FEDERAL REGISTER

VOLUME 34 • NUMBER 236

Wednesday, December 10, 1969 • Washington, D.C.

Pages 19491–19536

Agencies in this issue—

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

Contents

(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.

5 CFR

210 ... 19495
213 (4 documents) ... 19495
550 (2 documents) ... 19495, 19496

7 CFR

912 ... 19496
1421 ... 19496
1495 ... 19496

PROPOSED RULES:

1005 ... 19507
1033 ... 19507
1034 ... 19507
1035 ... 19507
1036 ... 19507
1041 ... 19507

9 CFR

76 ... 19498

10 CFR

PROPOSED RULES:

40 ... 19511

14 CFR

39 ... 19498
71 (7 documents) ... 19499, 19500
73 (2 documents) ... 19501
151 ... 19501

PROPOSED RULES:

71 (2 documents) ... 19510
73 ... 19510

16 CFR

13 (2 documents) ... 19501, 19502

31 CFR

342 ... 19504
500 ... 19504
515 ... 19504

32 CFR

813a ... 19503
1606 ... 19503

41 CFR

5A–1 ... 19504
5A–16 ... 19505
101–20 ... 19505

45 CFR

85 ... 19506

47 CFR

PROPOSED RULES:

1 ... 19512
73 ... 19513
83 ... 19513

49 CFR

PROPOSED RULES:

173 ... 19511
1047 ... 19514
1048 (3 documents) ... 19515, 19516

50 CFR

33 (2 documents) ... 19505

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 210—BASIC CONCEPTS AND DEFINITIONS (GENERAL)

Metropolitan Area of Washington, D.C.

Section 210.102(b)(7) is revised to provide a new defintion of "Metropolitan area of Washington, D.C." which includes the city of Fairfax and Loudoun and Prince William Counties, Va.

§ 210.102 **Definitions.**

* * * * *

(b) In this chapter: * * *

(7) "Metropolitan area of Washington, D.C.", means the District of Columbia; Alexandria, Fairfax, and Falls Church cities, Va.; Arlington, Fairfax, Loudoun, and Prince William counties, Va.; and Montgomery and Prince Georges Counties, Md.

* * * * *

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-14651; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Executive Assistant to the Administrator, Southwestern Power Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (k) of § 213.3312 as set out below.

§ 213.3312 **Department of the Interior.**

* * * * *

(k) *Southwestern Power Administration.* * * *

(4) One Executive Assistant to the Administrator.

* * * * *

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

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

[F.R. Doc. 69-14656; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Special Assistant to the Commissioner of Education is in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (c) of § 213.3316 is amended as set out below.

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

* * * * *

(c) *Office of Education.* * * *

(1) Two Special Assistants to the Commissioner of Education.

* * * * *

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

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

[F.R. Doc. 69-14655; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

Section 213.3354 is amended to show that the position of Director, Office of Public Affairs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3354 as set out below.

§ 213.3354 **Federal Home Loan Bank Board.**

* * * * *

(e) Director, Office of Public Affairs.

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

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

[F.R. Doc. 69-14654; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Confidential Secretary to the Administrator, St. Lawrence Seaway Development Corporation, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (g) of § 213.3394 as set out below.

§ 213.3394 **Department of Transportation.**

* * * * *

(g) *St. Lawrence Seaway Development Corporation.* * * *

(2) One Confidential Secretary to the Administrator.

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

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

[F.R. Doc. 69-14657; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Authorization of Overtime and Sunday Pay

Sections 550.111(a) and 550.171 are amended to make clear that an employee may not be paid Sunday Premium Pay for the same hours for which he is paid overtime.

§ 550.111 **Authorization of overtime pay.**

(a) Except as provided by paragraph (d) of this section, overtime work means each hour of work in excess of 8 hours in a day or in excess of 40 hours in an administrative workweek that is:

(1) Officially ordered or approved; and

(2) Performed by an employee.

Hours of work in excess of eight in a day are not included in computing hours of work in excess of 40 hours in an administrative workweek.

* * * * *

§ 550.171 **Authorization of pay for Sunday work.**

An employee is entitled to pay at his rate of basic pay plus premium pay at a rate equal to 25 percent of his rate of basic pay for each hour of Sunday work which is not overtime work and which is not in excess of 8 hours for each regularly scheduled tour of duty which begins or ends on Sunday.

(5 U.S.C. 5548, sec. 1(1) of E.O. 11228; 3 CFR 1964–1965 Comp., p. 317)

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

[F.R. Doc. 69-14653; Filed, Dec. 9, 1969; 8:48 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Specific Exceptions

Section 550.505 is amended to provide an exception to the prohibition against an employee receiving pay from more than one position for five District of Columbia Public School teachers so they may serve as instructors in D.C. D–15. A new paragraph (q) is added to § 550.505 as set out below.

§ 550.505 Specific exceptions.

* * * * *

(q) Pay for services of five teachers with the Department of Vocational Education, District of Columbia Public Schools, as instructors in District of Columbia Project D.C. D–15.

(5 U.S.C. 5533)

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

[F.R. Doc. 69–14652; Filed, Dec. 9, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Grapefruit Reg. 70, Termination]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

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 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 Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, which indicates that the demand for Indian River grapefruit now exceeds the supply as provided in Grapefruit Regulation 70 (34 F.R. 19024). Handlers should be afforded opportunity to take advantage of all such sales opportunity. Thus, it is hereby found that the limitation imposed by Grapefruit Regulation 70 should be removed.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this termination action until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this action is based became available and the time when this action must become effective is insufficient, and this action relieves restrictions on the handling of grapefruit grown in the Indian River District in Florida.

It is, therefore, ordered, That Grapefruit Regulation 70 (§ 912.370, 34 F.R. 19024) is hereby terminated.

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

Dated: December 4, 1969.

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

[F.R. Doc. 69–14604; Filed, Dec. 9, 1969; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[CCC Grain Price Support Regs. 1966 and Subsequent Years Tung Oil Warehouse-Stored Supp., Amdt. 3]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Tung Oil Warehouse-Stored Loan Program

1969 TUNG OIL SUPPORT RATE

The Commodity Credit Corporation will support the price of 1969 crop tung nuts by means of warehouse-stored loans on eligible 1969 crop tung oil under the terms and conditions set forth in the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Rev. 1) (31 F.R. 5941), and any amendments thereto, as supplemented by the Tung Oil Warehouse-Stored Loan Program Regulations, as amended, 31 F.R. 11932, 32 F.R. 10783, and 33 F.R. 17765. In order to provide a price support loan rate for 1969 crop tung oil, § 1421.3695 of the Tung Oil Warehouse-Stored Loan Program Regulations, as amended, is hereby further amended to read as follows:

§ 1421.3695 Support rate.

Loans on eligible tung oil produced from 1966 crop tung nuts shall be made at the rate of 24 cents per pound. Loans on eligible tung oil produced from 1967 crop tung nuts shall be made at the rate of 24 cents per pound. Loans on eligible tung oil produced from 1968 crop tung nuts shall be made at the rate of 24.3 cents per pound. Loans on eligible tung oil produced from 1969 crop tung nuts shall be made at the rate of 25.6 cents per pound.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective date: This amendment shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on December 4, 1969.

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

[F.R. Doc. 69–14679; Filed, Dec. 9, 1969; 8:49 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

PART 1495—DISPOSITION OF AGRICULTURAL COMMODITIES UNDER THE CCC BARTER PROGRAM

This Part 1495 sets forth policies, procedures, and requirements governing the barter program of the Commodity Credit Corporation (hereinafter referred to as CCC) as follows:

Sec.
1495.1 General statement.
1495.2 Procurement by or for U.S. Government agencies (supply barters).
1495.3 Procurement for the national and supplemental stockpiles.
1495.4 Agricultural commodities—acquisition and price.
1495.5 Eligible export destinations.
1495.6 Proof of exportation to and entry in eligible destination.
1495.7 Eligible contractors.
1495.8 Uniform barter contractual provisions.

AUTHORITY: The provisions of this Part 1495 issued under secs. 4 (d) and (h) and 5 (d) and (f), 62 Stat. 1070, as amended; sec. 302, 68 Stat. 458, as amended; sec. 303, 68 Stat. 459, as amended; sec. 206, 70 Stat. 200, as amended; 15 U.S.C. 714b (d) and (h), 714c (d) and (f); 7 U.S.C. 1431; 7 U.S.C. 1692; 7 U.S.C. 1856.

§ 1495.1 General statement.

The barter program is administered on behalf of CCC by the Office of the Assistant Sales Manager, Barter, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (hereinafter called Office of Barter). Under this program, exports of U.S. agricultural commodities are used to finance procurement of materials, equipment, goods, and services required from foreign sources by U.S. Government agencies and foreign procurement of strategic and other materials for stockpiling. The primary objectives of the barter program are: (1) To develop and expand foreign markets for U.S. farm products; (2) to improve the U.S. balance of payments position; (3) to procure strategic materials to meet stockpiling goals; and (4) to procure strategic materials in excess of stockpile goals where this is in the best interest of the United States when measured against other alternatives, such as taking foreign currencies in payment for agricultural commodities exported to foreign countries. In the formulation of barter export requirements, primary consideration is given to increasing total commercial exports of agricultural commodities from the United States.

§ 1495.2 Procurement by or for U.S. Government agencies (supply barters).

Procurement of goods or services abroad through the barter program for

the use of other U.S. Government agencies is undertaken at the request of the Government agency needing the goods or services. Three types of barter arrangements may be used in making procurements for such U.S. Government agencies i.e., supplier type, payment type, and direct-procurement type. Copies of invitations for offers under all three types of barter arrangements may be obtained from the Office of Barter.

(a) The supplier type barter arrangement involves the issuance of invitations by procurement offices of the U.S. Government agency (such as the Department of Defense), for offers from foreign suppliers of designated goods or services, both on a cash basis and on a barter basis for agricultural commodities. The lowest responsive offer on a barter basis is accepted by the procurement office unless it exceeds the lowest responsive offer on a cash basis, in which latter event CCC determines whether or not to absorb the excess cost. If an offer on a barter basis is accepted, the foreign supplier designates a U.S. firm with which CCC may enter into a barter contract for the export of the agricultural commodities representing payment for the goods or services to be supplied to the procuring agency. The foreign supplier is paid by the barter contractor for goods or services furnished to the procuring agency pursuant to arrangements between the two private parties. Under an assignment of payments made by the supplier, the procuring agency in turn pays to CCC the value of the goods or services supplied to such agency. Prior to the issuance of the invitation for offers by the procuring agency, information as to the proposed procurement is made available by the Office of Barter, for interested U.S. firms, in the Information Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C. 20250.

(b) The payment type barter arrangement involves funding of certain procurements to be made abroad by other Government agencies and is initiated following request from a Government agency to CCC that it generate funds under the barter program for use in effecting such procurements abroad. CCC invites offers from eligible contractors to enter into a contract for the deposit, in accordance with the directions of the Government agency making the procurement, of funds needed to effect the procurement, and for the export, in accordance with the terms of the barter contract, of the agricultural commodities representing payment therefor. Offers are evaluated on the basis of the lowest cost to CCC and such other factors as may be stated in the invitation for offers. Notice of invitations for offers is given by USDA press release.

(c) The direct-procurement type barter arrangement involves the issuance by CCC of invitations for offers from eligible contractors to enter into a contract to supply designated goods or services and to export, in accordance with the terms of the barter contract, the agricultural commodities representing payment therefor. The invitations for such offers are issued following a request from a U.S. Government agency to CCC to undertake a procurement of designated goods or services from overseas sources. Offers are evaluated on the basis of the lowest price, delivered at destination, and other factors relating to the performance of the contract by the supplier. Notice to the public of invitations for such barter offers is given by USDA press release.

§ 1495.3 Procurement for the national and supplemental stockpiles (stock pile barters).

CCC procures for the national and supplemental stockpiles, through barter arrangements, strategic and other materials produced abroad. In the case of materials for the national stockpile, listings of the kinds and quantities of materials to be so procured are transmitted to the Office of Barter by the General Services Administration. The materials, and the quantities and qualities thereof, to be procured are determined pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596). In the case of materials for the supplemental stockpile, the kinds and quantities to be procured are determined from time to time by the Secretary of Agriculture, from among materials which have been designated by the President as eligible for such barter procurement. In making this determination, the following factors (among others) are considered: (1) whether such procurement will reduce the volume of more desirable barter procurements that can be accomplished; (2) whether it is more advantageous to the United States to take a useful material in exchange for agricultural commodities than to acquire additional foreign currencies for them; and (3) whether the international economic or foreign policy interests of the United States will be furthered. The Secretary of Agriculture will approve barter procurement of materials for the supplemental stockpile only when he finds it is in the best interest of the United States.

Barter procurement of foreign-produced materials for stockpiling begins with the issuance of an invitation for offers to enter into a contract for supplying the designated material and exporting an equal value of eligible U.S. agricultural products. Offers are evaluated on the basis of price and such other factors as may be stated in the invitation for offers. Notice of such invitations for offers is given by USDA press release.

§ 1495.4 Agricultural commodities—acquisition and price.

Barter contracts provide that the barter contractor will be paid in a quantity of agricultural commodities from CCC inventories having a specified total value, such agricultural commodities to be acquired from CCC by the barter contractor at prices established pursuant to published announcements of CCC, unless otherwise specified in the contract. If the barter contract involves procurements other than for the supplemental stockpile, the barter contract may contain provisions pursuant to which the barter contractor may, at his option, acquire all or any part of the agricultural commodities either from CCC inventories or from private stocks. The barter contract will either designate or provide for the designation of the agricultural commodities thus to be acquired and exported. Generally, the barter contractor may acquire from CCC inventories or from private stocks, if the contract so provides, those agricultural commodities designated in the CCC Monthly Sales List (published as a Notice in the FEDERAL REGISTER) as available or eligible in connection with barter contracts. CCC will reimburse the barter contractor for the value, determined as provided in published announcements of CCC, of those agricultural commodities exported which were acquired from private stocks. Copies of all pertinent announcements may be obtained from the Office of Barter. If the agricultural commodity acquired from private stocks is one for which a CCC export payment program is in effect, export under the barter contract generally qualifies for payment under the export payment program if such export also meets the requirements of the export payment program.

§ 1495.5 Eligible export destinations.

Agricultural commodities exported under barter contracts may be exported only to those countries which are eligible to receive barter exports. Limitations on the countries to which barter exports may go are necessary to provide reasonable assurance that such exports will increase total commercial sales and will not unduly disrupt world agricultural prices. The countries eligible to receive exports of such commodities and the conditions under which particular commodities may be exported to specified countries are set forth in each barter contract. Under barter contracts involving materials for the supplemental stockpile, the agricultural commodities must be exported, as provided in the barter contract, to the country from which the foreign-produced material originates.

§ 1495.6 Proof of exportation to and entry in eligible destination.

The barter contractor must furnish to CCC within the time specified in the contract such evidence as CCC may require showing that the agricultural commodities applied to the contract were exported to and received in a country or area designated as an eligible destination under the contract. Failure to furnish such evidence within the time specified is prima facie evidence that the commodity was exported to an ineligible destination.

§ 1495.7 Eligible contractors.

Any responsible U.S. citizen or company may qualify as a barter contractor. A partnership or other unincorporated legal entity will be considered a U.S. company if its principal place of business is in the United States and at least one of its members is a resident citizen of

the United States. A corporation will be considered a U.S. company if it is organized and doing business under the laws of the United States. Provision may be made in the barter contract for the designation by the barter contractor, with approval by CCC, of an agent who, in behalf of the barter contractor, may acquire and export agricultural commodities pursuant to the terms and conditions of the contract. For the purposes of this section, "United States" means any of the 50 States, the District of Columbia, or Puerto Rico.

§ 1495.8 Uniform barter contractual provisions.

Upon acceptance of an eligible contractor's offer to enter into a contract, the Office of Barter prepares for the signature of the parties thereto a contract which sets forth the terms and conditions of the contract between CCC and the contractor. Each contract contains provisions formulated to the needs of the type of barter activity involved and the particular transactions thereunder and incorporates by reference certain uniform barter contractual provisions applicable to the type of barter activity involved. The uniform barter contractual provisions are set forth in Form CCC–111–R (for stockpile barters) and Form CCC–122 (for supply barters), copies of which may be obtained from the Office of Barter.

Signed at Washington, D.C., on December 4, 1969.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation; and General Sales Manager, Export Marketing Service.

[F.R. Doc. 69-14680; Filed, Dec. 9, 1969; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, subparagraph (e)(6) relating to Texas is amended by adding thereto the name of Henderson County.

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

Effective date: The foregoing amendment shall become effective upon issuance.

The amendment quarantines Henderson County in the State of Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such county.

The admendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest.

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

Done at Washington, D.C., this 4th day of December 1969.

GEORGE W. IRVING, Jr.,
Administrator, Agricultural Research Service.

[F.R. Doc. 69-14622; Filed, Dec. 9, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10003; Amdt. 39-890]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1–11 Airplanes

There have been reports of electrical overheating in the flight deck roof center electrical panel "E" area on British Aircraft Corp. Model BAC 1–11 airplanes. It has further been reported that this condition has led to fires, and that in one case of fire the intensity of the fire was increased by the release of oxygen from the passenger dropout oxygen system control panel which is located in the roof panel "E" area. In view of the serious consequences of such a condition and since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require an inspection of the center roof panel "E" for signs of overheating, restrictions on the use of the passenger dropout oxygen system, and periodic inspections for oxygen leaks in the roof panel "E" area, pending the incorporation of modifications of the roof panel "E" and panel installation and modification of the passenger dropout oxygen system control panel.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to BAC 1–11 Model Airplanes.

Compliance is required as indicated.

(a) Within the next 25 hours' time in service after the effective date of this AD, add the following to the operating limitations section of the Airplane Flight Manual:

(1) Under normal operating conditions when oxygen is not required for use by the passengers, the passenger oxygen system shut-off valve located on the righthand console must be maintained in the OFF position.

(2) Operation with passengers above 25,000 feet is prohibited.

(b) Within the next 200 hours' time in service after the effective date of this AD, inspect the center roof panel "E" for signs of overheating, damage, and fouls in accordance with British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 33–A–PM 4169, Issue 1, dated May 22, 1969, or later ARB-approved issue or FAA-approved equivalent.

(c) For airplanes with a passenger dropout oxygen system control panel installed which has not been modified in accordance with Part (C) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM 4169, Revision 2, dated October 1, 1969 (or an FAA-approved equivalent), within the next 200 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 200 hours' time in service since the last test, test the passenger dropout oxygen system control panel for leaks in accordance with British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 33–A–PM 4169, Issue 1, dated May 22, 1969, or later ARB-approved issue or FAA-approved equivalent.

(d) If leaks are found during the test required by paragraph (c), replace the passenger dropout oxygen system control panel with a serviceable panel of the same part number or with a serviceable panel which has been modified in accordance with Part (C) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 33–PM 4169, Revision 2, dated October 1, 1969, or an FAA-approved equivalent. Test the passenger dropout oxygen system in accordance with the following:

(1) If the passenger dropout oxygen system control panel is replaced with a serviceable panel of the same part number, continue to test the passenger dropout oxygen system control panel for leaks in accordance with paragraph (c).

(2) If the passenger dropout oxygen system control panel is replaced with a serviceable

panel which has been modified in accordance with Part (C) of British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 33-PM 4169, Revision 2, dated October 1, 1969 (or an FAA-approved equivalent), within the next 1,000 hours' time in service after the date of installation and thereafter at intervals not to exceed 1,000 hours' time in service since the last test, test the passenger dropout oxygen system control panel for leaks in accordance with British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 33-A-PM 4169, Issue 1, dated May 22, 1969, or later ARB-approved issue or FAA-approved equivalent.

(e) For airplanes with a passenger dropout oxygen system control panel installed which has been modified on or before the effective date of this AD in accordance with Part (C) of British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 33-PM 4169, Revision 2, dated October 1, 1969 (or an FAA-approved equivalent), within the next 200 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 1,000 hours' time in service since the last test, test the passenger dropout oxygen system control panel for leaks in accordance with British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 33-A-PM 4169, Issue 1, dated May 22, 1969, or later ARB-approved issue or FAA-approved equivalent.

(f) If leaks are found during the test required by paragraph (e), replace the passenger dropout oxygen system control panel with a serviceable panel which has been modified in accordance with Part (C) of British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 33-PM 4169, Revision 2, dated October 1, 1969, or an FAA-approved equivalent and continue to inspect in accordance with paragraph (e).

(g) Upon request of the operator an FAA maintenance inspector (subject to prior approval of the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region) may adjust the repetitive inspection intervals specified in paragraph (e) of this AD to permit compliance at an established inspection of the operator, if the request contains substantiating data to justify the increase for the operator.

(h) On or before April 1, 1970, modify the flight deck roof lighting control panel "E" and panel installation in accordance with parts (a1), (d1), (d2), (f), (g), and (h) of British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 33-PM 4169, Revision 2, dated October 1, 1969, or an FAA-approved equivalent.

(i) On or before April 1, 1970, replace the existing passenger dropout oxygen system control panel with a serviceable panel which has been modified to incorporate rigid oxygen pipes in lieu of flexible hoses in accordance with Part (C) of British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 33-PM 4169, Revision 2, dated October 1, 1969, or an FAA-approved equivalent.

(j) When both paragraph (h) and paragraph (i) have been accomplished, the restrictions and inspections required by paragraphs (a) through (f) may be discontinued.

This amendment becomes effective December 15, 1969.

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

Issued in Washington, D.C., on December 3, 1969.

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

[F.R. Doc. 69-14644; Filed, Dec. 9, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-115]

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

Alteration of Transition Area

On October 22, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17114), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Southern Pines, N.C., transition area.

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

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

In § 71.181 (34 F.R. 4637), the Southern Pines, N.C., transition area is amended to read:

SOUTHERN PINES, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pinehurst-Southern Pines Airport (lat. 35°14'02" N., long. 79°23'36" W.); within 1.5 miles each side of Pinehurst VORTAC 083° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within R-5311.

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

Issued in East Point, Ga., on December 1, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-14646; Filed, Dec. 9, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-117]

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

Alteration of Transition Area

On October 22, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17114), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Washington, N.C., transition area.

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

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

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

WASHINGTON, D.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (lat. 35°34'15" N., long. 77°03'00" W.); within 3 miles each side of the 198° bearing from WITN Commercial Broadcast Station (lat. 35°31'34" N., long. 77°04'31" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of WITN Commercial Broadcast Station.

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

Issued in East Point, Ga., on December 1, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14647; Filed, Dec. 9, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-118]

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

Alteration of Transition Area

On October 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17179), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Salisbury, N.C., transition area.

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

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

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

SALISBURY, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rowan County Airport (lat. 35°38'30" N., long. 80°31'10" W.); within 3 miles each side of the 014° bearing from Salisbury NDB (lat. 35°40'29" N., long. 80°30'32" W.), extending from the 8-mile radius area to 8.5 miles north of the NDB.

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

Issued in East Point, Ga., on December 1, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14648; Filed, Dec. 9, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-120]

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

Alteration of Transition Area

On October 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17299), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Sanford, N.C., transition area.

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

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

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

SANFORD, N.C.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Sanford Municipal Airport (lat. 35°25'55" N., long. 79°11'10" W.); within 2.5 miles each side of Pinehurst VORTAC 057° radial, extending from the 5.5-mile radius area to 21 miles northeast of the VORTAC.

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

Issued in East Point, Ga., on December 1, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-14649; Filed, Dec. 9, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-58]

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

Control Zone and Transition Areas

On September 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14609) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the vicinity of Ponce, P.R.

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

Subsequent to the issuance of the notice, it was determined that the control zone extension should be extended 8½ miles east of the VOR instead of 8 miles, as proposed in the notice, to completely encompass the instrument approach to the Mercedita Airport, Ponce, P.R. Since his action is minor in nature, notice and public procedure hereon is unnecessary.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

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

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

PONCE, P.R.

Within a 5-mile radius of the Mercedita Airport, Ponce, P.R. (lat. 18°00'40" N., long. 66°33'50" W.); within 3.5 miles each side of the Ponce VOR 111° radial, extending from the 5-mile radius zone to 8½ miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continously published in the FAA publication International NOTAMs.

2. Section 71.181 (34 F.R. 4637) is amended as follows:

a. Ponce, P.R., transition area is amended to read:

PONCE, P.R.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Mercedita Airport, Ponce, P.R. (lat. 18°00'40" N., long. 66°33'50" W.) north of lat. 18°00'00" N., and within an 8-mile radius of Mercedita Airport south of lat. 18°00'00" N.; within 9.5 miles south and 4.5 miles north of the Ponce VOR 111° radial, extending from the VOR to 18.5 miles east of the VOR.

b. The San Juan, P.R., 1200-foot transition area is amended by deleting "thence west along lat. 18°00'00" N., to long. 66°19'20" W.; thence south to lat. 17°49'30" N., long. 66°23'30" W.; thence west to the intersection of long 66°25'30" W. and the arc of a 15-mile radius circle centered at Mercedita Airport" and substituting therefor "thence west along lat. 18°00'00" N., to and south along long. 66°15'00" W., to and east along a line 4.5 miles north of and parallel to Ponce VOR 111° radial, to and south along a line 18.5 miles east of Ponce VOR and perpendicular to the Ponce VOR 111° radial, to lat. 17°46'15" N., long. 66°18'30" W.; thence west along a line 9.5 miles south of and parallel to Ponce VOR 111° radial to the intersection of a 15-mile radius circle centered at Mercedita Airport."

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 4, 1969.

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

[F.R. Doc. 69-14615; Filed, Dec. 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-67]

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

Alteration of Transition Area

On September 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14736) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charlotte Amalie, St. Thomas, V.I., transition area.

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

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

In § 71.181 (34 F.R. 4637) the Charlotte Amalie, St. Thomas, V.I., transition area is amended to read:

CHARLOTTE AMALIE, ST. THOMAS, V.I.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Harry S. Truman Airport (lat. 18°20'25" N., long. 64°58'10" W.); within 3.5 miles each side of the St. Thomas VOR 359° radial, extending from the 8-mile radius area to 11 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Harry S. Truman Airport.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 4, 1969.

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

[F.R. Doc. 69-14616; Filed, Dec. 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-96]

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

Revocation of Federal Airway

On September 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14176) stating that the Federal Aviation Administration was considering an amendment to the Federal Aviation Regulations that would revoke VOR Federal airway No. 476.

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

The Air Transport Association (ATA) objected to the revocation of V-476 on the following bases: (1) The changes in time of designation and designated altitudes of Restricted Area R-4001, described in Airspace Docket No. 69-EA-88, would provide additional use of V-476; and (2) a contingency that a future alteration of R-4001 would permit the airway to be used as a parallel route that would enable separate departure flows from both Baltimore and Washington en route to La Guardia, Newark, and Philadelphia. No other comments were received.

We have reviewed the comments of the ATA and determined that the intensive use of R-4001 by the military precludes the use of the airway most of the time. Although the provisions of Airspace Docket No. 69-EA-88 do permit the user agency to release R-4001 for traffic control purposes, this is hardly ever done during busy traffic periods due to the user agency's need for the area. There are no further plans to modify the size or hours of designation of R-4001. Since V-476 was designated in 1962, it has never had more than 4 peak-day movements and often less than three.

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

In § 71.123 (34 F.R. 4509) V-476 is revoked.

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

Issued in Washington, D.C., on December 4, 1969.

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

[F.R. Doc. 69-14619; Filed, Dec. 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WA-31]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area; Correction

On October 22, 1969, F.R. Doc. No. 69-12577 was published in the FEDERAL REGISTER (34 F.R. 17104) which amended Part 73 of the Federal Aviation Regulations, effective October 22, 1969, by reducing the size of the Richland, Wash., Restricted Area R-6715; however, two of the geographic coordinates were incorrectly listed. Action is taken herein to correct the boundary description.

Since this amendment is minor in nature and one in which the public is not particularly interested, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective on less than 30-day notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.67 (34 F.R. 4851, 17104), the boundaries of R-6715 Richland, Wash., are corrected to read:

Boundaries. Beginning at lat. 46°44'25" N.; long. 119°25'00" W.; to lat. 46°39'30" N.; long. 119°25'00" W.; thence along the northeast bank of the Columbia River to lat. 46°34'10" N.; long. 119°20'00" W.; to lat. 46°30'00" N.; long. 119°20'00" W.; to lat. 46°30'00" N.; long. 119°15'30" W.; thence along the east bank of the Columbia River to lat. 46°21'30" N.; long. 119°15'20" W.; to lat. 46°21'30" N.; long. 119°18'00" W.; to lat. 46°23'20" N.; long. 119°24'50" W.; thence along State Highway Nos. 240 and 24 to point of beginning.

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

Issued in Washington, D.C., on December 4, 1969.

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

[F.R. Doc. 69-14617; Filed, Dec. 9, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-80]

PART 73—SPECIAL USE AIRSPACE

Designation of Period of Use for Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a period of use for Restricted Area R-6410 at Blanding, Utah.

On May 13, 1966, a rule designating Restricted Area R-6410 at Blanding, Utah was published in the FEDERAL REGISTER (31 F.R. 7032). The time of designation for this restricted area was established as follows:

Time of designation: Continuous, June 23, 1966, through August 15, 1966. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

Since it was not possible to determine the exact dates that R-6410 would be needed each year when designation of the area was first requested, it was determined, as set forth above, to establish subsequent firing periods by a rule published in the FEDERAL REGISTER.

Since this amendment is made in accordance with the procedures set forth in the notice and previous rule, additional notice and public procedure hereon are unnecessary.

Therefore, action is taken herein to amend Part 73 of the Federal Aviation Regulations, effective 0901 G.m.t., March 5, 1970, as hereinafter set forth.

In § 73.64 (34 F.R. 4847) the Blanding, Utah, Restricted Area R-6410 is amended by deleting the present time of designation and substituting the following therefor:

Time of designation: April 1, 1970, through July 31, 1970, and September 1, 1970, through December 15, 1970. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on December 4, 1969.

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

[F.R. Doc. 69-14618; Filed, Dec. 9, 1969; 8:46 a.m.]

[Docket No. 10004; Amdt. 151-36]

PART 151—FEDERAL AID TO AIRPORTS

United States' Share of Project Costs in Public Land States

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to revise the table of percentages in § 151.43(c) that states the United States' share of the costs of an approved project for airport development in each State in which the unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceed 5 percent of its total land. Section 151.43(c) reflects the requirement of section 10(b) of the Federal Airport Act (49 U.S.C. 1109).

Based on information received from the Department of Interior, the FAA periodically redetermines the percentages in § 151.43(c) (see Amendments 151-2, 151-10, 156-16, 151-20, and 151-27). The FAA is amending § 151.43(c) to reflect the most recent Department of the Interior information. The amendment increases the percentage for California, Oregon, and Washington; decreases the percentages for Arizona, Colorado, Idaho, Montana, New Mexico, South Dakota, Utah, and Wyoming; and leaves the percentages for Alaska and Nevada unchanged.

Since this amendment relates to public grants, benefits, and contracts, notice and public procedure thereon are not required, and it may be made effective in less than 30 days.

In consideration of the foregoing, the table in paragraph (c) of § 151.43 of the Federal Aviation Regulations is amended, effective December 10, 1969, to read as follows:

§ 151.43 United States' share of project costs.

* * * * *

(c) * * *

State	*Percent*
Alaska	62.50
Arizona	60.80
California	53.72
Colorado	52.98
Idaho	55.80
Montana	52.99
Nevada	62.50
New Mexico	56.14
Oregon	55.64
South Dakota	52.53
Utah	60.65
Washington	51.53
Wyoming	56.33

* * * * *

(Secs. 1-15 and 17-21 of the Federal Airport Act, 49 U.S.C. 1101-1114 and 1116-1120; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.4(b)(1), Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on December 4, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-14645; Filed, Dec. 9, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1618]

PART 13—PROHIBITED TRADE PRACTICES

Bishop & Malco, Inc. and Walkers'

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-85 Sales below cost. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act;

§ 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Bishop & Malco, Inc., et al., Long Beach, Calif., Docket C–1618, Nov. 6, 1969]

In the Matter of Bishop & Malco, Inc., a Corporation, Doing Business as Walker's.

Consent order requiring a Long Beach, Calif., department store to cease falsely advertising, deceptively invoicing and misbranding its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Bishop & Malco, Inc., a corporation, doing business as Walker's or under any other name or names, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on an invoice pertaining to such fur product.

3. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

4. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "'natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Fails to disclose that such fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

4. Fails to separately set forth in advertisements relating to such fur product composed of two or more sections containing different animal furs the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

5. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

6. Falsely and deceptively represents, directly or by implication, by means of the phrase "Below Wholesale Cost" or any other phrase, term or word of similar import or meaning that such fur product is being offered for sale at less than the price paid for the product by the respondent.

7. Falsely or deceptively represents that savings are afforded to the purchaser of such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: November 6, 1969.

By the Commission.

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

[F.R. Doc. 69–14611; Filed, Dec. 9, 1969; 8:46 a.m.]

[Docket No. C–1617]

PART 13—PROHIBITED TRADE PRACTICES

Miami Rug Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, The Miami Rug Company et al., Miami, Fla., Docket C–1617, Nov. 6, 1969]

In the Matter of The Miami Rug Co., Wilans, Inc., Carpet Fashions, Inc., Bartex Corp. and Carpet Remnant King, Inc., Corporations, and James W. Baros and Evans E. Baros, Individually and as Officers of Said Corporations

Consent order requiring four Miami, Fla., sellers and installers of carpeting and floor covering material to cease misbranding, falsely advertising, and removing law required identification from its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, The Miami Rug Co., Wilans, Inc., Carpet Fashions, Inc., Bartex Corp. and Carpet Remnant King, Inc., corporations, and their officers, and James W. Baros and Evans E. Baros, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with

the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering of sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber proudct" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising texile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

5. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents The Miami Rug Co., Wilans, Inc., Carpet Fashions, Inc., Bartex Corp. and Carpet Remnant King, Inc., corporations, and their officers, and James W. Baros and Evans E. Baros, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or mutilating or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 6, 1969.

By the Commission.

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

[F.R. Doc. 69-14610; Filed, Dec. 9, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICE

PART 813a—PROVIDING AIR FORCE REFERENCE ROOM SERVICE TO THE PUBLIC

Policy

Part 813a is amended as follows:

Section 813a.1 is revised to read as follows:

§ 813a.1 Policy.

The Air Force will make available to the general public its Publication Reference Libraries at Hq USAF, major commands and Air Force bases, effective July 4, 1967. The material designated in 5 U.S.C. 552(a)(2) will be made available to members of the public for inspection and copying at these locations. Published decisions of the Court of Military Review can be found in the "Court Martial Reports" and are available at Air Force bases in the office of the Staff Judge Advocate. Unpublished Court of Military Review decisions will be made available for public inspection and copying at the Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., Room 7A 239.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, 5 U.S.C. 552)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, USAF, Chief Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-14626; Filed, Dec. 9, 1969; 8:46 a.m.]

Chapter XVI—Selective Service System

[Amdt. No. 115]

PART 1606—GENERAL ADMINISTRATION

Furnishing Information Under Administrative Procedure Act

Amendments to the Selective Service Regulations are hereby prescribed to read as follows:

1. In paragraph (b)(2) of § 1606.57, subdivision (ii) is amended to read as follows:

§ 1606.57 Service charges for information.

* * * * *

(b) * * *

(2) * * *

(ii) For copies of identifiable documents other than Cover Sheets (SSS Form 101): $1 per page, which cost includes time for searching and reproducing the document.

* * * * *

2. Addresses of the offices of the State Directors of Selective Service as shown in paragraph (f) of § 1606.58, are changed as follows:

§ 1606.58 Places where information may be obtained.

* * * * *

(f) * * *

State	Address
District of Columbia.	440 G Street NW., Washington, D.C. 20001.
Louisiana	Building 601–5–A, 4400 Dauphine Street, New Orleans, La. 70140.
Minnesota	Room 1503, Post Office and Customhouse, 180 East Kellogg Boulevard, St. Paul, Minn. 55101.
Mississippi	Cameron-Walker Building, 4785 Interstate 55 North, Jackson, Miss. 39206.
Nevada	1511 North Carson Street, Post Office Box 644, Carson City, Nev. 89701.
New Hampshire	Federal Building and U.S. Post Office, 55 Pleasant Street, Room 337, Post Office Box 427, Concord, N.H. 03301.

(Sec. 10, 62 Stat. 618, as amended, 50 U.S.C. App. 460; 81 Stat. 54, 5 U.S.C. 552; E.O. 9979, July 20, 1948; 13 F.R. 4177, 3 CFR 1943–48 Comp., 713)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

LEWIS B. HERSHEY,
Director of Selective Service.

DECEMBER 5, 1969.

[F.R. Doc. 69–14613; Filed, Dec. 9, 1969; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 342—OFFERING OF UNITED STATES SAVINGS NOTES

Notice of Termination of Sale

The sale of U.S. Savings Notes, offered pursuant to Department of the Treasury Circular, Public Debt Series No. 3–67, dated February 22, 1967, as revised (31 CFR Part 342), is hereby terminated effective at the close of business June 30, 1970.

Sale of the notes is terminated under authority of sections 18 and 20 of the Second Liberty Bond Act, as amended (40 Stat. 1304, 48 Stat. 343, both as amended; 31 U.S.C. 753, 754b), and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Dated: December 5, 1969.

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

[F.R. Doc. 69–14640; Filed, Dec. 9, 1969; 8:47 a.m.]

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Revocation of Obsolete Regulations

The reporting requirements in §§ 500.603, 500.604, and 500.605 are obsolete. Accordingly, §§ 500.603, 500.604, and 500.605 are hereby revoked.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69–14641; Filed, Dec. 9, 1969; 8:47 a.m.]

PART 515—CUBAN ASSETS CONTROL REGULATIONS

Revocation of Obsolete Regulations

The reporting requirements in §§ 515.607 and 515.608 are obsolete. Accordingly, §§ 515.607 and 515.608 are hereby revoked.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69–14642; Filed, Dec. 9, 1969; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PROCEDURE AND FORMS FOR USE IN DESIGNATING AND TERMINATING DESIGNATION OF CONTRACTING OFFICERS

Part 5A–1 is amended by the addition of new Subpart 5A–1.4, as follows:

PART 5A–1—GENERAL

Subpart 5A–1.4—Procurement Responsibility and Authority

Sec.

AUTHORITY: The provisions of this Subpart 5A–1.4 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c).

§ 5A–1.404 Selection, designation, and termination of designation of contracting officers.

§ 5A–1.404–2 Designation.

(a) Formal designation of contracting officers shall be made by issuance of the appropriate GSA Form 2525 A (gold), B (silver), or C (black), Certificate of Appointment, signed by the appointing official. The Certificate of Appointment shall be furnished to the appointee. It should be framed and displayed in the incumbent's immediate work area. GSA Form 2525, Notification of Appointment or Termination of Appointment of Contracting Officer, also signed by the appointing official, shall be furnished to the appropriate personnel office for inclusion in appointee's personnel record.

(b) Appointing officials for contracting officers are:

(1) For grades GS–5 through 9, the Directors of Procurement Operations Division, Special Programs Division, or ADP Procurement Division; or the Regional Directors, FSS, as appropriate;

(2) For grades GS–11 through 13, the Assistant Commissioner for Procurement or the Assistant Commissioner for Automated Data Management Services, or the Regional Administrators, as appropriate; and

(3) For grades GS–14 or higher, the Commissioner, Federal Supply Service.

(c) The appointee's operational subtitle shall be shown in the space beneath the printed title "Contracting Officer" on the Certificate of Appointment. The certificate is available with the GSA emblem embossed in gold, silver, and black. Following is a list of Contracting Officers GS-grades, operational subtitles, and the type of certificate to be used for each.

GS-Grade	Operational subtitles	Emblem	GSA Form 2525
5	Procurement Assistant	Black	(C)
7	Senior Procurement Assistant.	Black	(C)
9	Procurement Agent	Black	(C)
11	Senior Procurement Agent.	Silver	(B)
12	Procurement Officer	Silver	(B)
13	Senior Procurement Officer.	Silver	(B)
14 and higher.	Supervisory Procurement Officer.	Gold	(A)

(d) Appointment certificates should be initiated by the immediate supervisor of the nominee and forwarded, through channels, to the appointing official as soon as an employee's eligibility for appointment is established by approval of the appropriate personnel action.

§ 5A–1.404–3 Termination of designation.

(a) Appointments shall remain effective until the contracting officer is reassigned or his employment terminated.

(b) When there is a change in a contracting officer's grade and corresponding operational subtitle the present appointment shall be terminated and a new

Certificate of Appointment shall be issued.

(c) GSA Form 2525, Notification of Appointment or Termination of Appointment of Contracting Officer, shall be prepared in at least two copies for signature by the appointing official, (1) to furnish the appropriate personnel office with written notice for inclusion in the employee's personnel record and (2) to notify the contracting officer of his appointment or the termination of his appointment.

PART 5A–16—PROCUREMENT FORMS

The table of contents of Part 5A–16 is amended to add the following new entries:

5A–16.950–2525 GSA Form 2525, Notification of Appointment or Termination of Appointment of Contracting Officer.
5A–16.950–2525A, B, C GSA Form 2225A (Gold Seal), B (Silver Seal), and C (Black Seal) Certificate of Appointment.

NOTE: Copies of the forms identified in this Part 5A–16 are filed with the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3 BRD, Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

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

Dated: December 1, 1969.

A. F. SAMPSON,
Commissioner,
Federal Supply Service.

[F.R. Doc. 69–14634; Filed, Dec. 9, 1969; 8:47 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–20—ASSIGNMENT AND UTILIZATION OF SPACE

Short-Term Use of Conference and Meeting Facilities

This amendment provides guidelines for agencies in obtaining short-term conference and meeting facilities.

The table of contents for Part 101–20 is amended to provide the following new entry:

Sec.
101–20.102–4 Short-term use of conference and meeting facilities.

Subpart 101–20.1—Assignment of Space

Section 101–20.102–4 is added to read as follows:

§ 101–20.102–4 Short-term use of conference and meeting facilities.

Agencies having a need for facilities for short-term conferences and meetings shall make their requirements known to GSA in accordance with § 101–20.102–1. GSA will determine if suitable Government-owned facilities are available in the desired area and, if so, notify the requesting agency of its assignment in writing. If no suitable facilities are available, GSA will assist or advise agencies in arranging for the use of privately owned facilities when agencies have authority to contract by purchase order or other means. Payment for use of privately owned conference or meeting rooms is, in fact, payment for the services and furnishings that are provided. Such services and furnishings, in addition to the facilities (auditorium, conference room, meeting room, etc.), would include chairs (already placed as requested by the user), rostrum with tables and chairs, posting of notices on appropriate building bulletin board, amplifier system, screen and motion picture projector, and other special equipment needed. GSA may obtain privately owned conference and meeting facilities by service contract on an hourly rate basis where combined requirements of the Federal agencies in a particular area would justify an open end service contract for such space for intermittent use periods or for an extended period of time.

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

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

Dated: December 5, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–14635; Filed, Dec. 9, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

DeSoto National Wildlife Refuge, Iowa and Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA AND NEBRASKA

DESOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted on all water areas within the refuge. This open area, comprising 850 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing is subject to the following conditions:

(1) All fishermen shall conform with the regulations of the State in which they are properly licensed, either Iowa or Nebraska, subject to more restrictive regulations that may be included herein.

(2) Open Season: Daylight hours January 1, 1970, through February 28, 1970, and 4:30 a.m. to 10 p.m. April 15, 1970, through September 15, 1970.

(3) Trotlines and float lines are not permitted.

(4) Archery fishing is not permitted.

(5) Digging or seining for bait is not permitted.

(6) No more than two lines with two hooks on each line may be used for fishing.

(7) Motor or wind driven conveyances are not permitted on the lake during the period January 1 to February 28.

(8) The use of boats, with or without motors, is permitted during the period April 15 to September 15.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, part 33, and are effective through September 15, 1970.

JAMES W. SALYER,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

DECEMBER 1, 1969.

[F.R. Doc. 69–14627; Filed, Dec. 9, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, near Dunn Center, N. Dak., is permitted only on the area designated by signs as open to fishing. The area open for winter fishing, comprising 1,050 acres, and the area open for summer fishing, comprising 400 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55450. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions.

(1) The refuge shall be open to the taking of fish from January 1, to March 22, 1970. The refuge shall then be closed to the taking of fish from March 23 to May 1 and open to fishing from May 2, to September 30, 1970. The refuge shall then be closed to fishing from October 1 to December 15 and open to fishing from December 16, to December 31, 1970. Fishing at all times shall be limited to daylight hours only.

(2) One outboard motor of not more than 10 horsepower can be attached to

any floating craft and to be used for fishing purposes only.

(3) Snowmobiles shall not be used on Lake Ilo during the winter fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

HOMER L. BRADLEY,
Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak.

DECEMBER 3, 1969.

[F.R. Doc. 69-14600; Filed, Dec. 9, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart F—Certification of Motor Vehicles and Motor Vehicle Engines

LABELING

On August 2, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12634) setting forth the text of a proposed amendment to the regulations in this part to require labeling of all 1970 model year gasoline powered light duty motor vehicles and engines covered by a certificate of conformity issued under 45 CFR 85.52.

Interested persons were given the opportunity to comment on all aspects of the subject. A large number of comments were received from representatives of domestic and foreign manufacturers, and each has been carefully considered.

Some of the comments objected to the lack of sufficient lead-time to implement the requirement. Consequently, the regulation shall be applicable to those motor vehicles manufactured 90 days after publication of this notice.

Several comments argued that the requirement of the vehicle identification number on the label was unnecessary, citing that such number is presently displayed in two conspicuous places to satisfy other Federal standards and that the proposed label must be attached in such a manner that removal will result in its destruction. Inasmuch as this argument has merit, such number will not be required on the label. Should experience prove that the number is necessary to prevent counterfeiting, forging, or transferring of labels, adjustments in the regulation will be made.

Several comments indicated a misunderstanding of the applicability of the regulation, particularly as it applied to nonchassis mounted engines. Recognizing that test procedures for such engines have not been adopted, provision was being made for such eventuality. However, to avoid any misunderstanding, labeling of engines will be deferred until such time as it is necessary or appropriate.

Several manufacturers suggested that the contemplated label be combined with the certification label required under the National Traffic and Motor Vehicle Safety Act of 1966. This possibility was pursued with the Department of Transportation and that Department concluded that such combination would not be desirable.

Effective date. This amendment shall become effective 90 days from the date of publication of this notice.

In consideration of the foregoing, a new § 85.53 is added to Title 45 of the Code of Federal Regulations as set forth below:

§ 85.53 Labeling.

(a) The manufacturer of any gasoline powered light duty motor vehicle shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity under § 85.52.

(b) On all gasoline powered light duty motor vehicles, a plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(c) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle.

(d) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(1) The label heading: Vehicle Emission Control Information;

(2) Full corporate name and trademark of manufacturer;

(3) Engine size (in cubic inches);

(4) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including recommended idle speed, ignition timing, and air-fuel mixture setting and/or idle carbon monoxide setting. These specifications should indicate the proper transmission position during tuneups and what accessories (e.g., air-conditioner), if any, should be in operation.

(5) The Statement: This Vehicle Conforms to U.S. Dept. of H.E.W. Regulations Applicable To (insert current year) Model Year New Motor Vehicles.

(e) The provisions of this section shall not prevent such manufacturer from also reciting on the label that such vehicle conforms to any applicable State emission standards for new motor vehicles, or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

(Sec. 301(a), sec. 2, Public Law 90-148; 31 Stat. 504; 42 U.S.C. 1857g(a))

Dated: December 4, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14682; Filed, Dec. 9, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1033, 1034, 1035, 1041, 1005]

[Dockets Nos. AO-166-A40-RO2, AO-175-A29-RO2, AO-176-A26-RO2, AO-72-A36-RO2, AO-177-A35-RO2]

MILK IN THE GREATER CINCINNATI, MIAMI VALLEY, OHIO, COLUMBUS, OHIO, NORTHWESTERN OHIO, AND TRI-STATE MARKETING AREAS

Supplemental Notice Reopening Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

This notice is supplemental to the notice of hearing which was issued on May 13, 1969, and published in the FEDERAL REGISTER on May 16, 1969 (34 F.R. 7811), with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Cincinnati, Miami Valley, Columbus, Northwestern Ohio, and Tri-State marketing areas.

Notice is hereby given that the aforesaid hearing will be reopened at the Imperial House-Arlington, 1335 Dublin Road (U.S. Route 33 NW.), Columbus, Ohio, beginning at 9:30 a.m. on December 18, 1969.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The hearing is reopened for the limited purpose of receiving any additional evidence with respect to the economic and marketing conditions which relate to the provisions for pricing Class II and Class III milk under any or all of the individual orders, or under the proposed merged order, and to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to any amendatory provisions that might result from this hearing.

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

Proposed by Fairmont Foods Co. and Broughton Foods Co.:

Proposal No. 1. Amend § 1005.51(b) to read as follows:

(b) *Class II price.* The Class II price shall be the Class III price for the month plus 15 cents.

Proposal No. 2. Amend § 1005.51(c) to read as follows:

(c) *Class III price.* The Class III price shall be the basic formula price for the month computed pursuant to § 1005.50 except that in no event shall such price exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent plus 10 cents:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the nonfat dry milk price, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, Mr. C. T. McCleery, Hartman Building, Room 505, 79 East State Street, Columbus, Ohio 43215; Post Office Box 1195, Cincinnati, Ohio 45201; 434 Third National Bank Building, Dayton, Ohio 45402; 312 Davis Building, 151 Michigan Street, Toledo, Ohio 43624; Post Office Box 33, Gallipolis, Ohio 25631; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C. on: December 4, 1969.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 69-14624; Filed, Dec. 9, 1969; 8:46 a.m.]

[7 CFR Part 1036]

[Docket No. AO-179-A32]

MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Cleveland, Ohio, on September 9-12 and 15, 1969, pursuant to notice thereof issued on August 14, 1969 (34 F.R. 13419).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 6, 1969 (34 F.R. 18173; F.R. Doc. 69-13433) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, except that the last paragraph under Issue No. 1 is changed.

The material issues on the record relate to:

1. Class I price;
2. Expansion of the marketing area;
3. Pooling standards for supply plants;
4. Definition of distributing plant;
5. Provisions relating to diverted milk;
6. Definition of producer-handler;
7. Pooling exemption for a handler's own production;
8. Classification of certain milk products;
9. Direct delivery differentials;
10. Price for milk used to produce cottage cheese, yogurt and sour cream;
11. Price for milk used to produce butter;
12. Location adjustments on other source milk;
13. Producer-settlement fund reserve; and
14. Seasonal production incentive plans.

This decision deals only with Issue No. 1. The remaining issues are reserved for a later decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on Issue No. 1 are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The present Class I price should remain in effect beyond December 31, 1969.

Effective July 1, 1968, the area regulated by Order 36 was enlarged to include the marketing areas of the Northeastern Ohio, Youngstown-Warren and Wheeling Federal orders and certain unregulated areas in western Pennsylvania and Ohio. In the decision leading to this expansion, it was concluded that the newly established Class I price should be applicable for only an 18-month period. This was to provide an opportunity to reexamine the Class I price provisions at a public hearing after the accumulation of at least 1 year's data on milk

supplies and sales. This price review was one of the issues at the September hearing.

The present Class I price per hundredweight of milk is the basic formula price for the preceding month plus $1.87 for the Cleveland-Erie pricing district and $1.97 for the Pittsburgh district. The basic formula price is the average pay price for manufacturing grade milk in Minnesota and Wisconsin, but limited to not less than $4.33. Class I prices at Cleveland and Pittsburgh during the first year (July 1968–June 1969) under the expanded order averaged $6.20 and $6.30, respectively. For the first 10 months, the $4.33 "floor" was the effective basic formula price.

Major cooperative associations in the market proposed an increase in the Class I price level in amounts ranging from 11 cents to 44 cents per hundredweight. In supporting their position, they contended that a price increase is necessary to have the Order 36 price reasonably aligned with Class I prices in other markets, primarily those to the east. They also pointed to what they considered a relatively short supply situation in the market.

One cooperative proposed that the Class I price for the Pittsburgh district be equal to the Delaware Valley order Class I price less the transportation cost (at 1.5 cents per 10 miles) for the 289-mile distance between Philadelphia and Pittsburgh. In September 1969, this would have resulted in a Class I price of $6.83, 44 cents over the actual Pittsburgh district price of $6.39. The 44-cent change was proposed also for the Cleveland-Erie district.[1]

Another producer group proposed that the Class I price level in the two pricing districts be increased 11 cents. The cooperative indicated that this change would establish for the Order 36 market the same Class I price relationship with the Chicago market that the northeastern markets generally have. A transportation allowance of 2.11 cents per 10 miles was used in arriving at the proposed 11-cent increase.

The position of a third cooperative was that the Class I price under the order should be increased, because of higher milk production costs, to at least the level of the overorder, or premium, price which it claimed handlers are paying for Class I milk. The price proposed by the cooperative was $6.66 for the Cleveland-Erie district and $6.75 for the Pittsburgh district, 36 to 37 cents over the actual September prices in these districts.

To assure the continued application of classified pricing in the Eastern Ohio-Western Pennsylvania market, provision should be made for a Class I price beyond the present December 31 expiration date.

[1] Official notice is taken of the Eastern Ohio-Western Pennsylvania monthly statistical releases of the market administrator for August and September 1969. Official notice is also taken of the Delaware Valley Federal order (Part 1004), which provides that the Class I price shall be $7.17 plus any amount by which the Minnesota-Wisconsin manufacturing milk price for the preceding month exceeds $4.33.

The present relationship of producer milk supplies to Class I sales in this market, however, does not warrant Class I differentials that are greater than those now provided in the order.

For the 12-month period of July 1968 through June 1969, 2.280 billion pounds of producer milk were used in Class I in the Eastern Ohio-Western Pennsylvania market. This was 70 percent of the 3.251 billion pounds of milk received from producers during that time. The monthly Class I utilization of producer milk ranged from a high of 82 percent in November 1968 to a low of 56 percent in June 1969.

Although only a limited comparison may be made for the enlarged market, supplies relative to Class I sales in recent months are more ample than a year earlier. For July, August, and September 1969, producer milk used in Class I was 60 percent, 62 percent, and 73 percent, respectively, of monthly receipts. This may be compared with the higher Class I utilization of 63 percent, 69 percent, and 75 percent, respectively, in the same months in 1968. There is no indication that milk will be in short supply in the near future.

Cooperatives cited the relatively "tight" supply situation in November 1968 (82 percent Class I utilization of producer milk) as a warning that higher Class I prices are necessary in this market to induce more production. This has been the only occasion under the enlarged order, though, when Class I utilization reached this level. Only in October 1968 (79 percent) and January 1969 (77 percent) did the Class I utilization of producer milk exceed 75 percent of receipts. When the lowest monthly Class I utilization of 56 percent is noted, the real significance of the November 1968 supply situation is that it points up the wide seasonal variation in milk production in this market. As will be discussed in a later decision, cooperatives proposed various seasonal production incentive plans for the purpose of leveling production.

As stated earlier, producers indicated a need for an intermarket realignment of Class I prices. No change in the Order 36 Class I price is warranted for this purpose.

Any consideration of price alignment should take into account the cost of obtaining milk, whether for supplemental purposes or on a regular supply basis, from alternative sources. Over the long-run, the Class I price level in the local market cannot exceed by any substantial amount the cost of buying milk in another supply area and transporting it to the consuming market. If a significant price advantage exists long enough, handlers customarily relying on local supplies will recognize the advantages of another supply and will change their buying arrangements.

The Chicago milkshed is a major source of supplemental supplies for markets throughout the United States. Class I prices in these markets gradually increase the more distant the markets are from the Chicago area. This reflects the increasing cost of moving milk from the heavy production areas to the distant markets.

Milk is commonly moved, for instance, from the Madison, Wisconsin, area, which is in the Chicago milkshed, to other States. The basis for pricing milk received from that location is the Class I price at Madison plus the cost of transporting the milk from there to the consuming market.

The Class I price differential under the Chicago Regional order, which uses the same basic formula price contained in Order 36, is $1.12 at Madison.[2] Using a transportation rate of 1.5 cents per 10 miles, which is provided in this and many other orders, the cost of moving milk over the 480-mile distance from Madison to Cleveland would be 72 cents per hundredweight. This alternative supply cost would suggest a Class I differential of $1.84 at Cleveland, which is within 3 cents of the present differential of $1.87.

Order 36 handlers experience competition for route sales from handlers in the Southern Michigan market and in other Ohio markets. The Order 36 Class I price should be reasonably aligned with prices in these competing markets.

The Southern Michigan and Tri-State orders, for example, which also use the same basic formula price as Order 36, provide for Class I differentials of $1.60 and $1.67 (Athens-Scioto district), respectively. Using the same transportation rate of 1.5 cents per 10 miles, a Detroit handler's cost of milk moved to Cleveland (166 miles) would be increased 25 cents per hundredweight. Similarly, the cost of milk moved from Coshocton, Ohio, where Tri-State order sales in the Order 36 area emanate, to Cleveland (98 miles) would be 15 cents higher. The Order 36 price at Cleveland is in reasonable alignment with the prices in these other markets.

At the time the western Pennsylvania territory was added to the Order 36 marketing area, a Class I price was established for the Pittsburgh district at 10 cents over the Cleveland-Erie district price. Although this price spread was not an issue at the hearing, producers and handlers indicated that the intramarket price structure should be continued.

As noted earlier, one cooperative would use a transportation rate of 2.11 cents per 10 miles in determining the proper intermarket alignment of Class I prices. This rate was derived by first determining the difference between the Chicago Regional order Class I price and the order Class I price in each of six northeastern markets. Using the corresponding mileage between Chicago and the principal pricing point in each northeastern market, a price difference per each 10 miles was computed. The 2.11-cent rate is the average of the price differences as expressed on a per 10-mile basis. The cooperative contended that the prevailing milk prices in the northeastern markets more nearly reflect a

[2] Official notice is taken of the Chicago Regional Federal order (Part 1030).

buyer's actual cost in obtaining milk from alternative sources than does the commonly-used rate of 1.5 cents per 10 miles since these are the prices that have evolved over the many years of attempting to maintain a realistic intermarket alignment of prices.

The 1.5-cent rate used in the analysis above, however, appropriately reflects the cost of moving milk efficiently under present economic conditions in the market. It is the rate most commonly used in Federal orders throughout the United States and is recognized as an appropriate and representative rate for transporting milk to the market. Because of its wide applicability, it insures a reasonable alignment of prices between this and other markets at the various locations at which handlers under the different orders compete.

Cooperatives complained that Order 36 prices are not satisfactorily aligned with Class I prices in the northeastern markets. The prices in the northeast have had no particular impact on orderly marketing conditions in the Eastern Ohio-Western Pennsylvania area. Although it was contended that such Class I prices, as reflected in the blend prices, were inducing Eastern Ohio-Western Pennsylvania producers to shift to northeastern markets, such shifts have occurred to only a very limited extent. Any significant shift of producers to the northeastern markets does not appear imminent.

A number of handlers expressed substantial concern, either at the hearing or in their briefs, about prices in excess of the order Class I price which they claimed they are having to pay producers, through their cooperatives, for Class I milk. They questioned the propriety of such "premiums" in the Eastern Ohio-Western Pennsylvania market when handlers are subject to a regulatory program that is intended to carry out the purposes of the Act, including the establishment of an appropriate Class I price. Handlers maintained that it is the Secretary's responsibility to fix a Class I price under the order that is fully adequate for the market as determined under the pricing standards of the Act. This price, handlers argued, should then be the only prevailing, or effective, Class I price in the market for milk purchased by all handlers for fluid use.

The prices which the Secretary has responsibility for fixing under an order are minimum prices only. This is clearly established by the language of the Act. The provisions of the Act do not preclude producers from selling their milk at prices above those fixed by the order.

The present Class I price set forth in Order 36, which is proposed herein to be continued, is appropriate for this market under the standards of the Act. Such price reflects the supply and demand for milk, insures a sufficient quantity of pure and wholesome milk, and is in the public interest.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement and an order, which regulate the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area and which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

October 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 5, 1969.

Richard E. Lyng,
Assistant Secretary.

Order[1] as Amended, Regulating the Handling of Milk in the Eastern Ohio-Western Pennsylvania Marketing Area

Findings and Determinations

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on November 6, 1969, and published in the FEDERAL REGISTER on November 13, 1969 (34 F.R. 18173; F.R. Doc. 69-13433) shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

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

§ 1036.51 Class prices.

* * * * *

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

* * * * *

[F.R. Doc. 69-14681; Filed, Dec. 9, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-135]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tri-City, Tenn., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Tri-City control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Tri-City Municipal Airport (lat. 36°28'30" N., long. 82°-24'20" W.); within 2 miles each side of Tri-City ILS localizer northeast course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 042° and 222° bearings from Boone RBN, extending from the 5-mile radius zone to 11 miles southwest of the RBN.

The Tri-City transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of a 21.5-mile radius circle centered on Tri-City Airport (lat. 36°28'30" N., long. 82°24'20" W.) and a line 5 miles northwest of and parallel to Blackford VOR 216° radial (northeast of Tri-City Airport); thence northeast along this line to and clockwise along the arc of a 30-mile radius circle centered on Tri-City Airport to the northwest boundary of V-16S; thence northeast along the northwest boundary of V-16S to and clockwise along the arc of a 21.5-mile radius circle to point of beginning; including the airspace within 2 miles each side of Virginia Highlands Airport Runway 6 extended centerline, extending from the arc of a 30-mile radius circle centered on Tri-City Airport to 7.5 miles northeast of Virginia Highlands Airport.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Tri-City terminal area will necessitate an increase in controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface. A prescribed instrument approach procedure to Virginia Highlands Airport, utilizing the Holston Mountain VORTAC, is proposed in conjunction with a portion of the designation of the airspace described herein.

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

Issued in East Point, Ga., on November 28, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14650; Filed, Dec. 9, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-131]

FEDERAL AIRWAY SEGMENT

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 139 segment from Cofield, N.C., to Norfolk, Va., via the INT of Cofield 077° T (083° M) and Norfolk 209° T (216° M) radials. This redesignation would reduce the enroute mileage and provide a better alignment for this airway segment.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on December 4, 1969.

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

[F.R. Doc. 69-14621; Filed, Dec. 9, 1969; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-CE-114]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73

of the Federal Aviation Regulations that would alter Restricted Area R–4207 Upper Lake Huron, Mich.

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

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

The time of designation of R–4207 is presently 1100 to 0300 G.m.t., April 1 through October 31; 1300 to 2100 G.m.t., Thursday through Sunday, November 1 through March 31.

The Department of the Air Force has advised that the above time of designation does not meet its needs and has requested that the time of designation of R–4207 be extended.

If the proposal contained in this docket is adopted, the time of designation of R–4207 would be changed to read "from sunrise to sunset."

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

Issued in Washington, D.C., on December 4, 1969.

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

[F.R. Doc. 69-14620; Filed, Dec. 9, 1969; 8:46 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-37; Notice 69-30]

ANILINE OIL

Transportation of Hazardous Materials

The Hazardous Materials Regulations Board is considering amending § 173.347 of the Department's Hazardous Materials Regulations to authorize specifications MC 304 and MC 307 cargo tanks, and specification 104W tank cars for the transportation of aniline oil.

This proposal is based on the petitions of several interested persons and satisfactory experience gained under the terms of special permits. It is the Board's opinion that the aforementioned tank cars and cargo tanks are suitable for aniline oil service and are equal to or greater in efficiency than the bulk containers currently prescribed.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before February 3, 1970 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend subparagraphs (a)(2) and (a)(3) of § 173.347, and cancel Footnote 1 as follows:

§ 173.347 Aniline oil.

(a) * * *

(2) Spec. 103, 103W, 103A, 103AW, 104W, 111A60F1, 111A60W1, 111A100F2, or 111A100W2 (§§ 179.200, 179.201) tank cars.

(3) Spec. MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, or MC 307 (§§ 178.340, 178.341, 178.342) tank motor vehicles. Bottom outlets on Spec. MC 304 cargo tanks must be equipped with valves conforming with § 178.342–5(a).

* * * * *

Footnote 1 canceled.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on December 5, 1969.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

[F.R. Doc. 69-14638; Filed, Dec. 9, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 40]

PIEZOELECTRIC CERAMIC CONTAINING SOURCE MATERIAL

Exemption

By letter dated April 16, 1969, Clevite Corporation of Bedford, Ohio, filed a petition (PRM 40–14) with the Atomic Energy Commission to amend the Commission's regulation, "Licensing of Source Material", 10 CFR Part 40, to exempt from licensing requirements piezoelectric ceramic containing not more than 2 percent by weight source material. The source material contained in the piezoelectric ceramic would be uranium in the oxidic form.

The petitioner claims that the use of uranium oxide in the piezoelectric ceramic modifies the ceramic's transducer element parameters in such a manner as to produce a low dielectric constant material with low mechanical loss, good electromechanical coupling factor, and time and/or temperature stability of the electrical and physical properties of the material. Such transducer characteristics in the combination as they are developed in specific piezoelectric ceramics containing uranium oxide have been found to be useful in electromechanical filter resonators (a form of transducer), electromechanical transducers (phonograph pickups), the transducer material for use in ultrasonic delay lines, and the transducer material in nondestructive, ultrasonic flaw detectors.

Based on data furnished by Clevite, and other available data and information, the Commission is considering a finding that receipt, possession, use, transfer, and import into the United States of piezoelectric ceramic containing not more than 2 percent by weight source material involve unimportant quantities of source material within the meaning of section 62 of the Atomic Energy Act of 1954, as amended, which are not of significance to the common defense and security, and that such activities can be conducted without any unreasonable hazard to life or property.

The proposed amendment which follows would exempt the receipt, possession, use, transfer, and import of piezoelectric ceramic containing not more than 2 percent by weight source material from the licensing requirements of section 62 of the Act and of 10 CFR Part 40 by adding a new subdivision (ii) to § 40.13(c)(2) of 10 CFR Part 40. Subparagraph (2) of § 40.13(c) currently exempts source material contained in glazed ceramic tableware (*Provided*, That the glaze contains not more than 20 percent by weight source material), and glassware, glass enamel, and glass enamel frit containing not more than 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel, or ceramic used in construction.

The proposed exemption would not authorize the manufacture of the piezoelectric ceramic containing source material. Such manufacture would have to be authorized by a license issued by the Commission or an Agreement State.

It is highly unlikely that an internal radiation problem will result from use of uranium oxide in piezoelectric ceramic. Since degassing of volatiles from the ceramic material is accomplished during a sintering operation in the ceramic manufacturing process and since crushed or fractured piezoelectric ceramic does not produce particles sufficiently small

to be respirable, it is improbable that subsequent handling will produce a dust, fume, or volatile component hazard.

By reason of the low radiation level from piezoelectric ceramic containing not more than 2 percent by weight source material and the short periods of time a person would use or be near such material, resultant external radiation doses to individuals expected to be most highly exposed to radiation from the piezoelectric ceramic would not exceed more than a few hundredths of the dose limits recommended by the Federal Radiation Council, the National Council on Radiation Protection and Measurements, and the International Commission on Radiological Protection.

Disposal of broken or defective transducer elements containing uranium oxide in piezoelectric ceramic through normal refuse disposal systems is highly unlikely to result in any significant radiation problem. It is also unlikely that the transducer elements or the piezoelectric ceramic would be reclaimed and thereby result in any addition of uranium to other products.

An exemption for piezoelectric ceramic containing not more than 2 percent by weight source material would be consistent with the consumer product criteria published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462), which set out the Commission's policy with respect to the approval of the use of byproduct and source material in products intended for use by the general public without the imposition of regulatory controls on the user.

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274", the transfer of possession or control by the manufacturer, processor, or producer of piezoelectric ceramic distributed for use under the proposed exemption would be subject to the Commission's licensing and regulatory requirements even if the ceramic is manufactured pursuant to an Agreement State license. By the terms of the proposed exemption, the Commission would exercise such regulatory authority by exempting, under new § 40.13(c)(2)(ii), any person (including a manufacturer, processor, or producer in an Agreement State of piezoelectric ceramic) to the extent that such person transfers piezoelectric ceramic containing not more than 2 percent by weight source material.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 40 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendment may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. In § 40.13(c) of 10 CFR Part 40, subparagraph (2) is amended by redesignating subdivision (ii) as subdivision (iii), and adding a new subdivision (ii). As amended, § 40.13(c)(2) reads as follows:

§ 40.13 Unimportant quantities of source material.

* * * * *

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

* * * * *

(2) Source material contained in the following products: (i) Glazed ceramic tableware: *Provided*, That the glaze contains not more than 20 percent by weight source material; (ii) piezoelectric ceramic containing not more than 2 percent by weight source material; (iii) glassware, glass enamel, and glass enamel frit containing not more than 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel, or ceramic used in construction;

* * * * *

(Sec. 62, 68 Stat. 932; 42 U.S.C. 2092; sec. 161, 68 Stat. 948; 42 U.S.C 2201)

Dated at Germantown, Md., this 28th day of November 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[FR. Doc. 69-14594; Filed, Dec. 9, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 18763; FCC 69-1338]

REVISED PERIOD FOR CONSTRUCTION FOR VARIOUS BROADCAST STATIONS

Notice of Proposed Rule Making

1. At the present time § 1.598 of our rules reads as follows: "Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case." The provisions of this section control the period for construction for all broadcast services and uniformly, at the present time, provide for a period of 8 months for the construction of all stations irrespective of each service's unique problems of construction.

2. The 8-month construction period time allowance has been the Commission's policy since the enactment of the Communications Act of 1934. Prior to that date the Federal Radio Commission followed the policy of requiring the construction of a station within 4 months of the grant of the construction permit. As the years have passed, substantial changes in the nature and amount of the equipment required for the construction of broadcast stations have taken place, the equipment has become more complex and varied, actual construction techniques have altered and the business decisions involved have multiplied. In addition to actually negotiating and executing the variety of contracts for the physical plant and equipment of a station, UHF permittees particularly, appear to find, in marginal market or highly competitive markets, that it is difficult to rapidly obtain complex tasks confronting a UHF permittee, in view of the fact that there are only three networks, is the key problem of negotiating for, and finding, either network or independent programing of the quality which will make the new UHF station competitive and able to survive: this undertaking alone can be a lengthy process. With these facts before us and the growing need for the Commission to extend, for good cause shown, the time for the construction of UHF television stations, inter alia, we propose to consider the revision of § 1.598 so as to provide separately for the construction problems uniquely affecting each service, and specifically to extend the period of time for the construction of a UHF television broadcast station from 8 months to a proposed 18 months. Since the remaining VHF channels are predominately in small cities and towns with problems not dissimilar to UHF channels, we will also consider, and invite comments on, extending the time for construction of VHF stations to 18 months.

3. In view of the fact that those involved or those who have been involved in the construction of a broadcast station have the most pertient information as to each of the steps presently required to be taken by a permittee to arrive at the point of program test authority and the time each such step involves for accomplishment, we are requesting interested parties to discuss, seriatim:

(a) The various steps which must be taken between the issuance of a construction permit and the issuance of program test authority. These comments should be directed to, but are not limited to, the actual physical construction of the station, the employment of staff and the securing of programing.

(b) The time necessary to adequately take the steps described in (a).

(c) The degree that the various steps to be taken can be undertaken simultaneously.

4. Commenting parties are requested to keep before them that it is our intention, in this proceeding, to provide only that additional time necessary for

construction when the permittee pursues his task with due diligence.

5. In view of the foregoing we propose, on our own motion, to amend § 1.598 of our rules and regulations to extend the time for construction of a television station from 8 to 18 months.

6. Although this rule making proceeding is specifically directed toward the extension of time for the construction of television broadcast stations, interested parties are hereby notified that comments concerning the problem herein under discussion which are directed toward the standard and FM services will be considered in respect to revision of the time allotted for the construction of a station in those services.

7. Authority for the action proposed herein is contained in sections 4(i) and 319 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before January 12, 1970, and reply comments on or before January 22, 1970. In reaching a decision in this proceeding, the Commission may also take into account relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other document shall be furnished the Commission.

Adopted: December 3, 1969.

Released: December 5, 1969.

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

[F.R. Doc. 69-14631; Filed, Dec. 9, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18758; FCC 69-1324]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Notice of Proposed Rulemaking

In the matter of amendment of § 73.606, *Table of Assignments*, Television Broadcast Stations. (Hugo, Okla., and Paris, Tex., Docket No. 18758, RM-1514.

1. On October 6, 1969, Eastern Oklahoma Television Co., Inc., licensee of television Station KTEN, Channel 10, Ada, Okla., filed a brief petition with this Commission requesting the replacement of educational Channel *15 with educational Channel *42 at Hugo, Okla., and the reassignment of Channel *15, presently at Hugo, to commercial use as a hyphenated assignment at Hugo, Okla.-Paris, Tex. No responsive pleadings were filed.

2. Hugo (population 6,287) is located in Choctaw County, which has 15,637 residents. The community has one television assignment, noncommercial educational Channel *15, which has no application pending for its use. Paris, located in Lamar County (respective populations 20,977 and 34,234) is approximately 24 miles distant from Hugo and has no television allocation.[1] The two counties are adjacent, separated by the Red River.

3. Petitioner sets out its desire to bring Choctaw County, Okla., and Lamar County, Tex., their first local television service if through this proceeding Channel 15 can be made available for commercial service: There is no commercial television assignment in either county at the present time. It points out that its proposal will not deprive the area of potential for educational television service, in that the proposal provides for educational Channel *42 at Hugo. Its plans for the proposed commercial Channel 15 are set out in the following statement: "Upon receipt of construction permit, Eastern Oklahoma will build facilities of sufficient size and power to enable principal city coverage to be provided to both Hugo, Okla., and Paris, Tex. In the beginning, the proposed facility to serve Hugo-Paris will be constructed and operated as a satellite of KTEN. However, as audience and interest in the station subsequently develops, petitioner proposes to install facilities to enable local program service to be commenced on a limited scale. Thereafter, as community interest and support becomes greater, petitioner proposes to increase gradually the amount of local origination".

4. In view of the substantial size of Hugo and Paris relative to the population in the area, the fact that petitioner's proposal appears to meet all of our minimum mileage separation requirements and the fact that if petitioner's proposal is adopted the area will not be deprived of its present potential for educational service, we are of the view that it is in the public interest to explore, in this rule making proceeding, the provision of a first commercial television service to the area. In light of the fact that we do not desire to make hyphenated assignments unless there is a substantial reason, we propose the following three alternatives:

	Channel
Alternative 1:	
Hugo, Okla.	*42
Hugo, Okla.-Paris, Tex.	15
Alternative 2:	
Hugo, Okla.	15, *42
Alternative 3:	
Hugo, Okla.	*42
Paris, Tex.	15

5. Commenting parties are specifically requested, in light of the Commission's desire to avoid hyphenated assignments and the fact that the communities in question are located in separate states, to discuss the advantages of Alternative 2 and 3.[2] Parties favoring hyphenation should state why it is necessary or desirable.

[1] Population figures are from the 1960 U.S. Census.

[2] In connection with this request we direct attention to the provisions of § 73.652 of our rules, "Station Identification" and the circumstances under which dual-city identification can be permitted.

6. Authority for the action proposed herein, is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules and regulations interested parties may file comments on or before January 12, 1970, and reply comments on or before January 22, 1970. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

Adopted: December 3, 1969.

Released: December 5, 1969.

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

[F.R. Doc. 69-14632; Filed, Dec. 9, 1969; 8:47 a.m.]

[47 CFR Part 83]

[Docket No. 18762; FCC 69-1329]

LICENSING AND OPERATION OF FREQUENCY MODULATED RADAR

Notice of Proposed Rule Making and Notice of Inquiry

In the matter of amendment of Part 83 of the Commission's rules to permit licensing and operation of frequency modulated radar in the 14.0 to 14.05 Gc/s band, Docket No. 18762, RM-1202.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Kimball Products Co., Inc., has filed a petition for rule making (RM-1202) with the Commission to amend various sections of Part 83 to permit licensing of portable radar equipment aboard small vessels. Petitioner proposed that a 50 Mc/s portion at the low end of the 14.0 to 14.3 Gc/s radionavigation band be allocated to radar employing frequency modulation (FM). Petitioner states it has developed a radar of this type and it is especially suitable for small craft for the following reasons:

a. It is inexpensive and will retail for less than $700.00;

b. It only weighs 9 pounds;

c. It only requires 24 watts power;

d. It is about the size of a briefcase, including the antenna; and

e. It is completely portable, and can easily be moved for servicing.

Petitioner has estimated a potential market of as much as 50,000 units for use on pleasure craft. Petitioner also states that, for the above reasons, public acceptance for use on pleasure craft will be greater than that for conventional pulse type radar.

3. The 14.0-14.3 Gc/s band is allocated for radionavigation, and is shared, Government and non-Government; however, the Commission has never authorized

radio operations of any kind in this band. Government concurrence for the use of 14.0 to 14.05 Gc/s for FM radar has been obtained.

4. Since there are no regularly authorized operations in this band, the Commission solicits particular comments concerning the following:

(a) Navigation systems planned or under development in this band;

(b) Technical problems; such as, compatibility of low powered frequency modulated radar and other emitting devices, bandwidth proposed, frequency stability, etc.;

(c) Comments from aviation and marine interests which would assist in determining whether this device would be of value as a navigational instrument for small boats; and

(d) Comments concerning public desire for a device of this type as a navigational instrument and estimated market potential.

5. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 (b), (c), (e), (g), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.145 of the Commission's rules, interested persons may file comments on or before January 12, 1970, and reply comments on or before January 22, 1970. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: December 3, 1969.

Released: December 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

1. Section 83.131(e) is amended as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(e) The frequency tolerance authorized for ship radar stations is prescribed as follows: For pulse emissions, the frequency at which maximum emission occurs shall be within the authorized band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency band where "T" is the pulse duration in microseconds; For F9 emission, the center frequency shall not vary more than ±10 Mc/s from the center of the frequency band 14.0–14.05 Gc/s.

[1] Commissioner Johnson concurring in the result.

2. Section 83.132(a)(3) is amended as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(3) Ship radar stations	
2400–9500 Mc/s	P0
14.0–14.05 Gc/s	F9

* * * * *

3. Section 83.133(a) is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for respective classes of emission authorized in § 83.132.

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	3.5
A3B	5.6A3B	7.0
A3H	2.8A3H	3.5
A3J	2.8A3J	3.5
F1	0.3F1 [1]	[4] 0.5
F3	16F3 [2]	[2] 20.0
F3	36F3 [3]	[3] 40.0
F9	20000F9	20,000
P0	(4)	(4)

[1] Narrow-band direct-printing telegraph and data transmission systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Variable.

* * * * *

4. In § 83.134, a new paragraph (g) is added to read as follows:

§ 83.134 Transmitter power.

* * * * *

(g) Ship radar stations using F9 emission shall not exceed 200 milliwatts.

5. Section 83.164(a)(1)(i) is amended to read as follows:

§ 83.164 Waivers of operator requirement.

(a)(1) * * *

(i) The radar equipment shall employ as its frequency determining element a non-tunable, pulse type magnetron except that other fixed tuned devices shall be used in the band 14.0 to 14.05 Gc/s.

* * * * *

6. Section 83.404(a) is amended to read as follows:

§ 83.404 Assignable frequencies above 2400 Mc/s.

(a) The following frequency bands, when designated in the station license, are authorized for use by ship radionavigation stations (including ship radar stations):

2900–3100 Mc/s
5460–5650 Mc/s
9300–9500 Mc/s
14.0–14.05 Gc/s

The use of the band 5460 to 5650 Mc/s is limited to shipborne radar. Transmitters in ship radionavigation stations (including developmental stations) which are authorized for operation in the 3000 to 3246 Mc/s band as of April 16, 1958, and which operate on frequencies between 3100 and 3246 Mc/s may continue to be authorized for operation on the same vessel provided that any renewal of the authorization shall be subject to the condition that no protection shall be given from any interference caused by Government stations operating in the 3100 to 3246 Mc/s band.

* * * * *

[F.R. Doc. 69-14633; Filed, Dec. 9, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1047]

[No. MC-C-4000 (Sub-No. 2)]

DEFINITION OF LIMITS OF NEW YORK, N.Y., ZONE

Notice of Proposed Rule Making

DECEMBER 5, 1969.

Definition of the limits of the zone within which motor transportation of passengers having an immediately prior or subsequent movement by air from or to airports serving New York, N.Y., is exempt from economic regulation pursuant to section 203(b)(7a) of the Interstate Commerce Act, defined in MC-C-4000, Motor Transportation of Passengers Incidental to Transportation by Aircraft, 95 M.C.C. 526 at pages 538–539.

Petitioners: Wilder Transportation Corp., Long Island Airport Limousines Service Corp., and Connecticut-New York Airport Bus Co., Inc.

Petitioners' representatives: Arthur J. Wagner, 777 Third Avenue, New York, N.Y., Stephen A. Cohen, 221 West 57th Street, New York, N.Y.; Samuel B. Zinder, Station Plaza East, Great Neck, N.Y.

By petition filed October 10, 1969, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of specifically defining the limits of the zone within which may be performed motor transportation of passengers having an immediately prior or subsequent movement by air, pursuant to section 203(b)(7a) of the Interstate Commerce Act, within the New York, N.Y., terminal area. The terminal areas at airports within which such transportation may be performed under the section 203(b)(7a) exemption was defined on July 17, 1964, in *Motor Transportation of Passengers Incidental to Transportation by Aircraft*, 95 M.C.C. 526, at pages 538–539 (49 CFR 1047.45). Petitioners here seek to remove the exemption, in part, with respect to airports serving New York, N.Y.

As presently defined, the New York, N.Y., "passenger exempt zone", within which motor transportation is incidental to transportation by aircraft (except as may be individually determined), does not exceed in size the area encompassed by a 25-mile radius of the boundary of the airport at which the passengers arrive or depart, and by the boundaries of the commercial zones (as defined by the

Commission) of any municipalities any part of whose commercial zones lie within the 25-mile radius of the pertinent airport. Petitioners request the Commission to remove the exemption as to points in Nassau, Suffolk, and Westchester Counties, N.Y., and Fairfield County, Conn., or, in the alternative, to modify the general formula to exclude any point not physically within the 25-mile radius (i.e. to delete that portion of the regulation permitting service at the whole of a municipality and its commercial zone, any part of which falls within the 25-mile radius of the considered airport).

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the "passenger exempt zone" at New York, N.Y., may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments, the original of which must be verified with respect to matters of fact contained therein, shall be filed with the Commission on or before January 15, 1970. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representatives.

In addition, one copy of each representation, reply, or any other pleading must be filed with:

Secretary, Civil Aeronautics Board, Washington, D.C. 20428.

Copies of all representations, replies, or other pleadings filed with the Commission must show that service has been made upon the persons named above, in conformity with the rule 1.22 of the Commission's general rules of practice.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14661; Filed, Dec. 9, 1969; 8:48 a.m.]

[49 CFR Part 1048]

[Ex Parte No. MC-7]

REDEFINITION OF LIMITS OF WASHINGTON, D.C., COMMERCIAL ZONE

Notice of Proposed Rule Making

DECEMBER 5, 1969.

Redefinition of the limits of the Washington, D.C., commercial zone heretofore defined in Ex Parte No. MC-7, Washington, D.C., Commercial Zone, 103 M.C.C. 256 at pages 260 to 262.

Petitioners: Fairfax County, Va., Fairfax County Industrial Authority, City of Fairfax, Va., Town of Herndon, Va., and Town of Vienna, Va.

Petitioners' representative: Russell R. Sage, 421 King Street, Suite 301, Alexandria, Va. 22314.

By petition filed November 28, 1969, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the Washington, D.C., commercial zone which were most recently defined on December 30, 1966, in Washington, D.C., Commercial Zone, 103 M.C.C. 256 at pages 260-262 (49 CFR 1048.4) so as to include therein an area in the State of Virginia west of the present western limits of the zone.

As presently defined, the Washington, D.C., commercial zone is bounded, in part by a line beginning at the intersection of Pohick Creek and Telegraph Road (Virginia Highway 611), northeasterly along Telegraph Road to its junction with Back Lick Road (Virginia Highway 617), thence northerly along Back Lick Road through Newington, Springfield, and Springfield Station, Va., to Annandale, Va., thence northerly along Virginia Highway 649 to its junction with Virginia Highway 709, thence northerly along Virginia Highway 709 to its junction with Virginia Highway 650, thence northerly along Virginia Highway 650 to its junction with Virginia Highway 7, thence northwesterly over Virginia Highway 7 to its junction with the Dulles Airport Access Highway, thence east over the Dulles Airport Access Highway to its junction with Interstate Highway 495, thence northeasterly over Interstate Highway 495 to its junction with Ash Grove Road (Virginia Highway 694), thence northwesterly along Ash Grove Road to Jones Corners, Va., thence northeasterly along Swinks Mill Road (Virginia Highway 685) to Swinks Mill, Va., thence along the course of Scott Run to the Potomac River.

Petitioners request the Commission to include within the zone an area bounded by a line as follows: Beginning at the intersection of Pohick Creek and Virginia Highway 611, said point being within the present commercial zone, thence southwesterly along Virginia Highway 611 to its intersection with the Fairfax County-Prince William County line, thence northwesterly along said county line to its intersection with Virginia Highway 123, thence northerly along Virginia Highway 123 to its intersection with Virginia Highway 636, thence northeasterly along Virginia Highway 636 to its intersection with Virginia Highway 638, thence northwesterly along Virginia Highway 638 to its intersection with Virginia Highway 620, thence northwesterly along Virginia Highway 620 to its intersection with Virginia Highway 655, thence northerly along Virginia Highway 655 to its intersection with U.S. Highway 211, thence westerly along U.S. Highway 211 to its intersection with Virginia Highway 608, thence northerly along Virginia Highway 608 to its intersection with U.S. Highway 50, thence northwesterly along U.S. Highway 50 to its intersection with the Loudoun County-Fairfax County line, thence northeasterly along said county line to its intersection with the southern boundary of Dulles International Airport, thence along the southern, western, and northern boundaries of said airport to the intersection of said airport's northeastern boundary and the Loudoun County-Fairfax County line, thence northeasterly along said county line to its intersection with Virginia Highway 7, thence southeasterly along Virginia Highway 7 to its intersection with Virginia Highway 193, thence easterly along Virginia Highway 193 to its intersection with Scott Run, a point within the present commercial zone, thence southerly along the present zone boundary to the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Washington, D.C., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, and seven copies of such data, views, and arguments shall be filed with the Commission on or before January 30, 1970. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14662; Filed, Dec. 9, 1969; 8:48 a.m.]

[49 CFR Part 1048]

[No. MC-C-1 (Sub-No. 10)]

REDEFINITION OF LIMITS OF ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Notice of Proposed Rule Making

DECEMBER 5, 1969.

Redefinition of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone heretofore defined in MC-C-1 (Sub-No. 7), St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 110 M.C.C. 438 at page 439.

Petitioner: Chicago & Eastern Illinois Railroad Co.

Petitioner's representative: James H. Durkin, 140 South Dearborn Street, Chicago, Ill. 60603.

By petition filed November 12, 1969, the above-named petitioner requests the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone which were most recently defined on October 14,

1969, in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 110 M.C.C. 438 at pages 439–440 (49 CFR 1048.3) so as to include therein an area northeast of the present northeastern limits of the zone.

As presently defined, the St. Louis, Mo.-East St. Louis, Ill., commercial zone includes, in part, all points within the corporate limits of East St. Louis, Belleville, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Monsanto, Ill. Petitioner requests the Commission to include within the zone an area bounded by a line as follows: Beginning at the northeast corner of Granite City corporate limits, said point being within the present commercial zone, thence northerly along the right-of-way of Alton & Southern Railway to its intersection with the right-of-way of the Chicago & Eastern Illinois Railroad—Penn-Central Railroad, thence northeasterly along the right-of-way of the Chicago & Eastern Illinois Railroad—Penn-Central Railroad to its intersection with Illinois Highway 111, thence southerly along Illinois Highway 111 to its intersection with Pontoon Road, thence west along Pontoon Road to its intersection with the eastern boundary of Granite City, a point within the present zone, thence northerly along the Granite City corporate limits to the northeast corner of Granite City, the point of beginning.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before January 22, 1969. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14663; Filed, Dec. 9, 1969; 8:49 a.m.]

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 20)]

ALBUQUERQUE, N. MEX., COMMERCIAL ZONE

Notice of Proposed Rule Making

DECEMBER 5, 1969.

Definition of the Albuquerque, N. Mex., Commercial Zone.

Petitioner: Albuquerque Transportation Bureau.

Petitioner's representative: Ralph B. Harlan, 400 Elm Street, Albuquerque, N. Mex. 87102.

By petition filed August 18, 1969, petitioner requests the Commission to institute a proceeding for the purpose of specifically defining the limits of the zone adjacent to and commercially a part of Albuquerque, N. Mex., which are now prescribed by the general formula promulgated in commercial zones and terminal areas, 46 M.C.C. 665 (49 CFR 1408.101). Such formula provides that a city, such as Albuquerque, having a population greater than 100,000, and which has not been accorded individual consideration, shall have a commercial zone which consists of, and includes, the following: (a) The municipality itself; (b) all municipalities within the United States which are contiguous to the base municipality; (c) all unincorporated areas within 5 miles of its corporate limits and all of any other municipality any part of which is within 5 miles of the corporate limits of the base municipality; and (d) all municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality.

The instant petition requests specific definition of the Albuquerque commercial zone to include all of the area which is included by the application of the above formula, and, in addition, an area including four corridors extending from the present zone limits as follows: (1) To the north of the present zone bounded by New Mexico Highway 528 on the west and Interstate Highway 25 on the east; (2) to the south of the present zone bounded by New Mexico Highway 45 on the west and New Mexico Highway 47 on the east; (3) to the west of the present zone along U.S. Highway 66; and (4) to the east of the present zone along U.S. Highway 66.

Specifically, petitioner requests that the Albuquerque commercial zone be defined to include:

A tract of land lying in Bernalillo County and Sandoval County, N. Mex., encompassing the city of Albuquerque, N. Mex., and a portion of said counties and more particularly described as follows: Beginning at a point on the northerly line of the Isleta Indian Reservation and lying 1 mile east of the New Mexico Principal Meridian; thence running northerly parallel to and 1 mile east of the New Mexico Principal Meridian, a distance of 22 miles more or less, to a point 2 miles south of the 3d Standard Parallel North; thence easterly, parallel to and 2 miles south of the 3d Standard Parallel North, a distance of 27.5 miles more or less to a point 4.5 miles east of the 1st Guide Meridian East; thence southerly, parallel to and 4.5 miles east of the 1st Guide Meridian East, a distance of 23 miles more or less to the northerly line of the Isleta Indian Reservation; thence, westerly, along the northerly line of the Isleta Indian Reservation a distance of 27.5 miles more or less to the point of beginning.

Inasmuch as there are no readily ascertainable geographic landmarks to delineate the limits of the area sought to be included, or of the corridors, the petition shall be considered as seeking extension of the Albuquerque commercial zone to a distance of 6.5 miles from the Albuquerque city limits.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed specific definition of the limits of the Albuquerque, N. Mex., commercial zone, may do so by the submission of written data, views, or arguments. Any such person may present in such statements detailed geographic descriptions, by reference to readily ascertainable landmarks, of specific areas sought to be included in the zone. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before January 22, 1970. Each such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14664; Filed, Dec. 9, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 57 (Rev. 2)]

REGIONAL COMMISSIONERS AND ASSISTANT COMMISSIONER (COMPLIANCE)

Notice of Additional Inspection of Taxpayer's Books of Account

Pursuant to authority vested in the Commissioner of Internal Revenue by section 3631 of the Internal Revenue Code of 1939 and Treasury Department Order No. 120, dated July 31, 1950, and continued in effect by section 7851(b)(3) of the Internal Revenue Code of 1954, there is hereby delegated to each Regional Commissioner and to the Assistant Commissioner (Compliance), the authority to sign in his name, after investigation, the notice to a taxpayer, required by section 7605(b) of the Internal Revenue Code of 1954, that an additional inspection of such taxpayer's books of account is necessary.

This authority may not be redelegated.

This order supersedes Delegation Order No. 57 (Rev. 1) issued November 2, 1960.

Issued: December 4, 1969.

Effective: December 4, 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 69-14643; Filed, Dec. 9, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 034478]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands and Termination

DECEMBER 3, 1969.

The Bureau of Indian Affairs has filed an amended application to Serial No. New Mexico 034478, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining laws but not the mineral leasing laws. The applicant desires the lands for the Navajo Indian Irrigation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 1449, Sante Fe, N. Mex. 87501.

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 11 W.,
Sec. 1;
Sec. 3, lots 1, 2, 3, 4, S½N½ and SE¼;
Sec. 4, SE¼;
Sec. 9, E½;
Sec. 10;
Sec. 11, N½ and SE¼;
Sec. 12;
Sec. 13, NE¼;
Sec. 15, NW¼.
T. 27 N., R. 11 W.,
Sec. 3, SW¼;
Sec. 15, S½;
Sec. 21, E½;
Sec. 26, N½NE¼;
Sec. 27;
Sec. 28, E½;
Sec. 33, N½ and SE¼;
Secs. 34 and 35;
Sec. 36, SW¼NW¼, SW¼, W½SE¼ and SE¼SE¼.
T. 25 N., R. 12 W.,
Sec. 10, NE¼;
Sec. 11, NW¼.
T. 28 N., R. 12 W.,
Sec. 13, SW¼;
Sec. 14, S½.
T. 26 N., R. 13 W.,
Sec. 18, E½;
Sec. 20, E½;
Secs. 21 and 28;
Sec. 33, NE¼.
T. 28 N., R. 13 W.,
Sec. 16, S½SW¼.

At 10 a.m. on January 19, 1970, the following described lands shall be relieved of the segregative effect of application New Mexico 034478, as published in the FEDERAL REGISTER issues of October 22, 1964 and September 28, 1966, as F.R. Docs. 64-10759 and 66-10553, respectively:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 11 W.,
Sec. 30, lots 3, 4 and E½SW¼.
T. 27 N., R. 11 W.,
Sec. 10, E½.
T. 28 N., R. 11 W.,
Sec. 32, NW¼;
Sec. 33, E½.
T. 25 N., R. 12 W.,
Sec. 7, lots 3, 4 and E½SW¼;
Sec. 18;
Sec. 19, lots 1, 2, 3, 4 and E½W½;
Secs. 30 and 31.
T. 26 N., R. 12 W.,
Sec. 23, SE¼;
Sec. 25, W½ and SE¼.
T. 28 N., R. 12 W.,
Sec. 22, NE¼;
Sec. 24, NE¼;
Sec. 32, W½.
T. 25 N., R. 13 W.,
Sec. 12, S½;
Secs. 13 and 24.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 69-14597; Filed, Dec. 9, 1969; 8:45 a.m.]

National Park Service

EMERY C. KOLB

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Emory C. Kolb, authorizing him to operate a motion picture, lecture and photographic studio for the public on the South Rim of Grand Canyon National Park, Ariz., for a period of 1 year from January 1, 1970, through December 31, 1970, but in no event beyond his lifetime.

The foregoing concessioner has performed his obligations under the contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. In addition, he has a lifetime right to full possession to the property used in the operation. Under the Act cited above, the Secretary is required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Director, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: December 3, 1969.

THOMAS F. FLYNN, Jr.,
Assistant Director,
National Park Service.

[F.R. Doc. 69-14598; Filed, Dec. 9, 1969; 8:45 a.m.]

[Order No. 42]

CHIEFS, OFFICES OF DESIGN AND CONSTRUCTION

Delegation of Authority; Revocation

The authority delegated to the Chiefs, Offices of Design and Construction, National Park Service, under Order No. 42 (32 F.R. 12067; August 22, 1967) is hereby revoked.

(205 DM 11.1; 26 F.R. 11748)

Dated: December 2, 1969.

GEORGE B. HARTZOG, Jr.,
Director.

[F.R. Doc. 69-14599; Filed, Dec. 9, 1969; 8:45 a.m.]

[Order No. 54]

NATIONAL CAPITAL PARKS AND WESTERN SERVICE CENTER

Contracting Officers

SECTION 1. The Chief of the Division of Property Management and General Services of the Office of National Capital Parks is authorized on behalf of the Eastern Service Center to enter into, approve and administer contracts for supplies, equipment, construction and services not in excess of $500,000.

SEC. 2. The Chief of the Division of Procurement, Contracting, Property Management and General Services of the Western Service Center is authorized to enter into, approve and administer contracts for supplies, equipment, construction and services not in excess of $500,000.

(205 DM 11.1; 26 F.R. 11748)

Dated: December 2, 1969.

GEORGE B. HARTZOG, Jr.,
Director.

[F.R. Doc. 69-14595; Filed, Dec. 9, 1969; 8:45 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Proposed Rules for Allocation of Quotas for Calendar Year 1970 Among Producers Located in the Virgin Islands, Guam, and American Samoa

CROSS REFERENCE: For a document issued jointly by the Department of Commerce and the Department of the Interior relating to allocation of quotas of watches and watch movements for the calendar year 1970 among producers located in the Virgin Islands, Guam, and American Samoa, see F.R. Doc. 69-14727, Commerce Department, *infra*.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

INTERSTATE AIR POLLUTION IN GORMAN, MD.-MOUNT STORM, W. VA. AREA

Notice of Consultation With State Officials

Pursuant to sections 108(d)(1)(C) and 103(e) of the Clean Air Act, as amended (42 U.S.C. 1857(d)(1)(C) and 1857b(e)), notice that a consultation concerning existing and potential interstate air pollution in the Gorman, Md.-Mount Storm, W. Va., area will be held on Monday, December 15, 1969, beginning at 1 p.m. e.s.t., in the auditorium of the Allegheny Community College, Willow Brook Road, Cumberland, Md., is hereby given to the West Virginia Air Pollution Control Commission, State of West Virginia; the Maryland State Department of Health, State of Maryland; and the State air pollution control agencies of any other States affected by such pollution.

The consultation shall be conducted in public session; however, only State officials of the State of West Virginia, the State of Maryland, and any other affected States, and representatives of the Department of Health, Education, and Welfare shall be party to the consultation.

Subsequent to the consultation, consideration will be given to the need for any further action under the provisions of the Clean Air Act, as amended.

Dated: December 5, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-14637; Filed, Dec. 9, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BAKERSFIELD LIVESTOCK AUCTION CO. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
CALIFORNIA	
Bakersfield Cattle Auction, Bakersfield, Nov. 25, 1967.	Bakersfield Livestock Auction Co., Apr. 10, 1969.
INDIANA	
Russell White Sale Barn, Brookville, Apr. 23, 1959.	Brookville Sale Barn, Oct. 1, 1969.
IOWA	
Nishna Valley Sales Co., Shenandoah, May 26, 1959.	Nishna Valley Auction Company, Dec. 1, 1969.
MISSOURI	
Nevada Sales Company, Inc., Nevada, May 18, 1959.	Bull Shippers, Incorporated, Sept. 25, 1969.
NEVADA	
Nevada Livestock Commission Company, Fallon, July 8, 1960.	Western States Livestock Marketing Center of Nevada, Inc., Oct. 30, 1969.

Done at Washington, D.C., this 3d day of December 1969.

G. H. HOPPER,
Chief Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[F.R. Doc. 69-14623; Filed, Dec. 9, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Proposed Rules for Allocation of Quotas for Calendar Year 1970 Among Producers Located in the Virgin Islands, Guam, and American Samoa

Pursuant to the authority granted the Secretaries by Public Law 89-805 the Departments of Commerce and the Interior are considering rules which will govern the allocation of duty-free quotas of watches and watch movements among producers in the Virgin Islands, Guam, and American Samoa for calendar year 1970.

The Departments will issue these proposed rules not less than 30 days subsequent to the filing of this notice with the FEDERAL REGISTER. Interested parties may participate in the proposed rule making by submitting such written data, views or arguments as they may desire regarding the proposed rules set out below. All communications should be submitted within 15 days from the filing date of this notice in the FEDERAL REGISTER, and addressed to the:

Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Scientific and Business Equipment Division.

Such communications shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the brief.

(b) The name, address, telephone number and official position of the person submitting the brief on behalf of the party referred to in subparagraph (a).

PROPOSED RULES FOR VIRGIN ISLANDS AND GUAM—1970

SECTION 1. Upon effective date of these rules, or as soon thereafter as practicable, each watch producer located in the Virgin Islands and Guam which received a duty-free watch quota allocation for calendar year 1969, will receive an initial quota allocation for calendar year 1970 equal to 50 percent of the number of watch units assembled by such firm in the particular territory and entered duty-free into the customs territory of the United States during the first 10 months of calendar year 1969, or 5,000 units, whichever is greater.

SEC. 2. Each firm to which an initial quota has been allocated pursuant to section 1 hereof must, on or before April 1, 1970, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any firm failing to enter duty-free into the customs territory of the United States on or before April 1, 1970, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such firm for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be canceled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1970, by any firm under the quota allocated to it for calendar year 1970 will be less than 90 percent of the number of units allocated to it.

Upon failure of any such firm to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be canceled or reduced, said remaining, unused portion of its quota shall be either canceled or reduced, whichever is appropriate under the show cause order. In the event of a quota cancellation or reduction under this section, the Departments will promptly reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining firms: *Provided, however*, That, if in the judgment of the Departments it is appropriate, competitive bids from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder. Every firm to which a quota is granted is required to file a report on April 15, July 15 and on October 15, of each year covering the periods January 1 to March 31, April 1 to June 30 and July 1 to October 30 respectively via registered mail on Form BDSAF–844, copies of which will be forwarded to each firm at its territorial address of record at least 15 days prior to the required reporting date. Copies of this form may also be obtained from the Scientific and Business Equipment Division, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230. Form BDSAF–844 will provide the Departments with information regarding the the firm's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending finished watch movement and component parts inventories, scheduled delivery dates and number of watch movement parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States prior to December 31, 1970. Each firm to which a quota is granted will also report on Form BDSAF–844 any change in ownership and control of the firm which has occurred subsequent to the filing of an application for a watch quota on Form BDSAF–764 (see Sec. 7, below).

SEC. 3. The annual quotas for calendar year 1970 for the Virgin Islands and Guam will be allocated as soon as practicable after April 1, 1970, on the basis of the number of units assembled by each firm in the particular territory and entered by it duty-free into the customs territory of the United States during calendar year 1969, and the total dollar amount of wages subject to FICA taxes paid by such firm in the particular territory during calendar year 1969 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, equal weight will be assigned to production and shipment history and to wages subject to FICA taxes.

SEC. 4. (Virgin Islands only) With respect to the Virgin Islands quota, in the event that the quantity of any unused 1969 quota plus any increase (or minus any decrease) in the amount of quota available for 1970 in comparison with that for 1969, equals or exceeds 150,000 units the Departments may set aside 150,000 units of the 1970 Virgin Islands quota for a new firm and invite competitive bids from new firms for this amount of quota. Based on the Departments' evaluation of the information submitted by applicants on Form BDSAF–764, the Departments may allocate the entire 150,000 units of quota to that applicant whose proposal, in the judgment of the Departments, offers the likelihood of the greatest contribution to the economy of the territory. While it is the present intention of the Departments to allocate such entire set-aside portion to one new firm, the Departments reserve the right to allocate such portion, or a greater portion, to more than one new firm as may appear best to serve the interests of the territory.

(By "new firm" is meant an entity which has not heretofore been allocated a quota under Public Law 89–805 and which is completely separate and unassociated with any present or previous allocatee in terms of ownership and control.)

SEC. 5. For purposes of allocating watch quotas for calendar year 1970 under section 3 above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1969 for duty-free entry into the customs territory of the United States against a firm's 1969 watch quota, and which were lost prior to admission into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: *Provided*, That the Departments have been satisfied that shipment was in fact made but lost prior to admission into the customs territory.

SEC. 6. Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1970. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1970, in Guam and beginning on or about March 1, 1970, in the Virgin Islands; and will contact each firm locally regarding the verification of its data.

SEC. 7. The rules restricting transfers of duty-free quotas issued on January 29, 1968, and published in the FEDERAL REGISTER on January 31, 1968 (33 F.R. 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1970; except that detailed reporting of ownership and control will be reported on an annual basis on Form BDSAF–764 at the time the firm applies for an annual duty-free watch quota for calendar year 1970, subsequent change in ownership and control will be reported on April 15, July 15, and October 15, 1970, on Form BDSAF–844, required in section 2 above. Form BDSAF–779, previously used to report ownership and control information concerning quota holding firms, will be discontinued.

PROPOSED RULES FOR AMERICAN SAMOA—1970 (AND TENTATIVELY 1971)

SEC. 8. Upon the effective date of these rules interested parties are invited to apply for an allocation of the 1970 calendar year quota for watches and watch movements assembled in American Samoa for duty-free entry into the customs territory of the United States under Public Law 89–805 and for a tentative allocation of such quota for the calendar year 1971. Under that Act any portion of the duty-free watch quota unused during any given calendar year may not be carried over into the following calendar year. Because of the time required to establish a watch assembly facility, acquire inventory and train personnel, the Departments are aware that an applicant to whom a 1970 quota is allocated may not be able to produce and enter into the customs territory of the United States on

or prior to December 31, 1970, the 1970 American Samoan quota allocated to him. In order to justify the investment costs of establishing a watch assembly operation which will make a substantial and lasting contribution to the economy of American Samoa, an applicant may need some assurance of a duty-free allocation for a longer period of time than calendar year 1970. However, under the terms of the Act, the Departments cannot make any final allocation of the duty-free watch quota for American Samoa for any calendar year until after they have received certain statistics from the U.S. Tariff Commission which are normally made available during the first quarter of each year. Accordingly, the Departments have determined that any applicant to whom the 1970 quota for American Samoa is allocated will be allocated the duty-free watch quota for American Samoa that may be allocable during 1971 under Public Law 89-805, provided, of course, that the applicant abides substantially with all the terms and conditions under which said 1970 quota is allocated.

SEC. 9. All applicants will be required to comply with the Bureau of Customs requirements concerning those assembly operations which must be performed in American Samoa in order to qualify watch movements for duty-free entry into the customs territory of the United States under General Headnote 3a, T.S.U.S. Furthermore, the Departments in evaluating applications for the American Samoa quota will give weight to the degree of watch movement assembly operations which the firm proposes to undertake as stated in its application.

SEC. 10. All applicants are advised that the allocation of the 1970 quota and tentative allocation of the 1971 quota will be based on the information and representations contained in answers to Form BDSAF-764 which has been prepared jointly by the Departments of Commerce and the Interior. This form may be obtained from:

Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Scientific and Business Equipment Division.

Failure on the part of any firm to which the 1970 and 1971 quota for American Samoa is allocated to abide substantially and in a timely fashion with representations made in Form BDSAF-764 may result in cancellation of its quota allocations and its reallocation to another firm or firms.

SEC. 11. The recipient of the American Samoa quota allocation for calendar years 1970 and 1971 will be required to comply with U.S. Customs regulations and with the general requirements of the territorial government regarding the establishment and conduct of a watch movement assembly business in American Samoa. (NOTE: The published final Rule will include as an appendix a statement of such general requirements furnished by the government of American Samoa to the Departments for promulgation.)

While it is the present intention of the Departments to allocate the entire American Samoan quota to one firm, the Departments reserve the right to allocate the quota to more than one firm in the event the best interests of the territory would be served thereby.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior which were published in the FEDERAL REGISTER on November 17, 1967 (32 F.R. 15818).

WALTER A. HAMILTON,
Deputy Assistant Secretary for Domestic Business Policy, Department of Commerce.

HARRISON LOESCH,
Assistant Secretary for Public Land Management, Department of the Interior.

DECEMBER 8, 1969.

[F.R. Doc. 69-14727; Filed, Dec. 9, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-124]

CHATTANOOGA, TENN.

Revocation of Designation as a Port of Documentation

1. Notice of the proposed revocation of the designation of Chattanooga, Tenn., as a port of documentation and the transfer of the documentation records to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Nashville, Tenn., was published in the FEDERAL REGISTER of October 3, 1969 (34 F.R. 15428) as CGFR 69-92.

2. By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), the following action is taken effective January 16, 1970.

(a) The designation of Chattanooga, Tenn., as a port of documentation is revoked.

(b) The documentation records at Chattanooga, Tenn., are transferred to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Nashville, Tenn.; and

(c) Nashville is designated as home port of all vessels now having Chattanooga as home port.

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

Dated: December 4, 1969.

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

[F.R. Doc. 69-14674; Filed, Dec. 9, 1969; 8:49 a.m.]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

DECEMBER 5, 1969.

Pursuant to Docket No. HM-1, Rulemaking Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during November 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6083	Shippers upon specific registration with this Board for the shipment of unadulterated sulfur trioxide in any DOT specification cylinder (except acetylene cylinders) of not over 1-gallon capacity.	Cargo-only aircraft, highway, and rail.
6108	Union Carbide Corp., for the shipment of liquefied ethylene, ethane, or methane in a 3,660-gallon capacity cargo tank.	Highway.
6110	Philip Wolf & Sons, for the shipment of argon, helium, nitrous oxide, hydrogen, nitrogen, oxygen, and oxygen-carbon dioxide mixtures in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6111	Shippers upon specific registration with this Board, for the shipment of liquefied hydrogen in Cosmodyne Corp.'s Model FB-3 and FB-11 cargo tanks.	Highway.
6114	Scripto, Inc., for the temporary shipment of butane in DOT-2P packaging of not over 8.5 fluid ounce capacity.	Highway and rail.
6115	Argonne National Laboratory, for one shipment of fissile radioactive material in the EBR-II Instrumented Subassembly Shipping Container.	Highway.
6117	Montana Sulphur & Chemical Co., for the shipment of hydrogen sulfide in a DOT Specification 105A600W tank car tank.	Rail.
6118	Thio-Pet Chemicals Ltd., for the shipment of hydrogen sulfide in a DOT Specification 105A600W tank car tank.	Do.
6119	Fenwal, Inc., for the shipment of pressurized fire extinguishers of not over 742 cubic inch volumetric capacity.	Highway and rail.
6120	E. I. du Pont de Nemours & Co., for the shipment of dimethyl sulfate in a stainless steel DOT Specification 51 portable tank.	Highway.
6121	E. I. du Pont de Nemours & Co., for the shipment of chlorobutadiene in a proposed DOT Specification 115A60W6 tank car tank.	Rail.
6127	Shippers upon specific registration with this Board, for the shipment of liquefied O-nitroaniline in an insulated DOT Specification MC-304, MC-307, MC-310, MC-311, or MC-312 cargo tank.	Highway.
6128	United States Navigation Co., Inc., for two series of shipments of alcohol in 5,040-gallon capacity stainless steel portable tanks.	Highway and rail.
6132	Monsanto Co., for one shipment of benzyl chloride in an insulated DOT Specification 111A100W2 tank car tank having a ruptured disc set at 45 p.s.i.g.	Rail.

W. K. BYRD,
Chairman (Acting), Hazardous Materials, Regulations Board.

[F.R. Doc. 69-14639; Filed, Dec. 9, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-349]

GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Co., San Jose, Calif., has submitted an application dated October 22, 1969, as amended, for a license to authorize the export of a 759.9 megawatt electrical, boiling water reactor to the Tokyo Electric Power Co., Inc., Tokyo, Japan.

Upon finding that the reactor proposed for export is within the scope of and consistent with the terms of the Agreement for Cooperation Between the Governments of the United States of America and Japan and, unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will cause to be issued to the General Electric Technical Services Co., Inc., a facility export license containing the authority set forth in the text below and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Secretary will issue a notice of hearing or an appropriate order.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter 1, Code of the Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated October 22, 1969, as amended, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Md. this 24th day of November, 1969.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[Docket No. 50-349]

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Corp., is authorized to export a 759.9 megawatt electric nuclear power reactor to the Tokyo Electric Power Co., Inc., Tokyo, Japan, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on December 31, 1977.

For the Atomic Energy Commission.

[F.R. Doc. 69-14593; Filed, Dec. 9, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69-11-124]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Correction

In F.R. Doc. 69-14411 appearing at page 19214 in the issue of Thursday, December 4, 1969, the first and second entries under IATA commodity item number 2418 in the table should be changed to read as follows:

130 cents per kg., minimum weight 1,000 kgs., Tokyo to West Coast
160 cents per kg., minimum weight 1,000 kgs., Tokyo to East Coast

AIR FREIGHTWAYS CORP.

Notice of Application for Tariff-Filing Authority for Pickup and Delivery Zone

DECEMBER 5, 1969.

In accordance with Part 222 (14 CFR Part 222) of the Board's economic regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 21675, from Air Freightways Corp., Philadelphia International Airport, Philadelphia 19153, for authority to provide for pickup and delivery service between Wilmington Airport, New Castle, Del., and Dover and Dover Air Force Base, Del.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14675; Filed, Dec. 9, 1969; 8:49 a.m.]

[Docket No. 21433]

NOVO CORP. AND ESTATE OF EDWARD L. RICHTER

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 19, 1969, at 10:00 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. before Examiner Ross I. Newmann.

Dated at Washington, D.C., December 5, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-14677; Filed, Dec. 9, 1969; 8:49 a.m.]

[Docket No. 16080; Order 69-12-27]

AIR TRANSPORT ASSOCIATION

Order Regarding Incentive Discounts for Containerized Shipments and Related Provisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of December 1969.

Pursuant to the provisions of section 412 of the Federal Aviation Act of 1958 and Part 261 of the Board's economic regulations, the Air Transport Association of America (ATA) has filed a containerization agreement on behalf of certain air carriers for board approval.[1] This agreement was developed during a series of intercarrier and shipper-carrier meetings in 1968 and 1969.[2] Such meetings were authorized by the Board for 180 days on July 25, 1968 (Order 68-7-124), and were subsequently extended until July 11, 1969, by Orders 69-2-15, 69-5-47 and 69-6-44, dated February 4, May 12, and June 10, 1969, respectively.

Notices of all meetings and minutes thereon have been filed with the Board and disseminated to all interested shippers.

[1] Agreement CAB 21225, filed Aug. 14, 1969, on behalf of the following air carriers:

Airlift International, Inc.	Northwest Airlines, Inc.
Air West, Inc.	Ozark Air Lines, Inc.
American Airlines, Inc.	Seaboard World Airlines, Inc.
Braniff International.	Trans World Airlines, Inc.
Eastern Air Lines, Inc.	United Air Lines, Inc.
The Flying Tiger Line, Inc. (Flying Tiger).	Western Air Lines, Inc.

[2] Prior agreements CAB 19981-A1 and 19982-A1 expired on May 6, 1969.

As before, the new agreement is applicable between points in the continental United States, and between such points and Puerto Rico, but does not extend to Alaska or Hawaii.[3]

The agreement covers both the description of designated containers, Types A, B, B–2, and D, as well as economic incentives offered. A Type A netted-pallet, conformed to the igloo configuration, has been added to the Type A container provisions,[4] and the existing shipper-owned Type C container (127 cubic feet) has been deleted due to limited shipper use.[5] All containers will continue to be loaded and unloaded by shippers or consignees. The agreement specifically excludes containers designed especially for the forthcoming wide-body jets (B–747, DC–10, L–1011).

The agreement by its terms is to take effect 60 days after Board approval, includes an expression of intent to review the results of the program within 6 months, and is marked to expire within 18 months after Board approval.

As before, the agreement is subject to the enforcement machinery of the ATA.

The economic incentives for containerization in the agreement are similar to existing incentives in the carriers' tariffs. The signficant provisions of the agreement, and changes from the prior agreements, are detailed below and in table form in Attachment A hereto.[5a]

Minimum weight per container, Type A. There is no substantial change from the present base density geared to approximately 7 pounds per cubic foot (lb./cu. ft.) for all Type A containers, computed on the outside dimensions of all units.[6] All present and proposed discounts have been computed from this density base.

Types B, B–2, and D. The present density base for these shipper-owned containers is substantially similar to the foregoing at approximately 7 lb./cu. ft. each. The new agreement, however, would establish higher minimum weights (excluding tare weight allowances) of 1,600, 800, and 437 pounds for Types B, B–2, and D, respectively, representing minimum required densities of 8.09 lb./cu. ft. for the Types B and B–2, and 6.89 lb./cu. ft. for the Type D.[7] The Types B and B–2 minimum weights are therefore being increased 15 percent, and Type D decreased 1 percent.

Tare (empty) weight allowance. The actual tare weight of carrier-owned Type A pallet-igloos will continue to be transported free, as will the netted Type A pallets. Tare weight allowances for shipper-owned Types B, B–2, and D containers will continue at 1 lb./cu. ft. as at present (200, 100, and 63 pounds, respectively), but the mechanics of tariff publication will be substantially revised and simplified. The new agreement requires that carriers initially compute the final charge for each unit and publish a stated amount (minimum charge) for each container size in each market capable of accommodating the containers.

Unitization discount. The present unitization discounts per 100 pounds will be continued, e.g., Type A containers at $1, Type B at $0.75, Type B–2 at $0.45, and Type D at $0.35. The carriers propose to reflect these discounts in the publication of point-to-point general commodity unit charges (minimum charges) for each container. Types A, B, and B–2 containers will be rated at the 3,000-pound general commodity rates, and Type D will be rated at the general commodity rate applicable to 500 pounds.

Minimum charge requirements on containerized specific commodity traffic. Existing specific commodity rates will also continue to be subject to the foregoing unitization discounts, but straight or mixed shipments of commodity-rated traffic will be further subject to a minimum charge per container of not less than that resulting from the 3,000-pound general commodity rate,[8] less the unitization discount, times the following minimum weights: Type A containers—3,000 pounds; Type B—1,500 pounds; Type B–2—750 pounds; and Type D—415 pounds.

The purpose of this provision is to continue the granting of the unitization discount to specific commodity rated traffic, while insuring an acceptable revenue return per container. At present, shippers can easily meet the 7 lb./cu. ft. minimum density requirement and obtain the discount against an already low rate. The new agreement would require shippers to increase their loading, per unit, to the level necessary to meet the minimum unit-charge requirement, if they wish to secure the additional unitization discount.

Density incentive discount. The additional density incentive for greater payload weight per container will be continued on general commodity rated traffic, but at 33 percent instead of 33⅓ percent.

A major change in the agreement, however, is that such density incentive will now begin at the base density (7–8 lb./cu. ft.) instead of the present 9–10 lb./cu. ft.

In addition, the excess weight over the minimum weights for each container will be charged at the Type A density discount rate, i.e., the excess-weight rate in each market will be based on the 3,000-pound general commodity rate, and will be constant for all container units.[9] Substantial tariff simplification should result from this technique.

Aggregate weight break. At the present time, a container moving as part of a partially containerized total shipment is accorded discounts from the rate based on the total weight of the entire shipment. If such container were currently accompanied by additional loose (noncontainerized) freight, the charge for the same single Type D unit is reduced.

The new agreement will permit only one outside piece, package or bundle to accompany a container (or containers) in any one shipment.[10] Any additional loose outside pieces/packages/bundles would be rated as a separate shipment. This fixed computation base for containerized general commodity traffic will generally result in a lower charge than present container charges in the medium and lower aggregate shipment weights. In the upper weight-breaks, the new single-container unit charges will generally be higher. In addition, in the very few markets in which 15,000- and 20,000-pound general commodity rates are published, the new container unit charges would be even higher than bulk, or noncontainerized general commodity charges. Accordingly, the agreement contains an escape clause to permit the carriers to grant greater incentives on shipments of five or more Type A containers.

Mixed shipment rule. The agreement includes a detailed mixed shipment rule, whereby containerized shipments consisting of several differently-rated commodities will be accorded the unitization discount (and density incentive discount for general commodity-rated traffic only), subject to minimum charges per container as for straight shipments of a single specific commodity rated article, as previously noted.

Rental charges. At present, rental charges on carrier-owned Type A pallet-igloos are assessed at fees averaging about $9 per trip. The new agreement provides that rental fees will be included in Type A unit-charges and that no separate and additional fees will be assessed.

Air-truck joint rates. The agreement extends the containerization program to the air portion of joint ICC/CAB-filed air-surface rates.

---

[3] United has matched the agreement, with respect to its Type A igloo container only, in its Hawaiian service; see Order 69–9–29 dated Sept. 5, 1969.

[4] The netted-pallet provisions are substantially similar to the recent IATA provisions for this unit (Order 69–8–174, dated Aug. 29, 1969).

[5] For the 6-month periods ending April 1968 and October 1968, and for the first quarter of 1969, the Type C container accounted for 0.9 percent, 0.4 percent, and 0.18 percent, respectively, of the total freight pounds in containers.

[5a] Filed as part of the original document.

[6] The 6 current Type A pallet-igloo sizes, ranging from minimum weights of 2,625 to 3,500 pounds were restructured into three groups, i.e., "425-cft or less," "over 425 and up to 475 cft," and "over-475 and up to 500 cft." with minimum weights fixed at 3,000, 3,100, and 3,200 pounds, respectively. The Types B, B–2, and D containers will be based on agreed minimum of 1,600, 900, and 500 pounds, respectively, less a fixed tare weight allowance.

[7] The standard industry minimum density requirement ("cube rule") is 6.9 lb./cu. ft. for general freight.

[8] Type D will be subject to the general commodity rate at 500 pounds.

[9] To provide adequate incentive in short-haul markets, the agreement also provides that such density discount shall not be less than $3 per 100 pounds.

[10] Such outside "piece" may consist of two or more pieces, packages or bundles loaded on one pallet, platform, or skid, or loaded into one nonstandard container. Such outside piece would continue to be accorded the noncontainerized rate based on the aggregate weight break of the entire shipment.

Off-airport loading/unloading of containers. Both the prior and the proposed agreement require the loading and unloading of containers by shippers and consignees, respectively, at places other than the carriers' premises, i.e., off-airport. The new agreement, however, now provides that such loading and unloading may be done on the premises of the carriers' cartage agents, with the latter presumably functioning as shipper's agent.

Experimental containers. The new agreement includes provisions whereby the parties will be permitted to furnish (free, or under lease) carrier-owned experimental containers to shippers for 1 year, provided that the offering of such containers is made pursuant to tariff provisions on file with the Board.

Competitive escape clause. In recognition of the fact that the agreed standard incentive discounts for containerized shipments are predicated on the individually determined rates of each carrier, and that such noncontainerized rates may not necessarily be identical in each market, the result of fixed incentive discounts for containerized traffic would be to preclude the otherwise higher-rated carrier on noncontainerized traffic from meeting the containerized rate of a competitor. Accordingly, the agreement provides an escape clause whereby the noncompetitive carrier may meet any containerized rate of any other carrier.

A protest against the agreement has been filed by WTC Air Freight (WTC), an air freight forwarder, requesting that Board approval of the agreement be deferred pending further study and consideration by the carriers of certain deficiencies cited by WTC, as detailed below, that the carriers be required to furnish justification for the rate increases which will result from the agreement, or that in the alternative, the Board institute a proceeding to establish container rates. Specifically, WTC alleges that some devastating rate increases on its traffic tendered to direct air carriers will probably result, that 25 percent of the time it would cost WTC less if it did not containerize its freight, that additional incentive discounts for multicontainer shipments of five or more containers be made mandatory wherever there are high-volume rates on file, that the density incentive for a Type A–5 igloo container should begin at from 4,700 to 5,000 pounds instead of 3,200 pounds, as provided in the agreement, and that the 33 percent rate reduction over 3,200 pounds in such container should be 67 percent. In support of its position, WTC cites 12 sample consolidations between New York and Los Angeles, indicating that the new agreement will increase the total charges on such consolidations by 2.2 percent, with individual consolidations ranging from an increase of 6.1 percent to a decrease of 9.3 percent. Three of the 12 sample consolidations are separately compared under rates, which will result from the new agreement versus bulk (noncontainerized) rates, and indicate that the containerized charges will be 1.1 percent greater than such bulk rates. WTC further states that a 67 percent discount for density is warranted as the cost to the airlines for moving additional payload within a container is virtually nonexistent.

In a joint answer to the complaint of WTC the carrier signatories to the agreement note that WTC describes the agreement as a step toward simplification of container rate application and that it will operate to stimulate or expand the program, yet asks the Board to withhold approval. The carriers allege that the agreement does not preclude the omitted multicontainer discounts as cited by WTC; that WTC has misinterpreted the present tariffs with respect to the density weight break of 4,700 pounds; that the new agreement will produce an actual reduction of as much as $109 from present tariffs on a Type A–5 container loaded to 4,700 pounds; and that WTC has not set forth any justification for its suggested 67 percent discount for density, as opposed to the carrier's judgment centered on a 33 percent discount.

Upon consideration of the complaint and answer, and other relevant matters, the Board does not find Agreement CAB 21225 to be adverse to the public interest or in violation of the Act and will approve the agreement. Accordingly, the Board will deny the request of WTC Air Freight for deferral of approval of action on the agreement. A standard and uniform program as to the physical specifications of containers, as well as the economic incentives to shippers and other relevant industry practices on behalf of a majority of the industry,[11] is believed to be desirable and in the public interest.

With the exception of the increase in minimum weights of the Type B and B–2 containers, and the elimination of the aggregate weight break principle in discounting the containerized portion of partly containerized shipments, the revised features of the new agreement are consistently more advantageous to shippers, and reflect the carriers' need for an acceleration of containerization in their operations. The rate reductions which will result from the agreement should affect a large portion of current traffic, and such reductions are occurring at a time when rates for most noncontainerized freight are being increased by virtually all carriers across-the-board. Although the increase in minimum weights for the Type B, and B–2 containers may penalize present shippers of under-8-lb./cu.-ft. traffic, these adjustments will bring these units into better economic balance with the larger Type A containers. The loss of the aggregate shipment weight principle will admittedly increase container charges for the large-volume, partly containerized shipper in some major markets, as cited by WTC, however, the aggregate weight principle may well have resulted in an unwarranted reduction in revenue on the containerized portion of large volume shipments, and may have encouraged density selectivity in the loading of containers instead of encouraging total containerization. Lastly, and notwithstanding that increases over present container charges will result in some cases, the proposed agreement will still produce lower charges than for noncontainerized freight in virtually all cases.

The exceptions will typically occur in those markets accorded large volume rates. The agreement, however, provides an escape clause whereby the carriers are free to introduce multicontainer discounts to offset the inherent disparity of container charges being greater than bulk-freight charges. The Board will deny WTC's request that such additional discounts be made mandatory. While the Board has previously permitted tariffs to become effective establishing these discounts,[12] in our action therein we noted that such multicontainer rates for five or more containers may not be entirely supported by cost differential considerations. For this reason, the Board will expect the carriers to fully justify any multicontainer discounts which they may propose to continue, or introduce. This action is without prejudice to any future action which the Board may deem appropriate. The domestic carriers have subsequently urged that the yield from cargo rates does not meet the full costs of the service, and modest increases in such rates have been permitted to become effective. Moreover, a qualified or conditional approval of such agreement might serve for naught but to nullify it in its entirety. In any event, shippers are at liberty to avoid such higher container charges by shipping in bulk form.

WTC requests that 4,700 or 5,000 pounds be set as the weight-break point at which the density incentive should begin. The Board notes, however, that while the present container charges of most carriers begin at a minimum weight of 3,250 pounds, there is also an incremental charge up to the weight break at which a density incentive begins, e.g., 4,700 pounds, and the Board can find no compelling reasons to require the elimination of this incremental charge and the readjustment of the weight-break point as requested by WTC. The complainant also endorses a current form of container rate structure in some eastbound markets wherein a unit charge per container is applicable up to 5,500 pounds, with excess payload above such weight break charged at a substantially discounted rate, as earlier approved by the Board.[13] We are not persuaded that

[11] Freight revenue ton-miles for June 1969 for the carrier parties to the agreement represent 90 percent of the industry total.

[12] Order 68–10–111 dated Oct. 21, 1968, at page 3.

[13] The Board previously dismissed a complaint and permitted Tiger's rates to become effective on an experimental basis. Order 68–12–57 dated Dec. 10, 1968 in Docket 20740. We would further note that these rates bore an expiration date of Dec. 31, 1969; Tiger by tariff posted Nov. 14, 1969, has proposed to extend its expiration date thereon to Dec. 31, 1970. Action hereon is without prejudice to such Board action as may appear indicated with respect to Tiger's proposal to extend this expiration date.

such current rates are warranted by economic or other considerations, and accordingly cannot find that the industry should be required to perpetuate such rates, or that the instant agreement is therefore adverse to the public interest and should be disapproved simply because it would result in some instances in higher rates than those cited by WTC.

Turning finally to WTC's request for a 67 percent discount for density, as opposed to the carriers' agreed 33 percent, WTC presents no factual data or other economic justification for its proposal, in the absence of which the Board has no basis on which to challenge the carriers' judgment as to the proper incentive for density. The Board will therefore not condition or disapprove this feature of the carriers' agreement.

As before, the Board will condition its approval of the carriers' agreement to require the publication of appropriate tariffs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. Agreement CAB 21225 is approved: *Provided*, That the parties thereto file the provisions thereof in tariffs marked to expire with expiry of the agreement; and

2. The complaint of WTC Air Freight against agreement CAB 21225 in Docket 16080 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14676; Filed, Dec. 9, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Commercial Fisheries.

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

[F.R. Doc. 69-14658; Filed, Dec. 9, 1969; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service in the position of Assistant Director for Civil Rights, Office of the Director.

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

[F.R. Doc. 69-14659; Filed, Dec. 9, 1969; 8:48 a.m.]

POSITIONS FOR WHICH THE COMMISSION HAS PRESCRIBED MINIMUM EDUCATIONAL REQUIREMENTS

Notice of Revision Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Public Health Nurse Series, GS-615, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

Public Health Nurse Series, GS-615 (All positions GS-5 through GS-15).

Superseded Requirements. The following material supersedes the material previously published in the FEDERAL REGISTER, 20 F.R. 9380, December 15, 1955. The superseded material appeared under the heading of "Public Health Nurse GS-615-6—15 and Nursing Consultant GS-615-7—15".

Minimum Educational Requirements. Candidates for all positions must meet one of the following requirements:

A. Graduation from a baccalaureate or higher degree program in nursing approved by the legally-designated State approving body. To be acceptable:

(1) For those candidates who completed the program in Spring 1964, or later, the program must have been accredited by the nationally recognized accrediting agency (or else must have included course content and field practice in public health nursing equivalent to that of programs that are accredited.)

(2) For those candidates who completed the program prior to Spring 1964, the program must have been accredited for public health nursing by the nationally recognized accrediting agency or must have been supplemented by study which included course content approved by the nationally recognized accrediting agency for public health nursing preparation.

B. Graduation from either a diploma or associate degree program in professional nursing approved by the legally-designated State approving body and at least one (1) academic year in a university public health nursing program accredited by the nationally recognized accrediting agency.

C. Graduation from a foreign school of professional nursing, provided that the nursing education and the nursing knowledge acquired therefrom are substantially comparable and equivalent to that of graduates of nursing schools as described in paragraph A above. Such equivalence must have been evaluated by a school of nursing accredited by the nationally recognized accrediting agency as equivalent to that of its program.

Candidates for positions which involve highly technical research or development or comparable highly technical and scientific functional areas of nursing work must meet the requirements described in paragraph A above.

Duties. Public health nurses perform a variety of responsible professional duties in public health nursing work. They provide comprehensive public health nursing services to patients and families in patients' homes and in schools and promote better health practices in the community. Some public health nurses primarily are engaged in research in public health nursing, in providing consultative services or in teaching public health nursing principles, theories, and techniques.

Reasons for the Requirements. The work of all public health nurse positions involves applying public health nursing principles, theories, and techniques to the solution of direct service, research, consultation, or teaching problems. The required knowledges and skills can only be acquired through graduation from a baccalaureate degree program in nursing which has included preparation for public health nursing or through college education in public health nursing following graduation from a diploma or associate degree program. This study must have been completed in a school of professional nursing in an accredited college or university which provides adequate classroom instruction and supervised practice in nursing, including public health nursing and sciences related to public health nursing, adequate library facilities, and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

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

[F.R. Doc. 69-14660; Filed, Dec. 9, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 828]

BYRNES & LOWERY

Order of Revocation

By letter dated October 12, 1969, Mr. John C. Byrnes III, 728 Scranton Avenue, East Rockaway, N.Y. 11518, advised the Federal Maritime Commission of Mr. John C. Byrnes, Jr.'s, demise on July 13, 1969, and of the subsequent sale of

Byrnes & Lowery to J. E. Bernard & Co., Inc. Mr. Byrnes III also advised that Independent Ocean Freight Forwarder License No. 828 would be returned to the Commission as promptly as possible.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 828 of John C. Byrnes, Jr., doing business as Byrnes & Lowery be and is hereby revoked effective October 12, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon John C. Byrnes III.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-14683; Filed, Dec. 9, 1969; 8:50 a.m.]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 5850-13, between the member lines of the North Atlantic Westbound Freight Association, adds a new paragraph to Article 8 of the basic agreement to provide that in those instances in which a unanimous or majority vote is required and any member abstains from voting, a decision will be reached on the basis of the votes cast by the remaining members.

Dated: December 5, 1969.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14684; Filed, Dec. 9, 1969; 8:50 a.m.]

HAMBURG-AMERIKA LINIE AND NORDDEUTSCHER LLOYD

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement No. 7825-3, between Hamburg-Amerika Linie and Norddeutscher Lloyd, amends the basic agreement to eliminate the provision for its termination on December 31, 1969, and to substitute in lieu thereof a new provision that the agreement shall remain in effect to December 31, 1971, unless terminated by either party giving the other party ninety days' notice in writing.

Dated: December 5, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14685; Filed, Dec. 9, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2404]

ALPENA POWER CO.

Notice of Application for Approval of Exhibits J, K, L, M, and R (Recreational Use Plan) for Project

DECEMBER 3, 1969.

Public notice is hereby given that application has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Alpena Power Co. (correspondence to: James J. Gibson, Jr., Secretary, Alpena Power Co., Alpena, Mich. 49707) for the Thunder Bay River Basin Project No. 2404, located on Thunder Bay River, in Alpena, Alcona, and Montmorency Counties, Mich., near the city of Alpena.

Exhibit J shows the entire project area, Exhibit K shows project facilities and the project boundary at each development, Exhibit L shows plans and sections of the dams and Exhibit M gives a description of the project's electrical and mechanical equipment. Exhibit R lists the following recreational development at the project's Hubbard Lake: Two State-provided sites with fishing areas, boat ramps and picnic areas; two county-provided access roads and boat ramps; and three county-provided reservoir access roads; at Fletcher Floodwaters: a public access area at the dam; 11 boat rental sites; and a State-provided fishing and boat-launching site; at Lake Winyah: a State-provided fishing site; a canoe portage; and four boat rental sites; at Four Mile Dam: a public access road to the reservoir; and a canoe portage; and at Ninth Street Dam: a boat rental; a city-provided boat launching ramp; a State-provided roadside park; and a canoe portage.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 21, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14601; Filed, Dec. 9, 1969; 8:45 a.m.]

[Docket No. CP70-143]

LOWELL GAS CO.

Notice of Application

DECEMBER 3, 1969.

Take notice that on December 2, 1969, Lowell Gas Co. (applicant), 95 East

Merrimack Street, Lowell, Mass. 01853, filed in Docket No. CP70-143 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing applicant to import liquefied natural gas from Arzew, Algeria, into Boston, Mass., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import two consecutive shiploads of 2,000 metric tons LNG or 104,000 Mcf equivalent each to be purchased from Gazocean, U.S.A., Ltd. Delivery will be made into applicant's cryogenic, semitrailer tankers for transportation by highway to applicant's LNG storage plant at Tewksbury, Mass. Applicant states that an unpredictable delay in completing the LNG facility at Tewksbury has created an emergency deficiency in its supply of natural gas, and the proposed importation is necessary to prevent serious interruption of service to applicant's firm customers.

Applicant further states the gas will be purchased at a rate of $75 per metric ton, cost and freight Boston Harbor, plus $1 per metric ton documentation expense.

It appears reasonable and consistent with the public interest in this case to prescribe a shortened period for the filing of protests and petitions to intervene. Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14607; Filed, Dec. 9, 1969; 8:45 a.m.]

[Docket No. CP70-139]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

DECEMBER 4, 1969.

Take notice that on November 24, 1969, Panhandle Eastern Pipe Line Co. (applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP70-139 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 7.7 miles of 12-inch line and appurtenances which are extensions of applicant's Elk City Line in a southerly direction from its present south terminus in Beckham County, Okla., necessary to connect a new supply source.

The total estimated cost of the proposed facilities is $477,200, to be financed from funds on hand and those generated through operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14608; Filed, Dec. 9, 1969; 8:45 a.m.]

[Docket No. RP70-19]

TRANSWESTERN PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

DECEMBER 4, 1969.

Take notice that Transwestern Pipeline Co. (Transwestern) on December 1, 1969, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1,[1] to become effective January 16, 1970. The proposed rate changes contained in the revised tariff sheets would increase charges for jurisdictional sales by $18,980,000 per year, based upon sales volumes for the 12-month period ended August 31, 1969, as adjusted.

Transwestern states that the basis for the proposed rate changes is a sustantial increase in virtually all items of cost including capital, labor materials, supplies and taxes including a return of 8.5 percent.

Transwestern's filing consists of two sets of tariff sheets—"Revised Tariff Sheets" and "Alternative Revised Tariff Sheets." The new rates set forth in the set denominated "Revised Tariff Sheets" reflect an increase in the CDQ-1 rate of 6.92 cents per Mcf and an increase in the CDQ-2 rate of 0.10 cent per Mcf above the rates filed by Transwestern on November 24, 1969, in Docket No. RP69-27.

The "Revised Tariff Sheets" do not reflect increases in Transwestern's purchased gas costs above levels currently in effect. Transwestern states that it is presently authorized to track producer rate increases through December 31, 1969, up to a total increase of 1.84 cents per Mcf in Docket No. RP69-27. Transwestern further states that its suppliers have filed or can contractually file increases in their rates which would have the effect of increasing Transwestern's cost of purchased gas by $12,602,284 or 4.08 cents per Mcf based on sales volumes under the CDQ-1 Rate Schedule.

Transwestern proposes that the "Revised Tariff Sheets" be accepted with the condition that (1) the Commission authorize Transwestern to make tracking rate filings through December 31, 1970 up to the aggregate maximum increase of 4.08 cents per Mcf, and (2) assuming a suspension period, that at the end of such period the proposed increased rates to be placed into effect would be in addition to the respective CDQ-1 and CDQ-2 rates then in effect.

Transwestern proposes that in the event that it is not permitted to make the tracking rate increase filings through December 31, 1970, then the "Revised Tariff Sheets" be deemed withdrawn, and that in lieu thereof the "Alternative Revised Tariff Sheets" be accepted. The "Alternative Revised Sheets" set forth a 43.08 cents per Mcf CDQ-1 rate and a 24.93 cents per Mcf CDQ-2 rate. These rates reflect the increase necessary to recover the additional $12,602,284 anticipated increase in cost of purchased gas.

Copies of the filing were served on Transwestern's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a

[1] 12th Revised Sheet No. 4, Fourth Revised Sheet No. 5, Eighth Revised Sheet No. 6-A.

proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14609; Filed, Dec. 9, 1969; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Reg. F-61]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

DECEMBER 4, 1969.

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires December 15, 1969.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-25	Sept. 26, 1968	Delegation of Authority to Secretary of Defense—Regulatory Proceeding.
F-26	Sept. 30, 1968	Do.
F-43	Mar. 7, 1969	Do.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-14636; Filed, Dec. 9, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CONCEPTS AND HOLDING, INC., ET AL.

Order Suspending Trading

DECEMBER 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Concepts and Holding, Inc., Equity Group, Inc., and Vodel Corp. and all other securities of Concepts and Holding, Inc., Equity Group, Inc., and Vodel 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 summarily suspended, this order to be effective for the period December 4, 1969, through December 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14628; Filed, Dec. 9, 1969; 8:46 a.m.]

CONTROL METALS CORP.

Order Suspending Trading

DECEMBER 4, 1969.

It appearing to the Securities and Exchange Commision that the summary suspension of trading in the common stock of Control Metals Corp. and all other securities of Control Metals 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 summarily suspended, this order to be effective for the period December 4, 1969, through December 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14629; Filed, Dec. 9, 1969; 8:47 a.m.]

MONTANA WESTERN OIL & GAS CO.

Order Suspending Trading

DECEMBER 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Montana Western Oil & Gas Co. and all other securities of Montana Western Oil & Gas Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 4, 1969, through December 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14630; Filed, Dec. 9, 1969; 8:47 a.m.]

[70-4637]

ROCKY RIVER REALTY CO., ET AL.

Notice of Posteffective Amendment Filed by Nonutility Subsidiary of Registered Holding Company Requesting Authorization To Negotiate Additional Interim Bank Financing for Acquisition and Improvement of Real Property

DECEMBER 4, 1969.

In the matter of The Rocky River Realty Co., The Connecticut Light and Power Co., Post Office Box 2010, Hartford, Conn. 06101; Northeast Utilities Service Co., Post Office Box 270, Hartford, Conn. 06101; Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Mass. 01089; (70-4637).

Notice is hereby given that Northeast Utilities ("Northeast") a registered holding company, and three of its subsidiary companies, Northeast Utilities Service Co. ("NUSCO"), a wholly owned system service company, The Connecticut Light and Power Co. ("CL&P"), an electric utility company and exempt holding company, and The Rocky River Realty Co. ("Rocky River"), a nonutility company, have filed with this Commission posteffective amendments to the joint application-declaration in this matter, designating sections 6, 7, 9(a), 10, and 12(b), (d), and (f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 50(a)(4) promulgated thereunder as being applicable to the proposed transactions. All interested persons are referred to the said amended joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Rocky River and CL&P own certain plots of land and buildings thereon in Berlin and Newington, Conn. ("Berlin Site"). On September 30, 1969, the capitalization of Rocky River (exclusive of temporary bank borrowings) consisted of $25,099 of capital stock and surplus and $858,750 principal amount of 40-year subordinated notes (all owned by Northeast), and $1,837,000 principal amount of 3.15 percent first mortgage bonds due 1981 and $360,000 principal amount of 3.75 percent first mortgage bonds due 1983 (both owned by institutional investors). The subordinated notes were issued by Rocky River pursuant to an order of the Commission dated October 24, 1967 (Holding Company Act Release No. 15884), which authorized the company to issue and sell to Northeast up to $1,500,000 principal amount of 40-year subordinated notes during a 5-year period as required.

By order dated July 2, 1968 (Holding Company Act Release No. 16105), the Commission authorized Rocky River to acquire CL&P's property holdings at the Berlin Site at the net book value thereof as at the date of transfer and to construct additional building facilities thereon. To finance such transactions,

Rocky River was authorized to negotiate for the private placement of $9,828,000 principal amount of new real estate mortgage bonds ("New Bonds") with certain institutional investors. The 3.15-percent bonds ("Old Bonds") which are secured by a lien on the Berlin Site properties now owned by Rocky River, were to be left outstanding, or refunded with additional amounts of New Bonds on such a basis as would preserve the favorable terms of the Old Bonds. Rocky River also was authorized to issue and sell up to $10 million principal amount of 2-year notes to commercial banks for temporary financing of construction. Because of subsequent additional improvements to CL&P's Berlin Site properties and increases in Rocky River's construction cost estimates, the Commission, by supplemental order dated February 26, 1969 (Holding Company Act Release No. 16293), authorized Rocky River to increase the principal amount of New Bonds to be issued and sold to institutional investors from $9,828,000 to $12,600,000 (or $14,500,000 in the event the Old Bonds were required to be refunded), and to increase its temporary bank borrowings from $10 million to $12,500,000.

In their posteffective amendment, the applicants-declarants state that construction cost estimates for the Berlin project have further increased by approximately $1 million, with the result that the total amount of funds now believed necessary to complete the proposed acquisitions and construction at the Berlin Site has increased from approximately $12,500,000 to approximately $13,500,000. It is further stated that negotiations for placement of the New Bonds on satisfactory terms have been unsuccessful and that current market conditions make it inadvisable to sell such bonds at this time.

For these reasons, the applicants-declarants request that Rocky River be authorized (1) to increase the principal amount of its 2-year notes to be issued and sold to commercial banks from $12,500,000 to $13,500,000 (such additional notes to be issued and sold on the same terms and subject to the same conditions as authorized by the aforesaid 1968 order of the Commission), and (2) to increase the aggregate principal amount of New Bonds to be placed by negotiation with institutional investors from $12,600,000 to $13,600,000 (or $15,500,000 in the event the Old Bonds are required to be refunded), subject to further order of the Commission as to the terms and conditions of the proposed issue.

In order to repay the bank borrowings and provide interim financing of the completed project until such time as market conditions become more favorable for sale of the New Bonds, it is proposed that Rocky River issue and sell to The Connecticut Bank and Trust Co. ("CBT") and five participating commercial banks a new 3-year promissory note ("Interim Note") in an aggregate principal amount not exceeding the lesser of $13,500,000, or the final cost of the acquisitions and construction at the Berlin Site ("Project Cost"), pursuant to the terms of a loan agreement ("Agreement") executed by Rocky River and CBT on September 15, 1969. The Interim Note will be issued and sold to CBT and its associates after completion of the Berlin Site construction between April 1, and July 1, 1970, and will mature 3 years from such date. It will bear interest at an annual rate three-fourths of 1 percent above CBT's prime commercial rate, adjusted periodically as such prime rate changes during the life of the note. The Agreement provides that 1 percent of the principal amount of the note be prepaid quarterly (4 percent per annum), and that Rocky River pay a commitment fee of one-half of 1 percent per annum on the $13,500,000 commitment from June 2, 1969, to the date of issuance. As security for the Interim Note, Rocky River will enter into 5-year term, interim net leases with CL&P and NUSCO for the office and related facilities which they will occupy at the Berlin Site, and assign such leases to CBT. Rentals payable under the leases will be sufficient to cover all costs associated with the note. The note may be prepaid by Rocky River in whole or in part (in multiples of $100,000) at any time without premium, and the applicants-declarants propose to resume negotiations for placement of the New Bonds prior to maturity of such note if market conditions become more favorable.

The Agreement also provides that, in the event the Project Cost exceeds $13,500,000, any such excess shall be funded through the issuance and sale by Rocky River to Northeast of a new series of subordinated notes ("five-year Notes") with terms and provisions identical in all respects to the terms and provisions of the aforesaid 40-year subordinated notes, except that such new notes will mature 5 years from the date of issuance thereof and bear interest at a rate one-fourth of 1 percent above the prime rate for short-term loans in effect from time to time at CBT. In addition, the applicants-declarants have agreed that, in connection with the issuance and sale of the Interim Note and New Bonds, Rocky River will issue and sell such amounts of the aforesaid 5-year notes to Northeast as will insure that the aggregate principal amount of Rocky River's indebtedness to nonassociate persons will at no time exceed 15⅔ds times the sum of (i) the stated value of Rocky River's outstanding capital stock and surplus, and (ii) the aggregate principal amount of all of its outstanding subordinated notes.

In order to satisfy these two requirements, the applicants-declarants further propose that, from time to time during the 5-year period following issuance of the Commission's order herein, Rocky River will issue and sell to Northeast, and Northeast will acquire, various amounts of the aforesaid 5-year notes for cash at the principal amount thereof, and repay and reissue and sell such notes as required: *Provided, however,* That the maximum principal amount of the 5-year notes to be at any one time outstanding shall not exceed $1 million. None of the aforesaid 40-year notes will be issued to finance the Berlin project.

The application-declaration, as amended, states that the proposed transfer of real property by CL&P to Rocky River has been approved by the Connecticut Public Utilities Commission, and that no other consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions. Information concerning fees, commissions and expenses incurred, or to be incurred, in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than December 22, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-14619; Filed, Dec. 9, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 5, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41816—*Iron or steel articles to points in Tex.* Filed by Southwestern Freight Bureau, agent (NO. B105), for interested rail carriers. Rates on iron or steel articles in carloads, as described in the application, from Minneapolis, Minn. Transfer and St. Paul, Minn., to Clarkwood, Corpus Christi, Flour Bluff, Gregory, and Ingleside, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 134 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14665; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 579]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 5, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successsively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 272 (Deviation No. 1), THE W. J. MAIER STORAGE COMPANY, Post Office Box 365, 1653 Seventh Avenue, Huntington, W. Va. 25708, filed November 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Huntington, W. Va., over Interstate Highway 64 to Charleston, W. Va., thence over the West Virginia Turnpike to Beckley, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Huntington, W. Va., over U.S. Highway 60 to Charleston, W. Va., thence over U.S. Highway 21 to Beckley, W. Va., and (2) from Huntington, W. Va., over U.S. Highway 60 to Charleston, W. Va., thence over U.S. Highway 119 to junction West Virginia Highway 3, thence over West Virginia Highway 3 to Beckley, W. Va., and return over the same route.

No. MC 59120 (Deviation No. 13), EAZOR EXPRESS, INC., Ezar Square, Pittsburgh, Pa. 15201, filed November 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Parkersburg, W. Va., over Interstate Highway 77 to junction Interstate Highway 70 near Cambridge, Ohio, thence over Interstate Highway 70 to Wheeling, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Parkersburg, W. Va., over West Virginia Highway 2 to Wheeling, W. Va., and (2) from Parkersburg, W. Va., over U.S. Highway 21 to Marietta, Ohio, thence over Ohio Highway 7 to Bridgeport, Ohio, thence over U.S. Highway 40 to Wheeling, W. Va., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 539), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle, with passengers, over a deviation route as follows: From Macon, Ga., over Interstate Highway 16 to junction unnumbered highway near Huber, Ga., thence over unnumbered highway to junction U.S. Highway 129 (also known as U.S. Highway 23), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Macon, Ga., over U.S. Highway 80 to Lake Side, Ga., thence over U.S. Highway 129 to Cochran, Ga., thence over Georgia Highway 87 to Eastman, Ga., thence over U.S. Highway 341 to Baxley, Ga., and return over the same route.

No. MC 109780 (Deviation No. 28), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed November 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Oklahoma Highway 51 and the Muskogee Turnpike near Broken Arrow, Okla., over the Muskogee Turnpike to junction U.S. Highway 69, (2) from junction Muskogee Turnpike and U.S. Highway 69 over the Muskogee Turnpike to junction U.S. Highway 62 near Muskogee, Okla., (3) from junction Muskogee Turnpike and U.S. Highway 62 over the Muskogee Turnpike to junction U.S. Highway 64 near Webber Falls, Okla., and (4) from junction Muskogee Turnpike and U.S. Highway 64 over the Muskogee Turnpike to junction Interstate Highway 40, and return over the same routes, for operation convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Tulsa, Okla., over U.S. Highway 64 via Muskogee, Warner and Gore, Okla., to Fort Smith, Ark., and (2) from Tulsa, Okla., over U.S. Highway 64 to junction Oklahoma Highway 51, thence over Oklahoma Highway 51, via Broken Arrow, Okla., to Tahlequah, Okla., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14666; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 458]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 5, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

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

No. MC-FC-71665. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Interstate Distributor Co., a corporation, Tacoma, Wash., of the operating rights in Permit No. MC-117842 (Sub-No. 1) issued October 29, 1969, to Interstate Distributing Co., a corporation, Tacoma, Wash., authorizing the transportation of: Such commodities as are dealt in by wholesale and retail grocery establishments, except frozen foods and foods in vehicles equipped with mechanical refrigeration, from points in California to specified points in Washington. George LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-71706. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Chamberlain Mobilehome Transport, Inc., Thomaston, Conn., of the operating rights in certificate No. MC-116649 issued January 31, 1962, to Sargent Trucking Co., a corporation, Thomaston, Conn., authorizing the transportation, over irregular routes, of house trailers designed to be drawn by passenger automobiles, in secondary movements, between points in Maine, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida,

Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Reubin Kaminsky, 342 North Main Street, West Hartford, Conn. 06117, attorney for applicants.

No. MC–FC–71713. By order of November 25, 1969, the Motor Carrier Board approved the transfer to Luverne Kothenbeutel, doing business as Rochester City Delivery, Rochester, Minn., of corrected permit No. MC–133140 issued March 13, 1969, to Roy Kothenbeutel, and Luverne Kothenbeutel, a partnership, doing business as Rochester City Delivery, Rochester, Minn., authorizing the transportation of such commodities as are dealt in by retail department stores, between facilities of The Dayton Co., at Rochester, Minn., on the one hand, and, on the other, those points in that part of Iowa on, east, and north of a line extending from the Iowa-Minnesota State line along U.S. Highway 169 to junction U.S. Highway 20 near Fort Dodge, Iowa, thence along U.S. Highway 20 to Dubuque, Iowa, and points in that part of Wisconsin on, west and south of a line extending from the Mississippi River, near Dubuque, Iowa, along U.S. Highway 61 to Westby, Wis., thence along Wisconsin Highway 27 to Osseo, Wis., thence along U.S. Highway 10 to Prescott, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, registered practitioner for applicants.

No. MC–FC–71721. By order of December 2, 1969, the Motor Carrier Board approved the transfer to Clarice E. Fulton, doing business as Fulton Moving Co., Watertown, Mass., of the operating rights in certificate No. MC–76518 issued March 13, 1956, to George A. Fulton, doing business as Fulton Moving Co., Watertown, Mass., authorizing the transportation, over irregular routes, of household goods between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, Connecticut, and New York. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC–FC–71743. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Cibola Freight Lines, a corporation, Phoenix, Ariz., of the certificate in No. MC–107315, issued October 5, 1948, to F. V. Owens, Phoenix, Ariz., authorizing the transportation of general commodities, with exceptions, between points in described areas of Arizona and Nevada. A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14669; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 458A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 5, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71381. By order of December 2, 1969, Divison 3, acting as an Appellate Division, on reconsideration, approved the transfer to Edward R. Walsh, doing business as Wood Brothers, 3607 Lafayette Road, Portsmouth, N.H. 03801, of the operating rights in certificate No. MC–37977 issued November 30, 1940, to Earl B. Smith, York Village, Maine 03909, authorizing the transportation of household goods, between points in Cumberland and York Counties, Maine, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and the District of Columbia, traversing Vermont, Pennsylvania, Delaware, New Jersey, and Maryland for operating convenience only.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14670; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 954]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 5, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub-No. 134 TA) (Correction), filed November 17, 1969, published FEDERAL REGISTER, issue of November 25, 1969, and republished as corrected this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as above). The purpose of this republication is to show the correct sub number assigned hereto, Sub-No. 134TA, in lieu of 1'4 TA, which was published in error.

No. MC 29566 (Sub-No. 139 TA), filed November 25, 1969. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, plantsite of Beefland International, Inc., in Council Bluffs, Iowa, to points in Arkansas, Illinois, Kansas, Missouri, and Oklahoma, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 55501. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 30844 (Sub-No. 301 TA), filed November 25, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zone; to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 72495 (Sub-No. 6 TA), filed November 26, 1969. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, W. Va. 26070. Applicant's representative: Ronald W. Kasserman, Riley Law Building, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, from the Cresap, W. Va., plant to Baltimore, Md., for 180 days. Supporting shipper: Mountaineer Carbon Co., Post Office Box 370, Moundsville, W. Va. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 109397 (Sub-No. 187 TA), filed November 24, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., as operator of U.S.A.C. TRANSPORT, INC., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified missile parts and components*, between Sunnyvale and Los Angeles, Calif.; Amarillo, Tex., and West Burlington, Iowa, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124078 (Sub-No. 419 TA), filed November 28, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Nalco Chemical Co. at or near Jonesboro, Clayton County, Ga., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Nalco Chemical Co., 6216 West Place, Chicago, Ill. 60638 (James E. Carr, Corporate Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124328 (Sub-No. 38 TA) (correction), filed October 28, 1969, published FEDERAL REGISTER, issue of November 4, 1969, and republished as corrected this issue. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. E. Wells (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency*, between Toledo, Ohio, and Deerfield, Mich., for 120 days. NOTE: The purpose of this republication is to show that applicant seeks to perform operations as a contract carrier rather than as a common carrier which appeared, in error, in the previous publication. Supporting shipper: The Deerfield State Bank, Deerfield, Mich. 49238. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124952 (Sub-No. 7 TA), filed December 1, 1969. Applicant: RUSSELL F. HASINBILLER, doing business as R & H TRANSPORT, Box 28, Craigville, Ind. 46731. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ice cream mix and flavoring powders*, from Orrville, Ohio, to points in Indiana and the Lower Peninsula of Michigan and *used empty ice cream containers* on return, for 180 days. Supporting shipper: Goshen Milk Division of Orrville Milk Co., Orrville, Ohio. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 125844 (Sub-No. 15 TA), filed December 15, 1969. Applicant: BIO-MED HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, 140 South Fifth Street, Suite 202, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood and derivatives of blood*, which includes plasma, from Memphis, Tenn., and St. Louis, Mo., to points in Kankakee County, Ill., for 180 days. Supporting shipper: American Blood Components, Inc., 118 Jefferson Avenue, Memphis, Tenn. 38103. Send protests to: Wyane L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 133233 (Sub-No. 12 TA), filed December 1, 1969. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Ave.-nue, Council Bluffs, Iowa 51501. Applicant's representative: Inar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in Kansas, Minnesota, Arkansas, and Nebraska, for 150 days. Supporting shipper: Star Studs Inc., Post Office Box 517, Afton, Wyo. 83110. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133608 (Sub-No. 1 TA), filed December 1, 1969. Applicant: LESTER C. DENZIN, doing business as L. C. DENZIN TRUCKING, Route No. 1, Oakfield, Wis. 53065. Applicant's representative: Lester C. Denzin (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forage box units*, from Waupun, Wis., to Owatonna and Cosmos, Minn.; Omaha, Nebr.; Batavia and Oneida, N.Y.; for the account of Denzin & Rahn Manufacturing Co., for 180 days. Supporting shipper: Denzin & Rahn Manufacturing Co., Route 2, Highway 151 North, Waupun, Wis. 53963 (Erwin E. Denzin, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134126 (Sub-No. 1 TA), filed December 1, 1969. Applicant: RALPH C. ISLAND, doing business as ISLAND FREIGHT, Box 147, Deadwood, S. Dak. 57732. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver lead ore*, from the Silver Queen Mine, Deadwood, S. Dak., to East Helena, Mont., for 180 days. Supporting shipper: Silver Queen Mine Co., Deadwood, S. Dak. 57732, Raymond C. McArthur, Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 134127 (Sub-No. 1 TA), filed November 26, 1969. Applicant: EARL R. FINTON, doing business as EARL R. FINTON TRUCKING COMPANY, 1123 Sunset Drive, Benton, Ark. 72015. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock, gravel, sand, asphalt—road construction materials*, from Murfreesboro, De Queen, Prescott, McNeil, Magnolia, Ark., to points in Louisiana, those in McCurtain County, Okla., and Texarkana, Tex., for 180 days. Supporting shipper: Arkansas Rock & Gravel Co., Murfreesboro, Ark. 71958. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 134173 TA, filed November 26, 1969. Applicant: JOHN BOYD CONCRETE SERVICE, INC., Plymouth Meeting, Pa. 19462. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in or sold by building supply companies and materials and supplies used in the manufacture, packaging, and distribution of such commodities, between Gibbsboro, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, Delaware, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Restriction: The operations sought will be limited to a transportation service to be performed, under a contract or contracts with G. & W. H. Corson, Inc., Plymouth Meeting, Pa., for 180 days. Supporting shipper: Allan Wycoff, General Traffic Manager, G. & W. H. Corson, Inc., Plymouth Meeting, Pa. 19462. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900

U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14671; Filed, Dec. 9, 1969; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 5, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 3807 (Clarification), filed November 5, 1969, published FEDERAL REGISTER issue of November 26, 1969, and republished, as clarified, this issue. Applicant: ALAMO EXPRESS, INC., 51 Essex Street, San Antonio, Tex. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between the Junction of Texas Highway 9 and Texas Highway 72, thence over Texas Highway 72 in a northeasterly direction approximately 3.5 miles to the plantsite of Susquehanna Western, and return over the same route, and coordinating such service with all other authorized service of the applicant. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after notice in the FEDERAL REGISTER. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Capital Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is to show Texas Highway 72 in lieu of Farm-to-Market Highway 72, as previously published.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14672; Filed, Dec. 9, 1969; 8:49 a.m.]

[Notice 1357]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 5, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 129774 (Republication), filed March 18, 1968, published in the FEDERAL REGISTER issues of April 4, 1968, and April 25, 1968, and republished this issue. Applicant: BRADY TRANSFER & STORAGE CO., INC., New Burton Road and Webbs Lane, Rural Delivery No. 1, Dover, Del. 19901. Applicant's representative: Robert J. Gallagher, Professional Building, 66 Central Street, Wellesley, Mass. 02181. By a prior report in the above-entitled proceeding, decided October 25, 1968, the Commission Review Board No. 1 denied the application filed March 18, 1968 by applicant seeking a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of containerized household goods shipments, from, and to points substantially as indicated below. Upon consideration of the petition filed by applicant, the above-entitled proceeding was reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, Acting as an Appellate Division. An order of the Commission, Review Board No. 1, decided November 20, 1969, and served November 28, 1969, upon further consideration, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery services in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: Between points in New Castle, Kent, and Sussex Counties, Del., and Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, and Wicomico Counties, Md.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 104104 (Notice of Filing of Petition To Change the Commodity Description of Its Certificate), filed October 23, 1969. Petitioner: GEORGE A. PETZER, INC., Augusta, N.J. Petitioner's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Petitioner holds authority in MC 104104, the part here pertinent, to transport rock wool, from Netcong, N.J., to points in Connecticut, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 111 to Harrisburg, Pa., and thence along U.S. Highway 15 to the Pennsylvania-New York State line, and points in Putnam, Dutchess, Orange, Ulster, and Sullivan Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. *Rock wool*, in bags, rolls, and cartons, from Stanhope, N.J., to Washington, D.C., and points in Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York (except New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Putnam, Dutchess, Orange, Ulster, and Sullivan Counties, N.Y.), Pennsylvania (except points in that part of Pennsylvania on and east of a line extending from the Pennsylvania-Maryland State line along U.S. Highway 111 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line), North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to change the commodity description rock wool in such authority to: "Insulators, isolators and insulating materials used for protection against shock, heat, cold, fire, moisture, weather, noise, vibration or deformation, shipped in shapes, blocks, boards, bags, cartons, rolls or bales." The origin and destination territory would remain unchanged, except that petitioner is willing to accept a plantsite restriction restricting service to the plantsite of United States Mineral Products Co. at Netcong and Stanhope, N.J. Any interested person desiring to participate may file an original and six

copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114115 (Sub-No. 12) (Notice of Filing of Petition To Modify Contract Carrier Permit), filed November 14, 1969. Petitioner: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. Petitioner's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Petitioner is authorized in No. MC 114115 (Sub-No. 12), to transport rock salt, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan, subject to the following restrictions: (1) Traffic moving between points in Pennsylvania; (2) traffic moving between points within 40 miles of Monroe, Mich.; (3) traffic moving from Lucas County, Ohio, to points in Michigan and Indiana; and, (4) traffic moving between points in Astabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, and Pennsylvania, under contract, or contracts with Diamond Crystal Salt Co., International Salt Co., and Morton Salt Co., Division of Morton International, Inc. By the instant petition, petitioner seeks to add Cargill, Inc., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 123640, MC 123640 (Sub-No. 1), and MC 123640 (Sub-No. 2), (Notice of Filing of Petition to Modify Permits by Addition of a Shipper), filed November 5, 1969. Petitioner: SUMMIT CITY ENTERPRISES, INC., Fort Wayne, Ind. Petitioner's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Petitioner is authorized in MC 123640, 123640, Sub 1, and MC 123640, Sub 2 to conduct operations as a contract carrier by motor vehicle, transporting such commodities as are dealt in and sold by department stores; (I) from Fort Wayne, Ind., to St. Louis, Mo., points in the Dubuque, Iowa, commercial zone as defined by the Commission, points in Milwaukee County, Wis., St. Louis and St. Charles Counties, Mo., and Jefferson County, Ky., points in Illinois, Indiana, Ohio, West Virginia, and the Lower Peninsula of Michigan, points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of Iowa on and south of U.S. Highway 219, points in that part of Iowa on and south of a line extending along U.S. Highway 20 from the Mississippi River at Dubuque, Iowa, to Waterloo, Iowa, and on and east of a line extending along U.S. Highway 63 from Waterloo to the Iowa-Missouri State line, and points in that part of New York on, south, and west of a line beginning at Lewiston, N.Y., and extending easterly along U.S. Highway 104 to junction New York Highway 78 at Wrights Corners, N.Y., thence south along New York Highway 78 to Junction New York Highway 16, and thence south along New York Highway 16 to the New York-Pennsylvania State line, and returned shipments, on return;

(II) From St. Louis, Mo., points in Dubuque, Iowa, commercial zone as defined by the Commission, points in Milwaukee County, Wis., St. Louis and St. Charles Counties, Mo., and Jefferson County, Ky., points in Illinois, Indiana, Ohio, West Virginia, the Lower Peninsula of Michigan, points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of Iowa on and south of a line extending along U.S. Highway 20 from the Mississippi River at Dubuque, Iowa, to Waterloo, Iowa, on and east of a line extending along U.S. Highway 63 from Waterloo to the Iowa-Missouri State line, and points in that part of New York on, south and west of a line beginning at Lewiston, N.Y., and extending easterly along U.S. Highway 104 to junction New York Highway 78 at Wrights Corners, N.Y., thence southerly along New York Highway 78 to junction New York Highway 16, thence southerly along New York Highway 16 to the New York-Pennsylvania State line, to Fort Wayne, Ind.; and (III) between Fort Wayne, Ind., on the one hand, and, on the other, points in Kentucky, except those in Jefferson County, points in that part of Wisconsin on and south of U.S. Highway 8, except those in Milwaukee County, points in that part of Minnesota on and south of U.S. Highway 2, and Windber, Pa., all under contract with W. T. Grant Co., of New York, N.Y. By the instant petition, petitioner seeks permission to add Hardware Wholesalers, Inc., of Fort Wayne, Ind., as an additional shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 32775 (Sub-No. 13), filed September 25, 1969. Applicant: HERMANN FORWARDING COMPANY, a corporation, Hermann Road, Post Office Box 1, North Brunswick, N.J. 08902. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged merchandise*, between all points bounded by and on a line beginning at the junction of Illinois Highway 83 and the Wisconsin-Illinois State line and extending westward along the State line to junction Illinois Highway 47, thence south on Illinois Highway 47 to junction Illinois Highway 176, thence west on Illinois Highway 176 to junction U.S. Highway 20, thence south on U.S. Highway 20 to Kane County line, thence to the western boundary of Kane County thence south to the Kendall County line, thence south along the Kendall County line to junction Grundy County line, thence south along the western boundary of Grundy County to junction Interstate Highway 80, thence east on Interstate Highway 80 to junction Illinois Highway 47, thence south on Illinois Highway 47 to junction Illinois Highway 113, thence east along Illinois Highway 113 to Kankaku, Ill., thence east on Illinois Highway 17 to junction Illinois Highway 114, thence east on Illinois Highway 114 to the Illinois-Indiana State line, thence northerly along the Illinois-Indiana State line to the southern boundary of Hammond, Ind., thence east along the southern boundaries of Hammond and Gary, Ind., to the eastern boundary of Gary, Ind., thence northerly to Lake Michigan, thence along the western shore of Lake Michigan to the Wisconsin-Illinois State line, thence west to the point of beginning. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. By the instant application applicant seeks to convert the certificate of registration to a regular certificate of public convenience and necessity. This is a matter directly related to MC-F-10623, published in the FEDERAL REGISTER issue of October 8, 1969. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

TRANSFER APPLICATIONS TO BE ASSIGNED FOR HEARING

No. MC-FC-71596. Authority sought by transferee, MARC TRUCK LINES, INC., 9033 Hollyberry Avenue, Des Plaines, Ill. 60016, to acquire a portion of the operating rights of transferor, JOSEPH T. TYAN CARTAGE, INC. (Leonard M. Spira, Trustee), 400 East Randolph Street, Chicago, Ill. 60601. Applicants' representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be acquired are those in certificate of registration No. MC-59188 (Sub-No. 4) which evidences a right to transport general commodities (except Classes A and B explosives, articles of extraordinary value, lading contaminating to other lading, grain, dump truck operations, household goods, cement in bulk, in tank or hopper type vehicles, petroleum, chemicals, and liquids in bulk and in tank), between Decatur, Springfield, Tuscola, and Illiopolis, Ill., on the one hand, and, on the other, Bedford Park, Cicero, and Chicago, Ill.; also, commodities generally, automobile parts, and equipment, within a 50-mile radius of 4400 Greenshaw Street, Chicago, Ill.

The above-entitled application under section 206(a) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with No. MC-FC-71597 to determine, among other things, if transferee is seeking to acquire a certificate of registration without relinquishing control of a multi-State carrier,

and whether the application properly may be approved under the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce, 49 CFR 1132. The effective date of the Motor Carrier Board's order of October 23, 1969, approving the application, has been stayed.

No. MC–FC–71597. Authority sought by transferee, FRANCIS MARGOLIES, doing business as MARC BAGGAGE LINES, 2056 Bogart Avenue, Bronx, N.Y. 10462, to acquire the operating rights of transferor, MARC TRUCK LINES, INC., 9033 Hollyberry Avenue, Des Plaines, Ill. 60016. Applicants' representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights in certificates Nos. MC–127172 and MC 127172 (Sub-No. 2) sought to be acquired: Camp baggage; (1) between Chicago, Ill., and points in De Kalb, Cook, Du Page, Grundy, Kane, Kendall, Lake, Kankakee, McHenry, and Will Counties, on the one hand, and, on the other, points in Michigan, Minnesota, and Wisconsin; and (2) between points in Michigan, Minnesota, and Wisconsin, on the one hand, and on the other, points in Indiana, Kentucky, Ohio, Michigan, Missouri, and Tennessee.

The above-entitled application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with No. MC–FC–71596 to determine, among other things, whether transferee is the real party in interest and whether the application properly may be approved under the transfer rules, 49 CFR 1132. The effective date of the Motor Carrier Board's order of October 23, 1969, approving the application, has been stayed.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10668. Authority sought for purchase by RUSSELL TRANSFER, INCORPORATED, 444 Glenmore Drive, Salem, Va. 24153, of the operating rights and property of RUSSELL B. NOEL, doing business as R. B. NOEL TRANSFER, 325 Blue Ridge Avenue, Lynchburg, Va. 24501, and for acquisition by B. B. BUMGARNER, also of Salem, Va., of control of such rights and property through the purchase. Applicants' representatives: Robert E. Douglas, and Robert G. Perry, both of Suite 1701, Charleston National Plaza, Charleston, W. Va. 25301. Operating rights sought to be transferred: *Such commodities*, as are dealt in by wholesale, retail and chain grocery and food business houses, as a *common carrier*, over irregular routes, from Lynchburg, Va., to points in Virginia within 75 miles of Lynchburg, from Roanoke, Va., to Lynchburg, Va. Vendee is authorized to operate as a *common carrier* in Virginia, Pennsylvania, New York, Illinois, Indiana, Maryland, Delaware, New Jersey, West Virginia, South Carolina, North Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10669. Authority sought for control by NELSON RESOURCE CORP., 441 Ninth Avenue, New York, N.Y. 10001, of (A) A. J. F. INDUSTRIES, INC., a noncarrier, 1525 South Broadway, St. Louis, Mo. 63104, and (B) ARNOLD-JUNIOR-FENTON EXP. TRANS. CO., its wholly owned subsidiary, 229 Biddle Street, St. Louis, Mo. 63102, and for acquisition by WILLIAM A. NELSON, JR., also of New York, N.Y., and BENJAMIN ALPERT, 810 Broad Street, Newark, N.J. 07102, of control of A. J. F. INDUSTRIES, INC., and ARNOLD-JUNIOR-FENTON EXP. & TRANS. CO., through the acquisition by NELSON RESOURCE CORP. Applicants' attorneys: A. David Millner, 744 Broad Street, Newark, N.J. 07102, and Marvin Moldafsky, 7701 Forsythe Boulevard, Clayton, Mo. 63124. Operating rights sought to be controlled: (B) *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk as a *common carrier*, over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission in 1 M.C.C. 656, and between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined in *St. Louis, Mo.-East St. Louis, Ill., Commercial Zone*, 1 M.C.C. 656, on the one hand, and, on the other, points in St. Louis County, Mo., not within the commercial zone. NELSON RESOURCE CORP., holds no authority from this Commission. However, it controls (1) CARGO DISTRIBUTION CORPORATION, 441 Ninth Avenue, New York, N.Y. 10001, which is authorized to operate as a *common carrier* in New York, New Jersey, and Connecticut; (2) A & B GARMENT DELIVERY, 2645 Nevin Avenue, Los Angeles, Calif. 90011, which is authorized to operate under a certificate of registration, within the State of California; (3) A & B GARMENT DELIVERY OF SAN FRANCISCO, 1309 Custer Avenue, San Francisco, Calif. 94124, which is authorized to operate under a certificate of registration within the State of California; and (4) GARMENT CARRIERS, INC., 2645 Nevin Avenue, Los Angeles, Calif. 90011, which is authorized to operate under a certificate of registration, within the State of California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10670. Authority sought for control by AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040, of BONDED ARMORED CARRIER, INC., 8510 Old Harford Road, Baltimore, Md. 21304, and for acquisition by PUROLATOR, INC., 970 New Brunswick Avenue, Rahway, N.J. 07065, of control of BONDED ARMORED CARRIER, INC., through the acquisition by AMERICAN COURIER CORPORATION. Applicants' attorneys: John M. Delany, 2 Nevada Drive, Lake Success, N.Y. 11040, and Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Operating rights sought to be controlled: *Cash, coin, currency, and negotiable and nonnegotiable securities* (excluding cash letters and accompanying checks), in armored vehicles, as a *common carrier*, over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points in Mineral, Hampshire, Berkeley, Morgan, and Jefferson Counties, W. Va., and Accomack and Northampton Counties, Va., between Baltimore, Md., on the one hand, and, on the other, points in Barbour, Braxton, Calhoun, Doddridge, Gilmer, Grant, Hardy, Harrison, Jackson, Lewis, Marion, Monongalia, Nicholas, Pendleton, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Upshur, Webster, Wirt, and Wood Counties, W. Va., with restriction. AMERICAN COURIER CORPORATION is authorized to operate as a *common carrier* in Maine, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Illinois, Iowa, Nebraska, Kentucky, Ohio, West Virginia, Pennsylvania, Rhode Island, Michigan, Indiana, Maryland, Virginia, Delaware, Wisconsin, South Dakota, Missouri, North Dakota, Kansas, Louisiana, Florida, Alabama, Mississippi, Vermont, Georgia, North Carolina, Arkansas, Texas, Oklahoma, Tennessee, South Carolina, and the District of Columbia; and as a *contract carrier* in New York, New Jersey, North Carolina, Tennessee, Georgia, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Virginia, Maryland, Rhode Island, Illinois, Iowa, Missouri, Indiana, Kentucky, Minnesota, Wisconsin, Maine, Mississippi, Nebraska, New Hampshire, Vermont, Michigan, North Dakota, South Dakota, Alabama, South Carolina, Arkansas, Texas, Florida, Louisiana, Oklahoma, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10671. Authority sought for purchase by BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, N.Y. 10011, of the operating rights of SUTER, INC., 1110 Tower Vue Drive, Pittsburgh, Pa. 15227, and for acquisition by BRANCH INDUSTRIES, INC., also of New York, N.Y., of control of such rights through the purchase. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes between Chagrin Falls, Ohio, and Cleveland, Ohio, serving all intermediate points; and under a certificate of registration, in Docket No. MC–61117 Sub-No. 3, covering the transportation of property, as a *common carrier*, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in New York, Maryland, New Jersey, Pennsylvania, Delaware,

West Virginia, Ohio, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-10875 Sub-No. 31, is a matter directly related.

No. MC-F-10672. Authority sought for purchase by REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050, of a portion of the operating rights of BILYEU REFRIGERATED TRANSPORT CORPORATION, Box 688, Marshall, Mo. 65340, and for acquisition by LAMAR BEAUCHAMP and RICHARD BEAUCHAMP, both also of Forest Park, Ga., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniel, 1600 First Federal Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Paper, paper products, and woodpulp*, as a *common carrier*, over irregular routes, from points in McMinn County, Tenn., to points in Iowa, Kansas, Missouri, and Nebraska. Vendee is authorized to operate as a *common carrier* in North Carolina, Mississippi, South Carolina, Georgia, Florida, Tennessee, Alabama, Louisiana, Nebraska, Arkansas, Illinois, Indiana, Iowa, Minnesota Missouri, Oklahoma, Texas, Wisconsin, Kentucky, Michigan, Ohio, Kansas, Virginia, Nevada, Utah, Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Wyoming, South Dakota, North Dakota, Colorado, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10673. Authority sought for purchase by YOURGA TRUCKING, INC., 104 Church Street, Wheatland, Pa. 16161, of the operating rights and property of JAMES CROSS, doing business as FRANK CROSS, 146 Sterling Avenue, Sharon, Pa. 16146, and for acquisition by JOHN H. YOURGA, also of Wheatland, Pa., of control of such rights and property through the purchase. Applicants' attorney and representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005, and Martin J. Cusick, First Federal Building, Sharon, Pa. 16146. Operating rights sought to be transferred: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of such products, as a *common carrier*, over irregular routes, between Sharon, Pa., and points in Pennsylvania within 5 miles of Sharon, on the one hand, and, on the other, points in Ohio, that part of New York west of U.S. Highway 15, and those in that part of West Virginia north of U.S. Highway 40, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in Pennsylvania and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10674. Authority sought for control by ORIOLE CHEMICAL CARRIERS, INC., 9722 Pulaski Highway, Baltimore, Md. 21220, of FURNITURE MANUFACTURERS EXPRESS, INC., doing business as FMX, INC., 9722 Pulaski Highway, Baltimore, Md. 21220, and for acquisition by MILTON ROVINE, also of Baltimore, Md., of control of FURNITURE MANUFACTURERS EXPRESS, INC., doing business as FMX, INC., through the acquisition by ORIOLE CHEMICAL CARRIERS, INC. Applicants' attorney: Maxwell A. Howell, 1120 Investment Building, Washington, D.C. 20005. Operating rights sought to be controlled: (This authority was granted pursuant to the Decision and Order, by Review Board No. 2, dated August 29, 1969, and the issuance of a certificate is contingent upon approval of this section 5 (2) Application). New furniture, as a common carrier, over irregular routes, from Baltimore, Md., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia. ORIOLE CHEMICAL CARRIERS, INC., is authorized to operate as a *contract carrier* in Maryland, Pennsylvania, New Jersey, New York, Delaware, Virgina, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14667; Filed, Dec. 9, 1969; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

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 December.

1 CFR

	Page
Ch. I	19106

3 CFR

	Page
EXECUTIVE ORDER:	
11498	19125
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Order of December 8, 1969	19417

5 CFR

	Page
210	19495
213	19258
550	19495, 19496

7 CFR

	Page
53	19337
101	19060
102	19060
103	19060
104	19060
105	19060
106	19060
107	19060
108	19060
111	19060
301	19061
718	19063
725	19127
728	19063
777	19063
811	19289
827	19063
871	19064
905	19067, 19462, 19463
906	19290
907	19068, 19185, 19463
910	19128, 19339, 19464
912	19496
929	19290
945	19068
959	19290
966	19185
1421	19496
1495	19496
PROPOSED RULES:	
725	19356
812	19293
905	19078
947	19294
1001	19078
1002	19078
1003	19078
1004	19078
1005	19078, 19507
1006	19078
1007	19078
PROPOSED RULES—Continued	
1011	19078
1012	19078
1013	19078
1015	19078
1016	19078
1030	19078
1032	19078
1033	19078, 19507
1034	19078, 19507
1035	19078, 19507
1036	19078, 19507
1040	19078, 19142
1041	19078, 19507
1043	19078
1044	19078
1046	19078
1049	19078
1050	19078
1060	19078
1061	19078
1062	19078
1063	19078
1064	19078
1065	19078
1068	19078
1069	19078
1070	19078
1071	19078

7 CFR—Continued

Page

PROPOSED RULES—Continued

1073 19078
1075 19078
1076 19078
1078 19078
1079 19078
1090 19078
1094 19078
1096 19078
1097 19078
1098 19078
1099 19078
1101 19078
1102 19078
1103 19078
1104 19078
1106 19078
1108 19078
1120 19078
1121 19078
1124 19078
1125 19078
1126 19078
1127 19078
1128 19078
1129 19078
1130 19078
1131 19078
1132 19078
1133 19078
1134 19078
1136 19078
1137 19078
1138 19078

9 CFR

76 19128, 19129, 19288, 19498

PROPOSED RULES:

201 19468

10 CFR

PROPOSED RULES:

40 19511

12 CFR

526 19186
545 19187
569 19187, 19188

PROPOSED RULES:

563 19299
571 19299

13 CFR

121 19129

14 CFR

39 19188–19191, 19498
71 19073, 19130, 19245, 19339, 19340, 19464, 19499, 19500
73 19501
91 19133
97 19246
121 19133
127 19134
135 19134
151 19501

14 CFR—Continued

Page

159 19192
224 19192
244 19340
296 19341
297 19342
385 19140
399 19344

PROPOSED RULES:

37 19142
39 19200
71 19080, 19297, 19374–19376, 19470, 19510
73 19376, 19471, 19510
208 19297
214 19297
295 19297

16 CFR

13 19068–19071, 19346–19351, 19501, 19502
15 19072

19 CFR

16 19291

20 CFR

401 19465

21 CFR

1 19465
14 19140
121 19073, 19140

PROPOSED RULES:

18 19142

24 CFR

6 19465
200 19074

25 CFR

PROPOSED RULES:

221 19468

26 CFR

194 19277
201 19277

29 CFR

50 19074
850 19192
1500 19195

PROPOSED RULES:

Ch. V 19296

31 CFR

316 19402
332 19409
342 19504
500 19504
515 19504

32 CFR

723 19195
813a 19503
1606 19503

39 CFR

Page

171 19352

41 CFR

1–1 19075
1–19 19353
5A–1 19504
5A–16 19505
101–20 19505
101–39 19075
101–43 19075

42 CFR

81 19354

PROPOSED RULES:

81 19469, 19470

43 CFR

PUBLIC LAND ORDER:

4748 19355

PROPOSED RULES:

4110 19200

45 CFR

85 19506

46 CFR

6 19076
144 19196
154 19076

47 CFR

1 19419
2 19421
43 19196
81 19419
83 19421
85 19421
87 19421

PROPOSED RULES:

0 19200
1 19080, 19200, 19512
21 19200
23 19200
61 19080
73 19513
83 19513
95 19472

49 CFR

1033 19077

PROPOSED RULES:

173 19511
1047 19514
1048 19144, 19299, 19515, 19516
1112 19471

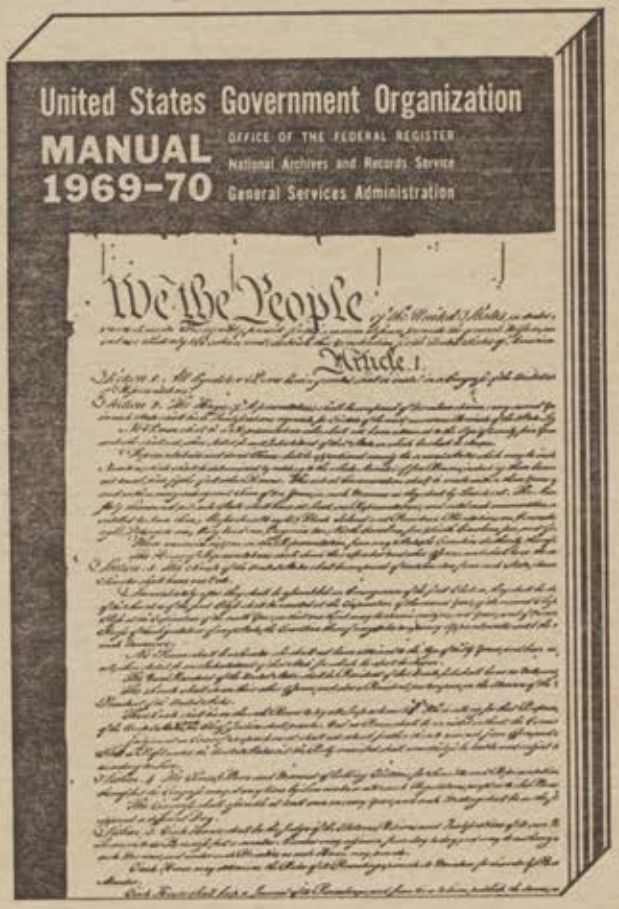
50 CFR

12 19077
33 19141, 19199, 19505
256 19199

PROPOSED RULES:

32 19468

United States Government Organization MANUAL 1969–70



know your government

Presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

$3.00 per copy. Paperbound, with charts

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