that in preparing a 1965 news item on Synanon, an organization of former drug addicts, the former KRON-TV news director stated that he wouldn't want to give these people any credibility. The licensee responded that it devoted more than 30 minutes in 14 separate news programs to Synanon in the 15-month period prior to the alleged remark. In addition, the licensee stated that certain documentary programs on the station included the appearances of three Synanon directors. Also broadcast was an 1-hour documentary, in 1967, devoted entirely to the work of Synanon. Attached to the licensee's response was a letter from Synanon dated February 17, 1969, commending the station with respect to its policy with respect to the editorialization.

7. Mr. Kihn alleged that during August 1966, a documentary writer was ordered by the KRON-TV station manager to delete certain comments critical of the public schools, because "the cookoo fouls its own nest." The licensee responded that the unidentified documentary was probably a 1-hour program on venereal disease, and that the writer was instructed to delete certain items appearing in several magazines including their names, centerfolds, and other material," which accentuated sex and sex symbols to "sell" youth. The licensee also stated that the deleted material upon the advice of two attorneys who advised that the showing presented copyright and obscenity problems. The licensee also stated that the deleted material upon the advice of two attorneys who advised that the showing presented copyright and obscenity problems.

8. Mr. Kihn further complained that KRON-TV refused to carry political advertising on its CATV interest was desired because, as he quoted the KRON-TV general manager, "[T]hat's not now, but do you realize that all you have to do with that community antenna system is to stick a projector or a camera at the other end of it and you've got pay-TV." The licensee acknowledged that it did not carry the STV political advertising that was broadcast during the period prior to the 1965 election on the issue, because it had adopted the policy of not accepting commercials for any of the controversial issues to be voted upon. The licensee denied that it had editorialized against STV. As to the motive for the broadcast of the documentary on Vallejo, the licensee reiterated its assertion that the program was broadcast with the business interest of its corporate parent. In addition, the licensee submitted letters from the city manager of Vallejo and the present mayor, to the effect that the telecast was the result...
of a luncheon organized by the station for representatives of the north bay cities to discuss with the station how it could be of greater service to the area. At the luncheon, the city manager pointed out to the licensee's general manager the value of a documentary about Vallejo. The city manager, in his letter, stated his belief that the luncheon was held after the licensee's parent had abandoned interest in the city's proposed CATV franchise. The mayor stated that at no time did the general manager express to him an interest in CATV. The licensee also submitted a copy of the original letter from the city manager requesting that the station do the documentary. The licensee's president reasserted his denial that the writer was told that the program was to be done because of the CATV interest.

9. Addressing himself again to the charge that KRON-TV was used to further the CATV interests of the Chronicle Publishing Co., Mr. Kihn alleged that the writer with whom he had spoken while in Eureka, Calif., in 1968, wanted to include in the film the point that Eureka was forcing small suburbs to consolidate by threatening to cut off their sewer services. The program director stated that he had received instructions to "Tell Don't want to stir up the City Council. Some day we might be going up there to get a CATV franchise." The program director, responding to the statement by the writer to whom the statement was made that the comment was made "in jest. This was obvious to me at the time, and I may in talking to Al Kihn, have failed to make the obvious nature of the statement obvious to him." The licensee commented that the documentary did contain the unfavorable references to Eureka, and that no one connected with the Chronicle Publishing Co. or its subsidiaries had ever applied for a CATV franchise in Eureka.

10. Mr. Kihn stated that on February 2, 1968, there was a newspaper strike meeting in San Francisco, and that a station reporter told his cameraman that "he had received instructions to be circumspect in filming the various speeches to be made at this meeting." He also alleged that KRON-TV provided only "token" coverage of the event. The KRON-TV news director stated that he had never issued any such instructions. The licensee responded to the charge of token coverage by pointing out that the meeting took place on February 1 and that the station carried a sound on film statement on 6 p.m. news that day in which the president of the San Francisco Labor Council asserted the position of the council. This statement was included as an exhibit to the licensee's response, and contained a statement wherein the council called for a Government investigation of the antitrust aspects of the San Francisco newspaper situation.

11. Mr. Kihn alleged the Commission with two KRON-TV memoranda: One dated October 29, 1964, from the licensee's general manager (now president) to the news director and the station manager, and one dated April 6, 1967 from the news director, apparently to his staff. These memoranda are summarized as follows:

a. All stories relating to the public relations image of any radio or television station or its parent company or the management of the station or the individual acts of officers, directors, or employees of these organizations are to be brought to the attention of the general manager or station manager before broadcast. This restriction is not applicable to individuals or corporations engaged in publishing, except for the Chronicle Publishing Co.

b. Any story relating to broadcast industry labor problems or to local newspaper labor problems is to be cleared with the news director before broadcast. If the news director, program manager, or production manager cannot be contacted, the story is not to be run.

12. The licensee explained the memorandum as follows:

a. In October 1964, the station broadcast an inaccurate and one-sided news report on a strike at KRON. Because of the general manager's feeling that broadcast employees as a group seem to have an emotional reaction to their own industry, he issued the memorandum so that a representative management could review all news stories concerning the broadcast industry "to insure their accuracy and objectivity." Management did not want stories placing false or inaccurate stories on the air because of personal bias. Also, management wanted to check the accuracy of any story adverse to the Chronicle since the broadcast on KPDB allegedly lend a special air of credibility to the news item. The memorandum was also intended to prevent employees from airing inflammatory stories with the intent of gaining favor thereby.

b. The second memorandum was prepared because most of the news employees were unionized and it was felt that news about specific strikes might not be presented fairly and accurately by some of them, where there is not management supervision. This memorandum was specifically triggered by the March 29, 1967, strike against the networks and their owned and operated stations. As to the second memorandum, the licensee reiterates its earlier statements of objectivity concerning strikes, and submitted as further evidence of its objectivity in matters concerning the Chronicle Publishing Co. the transcript of a September 1967 news broadcast wherein a director of the Bay Area Rapid Transit District called for a libel suit against the Chronicle. In sum, the licensee asserted that the memoranda "do no more than insure that there will be adequate licensee control of news in specific sensitive areas."

13. On September 30, 1968, the Commission received a letter from Mr. Jeff Berner asserting that he had been suspended from his position of columnist with the Chronicle because of an article he had written criticizing violence on television. Mr. Berner complained that the article was written by Charles McCabe (another Chronicle columnist) and had been censored because the article urged "citizens to contact the FCC about violence on television." Finally Mr. Berner claims "(T)here is part of the folklore around the newspaper that Mr. Titheriot (the Chronicle owner) does not like any criticism of the TV medium and his principle revenues derive from that source."

The licensee responded in a letter of October 2, 1968, maintaining that "(T)here is simply nothing to this charge."

14. The licensee's responses leave substantial unresolved fact questions with respect to the issue of whether the licensee has attempted to slant news and public affairs programs to serve its business interests. It should be emphasized to the parties that this issue has been designated not to institute a generalized examination of the station's programs to determine whether they are "infair" but because of the presence of outside business interests and specific allegations that the preparation of programs has been deliberately made compatible with those interests. See, Letter to National Broadcasting Co. regarding Huntley-Broadcast, 14 FCC 2d 713, Letter to Networks regarding Democratic National Convention, 16 FCC 2d 1070. For this reason we have omitted certain allegations by Mr. Kihn that appear to raise only questions of licensee news judgment.

15. It is further ordered, that the times within which to file a petition for reconsideration under § 1.111 of the rules and to file a motion addressed to the issue under § 1.229 are enlarged to 20 days from the release of this order.


FEDERAL COMMUNICATIONS COMMISSION

[SEAL]

Ben F. Waple,
Secretary.

[F.R. Doc. 69-4969; Filed, Apr. 25, 1969; 8:47 a.m.]

[Docket No. 18499; FCC 69-373]

MIDWEST RADIO-TELEVISION, INC.

Specification Order

In re applications of Midwest Radio-Television, Inc., for renewal of licenses of Stations WCCO and WCCO-TV, Minneapolis, Minn., Docket No. 18499, File No. BR-659, File No. BRCT-49.

1. These applications were designated for hearing by order released March 21, 1969 (FCC 69-261), upon the following issues:

a. To determine whether the licensee and its owners have an undue concentration of control of the media of mass communications in the Minneapolis-St. Paul area.

b. To determine whether or not Midwest Radio-Television, Inc., has used its position in the newspaper field so as to...
obtain rights to broadcast sporting events, particularly in the area of professional baseball, football, and hockey teams.

c. To determine whether or not newspaper ownership of broadcast facilities in the Minneapolis-St. Paul area has resulted in reciprocal advantages to Midwest Radio-Television, Inc., the licensee of WREC-AM-TV, Memphis, Tenn., and owns Cowles Florida Broadcasting, Inc., licensee of WJUG-AM, Dunedin, Fla., it is necessary to determine under Issue a, whether this is an undue concentration of control in the Minneapolis-St. Paul area.

d. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned renewal applications would serve the public interest.

At that time, we stated that we would issue a subsequent specification of the facts and matters to be examined in the hearing. This specification follows:

**Issue a.** To determine whether the licensee and its owners have an undue concentration of control of the mass communications media in the Minneapolis-St. Paul area.

2. **WCCO and WCCO-TV** are licensed to Midwest Radio-TV, Inc. (Midwest), which owns 100 percent of a community antenna television system in Rice Lake, Wis., and is owned 59 percent by Midwest Radio-Television, Inc., and 47 percent by the Minneapolis Star and Tribune Co. The latter company publishes the only two general circulation Minneapolis daily newspapers, the Star and the Tribune; owns a community antenna television system in South Sioux City, Neb.; 83 percent of the Wichita-Hutchinson Co., licensee of KTVH-TV, Wichita, Kans. (application to sell now pending); 50 percent of Harpers Magazine; the San Fernando Valley Times Co., which publishes the San Fernando Valley (California) and the Rapid City (South Dakota) Journal, and the Great Falls (Montana) Tribune and Leader.

3. The Minneapolis Star and Tribune Co. is owned in part (9.9 percent) by the Des Moines Register and Tribune, Inc., which owns 100 percent of a community antenna television system in Minneapolis-St. Paul, and any broader area in terms of diversity of approach to news and public affairs coverage and presentation.

**NOTICES**

6991

**FEDERAL REGISTER, VOL. 34, NO. 80—SATURDAY, APRIL 26, 1969**

---

1. The hearing order stated that it was based in part upon allegations by Mr. Garfield Clark, manager of station KNST, St. Paul, Minn., licensed to Richard Brothers Communications, Inc. (CCI), and Indian River Newspapers, which publishes the Fort Pierce (Florida) Sun-Tribune. CCI publishes Look Magazine, Family Circle Magazine, Video Digest Magazine, the San Juan (Puerto Rico) Star, the Gainesville (Florida) Sun, the Lakeland (Florida) Ledger, the Suffolk (New York) Sun, the Education News, the Cowles Comprehensive Encyclopedia, and Magazines for Industry, Inc. (Paperboard Packaging Magazine). CCI is also the licensee of KXAN-TV-AM-TV, Des Moines, Iowa, owns Cowles Broadcasting Service, Inc., the licensee of WREC-AM-TV, Memphis, Tenn., and owns Cowles Florida Broadcasting, Inc., licensee of WJUG-AM, Dunedin, Fla. It also has part interest in a community antenna television system in Memphis and Shelby County, Tenn.

2. MidwestRadioTelevision, Inc., licensee of WDSM-AM-TV, Duluth-Superior, Wis., the licensee of station KSBS, Colorado Springs, Colo., and owns 86 percent of the Aberdeen News Co., which WCCO has an interest in, and is also licensee of KSDN, Aberdeen, S. Dak. Northwest also is a joint venturer in San Jose Cable TV Service, a franchise holder in Campbell and San Jose, Calif. Seventy-three percent of the Northwest stock is owned by Ridder Publications, Inc. (Ridder), which is controlled by the Ridder family. Ridder Publications, Inc., owns 58 percent of the (South Dakota) Herald, San Jose (California) Mercury, San Jose (California) News, Long Beach (California) Independent, Long Beach (California) Press Telegram, Pasadena (California) Star News, Garden Grove (California) Orange County News, Gary (Indiana) Post Tribune, and has a minority interest in the Seattle (Washington) Times.

3. Minneapolis-St. Paul and the area appear to constitute a single market for radio, television, and newspapers. As noted above, there are no other general circulation daily newspapers than those connected with WCCO and WCCO-TV. There are four commercial television stations in Minneapolis-St. Paul, and two noncommercial, educational stations. There are 17 standard broadcast (AM) stations. WCCO and WCCO-TV together with direct and indirect ownership of newspapers and magazines, control the Star and the Tribune, which publishes the Minneapolis-St. Paul area and any broader area in terms of diversity of approach to news and public affairs coverage and presentation.

4. Whether the editorial, news, public affairs, or other programing broadcast by WCCO and WCCO-TV has been subject in its creation, production or presentation to the review, judgment, control, or other influence of other media (or persons associated with them) with which the stations are directly or indirectly affiliated.

5. Whether the editorial and commentary treatment of public affairs by WCCO and WCCO-TV has been the same or substantially similar to that of any other media with which the stations are directly or indirectly affiliated. As noted above, the stations are directly or indirectly affiliated.

6. Whether WCCO and WCCO-TV programming has otherwise been affected by the other business interests of persons or companies with which the stations are directly or indirectly affiliated.

7. The nature and extent of all substantial interlocking relationships affecting ownership or control among WQCO and WCCO-TV and other mass communications media in the United States.

8. The nature, extent and effects of business relationships among the media of mass communications in Minneapolis-St. Paul and elsewhere (and those persons with ownership interests in them), connected directly or indirectly by ownership, control, or other influence with WCCO and WCCO-TV, including:

(A) Whether any officer, director, or employee of the licensee has had an ownership interest in, or substantial business relationship (including employment) with, other mass communications media in Minneapolis-St. Paul and elsewhere; and

(B) Whether Midwest Radio-Television, Inc., in any way uses offices, facilities, or substantial equipment or other property or services in common with any directly or indirectly owned or controlled stations, or persons or entities, or persons or entities having a substantial business relationship with the latter.
The nature of substantial contracts or other agreements between Midwest Radio-Television, Inc., and directly or indirectly affiliated persons or entities, or persons or entities having a substantial business relationship with it.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul or elsewhere, and the proportion of the revenues derived from these advertisers to the total billings of the Midwest Radio-Television, Inc., and other directly or indirectly affiliated persons or entities, or persons or entities having a substantial business relationship with it.

The proportion of the revenues derived from Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

Issue b. To determine whether or not Midwest Radio-Television, Inc., has used its position, or that of its agents or employees, to establish advantages for itself or others who are directly or indirectly affiliated persons or entities, or persons or entities having a substantial business relationship with it in connection with the latter.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

Issue c. To determine whether or not newspaper ownership of broadcast facilities in the Minneapolis-St. Paul area has resulted in the newspaper field so as to obtain competitive advantage through its ownership connections, that WTCN-TV, Minneapolis, Minn., has obtained success in obtaining broadcast rights to professional sporting events to such factors as organization and competitive ability, experience and reputation in the sports field, coverage and audience popularity and interest in professional sports.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.

The extent to which there are advertisers who deal with both Midwest Radio-Television, Inc., and other directly or indirectly affiliated entities in Minneapolis-St. Paul which have ownership interest in or are subject to common ownership interest or common control with Midwest Radio-Television, Inc., to the total advertising revenues derived by all local mass communications media in the Minneapolis-St. Paul area, and the same data as between all directly or indirectly affiliated entities and total revenues in the United States or other relevant areas.
15. The practices mentioned above raise the question whether there is a business relationship between Midwest Radio Television, Inc., and the newspapers of the Minneapolis-St. Paul area which could favor Midwest over competing broadcast entities which have no financial connection through direct or indirect ownership interest with newspapers. In this connection, inquiry is necessary into the following matters:

(a) The extent of financial dealings for advertising, other services, or products, between Midwest Radio-Television, Inc., and the Minneapolis-St. Paul newspapers.

(b) Whether the Minneapolis-St. Paul newspaper publishers have in practice sold more advertisement space to or mentioned any understanding or understanding concerning the reporting of radio or television daily programming and the mention of station call signs generally.

(c) Whether the Minneapolis-St. Paul newspapers have in practice sold more advertisement space than other stations in the market, and whether there is any understanding or policy in this respect.

(d) Whether the stations owned by Midwest Radio-Television, Inc., have advertising rates or practices related by agreement, contract, policy or practice to the advertising rates and practices of the Minneapolis-St. Paul newspapers.

16. It is ordered, That Issue a is amended to read as follows:

Issue a. To determine whether the licensee and its owners have an undue concentration of control of media of mass communications in the Minneapolis-St. Paul area or any broader geographic area including Minneapolis-St. Paul.

17. It is further ordered, That the times within which to file a petition for reconsideration under § 73.682 and 73.699 of the rules to facilitate international program exchange has been extended to April 29, 1969, as the Chairman/Secretary is notified of the complexities contained in §§ 73.682 and 73.699 of the rules to facilitate international program exchange.

1. On March 25, 1969, the Commission released a notice of inquiry in this proceeding (FCC 69-288) inviting comments on a proposal to adopt more uniform technical specifications for television broadcast signals to facilitate the international exchange of programs by satellite and other means. The time for filing comments was designated as April 21, 1969, and that for replies as April 29, 1969.

2. On April 16, 1969, Electronics Industries Association (EIA) filed a request for extension of time in which to file comments. EIA states the additional time is needed in order to generate and coordinate industry comments that would be useful in instructing the United States COI delegation in the matter of allocating certain television scanning lines of the vertical blanking interval for transmission of signal to test the performance of international circuits. It further states that there are many other complexities contained in the docket which require considerable study and coordination.

3. We are of the view that additional time is warranted and would serve the public interest. However, we feel that an extension of 60 days instead of the requested 90 days would be sufficient time in which to prepare the comments. It is important to get this matter resolved in time for the forthcoming international conference. Accordingly, it is ordered,

That the request for extension of time filed by Electronics Industries Association is granted in part and the time is extended to and including June 16, 1969, for the filing of comments and to and including June 30, 1969, for the filing of reply comments in this proceeding.

4. This action is pursuant to authority found in sections 4(d), 5(d), and 303(c) of the Communications Act of 1934, as amended, and 0.281(d)(8) of the Commission's rules.

Adopted: April 21, 1969.

Released: April 22, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[Seal]
Ben F. Ware,
Secretary.

[F.R. Doc. 69-5000; Filed, Apr. 25, 1969; 8:47 a.m.]

[DOCKET NO. 18059]

TV SIGNAL SPECIFICATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of inquiry into possible change in certain TV signal specifications.

FEDERAL MARITIME COMMISSION

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 16 of the Shipping Act, 1916, as amended (46 Stat. 762, 76 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, 1400 1 Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 30 days after publication of this notice in the Federal Register.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:


Agreement No. 14–28, would modify the basic agreement of the Trans-Pacific Freight Conference (Hong Kong), Agreement No. 14 as amended, by adding Article 5 to permit opening by proxy. Under this procedure, one member line could give its proxy to another so long as the Chairman/Secretary is notified of the fact through receipt of a copy of such an appointment.

Dated: April 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LEE,
Secretary.

[F.R. Doc. 69-4966; Filed, Apr. 25, 1969; 8:47 a.m.]

[DOCKET NO. 69-38]

STRIKE SURCHARGES—NORTH ATLANTIC/CONTINENTAL TRADES

Order To Show Cause

The North Atlantic Continental Freight Conference (outbound) operates pursuant to Commission approved Agreement 9214 from U.S. North Atlantic ports in the Eastport, Maine/Hampton Roads Range to ports in Holland, Germany (excluding German Baltic ports). On December 1, 1968, this conference established a 5 percent general freight rate increase. On March 10, 1969, it placed into effect a 10 percent surcharge to enable the lines to recover expenses directly relating to the U.S. longshoremen's strike.

The Continental North Atlantic Westbound Freight Conference (inbound) operates pursuant to Commission approved Agreement 8210 from ports of Germany, the Netherlands, and Belgium in the range between Hamburg (included), and boundary line of Belgium and France to U.S. North Atlantic ports in the Hampton Roads/Portland, Maine range. This conference did not establish any strike surcharge.

2 Recently the conference amended its tariff to terminate the strike surcharge and institute a 15 percent general freight rate increase subject to a maximum of $6 per ton as freighted, effective June 1, 1969.

FEDERAL REGISTER, VOL. 34, NO. 80—SATURDAY, APRIL 26, 1969
NOTICES

The outbound group maintains a membership of 10 carriers—4 American and 6 foreign flag. The inbound group consists of seven carriers—4 American and 3 foreign flag. The seven members of the inbound group are also members of the outbound group.

The organic agreement of the outbound conference (No. 8214) indicates that rates are fixed based upon a three-quarters majority vote of those members present at meetings. The organic agreement of the inbound conference (No. 8210) indicates the same voting requirements governing the establishment of rates.

The facts within the competence of the Commission, which are recited above, show that the outbound conference instituted a strike surcharge to recoup losses from the most recent longshoremen's strike; the inbound conference did not institute such a surcharge. It would appear that the identity of membership is such that the same carriers could have, through their majority standing in both conferences, instituted a surcharge in both groups. Further application of the strike imposed similar, if not equal expenses, upon the carriers in the trades. Therefore, it would appear that the carriers members of both conferences and exercise control over both conferences through the relevant voting provisions have elected to recoup their strike expenses through the imposition of an outward surcharge only.

It appears that this imposition of charges against the outbound movement only imposes a burden upon shippers in the United States which burden should be prorated among all the users of carriers' service, both inbound and outbound. This inequality of treatment which is made effective through the machinery of approved section 15 agreements appears to be detrimental to the commerce of the United States and contrary to the public interest. It therefore appears that the agreements have operated in a manner in violation of section 15.

Now, therefore, it is ordered, That the respondents, as shown in Appendix A, show cause why they should not be found to be in violation of section 15 because their affirmative vote, or through their nonaction they are responsible for the inequitable apportionment of a strike surcharge, and therefore, why the Commission should not order elimination of the inequity.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda, replies, and argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing and affidavits and memoranda of facts shall be filed no later than close of business May 6, 1969. Replies shall be due on May 16, 1969. Date and time of oral argument will be announced at a later date.

It is further ordered, That a notice of this order be published in the Federal Register and that a copy thereof be served upon all parties of record a list of which is attached as Appendix A.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties in this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR § 502.72).

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. In an original and 15 copies and shall be mailed directly to all parties of record.

By the Commission.

[Seal]
THOMAS L. Lillis,
Secretary.

APPENDIX A

North Atlantic Continental Freight Conference, 17 Battery Place, New York, N.Y. 10004.

Continental North Atlantic Westbound Freight Conference, 79 José de Monastir, Antwerp, Belgium.


French Line, Compagnie Generale Transatlantique, 6 Rue Auber, Paris 9, France.


Amsterdam-American Line, France, Auber, Paris 9, France.

Hamburg-Amerika Line, Compagnie Generale Transatlantique, 6 Rue Auber, Paris 9, France.


North German Lloyd, Norddeutscher Lloyd, Schillersbach 47 (22), Bremen, Germany.


PIER 39, HONOLULU, HAWAII; APPLICATION FOR EXPANSION OF BOUNDARY

Notice of Filing and Investigation

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the State of Hawaii, grantees of Foreign-Trade Zone No. 9, located at Pier 39, Honolulu, Hawaii, for permission to contiguously expand the boundaries of said Zone No. 9, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 1067-1073; 19 U.S.C. 81a-81u). The grant authorizing the establishment of Zone No. 9 was issued on February 15, 1965 (Board Order No. 65; 30 F.R. 2377, February 20, 1965). The requested expansion would add approximately 115,525 sq. ft. of covered storage area within the pier shed of Pier 39 and contiguous to the pier shed area of the existing zone. The grantee's original application contemplated future expansion to permit utilization of additional space within the Pier 39 area.

The Acting Executive Secretary of the Foreign-Trade Zones Board, pursuant to the Foreign-Trade Zones Board Regulations (15 CFR Part 400), designated Jerome Sachs, Director, Transportation and Insurance Division, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., as Examiner to investigate the application for compliance with the filing requirements of said regulations. The application was found to be in order on April 16, 1969. Accordingly, the Acting Executive Secretary has appointed an Examiners Committee composed of: Jerome Sachs, Chairman; Ernest I. Murai, District Director of Customs, U.S. Bureau of Customs, Honolulu, Hawaii; and, Col. John A. Hughes, U.S. Army District Engineer, Honolulu District, Corps of Engineers, Port Armstrong, Honolulu, Hawaii, to conduct an investigation of the application and report thereon to the Foreign-Trade Zones Board.

A copy of the application and accompanying exhibits is available for public inspection at the Office of the District Director of Customs, U.S. Bureau of Customs, Room 228, Federal Building, Honolulu, Hawaii, and at the Office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3229, U.S. Department of Commerce, Washington, D.C.

Notice is hereby given that, in connection with its consideration of the application, the Examiners Committee invites interested persons to submit their written views regarding the application. Such views must be submitted in writing to Mr. Jerome Sachs, Chairman of the Examiners Committee (Foreign-Trade Zones Expansion), Foreign-Trade Zones Board, Washington, D.C. 20220, within 30 calendar days of the publication of this notice in the Federal Register.

Dated: April 22, 1969.

[Seal]
JOHN J. DA PONTE,
Acting Executive Secretary,
Foreign-Trade Zones Board.

SEcurities AND exChangiE COmmiSSION

TOp nOtCH uranium AND MINING CORP.

Order Suspending Trading

APRIL 22, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

FEDERAL REGISTER, VOL. 34, NO. 80—SATURDAY, APRIL 26, 1969
stock of Top Note Uranium and Mining Corp., a Utah corporation, and all other securities of Top Note Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be suspended, this order to be effective for the period April 23, 1969, through May 2, 1969, both dates inclusive.

By the Commission.

[Seal] 

Gerald L. DuBois,
Secretary.

[F.R. Doc. 69-4994; Filed, Apr. 25, 1969; 8:46 a.m.]

INTERSTATE COMMERCE
COMMISSION

[S.O. 1002; Car Distribution Direction No. 28-A]

LOUISVILLE AND NASHVILLE RAILROAD CO., and ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 28 (Louisville and Nashville Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 28 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 4 p.m., April 23, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.


INTERSTATE COMMERCE
COMMISSION

[Seal] N. Thomas Harris,
Agent.

[F.R. Doc. 69-6002; Filed, Apr. 25, 1969; 8:47 a.m.]

[Notice 820]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

April 23, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-87 (49 CFR Part 320) 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. Copies of such application must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2352 (Sub-No. 57 TA), filed April 17, 1969. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04104. Applicant’s representative: Francis E. Barrett, Jr., 536 Granite Street, South Portland, Maine 04106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal, in bulk, in tank vehicles, from Talmadge, Ga., to Hazleton, Pa., for 150 days. Supporting carrier: Maine Central Railroad Co., 345 Pine Street, Burlington, Vt. End protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 30637 (Sub-No. 368 TA), filed April 17, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant’s representative: Albert P. Barber (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Seat oaks, in truck-away service, from Waterloo, Iowa, to Racine, Wis., for 160 days. Supporting shipper: Green Mountain Petroleum Corp., 345 Pine Street, Burlington, Vt. End protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 30807 (Sub-No. 176 TA), filed April 17, 1969. Applicant: CENTRAL FREIGHT LINES, INC., 200 South 12th Street, Post Office Box 238, Waco, Tex. 76703. Applicant’s representative: H. L. Patterson (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value), household goods as defined by the Commission in 17 CFR 1, 200 commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; (1) between Waco, Tex., and Hempstead, Tex., from Waco to Texas Highway 6 to Hempstead, and return over the same route, serving all intermediate points; and (2) between Caldwell, Tex., and Bryan, Tex., from Caldwell, over Texas Highway 21 to Bryan, and return over the same route, serving all intermediate points, for 150 days. Notice: Applicant does protest, but objects to the service which it now offers and the protest which is served on it.

No. MC 107496 (Sub-No. 727 TA), filed April 17, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keesauqua Way, Post Office Box 855, Des Moines, Iowa 50309. Applicant’s representative: H. L. Fabritz (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible vegetable oils, in bulk, in tank vehicles, from Archer Daniels Midland Co., 4668 Poynter Drive, Decatur, Ill. 62526, to points in Iowa, Kansas, Missouri, South Dakota, and Minnesota, for 150 days. Supporting shipper: Archer Daniels Midland Co., 4668 Poynter Drive, Decatur, Ill. 62526, and will consist of a signed original and six copies. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from Huntington, Ind., to St. Marys and Lima, Ohio, for 150 days. Supporting shipper: Cheker Oil Co., Post Office Box 76102, Bryan, Ohio 43506. Authority seeks to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from Huntington, Ind., to St. Marys and Lima, Ohio, for 150 days. Authority seeks to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from Huntington, Ind., to St. Marys and Lima, Ohio, for 150 days.
DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal and poultry food and ingredients thereof (other than liquid), from the plantate of Schreiber Mills, Inc., at St. Joseph, Mo., to points in Iowa and Nebraska, restricted to traffic originating at the named origin and destined to the named destinations; for 180 days. Supporting shipper: Schreiber Mills, Inc., St. Joseph, Mo. 64502. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68503.


No. MC 119702 (Sub-No. 38 TA), filed April 17, 1969. Applicant: STAHIL CARTAGE CO., Post Office Box 486, 130A Hillisboro Avenue, Edwardsville, Ill. 62025. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Calcium chloride, in bulk, from Dubuque, Iowa, to points in Minnesota, Wisconsin, Illinois (except Springfield, Ill., commercial zone), and Iowa, for 180 days. Supporting shipper: The Dow Chemical Co., General Office Building, 2939 Abbotts Road Center, Midland, Mich. 48640. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 255 West Adams Street, Springfield, Ill. 62704.

No. MC 127748 (Sub-No. 2 TA), filed April 17, 1969. Applicant: FOURMEN DELIVERY SERVICE, INC., 153-27 Rocksway Boulevard, Jamaica, N.Y. 11434. Applicant's representative: Milton C. Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are used or useful in the maintenance, repair, and operation of aircraft, except aircraft engines and commodities in bulk, between LaGuardia Airport and JFK Airport at New York, N.Y., on the one hand, and on the other, Newark Airport, Newark, N.J., for 180 days. Supporting shippers: Eastern Air Lines Inc., JFK International Airport, Jamaica, N.Y. 11430; American Airlines, JFK International Airport, Jamaica, N.Y. 11430. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 128642 (Sub-No. 4 TA), filed April 17, 1969. Applicant: STABLY TRANSPORT, INC., 6120 Eastbourne Avenue, Baltimore, Md. 21224. Applicant's representative: J. Meredith Russell (same name as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid sugar, invert sugar, and blends of sugar, in bulk, from Baltimore, Md., to subsequent more or subsequent points on the New Jersey Turnpike (except to points in the East St. Louis, 369, Federal Building, Pierre, S.Dak., to rail sites at Redfield, Clay Center, Nebr., and Johnson City, Tenn., and between Kingsport, Tenn., and Bristol, Va., for 180 days. Supporting shipper: Appalachian League, Inc., between Kingsport and Johnson City, Tenn., and between Kingsport, Tenn., and Bristol, Va., for 180 days. Supporting shipper: Appalachian League, Inc., Post Office Box 527, Bristol, Va. Send protests to: Clinton M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW, Roanoke, Va. 24011

By the Commission.

[SEAL]

H. Neil Garson, Secretary.

[P.R. Doc. 69-5002: Filed, Apr. 25, 1969; 8:47 a.m.]

[Notice 334]

MOTOR CARRIER TRANSFER PROCEEDINGS

April 23, 1969.

Synopsis of orders entered pursuant to section 312(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in question pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-129914 (Sub-No. 2 TA), filed April 17, 1969. Applicant: YELLEN COACH LINES, INCORPORATED, Post Office Box 287, 520 East Mary Street, Bristol, Va. 24201. Applicant's representative: Clifford E. Sanders, 521 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, for the accounts of Appalachian League, Inc., between Kingsport and Johnson City, Tenn., and between Kingsport, Tenn., and Bristol, Va.-Tenn., for 180 days. Supporting shipper: Appalachian League, Inc., Post Office Box 527, Bristol, Va. Send protests to: Clinton M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW, Roanoke, Va. 24011.

By the Commission.

FEDERAL REGISTER, VOL. 34, NO. 80—SATURDAY, APRIL 26, 1969
NOTICES


No. MC-FC-71189. By order of April 17, 1969, the Motor Carrier Board approved the transfer to Blanton Enterprises, Inc., Milford, Va., of a portion of certificate No. MC-61620, issued December 13, 1966, to M & G Transportation Co., Inc., Gloucester, Va., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Richmond, Va., on the one hand, and, on the other, points in those portions of King William and King and Queen Counties, Va., southeast of U.S. Highway 360, except points within 1 mile of U.S. Highway 360. Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220, attorney for applicants.

No. MC-FC-71252. By order of April 17, 1969, the Motor Carrier Board approved the transfer to Paul W. Hill, doing business as Hill Truck Line, Post Office Box 4, Onaga, Kans. 66521, of the certificate in No. MC-84374, issued October 18, 1961 to Lester Brimer, Post Office Box 262, Onaga, Kans. 66521, authorizing the transportation of general commodities and specific named commodities between named points in Kansas and Missouri.

H. Neil Garson, Secretary.
The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

### PROCLAMATIONS:

<table>
<thead>
<tr>
<th>Page</th>
<th>3 CFR—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>3906</td>
<td>6497</td>
</tr>
<tr>
<td>3909</td>
<td>6679</td>
</tr>
<tr>
<td>3910</td>
<td>6961</td>
</tr>
</tbody>
</table>

### EXECUTIVE ORDERS:

<table>
<thead>
<tr>
<th>Page</th>
<th>3 CFR—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>3912</td>
<td>6325</td>
</tr>
<tr>
<td>3915</td>
<td>6326</td>
</tr>
<tr>
<td>3921</td>
<td>6327</td>
</tr>
<tr>
<td>3922</td>
<td>6372</td>
</tr>
</tbody>
</table>

### PROPOSED RULES:

<table>
<thead>
<tr>
<th>Page</th>
<th>7 CFR—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>815</td>
<td>6075</td>
</tr>
<tr>
<td>859</td>
<td>6085</td>
</tr>
<tr>
<td>882</td>
<td>6085</td>
</tr>
</tbody>
</table>

### CFR—Continued

<table>
<thead>
<tr>
<th>Page</th>
<th>7 CFR—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>907</td>
<td>6085</td>
</tr>
<tr>
<td>905</td>
<td>6095</td>
</tr>
<tr>
<td>904</td>
<td>6105</td>
</tr>
</tbody>
</table>

### PROPOSED RULES:

<table>
<thead>
<tr>
<th>Page</th>
<th>10 CFR—Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>6327</td>
</tr>
<tr>
<td>2.</td>
<td>6510</td>
</tr>
<tr>
<td>3.</td>
<td>6767</td>
</tr>
</tbody>
</table>

### CFR—Continued

<table>
<thead>
<tr>
<th>Page</th>
<th>12 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>201</td>
<td>6417</td>
</tr>
<tr>
<td>204</td>
<td>6329</td>
</tr>
<tr>
<td>224</td>
<td>6472</td>
</tr>
<tr>
<td>226</td>
<td>6417</td>
</tr>
<tr>
<td>229</td>
<td>6574</td>
</tr>
<tr>
<td>508</td>
<td>6359</td>
</tr>
<tr>
<td>563</td>
<td>6279</td>
</tr>
<tr>
<td>650</td>
<td>6339</td>
</tr>
</tbody>
</table>

### PROPOSED RULES:

<table>
<thead>
<tr>
<th>Page</th>
<th>14 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>6330</td>
</tr>
<tr>
<td>67</td>
<td>6475</td>
</tr>
<tr>
<td>93</td>
<td>6641</td>
</tr>
<tr>
<td>98</td>
<td>6698</td>
</tr>
<tr>
<td>205</td>
<td>6774</td>
</tr>
<tr>
<td>207</td>
<td>6838</td>
</tr>
<tr>
<td>208</td>
<td>6891</td>
</tr>
<tr>
<td>243</td>
<td>6908</td>
</tr>
<tr>
<td>302</td>
<td>6908</td>
</tr>
<tr>
<td>385</td>
<td>6938</td>
</tr>
<tr>
<td>389</td>
<td>6939</td>
</tr>
<tr>
<td>1204</td>
<td>6939</td>
</tr>
</tbody>
</table>

### CFR—Continued

<table>
<thead>
<tr>
<th>Page</th>
<th>14 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>6330</td>
</tr>
<tr>
<td>67</td>
<td>6475</td>
</tr>
<tr>
<td>93</td>
<td>6641</td>
</tr>
<tr>
<td>98</td>
<td>6698</td>
</tr>
<tr>
<td>205</td>
<td>6774</td>
</tr>
<tr>
<td>207</td>
<td>6838</td>
</tr>
<tr>
<td>208</td>
<td>6891</td>
</tr>
<tr>
<td>243</td>
<td>6908</td>
</tr>
<tr>
<td>302</td>
<td>6908</td>
</tr>
<tr>
<td>385</td>
<td>6938</td>
</tr>
<tr>
<td>389</td>
<td>6939</td>
</tr>
<tr>
<td>1204</td>
<td>6939</td>
</tr>
</tbody>
</table>

### PROPOSED RULES:

<table>
<thead>
<tr>
<th>Page</th>
<th>14 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>6330</td>
</tr>
<tr>
<td>67</td>
<td>6475</td>
</tr>
<tr>
<td>93</td>
<td>6641</td>
</tr>
<tr>
<td>98</td>
<td>6698</td>
</tr>
<tr>
<td>205</td>
<td>6774</td>
</tr>
<tr>
<td>207</td>
<td>6838</td>
</tr>
<tr>
<td>208</td>
<td>6891</td>
</tr>
<tr>
<td>243</td>
<td>6908</td>
</tr>
<tr>
<td>302</td>
<td>6908</td>
</tr>
<tr>
<td>385</td>
<td>6938</td>
</tr>
<tr>
<td>389</td>
<td>6939</td>
</tr>
<tr>
<td>1204</td>
<td>6939</td>
</tr>
</tbody>
</table>

### CFR—Continued

<table>
<thead>
<tr>
<th>Page</th>
<th>14 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>6330</td>
</tr>
<tr>
<td>67</td>
<td>6475</td>
</tr>
<tr>
<td>93</td>
<td>6641</td>
</tr>
<tr>
<td>98</td>
<td>6698</td>
</tr>
<tr>
<td>205</td>
<td>6774</td>
</tr>
<tr>
<td>207</td>
<td>6838</td>
</tr>
<tr>
<td>208</td>
<td>6891</td>
</tr>
<tr>
<td>243</td>
<td>6908</td>
</tr>
<tr>
<td>302</td>
<td>6908</td>
</tr>
<tr>
<td>385</td>
<td>6938</td>
</tr>
<tr>
<td>389</td>
<td>6939</td>
</tr>
<tr>
<td>1204</td>
<td>6939</td>
</tr>
</tbody>
</table>

### PROPOSED RULES:

<table>
<thead>
<tr>
<th>Page</th>
<th>14 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>6330</td>
</tr>
<tr>
<td>67</td>
<td>6475</td>
</tr>
<tr>
<td>93</td>
<td>6641</td>
</tr>
<tr>
<td>98</td>
<td>6698</td>
</tr>
<tr>
<td>205</td>
<td>6774</td>
</tr>
<tr>
<td>207</td>
<td>6838</td>
</tr>
<tr>
<td>208</td>
<td>6891</td>
</tr>
<tr>
<td>243</td>
<td>6908</td>
</tr>
<tr>
<td>302</td>
<td>6908</td>
</tr>
<tr>
<td>385</td>
<td>6938</td>
</tr>
<tr>
<td>389</td>
<td>6939</td>
</tr>
<tr>
<td>1204</td>
<td>6939</td>
</tr>
</tbody>
</table>

### CFR—Continued

<table>
<thead>
<tr>
<th>Page</th>
<th>14 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>6330</td>
</tr>
<tr>
<td>67</td>
<td>6475</td>
</tr>
<tr>
<td>93</td>
<td>6641</td>
</tr>
<tr>
<td>98</td>
<td>6698</td>
</tr>
<tr>
<td>205</td>
<td>6774</td>
</tr>
<tr>
<td>207</td>
<td>6838</td>
</tr>
<tr>
<td>208</td>
<td>6891</td>
</tr>
<tr>
<td>243</td>
<td>6908</td>
</tr>
<tr>
<td>302</td>
<td>6908</td>
</tr>
<tr>
<td>385</td>
<td>6938</td>
</tr>
<tr>
<td>389</td>
<td>6939</td>
</tr>
<tr>
<td>1204</td>
<td>6939</td>
</tr>
</tbody>
</table>