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**Agencies in this issue—**



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**FEDERAL REGISTER**

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## Title 7—AGRICULTURE

### Chapter II—Food and Nutrition Service, Department of Agriculture

### PART 210—NATIONAL SCHOOL LUNCH PROGRAM

### Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1970

Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1970, are apportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|---|---|---|---|
| Alabama | $5,594,572 | $5,479,741 | $114,831 |
| Alaska | 189,886 | 189,886 | |
| Arizona | 1,535,038 | 1,535,038 | |
| Arkansas | 3,152,936 | 3,086,145 | 66,791 |
| California | 6,308,394 | 6,308,394 | |
| Colorado | 1,785,284 | 1,696,845 | 88,439 |
| Connecticut | 1,482,306 | 1,482,306 | |
| Delaware | 449,274 | 446,180 | 3,094 |
| District of Columbia | 260,564 | 260,564 | |
| Florida | 6,667,867 | 6,547,725 | 120,142 |
| Georgia | 7,583,774 | 7,583,774 | |
| Guam | 162,849 | 162,849 | |
| Hawaii | 1,035,166 | 974,976 | 60,190 |
| Idaho | 746,186 | 727,111 | 19,075 |
| Illinois | 4,818,475 | 4,818,475 | |
| Indiana | 3,963,886 | 3,963,886 | |
| Iowa | 2,990,407 | 2,674,466 | 315,941 |
| Kansas | 1,953,057 | 1,953,057 | |
| Kentucky | 4,860,838 | 4,860,838 | |
| Louisiana | 6,814,365 | 6,814,365 | |
| Maine | 936,392 | 845,910 | 90,482 |
| Maryland | 2,213,957 | 2,158,975 | 54,982 |
| Massachusetts | 3,972,926 | 3,972,926 | |
| Michigan | 4,171,349 | 3,861,887 | 309,462 |
| Minnesota | 3,907,703 | 3,501,214 | 406,570 |
| Mississippi | 4,596,459 | 4,596,459 | |
| Missouri | 4,164,863 | 4,164,863 | |
| Montana | 506,896 | 479,623 | 27,273 |
| Nebraska | 1,330,582 | 1,158,657 | 171,925 |
| Nevada | 149,825 | 148,987 | 838 |
| New Hampshire | 539,092 | 539,092 | |
| New Jersey | 2,306,363 | 2,067,211 | 239,152 |
| New Mexico | 1,258,409 | 1,258,409 | |
| New York | 10,864,792 | 10,864,792 | |
| North Carolina | 8,048,458 | 8,048,458 | |
| North Dakota | 832,358 | 749,511 | 82,847 |
| Ohio | 6,723,925 | 6,149,970 | 573,955 |
| Oklahoma | 2,302,851 | 2,302,851 | |
| Oregon | 1,488,037 | 1,488,037 | |
| Pennsylvania | 6,554,204 | 5,868,239 | 685,965 |
| Puerto Rico | 4,449,843 | 4,449,843 | |
| Rhode Island | 312,338 | 312,338 | |
| South Carolina | 5,069,579 | 5,027,711 | 41,868 |
| South Dakota | 664,417 | 664,417 | |
| Tennessee | 5,198,197 | 5,124,801 | 73,396 |
| Texas | 8,567,923 | 8,315,314 | 252,609 |
| Utah | 1,500,858 | 1,500,858 | |
| Vermont | 334,738 | 334,738 | |
| Virginia | 4,959,310 | 4,898,489 | 60,821 |
| Virgin Islands | 175,334 | 175,334 | |
| Washington | 2,108,663 | 2,069,821 | 38,842 |
| West Virginia | 1,981,640 | 1,945,216 | 36,424 |
| Wisconsin | 3,122,504 | 2,607,160 | 515,344 |
| Wyoming | 275,806 | 275,806 | |
| Samoa, American | 95,195 | 95,195 | |
| Total | 168,041,000 | 163,589,733 | 4,451,267 |

(Secs. 2–12, 60 Stat. 230–233, as amended, 76 Stat. 944; 42 U.S.C. 1751–1760)

Dated: December 29, 1969.

EDWARD J. HEKMAN,
*Administrator.*

[F.R. Doc. 70–156; Filed, Jan. 7, 1970; 8:45 a.m.]

### PART 210—NATIONAL SCHOOL LUNCH PROGRAM

### Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1970

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1970, are apportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|---|---|---|---|
| Alabama | $2,060,866 | $2,043,888 | $16,978 |
| Alaska | 143,083 | 143,083 | |
| Arizona | 553,125 | 553,125 | |
| Arkansas | 1,661,006 | 1,641,181 | 19,825 |
| California | 1,232,134 | 1,232,134 | |
| Colorado | 263,452 | 228,136 | 35,316 |
| Connecticut | 129,612 | 129,612 | |
| Delaware | 45,325 | 45,297 | 28 |
| District of Columbia | 281,173 | 281,173 | |
| Florida | 2,551,184 | 2,532,726 | 18,458 |
| Georgia | 2,345,755 | 2,345,755 | |
| Guam | 4,238 | 4,238 | |
| Hawaii | 139,824 | 103,379 | 36,445 |
| Idaho | 56,441 | 52,359 | 4,082 |
| Illinois | 531,641 | 531,641 | |
| Indiana | 242,993 | 242,993 | |
| Iowa | 259,802 | 211,427 | 48,375 |
| Kansas | 199,858 | 199,858 | |
| Kentucky | 1,619,214 | 1,619,214 | |
| Louisiana | 1,762,845 | 1,762,845 | |
| Maine | 211,218 | 178,406 | 32,812 |
| Maryland | 252,631 | 225,455 | 27,176 |
| Massachusetts | 689,681 | 689,681 | |
| Michigan | 386,950 | 327,656 | 59,294 |
| Minnesota | 328,249 | 271,037 | 57,212 |
| Mississippi | 1,803,176 | 1,803,176 | |
| Missouri | 624,993 | 624,993 | |
| Montana | 107,953 | 89,984 | 17,969 |
| Nebraska | 234,089 | 187,603 | 46,486 |
| Nevada | 25,005 | 24,773 | 232 |
| New Hampshire | 48,705 | 48,705 | |
| New Jersey | 453,142 | 370,961 | 82,181 |
| New Mexico | 630,712 | 630,712 | |
| New York | 6,270,297 | 6,270,297 | |
| North Carolina | 2,961,222 | 2,961,222 | |
| North Dakota | 111,660 | 81,323 | 30,337 |
| Ohio | 974,383 | 826,527 | 147,856 |
| Oklahoma | 550,036 | 550,036 | |
| Oregon | 117,670 | 117,670 | |
| Pennsylvania | 731,682 | 463,581 | 268,101 |
| Puerto Rico | 1,262,241 | 1,262,241 | |
| Rhode Island | 93,018 | 93,018 | |
| South Carolina | 2,913,221 | 2,905,466 | 7,755 |
| South Dakota | 131,089 | 131,089 | |
| Tennessee | 1,659,572 | 1,641,241 | 18,331 |
| Texas | 2,000,927 | 1,941,798 | 59,129 |
| Utah | 295,318 | 295,318 | |
| Vermont | 65,679 | 65,679 | |
| Virginia | 1,426,995 | 1,415,206 | 11,789 |
| Virgin Islands | 50,243 | 50,243 | |
| Washington | 231,486 | 217,898 | 13,588 |
| West Virginia | 741,590 | 731,210 | 10,380 |
| Wisconsin | 269,475 | 186,233 | 83,242 |
| Wyoming | 34,843 | 34,843 | |
| Samoa, American | 27,278 | 27,278 | |
| Total | 44,800,000 | 43,646,623 | 1,153,377 |

(Secs. 2–12, 60 Stat. 230–233, as amended 76 Stat. 946; 42 U.S.C. 1751–1760)

Dated: December 29, 1969.

EDWARD J. HEKMAN,
*Administrator.*

[F.R. Doc. 70–157; Filed, Jan. 7, 1970; 8:45 a.m.]

### PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

### Appendix—Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1970

Pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89–642; 80 Stat. 885–6, milk assistance funds available for the fiscal year ending June 30, 1970, are apportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|---|---|---|---|
| Alabama | $1,878,670 | $1,816,623 | $62,047 |
| Alaska | 28,892 | 28,892 | |
| Arizona | 416,822 | 416,822 | |
| Arkansas | 1,117,695 | 1,059,712 | 57,983 |
| California | 8,948,698 | 8,948,698 | |
| Colorado | 947,678 | 863,915 | 83,763 |
| Connecticut | 1,775,091 | 1,775,091 | |
| Delaware | 362,811 | 313,403 | 49,408 |
| Del. St. Dist. Agency | 20,123 | 20,123 | |
| District of Columbia | 618,710 | 618,710 | |
| Florida | 1,978,478 | 1,807,136 | 171,342 |
| Georgia | 1,685,552 | 1,646,763 | 38,789 |
| Hawaii | 157,502 | 111,352 | 46,150 |
| Idaho | 187,844 | 162,502 | 25,342 |
| Illinois | 6,637,287 | 6,637,287 | |
| Indiana | 2,972,080 | 2,972,080 | |
| Iowa | 1,806,283 | 1,611,402 | 194,881 |
| Kansas | 1,103,140 | 1,103,140 | |
| Kentucky | 2,012,642 | 2,012,642 | |
| Louisiana | 708,274 | 708,274 | |
| Maine | 507,190 | 425,360 | 81,830 |
| Maryland | 2,394,593 | 2,059,060 | 335,533 |
| Md. Bud. & Proc. | 52,310 | 52,310 | |
| Massachusetts | 3,535,303 | 3,535,303 | |
| Michigan | 5,028,335 | 4,082,735 | 945,600 |
| Minnesota | 2,661,225 | 2,346,834 | 314,391 |
| Mississippi | 1,386,354 | 1,386,354 | |
| Missouri | 2,397,322 | 2,350,303 | 47,019 |
| Montana | 203,874 | 170,870 | 33,004 |
| Nebraska | 637,916 | 526,446 | 111,470 |
| Nevada | 150,271 | 125,792 | 24,479 |
| New Hampshire | 531,971 | 458,271 | 73,700 |
| New Jersey | 3,806,956 | 3,274,160 | 532,796 |
| New Mexico | 731,992 | 431,241 | 300,751 |
| New York | 9,275,081 | 9,275,081 | |
| N.Y. Off. Gen. Serv | 453,362 | 453,362 | |
| North Carolina | 3,646,881 | 3,646,881 | |
| North Dakota | 354,775 | 316,833 | 37,942 |
| Ohio | 6,379,784 | 5,548,720 | 831,064 |
| Ohio Dept. Pub. Wel | 191,534 | 191,534 | |
| Oklahoma | 1,128,116 | 1,128,116 | |
| Oregon | 616,752 | 596,046 | 20,706 |
| Pennsylvania | 5,041,290 | 4,388,376 | 652,914 |
| Rhode Island | 510,874 | 510,874 | |
| South Carolina | 642,176 | 536,933 | 105,243 |
| South Dakota | 363,942 | 363,942 | |
| Tennessee | 1,938,642 | 1,856,020 | 82,622 |
| Texas | 4,131,466 | 3,845,404 | 286,062 |
| Utah | 343,019 | 328,693 | 14,326 |
| Vermont | 265,202 | 255,077 | 10,125 |
| Virginia | 1,986,936 | 1,819,682 | 167,254 |
| Washington | 1,451,393 | 1,213,618 | 237,775 |
| West Virginia | 644,903 | 612,130 | 32,773 |
| Wisconsin | 3,419,572 | 2,650,721 | 768,851 |
| Wyoming | 110,226 | 110,226 | |
| Total | 102,285,810 | 95,507,875 | 6,777,935 |

(Secs. 2, 3, 6, and 8–16, 80 Stat. 885–890; 42 U.S.C. 1771, 1772, 1775, 1777–1785)

Dated: December 29, 1969.

EDWARD J. HEKMAN,
*Administrator.*

[F.R. Doc. 70–158; Filed, Jan. 7, 1970; 8:45 a.m.]

## PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

### Appendix—Apportionment of School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1970

Pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89–642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1970, are apportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|---|---|---|---|
| Alabama | $294,870 | $288,818 | $6,052 |
| Alaska | 58,311 | 58,311 | |
| Arizona | 117,187 | 117,187 | |
| Arkansas | 188,001 | 184,018 | 3,983 |
| California | 326,112 | 326,112 | |
| Colorado | 128,140 | 121,792 | 6,348 |
| Connecticut | 114,880 | 114,880 | |
| Delaware | 69,664 | 69,184 | 480 |
| District of Columbia | 61,405 | 61,405 | |
| Florida | 341,846 | 335,687 | 6,159 |
| Georgia | 381,935 | 381,935 | |
| Guam | 22,128 | 22,128 | |
| Hawaii | 95,308 | 89,766 | 5,542 |
| Idaho | 82,660 | 80,547 | 2,113 |
| Illinois | 260,900 | 260,900 | |
| Indiana | 223,496 | 223,496 | |
| Iowa | 180,887 | 161,776 | 19,111 |
| Kansas | 135,483 | 135,483 | |
| Kentucky | 262,754 | 262,754 | |
| Louisiana | 348,258 | 348,258 | |
| Maine | 90,985 | 82,193 | 8,792 |
| Maryland | 146,903 | 143,255 | 3,648 |
| Massachusetts | 223,891 | 223,891 | |
| Michigan | 232,576 | 215,322 | 17,254 |
| Minnesota | 221,041 | 198,043 | 22,998 |
| Mississippi | 251,183 | 251,183 | |
| Missouri | 232,292 | 232,292 | |
| Montana | 72,186 | 68,302 | 3,884 |
| Nebraska | 108,238 | 94,252 | 13,986 |
| Nevada | 56,558 | 56,242 | 316 |
| New Hampshire | 73,596 | 73,596 | |
| New Jersey | 150,947 | 135,295 | 15,652 |
| New Mexico | 105,080 | 105,080 | |
| New York | 525,542 | 525,542 | |
| North Carolina | 402,273 | 402,273 | |
| North Dakota | 86,432 | 77,829 | 8,603 |
| Ohio | 344,300 | 314,911 | 29,389 |
| Oklahoma | 150,794 | 150,794 | |
| Oregon | 115,130 | 115,130 | |
| Pennsylvania | 336,872 | 301,615 | 35,257 |
| Puerto Rico | 244,766 | 244,766 | |
| Rhode Island | 63,671 | 63,671 | |
| South Carolina | 271,891 | 269,646 | 2,245 |
| South Dakota | 79,081 | 79,081 | |
| Tennessee | 277,520 | 273,602 | 3,918 |
| Texas | 425,010 | 412,479 | 12,531 |
| Utah | 115,691 | 115,691 | |
| Vermont | 64,651 | 64,651 | |
| Virginia | 267,064 | 263,789 | 3,275 |
| Virgin Islands | 22,674 | 22,674 | |
| Washington | 142,294 | 139,673 | 2,621 |
| West Virginia | 136,735 | 134,222 | 2,513 |
| Wisconsin | 186,669 | 155,861 | 30,808 |
| Wyoming | 62,072 | 62,072 | |
| Samoa, American | 19,167 | 19,167 | |
| Total | 10,000,000 | 9,732,522 | 267,478 |

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1773, 1775, 1777–1785)

Dated: December 29, 1969.

EDWARD J. HEKMAN,
*Administrator.*

[F.R. Doc. 70–159; Filed, Jan. 7, 1970; 8:45 a.m.]

## PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

### Appendix—Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1970

Pursuant to section 5 of the Child Nutrition Act of 1966, Public Law 89–642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1970, are apportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|---|---|---|---|
| Alabama | $332,929 | $326,095 | $6,834 |
| Alaska | 11,300 | 11,300 | |
| Arizona | 91,349 | 91,349 | |
| Arkansas | 187,629 | 183,654 | 3,975 |
| California | 375,408 | 375,408 | |
| Colorado | 106,241 | 100,978 | 5,263 |
| Connecticut | 88,211 | 88,211 | |
| Delaware | 26,736 | 26,552 | 184 |
| District of Columbia | 15,506 | 15,506 | |
| Florida | 396,800 | 389,650 | 7,150 |
| Georgia | 451,305 | 451,305 | |
| Guam | 9,691 | 9,691 | |
| Hawaii | 61,602 | 58,020 | 3,582 |
| Idaho | 44,405 | 43,270 | 1,135 |
| Illinois | 286,744 | 286,744 | |
| Indiana | 235,888 | 235,888 | |
| Iowa | 177,957 | 159,156 | 18,801 |
| Kansas | 116,225 | 116,225 | |
| Kentucky | 289,265 | 289,265 | |
| Louisiana | 405,518 | 405,518 | |
| Maine | 55,724 | 50,339 | 5,385 |
| Maryland | 131,751 | 128,479 | 3,272 |
| Massachusetts | 236,426 | 236,426 | |
| Michigan | 248,234 | 229,818 | 18,416 |
| Minnesota | 232,550 | 208,355 | 24,195 |
| Mississippi | 273,532 | 273,532 | |
| Missouri | 247,848 | 247,848 | |
| Montana | 30,165 | 28,542 | 1,623 |
| Nebraska | 79,182 | 68,951 | 10,231 |
| Nevada | 8,916 | 8,866 | 50 |
| New Hampshire | 32,081 | 32,081 | |
| New Jersey | 137,250 | 123,018 | 14,232 |
| New Mexico | 74,887 | 74,887 | |
| New York | 646,556 | 646,556 | |
| North Carolina | 478,958 | 478,958 | |
| North Dakota | 49,533 | 44,603 | 4,930 |
| Ohio | 400,136 | 365,980 | 34,156 |
| Oklahoma | 137,041 | 137,041 | |
| Oregon | 88,552 | 88,552 | |
| Pennsylvania | 390,036 | 349,215 | 40,821 |
| Puerto Rico | 264,807 | 264,807 | |
| Rhode Island | 18,587 | 18,587 | |
| South Carolina | 301,687 | 299,195 | 2,492 |
| South Dakota | 39,539 | 39,539 | |
| Tennessee | 309,341 | 304,973 | 4,368 |
| Texas | 509,871 | 494,838 | 15,033 |
| Utah | 89,315 | 89,315 | |
| Vermont | 19,920 | 19,920 | |
| Virginia | 295,125 | 291,506 | 3,619 |
| Virgin Islands | 10,434 | 10,434 | |
| Washington | 125,485 | 123,174 | 2,311 |
| West Virginia | 117,926 | 115,758 | 2,168 |
| Wisconsin | 185,818 | 155,150 | 30,668 |
| Wyoming | 16,413 | 16,413 | |
| Samoa, American | 5,665 | 5,665 | |
| Total | 10,000,000 | 9,735,106 | 264,894 |

(Secs. 2, 5, 6, and 8 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1774, 1775, 1777–1785)

Dated: December 29, 1969.

EDWARD J. HEKMAN,
*Administrator.*

[F.R. Doc. 70–160; Filed, Jan. 7, 1970; 8:45 a.m.]

## PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

### Appendix—Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1970

Pursuant to section 13, of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for the fiscal year ending June 30, 1970, are apportioned among the States as follows:

| State | Total Apportionment |
|---|---|
| Alabama | $572,582 |
| Alaska | 62,638 |
| Arizona | 149,310 |
| Arkansas | 372,403 |
| California | 604,943 |
| Colorado | 140,695 |
| Connecticut | 106,595 |
| Delaware | 69,752 |
| District of Columbia | 92,470 |
| Florida | 439,008 |
| Georgia | 619,983 |
| Guam | 6,832 |
| Hawaii | 75,880 |
| Idaho | 86,276 |
| Illinois | 443,703 |
| Indiana | 252,887 |
| Iowa | 232,947 |
| Kansas | 161,295 |
| Kentucky | 469,864 |
| Louisiana | 518,361 |
| Maine | 107,310 |
| Maryland | 199,413 |
| Massachusetts | 185,429 |
| Michigan | 377,557 |
| Minnesota | 250,223 |
| Mississippi | 558,407 |
| Missouri | 360,436 |
| Montana | 88,076 |
| Nebraska | 145,839 |
| Nevada | 58,585 |
| New Hampshire | 68,875 |
| New Jersey | 211,584 |
| New Mexico | 145,793 |
| New York | 621,624 |
| North Carolina | 777,291 |
| North Dakota | 110,247 |
| Ohio | 445,565 |
| Oklahoma | 259,879 |
| Oregon | 113,986 |
| Pennsylvania | 539,717 |
| Puerto Rico | 277,473 |
| Rhode Island | 83,829 |
| South Carolina | 494,187 |
| South Dakota | 121,937 |
| Tennessee | 551,132 |
| Texas | 1,034,245 |
| Utah | 83,128 |
| Vermont | 73,251 |
| Virginia | 458,607 |
| Virgin Islands | 3,164 |
| Washington | 145,484 |
| West Virginia | 275,779 |
| Wisconsin | 216,203 |
| Wyoming | 64,790 |
| Samoa, American | 2,666 |
| Trust Territory | 9,865 |
| Total | 15,000,000 |

These apportioned amounts by State are to cover program activities through September 30, 1970. Of these apportioned amounts, not more than 80 percent of these funds may be obligated prior to June 30, 1970.

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: December 29, 1969.

EDWARD J. HEKMAN,
*Administrator.*

[F.R. Doc. 70-161; Filed, Jan. 5, 1970; 8:45 a.m.]

## Chapter III—Agricultural Research Service, Department of Agriculture

## PART 319—FOREIGN QUARANTINE NOTICES

### Subpart—Fruits and Vegetables

PRESCRIBING A COMBINATION TREATMENT OF FUMIGATION PLUS REFRIGERATION FOR CERTAIN FRUITS

Pursuant to the authority conferred by § 319.56-2 of the regulations (7 CFR 319.56-2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 162, 150ee), administrative instructions to be designated as 7 CFR 319.56-2r are hereby issued to read as follows:

**§ 319.56-2r Administrative instructions prescribing a combination treatment of fumigation plus refrigeration for certain fruits.**

Fumigation with methyl bromide at normal atmospheric pressure followed by refrigerated storage, in accordance with the procedures described in this section, is specific for the Mediterranean fruit fly, the oriental fruit fly, and the grape vine moth, and for certain pests of grapes and other fruit from Chile, but may not be effective against certain other dangerous pests of fruit. Accordingly this treatment will be approved for use as an alternative method of treatment to the methods prescribed in § 319.56-2d and § 319.56-2n, in connection with the issuance of permits under § 319.56-4 for the importation of fruits from any country when it is determined that the pest risk involved in the proposed importation is such that it will be eliminated by this treatment.

(a) *Ports of entry.* Fruits to be offered for entry may be shipped from the country of origin to United States ports which are named in the permit.

(b) *Approved treatment.* The phases of the combination treatment shall consist of fumigation and aeration, and a precooling and refrigeration period. The fumigation dosage rates and refrigeration periods are designated in the following table:

| Methyl bromide at 70° F. or above dosage | Exposure period | Days of refrigeration at— | | | |
|---|---|---|---|---|---|
| | | 33°-37° F. | 34°-40° F. | 43°-47° F. | 50°-56° F. |
| 2 pounds/1000 cubic feet | 2 hours | 4 | | 11 | |
| 2 pounds/1000 cubic feet | 2½ hours | | 4 | 6 | 10 |
| 2 pounds/1000 cubic feet | 3 hours | | | 3 | 6 |

(1) *Fumigation and aeration.* The approved fumigation shall consist of fumigation with methyl bromide at 70° F. or above at normal atmospheric pressure in a fumigation chamber that has been approved for that purpose by the Plant Quarantine Division. The fumigation may also be accomplished under tarpaulins, in a manner satisfactory to the inspector, that will insure adequate air circulation and proper volatilization, distribution, and concentration of the fumigant. The fruit may be packed in field boxes, slatted crates, or well-perforated, unwaxed cardboard cartons with approved packing material such as wood excelsior or cardboard dividers. The fruit may be individually wrapped with conventional tissue which is gas premeable. When stacking the fruit for fumigation, spacing must be provided to insure adequate gas circulation. The load shall not exceed 80 percent of the volume of the area under fumigation. Following the fumigation, an aeration period of 2 hours is required.

(2) *Precooling and refrigeration period.* At the conclusion of the aeration period, the fruit shall be precooled and refrigerated in approved facilities for any one of the periods designated in the table in this section. Cooling shall begin as soon as possible after the aeration period, but in no event may the time lapse between the termination of fumigation and the beginning of the precooling exceed 24 hours. Cooling to the required refrigeration temperature shall be effected as soon as possible. The refrigeration period shall not commence until the fruit pulp temperatures indicate the prescribed temperature range has been reached.

(c) *Supervision of treatment and subsequent handling.* The treatment approved in this section and the subsequent handling of the fruit so treated must be conducted under the supervision of an Inspector of the Plant Quarantine Division. If any part of the treatment is conducted in the country of origin, the organization requesting the service must enter into a formal agreement with this Division to secure the services of an inspector.

(d) *Costs.* All costs of treatment, required safeguards, and supervision of treatments by the inspector shall be borne by the owner of the fruit, or his representative, when the treatment is given in foreign countries. There is no charge for supervision of treatments given at authorized U.S. ports of entry during regularly scheduled hours of duty.

(e) *Department not responsible for damage.* The treatment prescribed in paragraph (b) of this section is judged from limited experimental tests to be safe for use with fruits likely to be infested with the Mediterranean fruit fly or the oriental fruit fly, or with the grape vine moth or other pests of grapes or other fruits from Chile. However, the Department assumes no responsibility for any damage sustained through or in the course of the treatment. There has not been an opportunity to test the treatment on all varieties of fruits that may be offered for entry from various countries. It is recommended that the phytotoxicity of the treatment to the variety to be shipped shall be tested by exporters in the country of origin or by means of test shipments sent to this country.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159. 29 F.R. 16210, as amended; 7 CFR 319.56-2)

These administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

The purpose of these instructions is to provide an alternate and improved treatment for fruits imported under permit from countries infested with the Mediterranean fruit fly or the oriental fruit fly, the grape vine moth and certain other pests. The present approved treatment as prescribed in § 319.56-2d consists of varying extensive periods of cold treatment during which the fruit is held at or below a specified temperature. It has been determined through tests by the Agricultural Research Service scientists that this alternate treatment can be used under the conditions prescribed herein without risk of introducing plant pests into the United States.

These instructions relieve restrictions and in order to be of maximum benefit to persons subject to the restrictions, they should be made effective as promptly as possible. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and unnecessary, and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 2nd day of January 1970.

[SEAL] F. A. JOHNSTON,
*Director, Plant Quarantine Division.*

[F.R. Doc. 70-293; Filed, Jan. 7, 1970; 8:49 a.m.]

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

[Navel Orange Reg. 191]

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

### Limitation of Handling

**§ 907.491 Navel Orange Regulation 191.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona

and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 6, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 9, 1970, through January 15, 1970, are hereby fixed as follows:

(i) District 1: 860,000 cartons;

(ii) District 2: 110,000 cartons;

(iii) District 3: 30,000 cartons.

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

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

Dated: January 6, 1970.

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

[F. R. Doc. 70–328; Filed, Jan. 7, 1970; 8:50 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## MISCELLANEOUS AMENDMENTS TO TITLE

Title 24 is amended as follows:

## Subtitle A—Office of the Secretary, Department of Housing and Urban Development

### PART 5—RENT SUPPLEMENT PAYMENTS

In § 5.40 paragraph (c) is amended to read as follows:

**§ 5.40 Maximum annual project payments under contract.**

* * * * *

(c) Section 236 of the National Housing Act, except that the Commissioner may increase to 40 percent the limitation on the number of dwelling units in any section 236 project eligible for rent supplement payments, where he determines that such increase is necessary to provide additional housing for lower income families.

(Sec. 101(g), 79 Stat. 453; 12 U.S.C. 1701s)

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

### SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

### PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

#### Subpart A—Eligibility Requirements

In § 203.17 paragraph (b) is amended to read as follows:

**§ 203.17 Mortgage provisions.**

* * * * *

(b) *Mortgage multiples.* The mortgage shall involve a principal obligation in multiples of $50.

In § 203.18 paragraphs (a) (1); (2) (ii) and (iii); (3); (d) (1); and the introductory text of (e) are amended to read as follows:

**§ 203.18 Maximum mortgage amounts.**

(a) Occupant mortgagors. * * *

(1) *Dollar limitation.* A dollar limitation of:

(i) $33,000 for a one-family residence.

(ii) $35,750 for a two-family residence.

(iii) $35,750 for a three-family residence.

(iv) $41,250 for a four-family residence.

(2) *Loan-to-value limitation—approval prior to construction.* * * *

(ii) 90 percent of such value in excess of $15,000, but not in excess of $25,000.

(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of such value in excess of $25,000.

(3) *Loan-to-value limitation—no prior approval.* A loan-to-value limitation of 90 percent of $25,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of such value in excess of $25,000, if the dwelling does not meet the requirements in the introductory text of subparagraph (2) of this paragraph.

* * * * *

(d) *Outlying area properties.* * * *

(1) $16,200.

* * * * *

(e) *Disaster victims.* A mortgage covering a single-family dwelling, in an amount not in excess of $14,400 or the appraised value of the property as of the date the mortgage is accepted for insurance, whichever is the lesser, shall be eligible for insurance if:

Section 203.64 is amended to read as follows:

**§ 203.64 Loan multiples.**

The loan shall involve a principal obligation in multiples of $50.

In § 203.73 paragraphs (a) (1), (3), and (b) are amended to read as follows:

**§ 203.73 Maximum loan amounts.**

(a) * * *

(1) The Commissioner's estimate of the cost of improvements or $12,000 per family unit, whichever is the lesser; or

* * * * *

(3) Where the proceeds are to be used for the purposes indicated in § 203.82 (a) (2), an amount which when added to the aggregate principal balance of any outstanding insured home improvement loans which were obtained for the purposes indicated in § 203.82(a) (2), creates an aggregate indebtedness for such purposes of not to exceed $12,000.

(b) In any geographical area where the Commissioner finds cost levels so require, he may increase by not to exceed 45 percent the $12,000 per family unit limitation set forth in paragraphs (a) (1) and (3) of this section.

#### Subpart B—Contract Rights and Obligations

In § 203.251 paragraph (s) is amended to read as follows:

**§ 203.251 Definitions.**

* * * * *

(s) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

## PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In Part 207, Subpart A in the Table of Contents, the heading of § 207.33 is amended as follows:

Sec.
207.33 Eligibility of mortgages on mobile home courts or parks.

### Subpart A—Eligibility Requirements

In § 207.4 paragraphs (a)(4)(i), (ii), (iii), (iv), and (v); (b)(1), (2), (3), (4), and (5) are amended to read as follows:

**§ 207.4 Maximum mortgage amount.**

(a) *Dollar and loan to value limitation.* * * *

(4) * * *

(i) $9,900 without a bedroom.

(ii) $13,750 with one bedroom.

(iii) $16,500 with two bedrooms.

(iv) $20,350 with three bedrooms.

(v) $23,100 with four or more bedrooms.

(b) *Increased mortgage amount—elevator type structures.* * * *

(1) $11,550 per family unit without a bedroom.

(2) $16,500 per family unit with one bedroom.

(3) $19,800 per family unit with two bedrooms.

(4) $24,750 per family unit with three bedrooms.

(5) $28,050 per family unit with four or more bedrooms.

In § 207.33 the heading thereof and paragraphs (a), (b), (c), (h), and (i) are amended and a new paragraph (f) is added to read as follows:

**§ 207.33 Eligibility of mortgages on mobile home courts or parks.**

(a) All of the provisions of this subpart shall apply to insurance on mobile home courts or parks, except as provided in this section. All references in this subpart to housing for rent or sale shall mean the rental of spaces for the accommodation of mobile homes, and such appurtenances thereto as may have been approved by the Commissioner.

(b) A mortgage on a mobile home court or park may involve a principal obligation in an amount to be determined as follows:

(1) An amount not exceeding the lesser of $1 million, $2,500 per space (as defined by the Commissioner), or 90 percent of the estimated value of the property after the improvements are completed.

(2) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 45 percent the $1 million and $2,500 limitations set forth in subparagraph (1).

(3) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct mobile home courts or parks without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this paragraph, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases otherwise applicable, by more than one-half thereof.

(c) A mortgage on a mobile home court or park is not subject to the provisions of § 207.4, except that the provisions of § 207.4(c) (relating to increased mortgage amounts for high cost areas), § 207.4(e) (relating to a reduction in mortgage amount where the mortgage is on a leasehold estate) and the provisions of § 207.4(f) (relating to loans to cover 2-year operating losses) shall be applicable.

* * * * *

(f) A mortgage on a mobile home court or park shall have a term not in excess of 20 years from the date of insurance, except that such mortgage may have a longer term, not in excess of 40 years, if the Commissioner determines that the location of the project is not inconsistent with comprehensive planning for the area where such planning exists, or can reasonably be expected to be consistent with desirable growth patterns in the foreseeable future.

* * * * *

(h) At the time a mortgage is insured on a mobile home court or park, the mortgagor shall have constructed and completed, or shall have rehabilitated and completed, pursuant to a commitment to insure upon completion, or shall be obligated to construct and complete, or to rehabilitate and complete pursuant to a commitment to insure advances, such court or park, designed principally for rental use for mobile homes, and conforming to standards, specifications, plans and requirements satisfactory to the Commissioner.

(i) The references in §§ 207.25 to 207.29 to "statutory limitation" and "statutory percentage" shall mean the ratio of loan to value limitation set forth in paragraph (b) of this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

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SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

## PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

### Subpart A—Eligibility Requirements—Projects

In § 213.7 paragraphs (a)(4)(i), (ii), (iii), (iv), and (v); (g)(1), (2), (3), (4), and (5) are amended to read as follows:

**§ 213.7 Maximum insurable amounts.**

(a) *Management project.* * * *

(4) * * *

(i) $9,900 without a bedroom.

(ii) $13,750 with one bedroom.

(iii) $16,500 with two bedrooms.

(iv) $20,350 with three bedrooms.

(v) $23,100 with four or more bedrooms.

* * * * *

(g) *Increased mortgage amount—elevator type structures.* (1) $11,550 per family unit without a bedroom.

(2) $16,500 per family unit with one bedroom.

(3) $19,800 per family unit with two bedrooms.

(4) $24,750 per family unit with three bedrooms.

(5) $28,050 per family unit with four or more bedrooms.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

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SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

## PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

### Subpart A—Eligibility Requirements—Homes

Section 220.25 is amended to read as follows:

**§ 220.25 Maximum mortgage amounts—dollar limitation.**

Depending upon the design of the structure, a mortgage shall not exceed the lesser of the following:

(a) $33,000 for a one-family residence.

(b) $35,750 for a two-family residence.

(c) $35,750 for a three-family residence.

(d) $41,250 for a four-family residence.

(e) $41,250 plus not to exceed $7,700 for each additional family unit in excess of four.

In § 220.30 paragraphs (a)(1)(ii) and (iii); (2)(i) and (ii); (3)(ii) and (iii); and (4)(i) and (ii) are amended to read as follows:

**§ 220.30 Maximum mortgage amounts—loan-to-value ratios.**

(a) *Occupant mortgagors.* * * *

(1) *New construction—prior approval.* * * *

(ii) 90 percent of such estimate in excess of $15,000 but not in excess of $25,000.

(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the amount of such estimate in excess of $25,000.

(2) *New construction—no prior approval.* * * *

(i) 90 percent of the first $25,000 of such estimate.

(ii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the amount of such estimate in excess of $25,000.

(3) *Existing construction—prior approval.* * * *

(ii) 90 percent of the sum of such estimates in excess of $15,000, but not in excess of $25,000.

(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the sum of such estimates in excess of $25,000.

(4) *Existing construction—no prior approval.* * * *

(i) 90 percent of the first $25,000 of the sum of such estimates.

(ii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the sum of such estimates in excess of $25,000.

In § 220.102 paragraphs (a) (1), (3), and (b) are amended to read as follows:

**§ 220.102 Maximum loan amount.**

(a) * * *

(1) The Commissioner's estimate of the cost of improvements, $40,000, or $12,000 per family unit, whichever is the lesser; or

* * * * *

(3) Where the proceeds are to be used for the purposes indicated in § 203.82(a)(2) of this chapter, an amount which when added to the aggregate principal balance of any outstanding insured home improvement loans which were obtained for the purposes indicated in § 203.82(a)(2) of this chapter, creates an aggregate indebtedness for such purposes of not to exceed $12,000.

(b) In any geographical area where the Commissioner finds the cost levels so require, he may increase by not to exceed 45 percent the $12,000 per family unit limitation set forth in paragraphs (a) (1) and (3) of this section.

In § 220.125 paragraph (a)(2) is amended to read as follows:

**§ 220.125 Cost certification requirements.**

* * * * *

(a) * * *

(2) The borrower and the lender agree that if the actual cost of the improvements is less than the amount authorized in the commitment, the amount of the loan shall not exceed the actual cost of the improvements, and that the amount of the loan shall be further adjusted to the lowest $50 multiple where the amount is not in excess of $12,000, or adjusted to the lowest $100 multiple where the amount exceeds $12,000.

### Subpart B—Contract Rights and Obligations—Homes

In § 220.507 paragraph (a)(1) is amended; (a)(2) is deleted; and (a)(3)(i) (*a*), (*b*), (*c*), (*d*), and (*e*); (a)(3)(ii) (*a*), (*b*), and (*c*); (b)(1)(i), (ii), (iii), (iv), and (v); and (b)(2)(i), (ii), and (iii) are amended to read as follows:

**§ 220.507 Maximum mortgage amounts.**

(a) *Dollar limitation—in general.* * * *

(1) $50 million.

(2) [Deleted]

(3) (i) * * *

(*a*) $9,900 without a bedroom.

(*b*) $13,750 with one bedroom.

(*c*) $16,500 with two bedrooms.

(*d*) $20,350 with three bedrooms.

(*e*) $23,100 with four or more bedrooms.

(ii) * * *

(*a*) $20,625 for a two-bedroom unit.

(*b*) $25,425 for a three-bedroom unit.

(*c*) $28,875 for a four or more bedroom unit.

(b) *Increased dollar limitation—elevator type structure.* * * *

(1) * * *

(i) $11,550 without a bedroom.

(ii) $16,500 with one bedroom.

(iii) $19,800 with two bedrooms.

(iv) $24,750 with three bedrooms.

(v) $28,050 with four or more bedrooms.

(2) * * *

(i) $24,750 with two bedrooms.

(ii) $30,925 with three bedrooms.

(iii) $35,050 with four or more bedrooms.

Section 220.570 is amended to read as follows:

**§ 220.570 Loan multiples.**

The loan shall involve a principal obligation in multiples of $50.

In § 220.575 paragraphs (a) (1), (3), and (b) are amended to read as follows:

**§ 220.575 Maximum loan amounts.**

(a) * * *

(1) The Commissioner's estimate of the cost of the improvements or $12,000 per family unit, whichever is the lesser; or

* * * * *

(3) Where the proceeds are to be used for the purposes indicated in § 220.601(a)(2), an amount which when added to the aggregate principal balance of any outstanding insured project improvement loans which were obtained for the purposes indicated in § 220.601(a)(2) creates the aggregate indebtedness for such purposes of not to exceed $12,000.

(b) In any geographical area where the Commissioner finds cost levels so require, he may increase by not to exceed 45 percent the per family unit limitations set forth in paragraphs (a) (1) and (3) of this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

## SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

## PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

In Part 221, Subpart C, in the Table of Contents, § 221.501 is deleted.

### Subpart A—Eligibility Requirements—Low Cost Homes

In § 221.10 paragraphs (a), (b), (c), and (d) are amended to read as follows:

**§ 221.10 Maximum mortgage amount—dollar limitation.**

* * * * *

(a) $18,000 for a one-family residence, except that such amount may be increased to $21,000 in the case of a family with five or more persons.

(b) $24,000 for a two-family residence.

(c) $32,400 for a three-family residence.

(d) $39,600 for a four-family residence.

In § 221.11 paragraphs (a), (b), (c), and (d) are amended to read as follows:

**§ 221.11 Increased mortgage amount—high cost areas.**

* * * * *

(a) $21,000 for a one-family residence, except that such amount may be increased to $24,000 in the case of a family with five or more persons.

(b) $30,000 for a two-family residence.

(c) $38,400 for a three-family residence.

(d) $45,600 for a four-family residence.

Section 221.45 is amended to read as follows:

**§ 221.45 Mortgage obligation in multiples.**

The mortgage shall involve a principal obligation in multiples of $50.

In § 221.60 paragraph (m) is revoked as follows:

**§ 221.60 Eligibility requirements for low income homeowners.**

* * * * *

(m) *Special requirements—rehabilitation of mortgagor's property.* [Revoked]

### Subpart C—Eligibility Requirements—Moderate Income Projects

In part 221, Subpart C, § 221.501 is revoked as follows:

**§ 221.501 Certificate by Secretary to Commissioner.** [Revoked]

In § 221.514 pragraphs (a)(1)(ii) (*a*), (*b*), (*c*), (*d*), and (*e*), and (b) (1), (2), (3), (4), and (5) are amended to read as follows:

**§ 221.514 Maximum mortgage amounts.**

(a) *Principal obligation.* * * *

(1) *Dollar limitations.* * * *

(ii) * * *

(*a*) $9,200 without a bedroom.

(*b*) $12,937.50 with one bedroom.

(*c*) $15,525 with two bedrooms.

(*d*) $19,550 with three bedrooms.

(*e*) $22,137.50 with four or more bedrooms.

* * * * *

(b) *Increased mortgage amount—elevator type structures.* * * *

(1) $10,925 per family unit without a bedroom.

(2) $15,525 per family unit with one bedroom.

(3) $18,400 per family unit with two bedrooms.

(4) $23,000 per family unit with three bedrooms.

(5) $26,162.50 per family unit with four or more bedrooms.

(Sec 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpretor apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*)

## SUBCHAPTER H—MORTGAGE INSURANCE FOR SERVICEMEN

## PART 222—SERVICEMEN'S MORTGAGE INSURANCE

In Part 222, Subpart A, in the Table of Contents, the heading to § 222.9 is amended and a new § 222.10 is added as follows:

Sec.
222.9 Eligible types of dwellings.
222.10 Requirements for family unit in condominium.

### Subpart A—Eligibility Requirements

Section 222.3 is amended to read as follows:

**§ 222.3 Maximum mortgage amount; dollar limitation.**

The mortgage shall involve a principal obligation in an amount not in excess of $33,000, except that a mortgage meeting the requirements of § 203.18(d), 221.10, or 221.11 of this chapter shall not exceed the dollar limitation provided in the applicable section.

In § 222.4 the introductory text of paragraph (a) and paragraph (b) are amended to read as follows:

**§ 222.4 Maximum mortgage amount; ratio of loan-to-value limitation.**

* * * * *

(a) 97 percent of $15,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $15,000 but not in excess of $25,000, and 85 percent of such value in excess of $25,000, if:

* * * * *

(b) 90 percent of $25,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $25,000 if the dwelling does not meet the requirements of paragraph (a) of this section.

Section 222.9 is amended to read as follows:

**§ 222.9 Eligible types of dwellings.**

The mortgage shall involve one of the following types of dwellings:

(a) A single family dwelling.

(b) A one-family unit in a condominium project, together with an individual interest in the common areas and facilities serving the project.

In Part 222, Subpart A, a new § 222.10 is added to read as follows:

**§ 222.10 Requirements for family unit in condominium.**

Where the dwelling involved is a one-family unit in a condominium project, the following additional requirements shall be met:

(a) *Plan of apartment ownership.* The project in which the family unit is located shall have been committed to a plan of apartment ownership by enabling deed, deed of constitution, public deed, or other recorded instrument which has been approved by the Commissioner and which is certified by the mortgagee as acceptable and binding within the jurisdiction where the project is located.

(b) *Certificate by mortgagee.* The mortgagee shall certify as to each of the following:

(1) That the individual deed for the family unit to be covered by an FHA-insured mortgage complies with all legal requirements of the jurisdiction and that ownership thereunder is subject to the plan of apartment ownership.

(2) That the mortgagor has good and marketable title to the family unit subject only to the mortgage which is a valid first lien on the property.

(3) That the family unit is assessed and subject to assessment for taxes pertaining to the unit.

(c) *FHA controls for consumer and public interest.* The Commissioner may require the execution of a regulatory agreement which shall be made applicable to any association of owners and to any subsequent owner of a family unit. The Commissioner may impose such additional conditions and provisions as he deems necessary for the protection of the consumer and public interest.

(d) *Mortgage covenant concerning common expenses and assessments.* The mortgage shall contain a covenant by the mortgagor to pay the allocated share of the common expenses or assessments and charges by the Association of Owners as provided in the Plan of Apartment Ownership and a provision approved by the Commissioner by which the regulatory agreement is incorporated in and made a part of the mortgage.

(e) *Definition of term "assessment".* As used in the mortgage, the term "assessment", except where it refers to assessments and charges by the Association of Owners, shall mean special assessments by State or local governmental agencies, districts or other public taxing or assessing bodies.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 222, 68 Stat. 603; 12 U.S.C. 1715m)

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SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

## PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

### Subpart A—Eligibility Requirements

In § 231.3 paragraphs (b) (1), (2), (3), (4), and (5) are amended to read as follows:

**§ 231.3 Maximum mortgage amounts—new construction.**

* * * * *

(b) *Family unit limitations.* * * *

(1) $8,800 without a bedroom.

(2) $12,375 with one bedroom.

(3) $14,850 with two bedrooms.

(4) $18,700 with three bedrooms.

(5) $21,175 with four or more bedrooms.

In § 231.5 paragraphs (a), (b), (c), (d), and (e) are amended to read as follows:

**§ 231.5 Increased mortgage amounts—elevator type structures.**

* * * * *

(a) $10,450 per family unit without a bedroom.

(b) $14,850 per family unit with one bedroom.

(c) $17,600 per family unit with two bedrooms.

(d) $22,000 per family unit with three bedrooms.

(e) $25,025 per family unit with four or more bedrooms.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

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In Chapter II, the headings of Subchapter J and Part 232 are amended to read as follows:

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES

## PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

### Subpart A—Eligibility Requirements

In § 232.1 paragraphs (h) and (j) are amended and a new paragraph (k) is added to read as follows:

**§ 232.1 Definitions.**

* * * * *

(h) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

* * * * *

(j) "Project" means a nursing home or intermediate care facility or combined nursing home and intermediate care facility which has been approved by the Commissioner under the provisions of this subpart.

(k) "Intermediate care facility" means a proprietary facility or facility of a private nonprofit corporation or association licensed or regulated by the State (or if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located) for the accommodation of persons who, because of incapacitating infirmities, require minimum but continuous care but are not in need of continuous medical or nursing services.

In § 232.6 paragraphs (a) (1) and (2) are amended to read as follows:

**§ 232.6 Required certificates.**

(a) *Certification by State agency.* * * *

(1) There is need for the project.

(2) There are in force in the State or other political subdivision of the State in which the proposed project will be located reasonable minimum standards of licensure and methods of operation for the project.

Section 232.20 is amended to read as follows:

**§ 232.20 Eligible mortgagors.**

All mortgagors shall be approved by the Commissioner and shall possess the legal powers necessary and incidental to operating the project, unless a mortgagor leases the property or project to a qualified operator, in which case the lessee shall be approved by the Commissioner and shall possess the legal powers necessary and incidental to operating the project.

In § 232.41a paragraph (b)(2) is amended to read as follows:

**§ 232.41a Eligibility of mortgages covering housing in certain neighborhoods.**

* * * * *

(b) * * *

(2) That the area is reasonably viable, and there is a need in the area for an adequate nursing home or intermediate

care facility for persons of low and moderate income.

In § 232.81 paragraphs (b) and (c)(2) are amended to read as follows:

**§ 232.81 Form of contract.**

* * * * *

(b) *Lump sum contract.* A lump sum contract may be used where it is established to the satisfaction of the Commissioner that no identity of interest exists between the mortgagor or any of its officers, directors, stockholders or partners and the general contractor, and where the mortgage is executed by a mortgagor established to operate a proprietary project.

(c) *Cost plus contract.* * * *

(2) Where the mortgage is executed by a mortgagor established to operate a private nonprofit project, unless it is established to the Commissioner's satisfaction that a cost plus form of contract is not required to protect his interests and the interests of the mortgagor, in which case a lump sum form of contract may be used.

### Subpart B—Contract Rights and Obligations

In § 232.251 paragraph (a) is amended to read as follows:

**§ 232.251 Incorporation by reference.**

(a) All of the provisions of Part 207, Subpart B of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages on projects insured under section 232 of such Act.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

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SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

## PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

### Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.27 paragraphs (a) (1) and (2) are amended to read as follows:

**§ 234.27 Maximum mortgage amounts.**

(a) *Occupant mortgagors.* * * *

(1) $33,000.

(2) 97 percent of the first $15,000 of the Commissioner's estimate of appraised value of the family unit, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $15,000 but not in excess of $25,000 and 80 percent of such value in excess of $25,000.

### Subpart C—Eligibility Requirements—Projects

In § 234.525 paragraphs (c) (1), (2), (3), (4), and (5) are amended to read as follows:

**§ 234.525 Maximum mortgage amounts—new construction.**

* * * * *

(c) *Family unit limitation.* * * *

(1) $9,900 without a bedroom.

(2) $13,750 with one bedroom.

(3) $16,500 with two bedrooms.

(4) $20,350 wtih three bedrooms.

(5) $23,100 with four or more bedrooms.

In § 234.530 paragraphs (a) (1), (2), (3), (4), and (5) are amended to read as follows:

**§ 234.530 Increased mortgage amounts.**

(a) *Elevator type structures.* * * *

(1) $11,550 per family unit without a bedroom.

(2) $16,500 per family unit with one bedroom.

(3) $19,800 per family unit with two bedrooms.

(4) $24,750 per family unit with three bedrooms.

(5) $28,050 per family unit with four or more bedrooms.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

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SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

## PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

### Subpart A—Eligibility Requirements—Homes for Lower Income Families

In § 235.22 paragraph (b) is amended to read as follows:

**§ 235.22 Mortgage provisions.**

* * * * *

(b) *Mortgage multiples.* The mortgage shall involve a principal obligation in multiples of $50.

In § 235.25 paragraphs (a) and (b) are amended to read as follows:

**§ 235.25 Maximum mortgage amount.**

* * * * *

(a) $18,000 for a single-family dwelling or a one-family unit in a condominium project, except that such amount may be increased to $21,000 in the case of a family with five or more persons.

(b) $24,000 for a two-family dwelling.

In § 235.30 paragraphs (a) and (b) are amended to read as follows:

**§ 235.30 Increased mortgage amount—high cost areas.**

* * * * *

(a) $21,000 for a single-family dwelling or a one-family unit in a condominium project, except that such amount may be increased to $24,000 in the case of a family with five or more persons.

(b) $30,000 for a two-family dwelling.

### Subpart C—Assistance Payments—Homes for Lower Income Families

In § 235.325 paragraph (b) is amended to read as follows:

**§ 235.325 Qualified cooperative members.**

* * * * *

(b) A member of a cooperative association which operates an existing housing project financed with a mortgage insured under §§ 213.1 through 213.280 of this chapter, if such member has acquired membership and occupancy rights from one who was receiving assistance payments.

Section 235.330 is amended to read as follows:

**§ 235.330 Cooperative units eligible for assistance payments.**

The maximum amount of the mortgage attributed to the dwelling unit of the cooperative member shall not exceed $18,000 except that such amount may be increased to $21,000 in the case of a family of five or more persons. These amounts may be increased to $21,000 and $24,000 respectively, in any geographical area where the Commissioner finds the cost levels so require.

In § 235.375 paragraphs (a) (1), (2) (i) and (ii) are amended and paragraph (a)(5) is deleted as follows:

**§ 235.375 Termination of the assistance payment contract.**

(a) * * *

(1) The contract of mortgage insurance is terminated, except where the mortgage has been assigned to the Commissioner.

(2) * * *

(i) Where the property is purchased by a homeowner who assumes the mortgage obligation and who meets the income and asset requirements prescribed by the Commissioner.

(ii) Where the cooperative member transfers his membership and occupancy rights to a new member who meets the income and asset requirements prescribed by the Commissioner.

* * * * *

(5) [Deleted]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

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SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

## PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

### Subpart C—Interest Reduction Payments

In § 236.510 paragraphs (b) (1) and (2) are amended to read as follows:

**§ 236.510 Term of payments.**

* * * * *

(b) * * *

(1) The termination of the contract of insurance, except where the mortgage has been assigned to the Commissioner.

(2) The Commissioner's receipt of the mortgagee's notice of intention to file an insurance claim and to acquire and convey title to the Commissioner pursuant to § 207.258(c) of this chapter. In the event the mortgagee fails to provide the Commissioner with such notice of intention within the time specified in § 207.258 (a) of this chapter, the last day on which the Commissioner should have received the mortgagor's notice shall be deemed the date the Commissioner receives such notice.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 236, 82 Stat. 498; 12 U.S.C. 1715z-1)

## PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

### Subpart A—Eligibility Requirements

In § 237.30 paragraph (b) is amended to read as follows:

§ 237.30 **Maximum mortgage amount.**

* * * * *

(b) $18,000 or $21,000 in any geographical area where the Commissioner finds that cost levels so require.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 237, 82 Stat. 485; 12 U.S.C. 1715z–2)

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SUBCHAPTER Q–1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

## PART 242—NONPROFIT HOSPITALS

### Subpart A—Eligibility Requirements

In § 242.1 paragraph (g) is amended to read as follows:

§ 242.1 **Definitions.**

* * * * *

(g) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z–7)

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SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

## PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

### Subpart A—Eligibility Requirements

In § 1000.1 paragraph (p) is amended to read as follows:

§ 1000.1 **Definitions.**

* * * * *

(p) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

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SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

## PART 809—ARMED SERVICES HOUSING—CIVILIAN EMPLOYEES

### Subpart A—Eligibility Requirements

In § 809.4 paragraphs (a), (b), (c), and (d) are amended to read as follows:

§ 809.4 **Maximum mortgage amount; dollar limitation.**

* * * * *

(a) $33,000 in the case of a dwelling designed principally for a one-family residence.

(b) $35,750 in the case of a two-family residence.

(c) $35,750 in the case of a three-family residence.

(d) $41,250 in the case of a four-family residence.

In § 809.5 paragraphs (a) (1) (ii) and (iii) and (2) are amended to read as follows:

§ 809.5 **Maximum mortgage amount; loan to value limitation.**

(a) * * *

(1) *Approval prior to construction.* * * *

(ii) 90 percent of such value in excess of $15,000, but not in excess of $25,000.

(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of such value in excess of $25,000.

(2) *No prior approval.* A loan to value limitation of 90 percent of $25,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of such value in excess of $25,000, if the dwelling does not meet the requirements in the introductory text of subparagraph (1) of this paragraph.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 809, 70 Stat. 273; 12 U.S.C. 1748h–1)

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SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

## PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

In Part 1100, Subpart A, in the Table of Contents a new § 1100.185, preceded by a new center heading, is added as follows:

FACILITIES FOR OLDER DECLINING AREAS

Sec.
1100.185 Eligibility of mortgages covering facilities in certain neighborhoods.

### Subpart A—Eligibility Requirements

Section 1100.32 is amended to read as follows:

§ 1100.32 **Maximum mortgage amount—loan to value limitation.**

In addition to meeting the dollar limitation set forth in § 1100.30, the mortgage shall involve a principal obligation not in excess of 90 percent of the Commissioner's estimate of the replacement cost of the property when construction or rehabilitation is completed. The cost of the property may include the land and proposed physical improvements, equipment, utilities within the boundaries of the property, architect's fees, taxes, and interest accruing during construction, and other miscellaneous charges approved by the Commissioner as incident to the construction or rehabilitation.

In Part 1100, Subpart A, a new § 1100.185, preceded by a new center heading, is added to read as follows:

§ 1100.185 **Eligibility of mortgages covering facilities in certain neighborhoods.**

(a) A mortgage financing the repair, rehabilitation or construction of a group practice facility located in an older declining urban area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all of the requirements of this subpart, except such requirements (other than those relating to labor standards and prevailing wages) as are judged to be not applicable on the basis of the following determinations to be made by the Commissioner:

(1) That the conditions of the area in which the property is located prevent the application of certain eligibility requirements of this subpart.

(2) That the area is reasonably viable, and there is a need in the area for an adequate group practice facility to serve low and moderate income families.

(3) That the mortgage to be insured is an acceptable risk.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 223(e) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

(Sec. 1101, 80 Stat. 1255, 1274; 12 U.S.C. 1749 aaa–1 et seq.)

Issued at Washington, D.C., December 24, 1969.

[SEAL] EUGENE A. GULLEDGE,
*Federal Housing Commissioner.*

[F.R. Doc. 70–223; Filed, Jan. 7, 1970; 8:45 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 14—Department of the Interior

## PART 14–2—PROCUREMENT BY FORMAL ADVERTISING

### Dissemination of Determinations Respecting Mistakes in Bids

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, the following Part of 14–2 of Chapter 14, Title 41 of the Code of Federal Regulations, published at 33 F.R. 3341 is amended as hereinafter set forth:

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because this part is largely a general statement of departmental policy and internal procedure the rulemaking process will be waived and this part will become effective upon publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
*Deputy Assistant Secretary of the Interior.*

DECEMBER 30, 1969.

### Subpart 14–2.4—Opening of Bids and Award of Contract

Section 14–2.406–50 is amended to add the following:

§ 14–2.406–50 **Dissemination of determinations respecting mistakes in bids.**

Immediately after the receipt by the bureau or office concerned of the formal

Determination respecting a mistake in a bid, whether or not the mistake was asserted before or after an award, the bureau or office shall transmit the Determination to the contracting officer concerned, with a direction that a copy of the Determination be transmitted promptly and without delay to the bidder affected by the Determination.

[F.R. Doc. 70-235; Filed, Jan. 7, 1970; 8:45 a.m.]

## PART 14–10—BONDS AND INSURANCE

### Subpart 14–10.4—Insurance Under Fixed-Price Contracts

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Part 14–10 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby approved as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because this part is largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and this part will become effective upon publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
*Deputy Assistant,*
*Secretary of the Interior.*

DECEMBER 23, 1969.

This section is effective upon publication in the FEDERAL REGISTER.

The table of contents for Part 14–10 is amended to add the following new entry:

**Subpart 14–10.4—Insurance Under Fixed-Price Contracts**

Sec.
14–10.450 Indemnification.

AUTHORITY: The provisions of this Part 14–10 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### Subpart 14–10.4—Insurance Under Fixed-Price Contracts

**§ 14–10.450 Indemnification.**

(a) Ordinarily, the Department of the Interior is not concerned with the insurance programs of fixed-price contractors. However, the Department may be concerned with contractor insurance programs when special circumstances exist. See § 1–10.401 of this title. An example of such a situation is where a substantial portion of the work under a contract contemplates the use of the equipment of a private individual or concern under an equipment rental-type agreement and the activities of the equipment and operator are to be subject to some degree of direction and control by the Government. The Department has determined that in such circumstances the potential monetary losses to the Government resulting from personal injuries or damage to or loss of property arising out of accidents or tortious acts resulting from activities of such contractors outweigh the costs involved in a required insurance program. In such cases, the clause set out in paragraph (b) below may be used. The use of contract provisions requiring insurance coverage in all other instances shall be governed by the provisions of § 1–10.301 of this title.

(b) The following clause may be used in the instances described above:

INDEMNIFICATION

The contractor shall indemnify and hold the Government harmless for any and all losses, damages, or liability on account of personal injury, death, or property damage, or claims for personal injury, death, or property damage of any nature whatsoever and by whomsoever made, arising out of the activities of the contractor, his employees, subcontractors, or agents under the contract. For the purpose of fulfilling his obligations under this paragraph, the contractor shall procure and maintain during the term of this contract and any extension thereof liability insurance in form satisfactory to the contracting officer by an insurance company which is acceptable to the contracting officer. The named insured parties under the policy shall be the contractor and the United States of America. The amounts of the insurance shall be not less than as follows:

$ _____[1] Each Person.
$ _____[1] Each Occurrence.
$ _____[1] Property Damage.

[1] These amounts to be set by the contracting officer.

Prior to the commencement of work hereunder the contractor shall furnish the contracting officer with acceptable evidence showing that the insurance coverage described in this clause has been obtained.

[F.R. Doc. 70-234; Filed, Jan. 7, 1970; 8:45 a.m.]

## Chapter 114—Department of the Interior

## PART 114–38—MOTOR EQUIPMENT MANAGEMENT

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. III, 1965–1967) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), new Part 114–38 is added to Chapter 114, Title 41 of the Code of Federal Regulations as set forth below.

This new part shall become effective on the date of publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
*Deputy Assistant Secretary*
*for Administration.*

DECEMBER 29, 1969.

**Subpart 114–38.1—Reporting Motor Vehicle Data**

Sec.
114–38.101 Annual motor vehicle report.
114–38.101–1 Date for submission.
114–38.103 Records.

**Subpart 114–38.3—Official Government Tags**

114–38.301 General requirements.
114–38.302 Records.
114–38.305 Display, assignment and removal of U.S. Government tags.
114–38.305–3 Removal.

**Subpart 114–38.4—Official Legend and Agency Identification**

114–38.402 Agency identification.

**Subpart 114–38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification**

114–38.605 Additional exemptions.
114–38.606 Approval of tag requests for exempted vehicles in the District of Columbia.
114–38.607 Report of exempted vehicles.

**Subpart 114–38.7—Transfer of Title to Government-Owned Motor Vehicles**

114–38.701 Methods of transfer.

**Subpart 114–38.8—Obtaining Service Station Deliveries of Gasoline, Lubricants, Fuel Oil (Diesel), Kerosene, and Related Services Under Federal Supply Schedule Contract**

114–38.801 General.
114–38.803 Billing data to be shown on Standard Form 149.
114–38.806 Notice to GSA of assignment of billing codes and billing addresses.
114–38.806–1 Notice of assignment.
114–38.806–2 Notice of changes.
114–38.807 Loss or theft of Standard Form 149.

**Subpart 114–38.9—Motor Vehicle Replacement Standards**

114–38.901 Applicability.
114–38.908 Exception.

## PART 114–38—MOTOR EQUIPMENT MANAGEMENT

### Subpart 114–38.1—Reporting Motor Vehicle Data

**§ 114–38.101 Annual motor vehicle report.**

(a) *Bureau-owned vehicles.* Each Bureau and Office having accountability for motor vehicles shall prepare and submit a consolidated Annual Motor Vehicle Report, Standard Form 82, whether or not it has accountability for 2,000 or more vehicles.

(b) *Job Corps vehicles.* Bureaus participating in the Job Corps program shall submit a separate consolidated annual motor vehicle report covering vehicles assigned for use in such program. This report shall be supplemented with a listing of all Job Corps self-propelled motorized equipment on hand as of June 30 of each year. (See 755 DM 552.)

**§ 114–38.101–1 Date for submission.**

(a) Annual Motor Vehicle Reports shall be submitted to the Director of Management Operations by September 1 of each year.

(b) The report on Bureau-owned vehicles shall be submitted in triplicate. Reports on Job Corps vehicles shall be submitted in triplicate, with a copy to the Office of Job Corps Coordination.

**§ 114–38.103 Records.**

(a) Accounting records. Bureaus and Offices are responsible for the development and maintenance of motor vehicle cost accounting records as necessary to comply with the requirements of FPMR 101–38.1.

(b) Utilization records, Bureau-owned vehicles. Heads of Bureaus and Offices shall establish procedures to ensure that:

(1) Records are maintained to reflect utilization data (miles or hours operated) on an individual motor vehicle basis.

(2) Utilization data are recorded each day a vehicle is operated. Data covering two or more short trips during a single day may be combined to record total utilization during that particular day.

(3) The utilization record of each motor vehicle is analyzed not less frequently than once each year by appropriate management officials, and

(4) Any necessary followup action is taken promptly to achieve maximum effective utilization at the minimum cost.

(c) Utilization records, interagency motor pool vehicles. Utilization records on interagency motor pool vehicles shall be recorded and reported in accordance with instructions issued by GSA regional offices and individual motor pools.

(d) Operator's record. Form DI–120, Operator's Record, may be used for recording utilization data prescribed in IPMR 114–38.103(b). This form is available on requisition from the Branch of Supply, Division of General Services, Office of Management Operations, Washington, D.C.

## Subpart 101–38.3—Official Government Tags

### § 114–38.301 General requirements.

The term "motor vehicle" as used in FPMR 101–38.301, means motor vehicles as defined in 40 U.S.C. 472(1).

### § 114–38.302 Records.

(a) The Director of Management Operations will, upon request, assign "blocks" of U.S. Government tag numbers to Bureaus and Offices and will maintain a current record of such assignments.

(b) Each Bureau and Office shall maintain a current record of individual assignments of tags to the motor vehicles under its jurisdiction as required by FPMR 101–38.302.

### § 114–38.305 Display, assignment, and removal of U.S. Government tags.

### § 114–38.305–3 Removal.

(a) Official U.S. Government tags shall be removed from motor vehicles transferred to another Bureau or Office of the Department of the Interior. Tags may be transferred along with vehicles transferred to other activities within a bureau, unless otherwise directed by the head of each bureau.

(b) Heads of Bureaus and Offices are authorized to make the determination contemplated by FPMR 101–38.305–3.

## Subpart 114–38.4—Official Legend and Agency Identification

### § 114–38.402 Agency identification.

(a) Department of the Interior and Bureau or Office identification shall be displayed on motor vehicles, trailers, and motorcycles in conformance with FPMR 101–38.4, including FPMR 101–38.4903. Bureau emblems, or unusual legends, may not be displayed on Bureau-owned and interagency motor pool vehicles without the advance approval of the Administrator of General Services. Requests for such approval shall be referred to the Director of Management Operations and should include a sample of the emblem or legend proposed to be displayed.

## Subpart 114–38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification

### § 114–38.605 Additional exemptions.

(a) Requests made pursuant to FPMR 101–38.605 for exemption from the requirement for displaying U.S. Government tags and other identification on motor vehicles shall be submitted to the Director of Management Operations, in duplicate. Each such request shall describe the vehicle for which exemption is sought, the nature of the work on which it is used, and include a certification to the effect that conspicuous identification would interfere with such use.

(b) The Director of Management Operations shall be notified promptly when:

(1) The need for a previously authorized exemption no longer exists,

(2) An exempted vehicle is rotated to other work not requiring continued exemption, or

(3) An exempted vehicle is replaced by another vehicle, in which case the notification shall include a description of the replacement vehicle.

(c) Copies of certifications and cancellation notices required to be furnished the General Services Administration pursuant to section 101–38.605 will be transmitted to GSA by the Director of Management Operations.

### § 114–38.606 Approval of tag requests for exempted vehicles in the District of Columbia.

(a) The following officials are authorized to approve requests for regular District of Columbia tags for exempted vehicles regularly based in the District of Columbia:

(1) Director of Management Operations.

(2) Deputy Director of Management Operations.

(3) Chief, Division of Property Management, Office of Management Operations.

(b) Requests for District of Columbia tags (renewal requests or otherwise) to be used on vehicles exempted from carrying U.S. Government tags pursuant to FPMR 101–38.602 through 101–38.605 shall be submitted to the Director of Management Operations for signature and transmittal to the District of Columbia Department of Motor Vehicles. Special forms for requesting District of Columbia tags are available from the District of Columbia Department of Motor Vehicles.

### § 114–38.607 Report of exempted motor vehicles.

Each Bureau and Office which has been granted authority to operate motor vehicles without displaying U.S. Government tags and other identification, shall submit an annual report thereon to the Director of Management Operations. The report should reflect exemptions in effect as of June 30 and should list separately the number of vehicles exempted pursuant to FPMR 101–38.602, 101–38.603, and 101–38.605. Reports shall be submitted to the Director of Management Operations by July 10 of each year.

## Subpart 114–38.7—Transfer of Title to Government-Owned Motor Vehicles

### § 114–38.701 Methods of transfer.

Additional guidelines relating to execution of Standard Forms 97 and 97A, Certificate of Release of a Motor Vehicle, are contained in FPMR 101–45.303–3 and IPMR 114–45.303–3(b).

## Subpart 114–38.8—Obtaining Service Station Deliveries of Gasoline, Lubricants, Fuel Oil (Diesel), Kerosene, and Related Services Under Federal Supply Schedule Contract

### § 114–38.801 General.

Each motor vehicle which will require fueling and servicing at commercial service stations shall be provided with either a Standard Form 149, U.S. Government National Credit Card, or commercial credit cards from as many Federal Supply Schedule contractors as needed to satisfy requirements. The head of each Bureau and Office shall specify the type of credit card to be used in his bureau.

### § 114–38.803 Billing data to be shown on Standard Form 149.

(a) Billing code.

(1) The first three digits of the 10-digit billing code embossed on national credit cards in use in the Department of the Interior will always be 000.

(2) The fourth digit may be used by Bureaus and Offices to designate the vehicle class or provide additional billing code numerals. If not used for either of these purposes, zero will be used.

(3) The fifth and sixth digits will be "14", the agency code assigned to the Department of the Interior.

(4) The seventh, eighth, and ninth digits, which indicate the agency billing code number, should be assigned to field offices as determined by each Bureau and Office. Blocks of billing code numbers are assigned to Bureaus and Offices of the Department as follows:

Southwestern Power Administration—000 through 009 inclusive.
Bonneville Power Administration—010 through 019 inclusive.
Geological Survey—020 through 029 inclusive.
Southeastern Power Administration—030 through 039 inclusive.
Office of Territories—040 through 059 inclusive.
Bureau of Mines—060 through 099 inclusive.
Bureau of Commercial Fisheries—100 through 149 inclusive.
Bureau of Sport Fisheries and Wildlife—150 through 199 inclusive.
Bureau of Reclamation—200 through 499 inclusive.
Bureau of Indian Affairs—500 through 549 inclusive.
National Park Service—550 through 569 inclusive.
Bureau of Land Management—570 through 599 inclusive.

Office of the Secretary—600 through 624 inclusive.
Reserved—625 through 699 inclusive.
Alaska Power Administration—700 through 704 inclusive.
Bureau of Indian Affairs—705 through 784 inclusive.
Reserved—785 through 799 inclusive.
Bureau of Land Management—800 through 864 inclusive.
Federal Water Pollution Control Administration—865 through 964 inclusive.
National Park Service—965 through 999 inclusive.

**§ 114–38.806 Notice to GSA of assignment of billing codes and billing addresses.**

**§ 114–38.806–1 Notice of assignment.**

Bureaus and Offices using Standard Form 149 shall notify GSA of billing codes assigned and billing addresses as required by FPMR 101–38.806–1.

**§ 114–38.806–2 Notice of changes.**

Changes in billing codes and billing addresses should be forwarded to GSA at the address shown in FPMR 101–38.806–1.

**§ 114–38.807 Loss or theft of Standard Form 149.**

(a) In the event a Standard Form 149 is lost or stolen, reasonable precautions should be taken to minimize the opportunity of purchases being made by unauthorized persons. The following actions should be taken as a minimum:

(1) The paying office should be notified of the loss or theft and to be on the alert for any unauthorized bills, and

(2) Appropriate service station outlets in the area should be notified of the loss or theft to guard against purchases by unauthorized persons.

(b) The same precautions as indicated above should be taken in the event of loss or theft of a credit card issued by a Federal Supply Schedule contractor.

### Subpart 114–38.9—Motor Vehicle Replacement Standards

**§ 114–38.901 Applicability.**

It is the policy of the Department of the Interior to continue in service vehicles which meet prescribed replacement standards, but which are in usable and workable condition, provided that:

(a) A continued program need exists for the vehicle,

(b) The vehicle can be operated safely and dependably without excessive repair and maintenance costs. Normally, when any single repair job exceeds 25 percent of the estimated current market value of a vehicle, consideration should be given to replacement in lieu of repair and retention,

(c) Repair parts are readily obtainable, and

(d) Retention will not substantially reduce the trade-in value of the vehicle.

**§ 114–38.908 Exception.**

The certification contemplated by FPMR 101–38.908 may be executed by the head of each Bureau and Office or his designee(s). Findings supporting such certification should be made a part of the procurement or disposal records.

[F.R. Doc. 70–229; Filed, Jan. 7, 1970; 8:45 a.m.]

## MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. III, 1965–67) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), new Parts 114–44 and 114–45 are added to Chapter 114, Title 41 of the Code of Federal Regulations as set forth below.

These new parts shall become effective on the date of publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
*Deputy Assistant Secretary of the Interior.*

DECEMBER 29, 1969.

## PART 114–44—DONATION OF PERSONAL PROPERTY

### Subpart 114–44.5—Donation of Property to Public Bodies

Sec.
114–44.501 Findings justifying donation to public bodies.
114–44.501–1 General.
114–44.501–2 Reviewing authority.
114–44.5000 Removal of identification markings.

**§ 114–44.501 Findings justifying donation to public bodies.**

**§ 114–44.501–1 General.**

(a) The findings specified in FPMR 101–44.501–1(a) shall be documented in the form of an approved Report of Survey. The term "public body" includes Indian tribes.

**§ 114–44.501–2 Reviewing authority.**

(a) Except as provided in IPMR 114–44.501–2(b), a reviewing authority shall be:

(1) The head of the Bureau or Office, or

(2) The head of a regional, area, State, or comparable office, or

(3) Other individual or group designated to serve as a reviewing authority by the head of the Bureau or Office or by the head of a regional, area, State, or comparable office.

(b) A reviewing authority shall not include (1) any member of the Board of Survey which acted in the particular case under consideration by such reviewing authority, or (2) the accountable officer for the property involved.

**§ 114–44.5000 Removal of identification markings.**

When property is donated to a non-Federal public body, all identification markings which indicate that the property was previously owned by the Federal Government shall be removed prior to release to the donee.

## PART 114–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

### SUBPART 114–45.1—GENERAL

Sec.
114–45.000 Scope of part.
114–45.105–3 Exemptions.

### Subpart 114–45.3—Sale of Personal Property

Sec.
114–45.302 Sale to Government employees.
114–45.303 Reporting property for sale.
114–45.303–3 Delivery.
114–45.304 Sales methods and procedures.
114–45.304–2 Negotiated sales and negotiated sales at fixed prices.
114–45.304–6 Reviewing authority.
114–45.304–9 Credit.
114–45.308 Performance reports.
114–45.316 Report on identical bids.
114–45.316–2 Reporting requirements and procedures.
114–45.317 Noncollusive bids and proposals.
114–45.317–50 Compliance review.

### Subpart 114–45.5—Abandonment or Destruction of Surplus Property

Sec.
114–45.501 Findings justifying abandonment or destruction.
114–45.501–1 General.
114–45.501–2 Reviewing authority.
114–45.504 Abandonment or destruction without notice.
114–45.506 Abandonment or destruction of expendable property.

### Subpart 114–45.1—General

**§ 114–45.000 Scope of part.**

(a) This part applies to disposal by public sale, abandonment, or destruction of personal property (including scrap, salvage, and waste material) owned by this Department when such property:

(1) Is no longer needed for use in authorized Federal agency programs, or

(2) Is being replaced by a similar type of property.

(b) It does not apply to:

(1) Except as provided in IPMR 114–45.316 and 114–45.317, properties which are sold or otherwise disposed of pursuant to special statutes authorizing, directing, or requiring the Department of the Interior to dispose of specific properties such as helium, sealskins, buffalo, maps, electrical power, irrigation and municipal water, trust properties of the Bureau of Indian Affairs, and other properties which are disposed of in furtherance of Interior programs, or

(2) Foreign excess property.

**§ 114–45.105–3 Exemptions.**

(a) Any requests seeking an exemption from the provisions of FPMR Part 101–45 in accordance with FPMR 101–45.105–3 (a), shall be prepared for the signature of the Assistant Secretary for Administration and include full particulars which tend to justify the exemption.

### Subpart 114–45.3—Sale of Personal Property

**§ 114–45.302 Sale to Government employees.**

While not unlawful, sales of surplus personal property to Federal employees

tend to give rise to the question in the public mind as to whether all prospective bidders are really on equal footing. What is feared is not so much collusion or overtly dishonest practices, as that the Federal employee, through his prior use of the property, or close associations with those familiar with the property, is in a somewhat more advantageous position than the member of the general public in making his bid. In this regard, therefore, all sales of surplus personal property within the Department will be subject to the following requirements:

(a) Subject to the provisions of IPMR 114–45.302(b) and 114–45.302(c), Federal employees will be eligible to bid only on:

(1) Such surplus personal property as was reported to the General Services Administration as excess and found to be surplus by that agency without regard to whether the sale is conducted by GSA or by the holding Bureau. However, except as otherwise provided in IPMR 114–45.302(d), Federal employees will always be permitted to bid on such surplus personal property.

(2) Motor vehicles being sold for replacement purposes pursuant to the Exchange/Sales authority found in section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(c)), provided that such vehicles meet prescribed replacement standards as to age or mileage, or both.

(b) Surplus personal property may be sold to Federal employees only by the publicly advertised sealed bid or public auction sales methods.

(c) Notices of Public Auction and Invitation to Bid will state the extent to which Federal employees are eligible to bid, and provide that any Federal employee submitting a bid identify himself, his organization and position.

(d) Awards shall not be made to:

(1) Any employee of the holding Bureau or Office who served on a Board of Survey with regard to property being sold, determined that it was no longer needed, or is connected directly with any aspect of the sale, or

(2) Any Federal employee whose past association with the property being sold has been such that he might reasonably be considered to be bidding from an advantageous position.

(e) The provisions of IPMR 114–45.302 are applicable to Federal employees and to members of their immediate families, specifically the spouses and children of such employees.

### § 114–45.303 Reporting property for sale.

### § 114–45.303–3 Delivery.

(a) All identification markings which indicate that the property was previously owned by the Government shall be removed prior to release to the purchaser. U.S. Government tags shall be removed from motor vehicles, trailers, or other equipment bearing such tags prior to release to purchasers.

(b) Standard Form 97, The U.S. Government Certificate of Release of a Motor Vehicle, will be executed by the agency conducting the sale of the vehicle. When executed by an office of the Department of the Interior, the certificate will be numbered prior to release to the individual purchasing the vehicle, otherwise it will not be honored by the State motor vehicle agency. Such number may be assigned by the issuing office at the time of preparation, or the forms may be prenumbered at the bureau, regional, or area office level at the discretion of the head of each Bureau and Office. Stocks of Standard Form 97 must be controlled so as to ensure against blank copies being obtained by unauthorized personnel.

### § 114–45.304 Sales methods and procedures.

### § 114–45.304–2 Negotiated sales and negotiated sales at fixed prices.

(a) Should any Bureau or Office propose to negotiate a sale of surplus personal property which, if disposed of by advertising, might cause such an impact on industry as to adversely affect the national economy, a statement of the circumstances justifying sale by negotiation shall be submitted to the Assistant Secretary for Administration for consideration and transmittal to the General Services Administration.

(b) Explanatory statements required to be submitted to the General Services Administration for transmittal to the committees of the Senate and House of Representatives pursuant to FPMR 101–45.304–2(c) shall be prepared following the outline shown in FPMR 101–45.4919. Such statements shall be submitted as attachments to a transmittal letter addressed to the Administrator, General Services Administration, Washington, D.C. 20405, prepared for the signature of the Assistant Secretary for Administration.

### § 114–45.304–6 Reviewing authority.

For purposes of this section, a reviewing authority may not be lower than the regional, area, or State Director.

### § 114–45.304–9 Credit.

Requests for approval to offer or sell personal property on credit shall be addressed to the Administrator, General Services Administration, Washington, D.C. 20405, and be prepared for the signature of the Assistant Secretary for Administration. Each request should include a brief explanation of the proposed terms and conditions of sale.

### § 114–45.308 Performance reports.

Refer to IPMR 114–43.319 for supplemental instructions relating to preparation and submission of this report.

### § 114–45.316 Report on identical bids.

### § 114–45.316–2 Reporting requirements and procedures.

(a) The reporting requirements specified in FPMR 101–45.316–2 are applicable to all sales of Government-owned property made on a competitive basis whether competition is obtained through sealed bid, negotiation, auction, or spot bid procedures. They apply to:

(1) Program sales made pursuant to special statutes authorizing the Secretary of the Interior to sell specific properties such as, but not limited to, timber, sealskins, lands and interests therein, townsite lots, fishing vessels, etc.; and

(2) Sales of surplus personal property made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(b) Whenever identical bids or offers are received through closed competitive negotiations or through sealed or spot bid procedures for the sale of personal property under the conditions set forth in subparagraphs (1), (2), and (3), of this paragraph, a copy of the invitation and a copy of the completed abstract of bids with identical bids circled in red shall be submitted to the Director of Management Operations for transmittal to the Attorney General. These documents shall be forwarded to reach the Office of Management Operations within 15 days following the disposition of all bids received in response to the invitation involved, whether by awarding of contract(s) or other action.

(1) Where written bids or offers were solicited through formal advertising procedures or through closed competitive negotiation;

(2) Where the bid value of the line item or items on which identical bids were received exceeds $2,500 (based on the apparent high bid received for such line item or items); and

(3) Where the total bid value of all line items covered by the invitation exceeds $10,000 (based on the apparent high bid received for each line item).

NOTE: Identical bids are reportable pursuant to IPMR 114–45.316–2 only when all of the above conditions obtain.

### § 114–45.317 Noncollusive bids and proposals.

(a) Certificate of independent price determination. A certificate of independent price determination shall be required with each bid or offer for the purchase of personal property, except where the price is fixed in advance of sale pursuant to law or regulation.

(1) The certificate of independent price determination clause contained in FPMR 101–45.4926 shall be included in all invitations for bids and requests for quotations on Government sales of personal property and shall be submitted with sealed bids and written quotations submitted in response thereto.

(2) Auction and Spot Bid Sales. Bureaus and Offices conducting sales of Government property by the auction or spot bid methods shall include an appropriate provision in the sales notice which will put the successful bidder on notice that he will be required, as a condition of award, to sign a certificate to the effect that "the bid was arrived at by the bidder or offeror independently, and was tendered without collusion with any other bidder or offeror."

(3) The requirement for a certificate of independent price determination applies to sales of surplus personal property and to program sales made pursuant to special statutes as referred to in IPMR 114–45.316–2(a).

(b) The authority to make the determination contemplated by paragraph (d) of FPMR 101–45.4926 is vested in the heads of bureaus and offices and may not be redelegated.

(c) Reporting suspected antitrust violations: Whenever any Bureau or Office has factual information leading it to believe or suspect that bids received in response to a sales offering evidence collusion on the part of two or more bidders designed to eliminate competition, full particulars shall be submitted to the Solicitor for consideration and possible referral to the Attorney General. This submission should include a summary of the pertinent facts concerning the reported case and, in the case of a formally advertised sale, a copy of the Invitation for Bids, the Abstract of Bids, and the Bid of the bidder(s) suspected of irregular practices; the name of the successful bidder and reason why the award was made to him; and any other information available which might tend to establish possible violation of the antitrust laws. Reports required by this paragraph are in addition to and not in lieu of the identical bid reports required by IPMR 114–45.316–2(b).

(1) Reporting procedure: Reports of suspected antitrust violations should be transmitted to the Solicitor in the following format:

ASSISTANT ATTORNEY GENERAL,
*Antitrust Division,*
*Department of Justice,*
*Washington, D.C. 20530.*

DEAR SIR: We transmit to you a case where bids received in response to Invitation No. ------ for (item(s) description), to be sold (sale date), were opened by (selling bureau or office and location) on ----------, 19--. Evidence of collusion or other conduct in violation of antitrust laws is herewith reported as follows:

Award was made to ---------- (In the next sentence explain the method by which the successful bidder was selected, i.e., high bidder, etc., unless all bids were rejected and the sale effected by readvertisement or negotiation, in which case, furnish details.)

Sincerely yours,

*Solicitor.*

Enclosure:

(2) The following copies are required:

(i) Original on "Office of the Solicitor" stationery

(ii) Shadow copy to accompany the original on letterhead tissue

(iii) White surname box copy on letterhead tissue

(iv) White letterhead tissue copy to be marked "Docket Copy"

(v) White letterhead tissue copy to be marked "Director of Management Operations"

(vi) Other information copies as may be required by the Bureau or Office.

**§ 114–45.317–50 Compliance review.**

The head of each Bureau and Office engaged in programs which involve the conduct of sales of Government property in the categories referred to in IPMR 114–45.316–2(a) shall install an appropriate monitoring system at the headquarters office level to insure compliance with the provisions of IPMR 114–45.316 and 114–45.317. The monitoring system installed by each Bureau and Office will be subject to review by the Department's internal audit staff to determine its adequacy and effectiveness.

## Subpart 114–45.5—Abandonment or Destruction of Surplus Property

**§ 114–45.501 Findings justifying abandonment or destruction.**

**§ 114–45.501–1 General.**

The findings specified in FPMR 101–45.501–1 shall be documented in the form of an approved Report of Survey.

**§ 114–45.501–2 Reviewing authority.**

For purposes of FPMR 101–45.501–2, a reviewing authority shall be the same as specified in IPMR 114–44.501–2.

**§ 114–45.504 Abandonment or destruction without notice.**

(a) Findings justifying abandonment or destruction of personal property without public notice shall be made by a Board of Survey or Survey Officer and approved by an appropriate reviewing authority. (See IPMR 114–45.501)

**§ 114–45.506 Abandonment or destruction of expendable property.**

Destruction of expendable property will be governed by the following:

(a) Serviceable property. Serviceable items of expendable property may be destroyed only when the requirements of IPMR 114–45.501 have been met.

(b) Unserviceable property. Expendable items of property which have been rendered unserviceable through normal use may be destroyed without survey action and without public notice provided the items clearly have no scrap or salvage value.

(c) Scrap and salvage. Scrap and salvaged items of expendable property may be destroyed only when the requirements of IPMR 114–45.501 have been met.

[F.R. Doc. 70–230; Filed, Jan. 7, 1970; 8:45 a.m.]

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## Miscellaneous Amendments to Chapter

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. III, 1965–1967) and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), new Subparts 114–45.6, 114–45.8, 114–46.3, and 114–46.4 are added to Chapter 114, Title 41 of the Code of Federal Regulations as set forth below.

These new parts shall become effective on the date of publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
*Deputy Assistant Secretary of the Interior.*

DECEMBER 29, 1969.

# PART 114–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 114–45.6—Debarred and Suspended Bidders

Sec.
114–45.603 Notice of debarment or suspension.

Subpart 114–45.8—Mistakes in Bids

114–45.803 Other mistakes disclosed before award.
114–45.804 Mistakes disclosed after award.

## Subpart 114–45.6—Debarred and Suspended Bidders

**§ 114–45.603 Notices of debarment or suspension.**

Determination to debar or suspend a firm or individual for a cause or condition for a specified period of time as provided in FPMR 101–45.6 shall be made by the Assistant Secretary for Administration. Whenever cause for debarment or suspension becomes known to the head of a Bureau or Office, or a sales or contracting officer thereof, the matter shall be submitted, with the recommendations of the head of the Bureau or Office, to the Assistant Secretary for Administration for appropriate action. All actions required by FPMR 101–45.603 will be taken by the Assistant Secretary for Administration

## Subpart 144–45.8—Mistakes in Bids

**§ 114–45.803 Other mistakes disclosed before award.**

(a) The Director, Office of Survey and Review, Office of the Assistant Secretary for Administration, is authorized to make the determinations contemplated by FPMR 101–45.803. This authority may not be redelegated.

(b) Each proposed determination shall be approved by the Solicitor, an Associate Solicitor, or comparable legal officer of the Department before it becomes effective.

(c) Where a bidder furnishes evidence in support of an alleged mistake in bid, the case shall be referred to the Director of Survey and Review for determination. The referral shall include the documents and data specified in FPMR 101–45.803(d)(3).

(d) The Office of Survey and Review shall maintain case file records of all administrative determinations made in accordance with FPMR 101–45.803. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

**§ 114–45.804 Mistakes disclosed after award.**

(a) The Director, Office of Survey and Review, Office of the Assistant Secretary for Administration, is authorized to make the determinations contemplated by FPMR 101–45.804. This authority may not be redelegated.

(b) Each proposed determination shall be approved by the Solicitor, an Associate Solicitor, or comparable legal officer of the Department before it becomes effective.

(c) Where a bidder furnishes evidence in support of an alleged mistake in bid, the case shall be referred to the Director of Survey and Review for determination. The referral shall include the documents and data specified in FPMR 101–45.804(f)(2).

(d) The Office of Survey and Review shall maintain case file records of all administrative determinations made in accordance with FPMR 101–45.804. A

copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

## PART 114–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 114–46.3—Transfer and Exchange Between Federal Agencies

Sec.
114–46.301 Agency Responsibility.

Subpart 114–46.4—Disposal

114–46.400 Scope of subpart.
114–46.407 Reports.
114–46.4902 Exchange/sale category list.

### Subpart 114–46.3—Transfer and Exchange Between Federal Agencies

**§ 114–46.301 Agency responsibility.**

Property available for exchange or sale pursuant to section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended, is not "available" property as defined in IPMR 114–43.104–50, nor does it become excess or surplus. For purposes of Departmental screening, however, the holding office of such property should apply within the Department the same utilization and transfer requirements as FPMR 101–46.3 requires be applied with other Federal agencies.

### Subpart 114–46.4—Disposal

**§ 114–46.400 Scope of subpart.**

Personal property being replaced pursuant to the exchange/sale authority found in 40 U.S.C. 481(c), shall be reported to the appropriate regional office of the General Services Administration for sale purposes in accordance with this FPMR 101–46.400 in the following instances:

(a) The Bureau or Office has determined that disposal by outright sale is in the best interest of the Government in accordance with FPMR 101–46.402, or

(b) When the General Services Administration is handling the procurement of the replacement property.

**§ 114–46.407 Reports.**

The report required by this subsection shall be submitted to the Director of Management Operations, Office of the Assistant Secretary for Administration, by not later than August 15 of each year. The report, consolidated for the Bureau or Office, should be submitted in the form of a memorandum and include, without distinction, transactions handled by the General Services Administration and those handled by the reporting Bureau or Office. In the event a report includes property in Federal Supply Classification Groups 32, 34, 68, or 75 (only certain items in each of these Groups are eligible for handling under the provisions of Part 101–46), it should also include a brief description of the items exchanged or sold.

**§ 114–46.4902 Exchange/sale category list.**

The exchange/sale category list in this section does not represent an all-inclusive listing of items eligible for disposal under the exchange/sale authority. Other items or categories of items (except those listed in FPMR 101–46.4901) may be disposed of pursuant to this authority provided that the requirements of FPMR 101–46.2 are met. It should be noted that the items listed in this section are numbered in sequence and not by Federal Supply Classification Group numbers.

[F.R. Doc. 70–231; Filed, Jan. 7, 1970; 8:45 a.m.]

## PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. III, 1965–67) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), new Part 114–47 is added to Chapter 114, Title 41 of the Code of Federal Regulations as set forth below.

This new part shall become effective on the date of publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
*Deputy Assistant Secretary of the Interior.*

DECEMBER 29, 1969

Sec.
114–47.000 Scope of part.

Subpart 114–47.1—General Provisions

Sec.
114–47.103 Definitions.
114–47.103–50 Available real property.
114–47.103–51 Excess real property.
114–47.103–52 Surplus real property.

Subpart 114–47.2—Utilization of Excess Real Property

Sec.
114–47.201 General provisions of subpart.
114–47.201–1 Policy.
114–47.201–2 Guidelines.
114–47.201–3 Lands withdrawn or reserved from the public domain.
114–47.202 Reporting of excess real property.
114–47.202–1 Reporting requirements.
114–47.202–4 Exceptions to reporting.
114–47.202–6 Reports involving the public domain.
114–47.202–10 Examination for acceptability.
114–47.203 Utilization.
114–47.203–1 Reassignment of real property by the agencies.
114–47.203–2 Transfer and utilization.
114–47.203–3 Notification of agency requirements.
114–47.203–7 Transfers.
114–47.203–8 Temporary utilization.
114–47.204 Determination of surplus.
114–47.204–2 Property excepted from reporting.

## PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

**§ 114–47.000 Scope of part.**

This Part 114–47 applies to all available, excess, and surplus real property and related personal property under the jurisdiction of Bureaus and Offices of the Department of the Interior, exclusive of foreign excess property as defined in IPMR 114–43.104–53.

### Subpart 114–47.1—General Provisions

**§ 114–47.103 Definitions.**

**§ 114–47.103–50 Available real property.**

Available real property is property which is no longer needed for the program activities of the Interior Bureau or Office having control thereof and which properly may be determined to be excess if no further need exists for such property within the Department of the Interior.

**§ 114–47.103–51 Excess real property.**

Excess real property is real property not required for the program activities of the Federal agency (see FPMR 101–43.104–7) having jurisdiction over the property. With respect to real property under the control of an Interior Bureau or Office, excess real property is that which is not required for the program activities of any Bureau or Office of the Department of the Interior, as determined by circularization (see IPMR 114–47.203).

**§ 114–47.103–52 Surplus real property.**

Surplus real property is any excess real property not required for the needs and responsibilities of any agency of the Federal Government.

### Subpart 114–47.2—Utilization of Excess Real Property

**§ 114–47.201 General provisions of subpart.**

**§ 114–47.201–1 Policy.**

It is the policy of the Department of the Interior to:

(a) Survey all of its real property holdings at least once each year to determine that which is available for reassignment within the Department and that which is excess to its program needs.

(b) Achieve the maximum utilization by Interior Bureaus and Offices, in terms of economy and efficiency, of available real property in order to minimize expenditures for the purchase of real property.

(c) Provide for the reassignment of available real property among Interior Bureaus and Offices and facilitate the transfer of excess real property to other Federal agencies.

**§ 114–47.201–2 Guidelines.**

(a) Each Interior Bureau and Office having jurisdiction over real property shall:

(1) Survey all of its real property holdings at least once each year to determine which holdings, or portions thereof, are no longer needed in Interior programs or are uneconomically utilized. (See IPMR 114–47.50.)

(2) Promptly facilitate the transfer of real property which becomes available as a result of program completions, changes, curtailments, etc.

(3) Except as provided in IPMR 114–47.202–4 and 114–47.202–6, promptly report to the General Services Administration real property which has been determined to be excess to the Department's needs. (See IPMR 114–47.203–1.)

(4) Maintain its inventory of real property at the absolute minimum consistent with the economical and efficient conduct of assigned programs.

(b) Each Interior Bureau and Office shall, so far as is practicable and to the extent compatible with its program requirements, fulfill its needs for real property by utilization of available property offered by other Interior Bureaus and Offices and excess property held by other Federal agencies.

(c) Guidelines for notifying the General Services Administration of requirements for real property are set forth in IPMR 114–47.203–3.

**§ 114–47.201–3 Lands withdrawn or reserved from the public domain.**

(a) Withdrawn or reserved public domain lands, improved or unimproved, no longer needed by the holding Bureau or Office should be reported to the appropriate office of the Bureau of Land Management as provided in 43 CFR 2312.0–1 through 2312.1–3.

If the Bureau of Land Management with the concurrence of the General Services Administration, determines that the property is not suitable for return to the public domain or disposable under the public land laws, then the circularization requirements of IPMR 114–47.203–1 and the reporting requirements of FPMR 101–47.202 will thereafter apply to such property.

(b) Improvements located on public domain land but being disposed of apart from such land are not reportable to the Bureau of Land Management.

**§ 114–47.202 Reporting of excess real property.**

**§ 114–47.202–1 Reporting requirements.**

(a) The authority to report such property as is no longer needed within the Department as excess to the General Services Administration has been delegated to the heads of Bureaus and Offices in 205 DM 10.

(b) Any request made by the Administrator of General Services for an office of this Department to institute specific surveys in accordance with this subsection must have the advance approval of the Assistant Secretary for Administration.

**§ 114–47.202–4 Exceptions to reporting.**

FPMR 101–47.603 delegates authority to the Secretary of the Interior to determine real property having an estimated fair market value of less than $1,000 to be surplus to the needs of all Federal agencies and thereafter to dispose of such property. This authority has been redelegated to the heads of Bureaus and Offices in 205 DM 10. The delegation includes a provision excepting such property from the reporting requirements of FPMR 101–47.202–1. Therefore, excess real property (including land, with or without improvements) having an estimated fair market value of less than $1,000 is also excepted from reporting to the General Services Administration.

**§ 114–47.202–6 Reports involving the public domain.**

(a) The procedures set forth in this section (see also IPMR 114–47.201–3) shall be complied with before any withdrawn public domain land is declared to the General Services Administration as excess to Interior needs.

(b) Excess withdrawn public domain land, with or without improvements, having an estimated fair market value of less than 1,000 is excepted from reporting to the General Services Administration as provided in IPMR 114–47.202–4. The provisions of this subsection must be complied with before any such land is determined by the holding Bureau or Office to be excess or surplus.

**§ 114–47.202–10 Examination for acceptability.**

Care must be taken to insure that complete and accurate excess reports, S.F. 118, are furnished the General Services Administration as the holding bureau must bear the expense of care and maintenance of the property for a period of 12 months plus the period to the first day of the succeeding quarter of the fiscal year after the date of receipt by GSA of an acceptable excess report.

**§ 114–47.203 Utilization.**

**§ 114–47.203–1 Reassignment of real property by the agencies.**

Available real property shall be screened against Department of the Interior needs in accordance with this section 114–47.203 before it is determined to be excess. The authority to reassign or to transfer available real property and related personal property has been delegated to heads of Bureaus and Offices in 205 DM 10.

(a) *Holding bureau utilization.* Each Bureau and Office holding available real property (see definition in IPMR 114–47.–103–50) shall insure that its own offices are afforded an opportunity to utilize such property either prior to or simultaneously with circularization of other Bureaus and Offices of the Department.

(b) *Circularization of real property under $1,000 in value.* Routine written circularization of available real property having an estimated fair market value of less than $1,000 should be avoided. Real property in this category shall be offered to those Interior and other Federal agency offices which the holding office believes might be interested in its acquisition, considering the nature and location of the property.

(c) *Circularization of real property $1,000 and over.* Available real property having an estimated fair market value of $1,000 or over shall be offered to the following bureaus and offices of the Department of the Interior before it is determined to be excess: *Provided,* That where the head of the regional, area, or State office responsible for the property determines that its nature or location virtually precludes further departmental utilization, and such determination is made a part of the disposal record, then the property shall be subject to such circularization as he may direct. Only one copy of each availability notice is required by the offices listed. Note the limitations on extent of interest in real property circularizations.

(1) *Office of Management Operations.*

Director of Management Operations, Office of the Assistant Secretary for Administration, Department of the Interior, Washington, D.C. 20240.

(2) *Bureau of Commercial Fisheries.* Only real property in general area of given region:

Chief, Branch of Property Management, Bureau of Commercial Fisheries, 1801 North Moore Street, Arlington, Va. 22209.

Property Management Officer, Bureau of Commercial Fisheries, 6116 Arcade Building, 1319 Second Avenue, Seattle, Wash. 98101.

Property Management Officer, Bureau of Commercial Fisheries, Federal Building, 144 First Avenue, South, St. Petersburg, Fla. 33701.

Property Management Officer, Bureau of Commercial Fisheries, Federal Building, 14 Elm Street, Gloucester, Mass. 01930.

Property Management Officer, Bureau of Commercial Fisheries, 5 Research Drive, Ann Arbor, Mich. 48103.

Property Management Officer, Bureau of Commercial Fisheries, Post Office Box 1668, Juneau Alaska, 99801.

Assistant Regional Director for Administration, Bureau of Commercial Fisheries, Federal Building (Customs House), 300 South Ferry Street, Terminal Island, Calif. 90731.

Property Management Officer, Bureau of Commercial Fisheries, Post Office Box 3830, Honolulu, Hawaii 96812.

(3) *Bureau of Sport Fisheries & Wildlife.* Only real property in general area of given region:

Chief, Division of Realty, Interior Building, Washington, D.C. 20240.

Regional Director, Bureau of Sport Fisheries & Wildlife, Post Office Box 3737, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Regional Director, Bureau of Sport Fisheries & Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Regional Director, Bureau of Sport Fisheries & Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Regional Director, Bureau of Sport Fisheries & Wildlife, Peachtree-Seventh Building (30A), Atlanta, Ga. 30323.

Regional Director, Bureau of Sport Fisheries & Wildlife, United States Post Office and Courthouse, Boston, Mass. 02109.

(4) *Geological Survey.*

Chief, Branch of Service and Supply, U.S. Geological Survey, Department of the Interior, Washington, D.C. 20242.

(5) *Bureau of Mines.*

Chief, Division of Procurement & Property Managament, Bureau of Mines, Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

Assistant Director — Helium, Bureau of Mines, Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

Chief, Eastern Administrative Office, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.
Chief, Western Administrative Office, Bureau of Mines, Building 20, Denver Federal Center, Denver, Colo. 80225.

(6) *Bureau of Indian Affairs.*

Division of Resource Development, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20242

(7) *Bureau of Land Management.* Only real property west of the Mississippi River:

Division of Administrative Services, Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.
Denver Service Center, Bureau of Land Management, Federal Center, Building No. 50, Denver, Colo. 80225.
Portland Service Center, Bureau of Land Management, 710 Northeast Holladay Street, Post Office Box 3861, Portland, Oreg. 97208.

(8) *National Park Service.* Only real property in general area of given region:

Regional Director, Southwest Region, National Park Service, Box 728, Santa Fe, N. Mex. 87501.
Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.
Regional Director, Southeast Region, National Park Service, Federal Building, Post Office Box 10008, 400 North Eighth Street, Richmond, Va. 23240.
Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, Post Office Box 36063, San Francisco, Calif. 94102.
Regional Director, Northeast Region, National Park Service, 143 South Third Street, Philadelphia, Pa. 19106.
Regional Director, National Capital Region, National Park Service, 1100 Ohio Drive SW., Washington, D.C. 20242.

(9) *Office of Territories.* Only real property outside the States of the Union and the District of Columbia:

Administrative Officer, Office of Territories, U.S. Department of the Interior, Washington, D.C. 20240.

(10) *Alaska Power Administration.* Only for real property in Alaska:

Alaska Power Administration, Post Office Box 50, Juneau, Alaska 99801.
Alaska Power Administration, Eklutna Project, Post Office Pouch No. 5, Star Route, Eagle River, Alaska 99577.

(11) *Bureau of Reclamation.* Only where real property is located west of Mississippi River:

Region 1, Post Office Box 8008, Boise, Idaho 83707.
Region 2, Post Office Box 15011, Sacramento, Calif. 95813.
Region 3, Post Office Box 427, Boulder City, Nev. 89005.
Region 4, Post Office Box 11568, Salt Lake City, Utah 84111.
Region 5, Post Office Box 1609, Amarillo, Tex. 79105.
Region 6, Post Office Box 2553, Billings, Mont. 59103.
Region 7, Building 20, Denver Federal Center, Denver, Colo. 80225.
Division of Procurement and Property, Washington, D.C. 20240.

(12) *Federal Water Pollution Control Administration.* Only real property in general area of given region:

Federal Water Pollution Control Administration, Washington, D.C. 20242.
Federal Water Pollution Control Administration, Northeast Region, John F. Kennedy Building, Room 2303, Boston, Mass. 02203.
Federal Water Pollution Control Administration, Middle Atlantic Region, 918 Emmet Street, Charlottesville, Va. 22901.
Federal Water Pollution Control Administration, Southeast Region, Suite 300, 1421 Peachtree Street NE., Atlanta, Ga. 30309.
Federal Water Pollution Control Administration, Ohio Basin Region, Robert A. Taft Sanitary Engineering Center, 4676 Columbia Parkway, Room 115, Cincinnati, Ohio 45226.
Federal Water Pollution Control Administration, Missouri Basin Region, 911 Walnut Street, Kansas City, Mo. 64106.
Federal Water Pollution Control Administration, South Central Region, 1402 Elm Street, Dallas, Tex. 75202.
Federal Water Pollution Control Administration, Southwest Region, 760 Market Street, San Francisco, Calif. 94102.
Federal Water Pollution Control Administration, Northwest Region, Pittock Block, Room 501, Portland, Oreg. 97205.
Federal Water Pollution Control Administration, Great Lakes Region, 33 East Congress Parkway, Room 410, Chicago, Ill. 60605.

(13) *Bonneville Power Administration.* Only for real property in Oregon, Washington, Idaho, and Montana:

Bonneville Power Administration, Procurement Section, Post Office Box 3621, Portland, Oreg. 97208.

(14) *Southwestern Power Administration.* Only for real property in Missouri, Kansas, Arkansas, Oklahoma, Texas, Louisiana:

Administrator, Southwestern Power Administration, Post Office Drawer 1619, Tulsa, Okla. 74101.

(d) *Circularization of power transmission facilities.* The concurrence of the Assistant Secretary—Water and Power Development shall be obtained prior to circularization of any available power transmission line or related facility having an estimated fair market value of $1,000 or more. Such concurrence may be presumed where written notice has been given the Assistant Secretary and no objection or request for further information has been received within 20 days of the date of transmittal of such notice.

(e) *Reimbursement.* Transfers of available real property within the Department of the Interior shall be made without exchange of funds, except:

(1) The disposing bureau may elect to receive reimbursement, to the extent that it would receive reimbursement under FPMR 101–47.203–7 if the property were excess, where the property being transferred is reimbursable by law, unless such requirement for reimbursement can be satisfied or equitably avoided through appropriate accounting procedures.

(2) The receiving bureau shall make reimbursement, determined as though the property were excess in accordance with FPMR 101–47.203–7, in all instances where the property being acquired will be carried in accounts disposals from which are reimbursable.

(f) *Determination of real property as excess.* Real property not transferred as a result of the circularization prescribed in this subsection 114–47.203–1 shall be determined to be excess to the needs of the Department of the Interior. The excess determination shall be evidenced in writing and made a part of the disposal file. If reportable in accordance with FPMR 101–47.202, it shall be promptly declared to the General Services Administration. If not reportable under such regulations or IPMR 114–47.202–4, it shall be determined to be surplus promptly in accordance with the provisions of FPMR 101–47.2.

**§ 114–47.203–2 Transfer and utilization.**

The authority to transfer excess real property to other Federal agencies and to obtain excess real property from other agencies has been delegated to the heads of Bureaus and Offices in 205 DM 10. Transfers to and from other agencies shall be made in accordance with the provisions of FPMR 101–47.2.

**§ 114–47.203–3 Notification of agency requirements.**

Because of the nature of the conservation programs carried on by this Department most of its requirements for real property, particularly land, are dictated by such factors as geographical location, topography, engineering and similar characteristics which limit the extent to which excess real property can be utilized. For example, requirements for land for use as a refuge, park, or a dam site are generally for specific land, and land already in Government ownership or control can be utilized for these purposes only when its location and other characteristics coincide with the program need. Therefore, the appropriate GSA regional office shall be notified of requirements for real property only when:

(a) Specific property is not required, or

(b) Specific property is required and such property is held in the GSA excess inventory or is held by another Federal agency outside the Department of the Interior.

NOTE: The provisions of this subsection 114–47.203–3 do not apply to *acquisition by* lease of interests in real property as covered in FPMR 101–18.1.

**§ 114–47.203–7 Transfers.**

(a) FPMR 101–47.203–7(e) provides that certain categories of excess real property may be transferred by the holding agency without reference to GSA. In addition to the categories listed, Bureaus and Offices of this Department may transfer, without reference to GSA, any excess real property having an estimated fair market value of less than $1,000.

(b) Whenever a Bureau or Office seeks to acquire excess real property without reimbursement, the certification required by FPMR 101–47.203(f)(2)(iii) shall be signed by an official not below the Chief Administrative Officer of the Bureau. Similarly, whenever Block 9 of GSA Form 1334 is checked to indicate that funds are not available for reimbursement for the transfer of the property, the certification in Block 10 of such form shall be signed by an official not below the Chief Administrative Officer of the Bureau.

(c) One copy of GSA Form 1334 shall be furnished the Director of Management Operations, Office of the Assistant Secretary for Administration when:

(1) The request seeks to acquire excess real property without reimbursement regardless of the appraised fair market value of the property, or

(2) The request for transfer involves excess real property having a total appraised fair market value of $100,000 or more.

**§ 114–47.203–8 Temporary utilization.**

Interior regulations governing the temporary use, by another Federal agency, of real property determined to be excess to Department of the Interior needs are contained in IPMR 114–47.51.

**§ 114–47.204 Determination of surplus.**

**§ 114–47.204–2 Property excepted from reporting.**

Excess property having an estimated fair market value of less than $1,000, and not designated for utilization by another Federal agency, is subject to determination as surplus by the holding Bureau or Office in addition to the nonreportable properties listed in FPMR 101–47.202–4.

[F.R. Doc. 70–241; Filed, Jan. 7, 1970; 8:46 a.m.]

## PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. III, 1965–1967) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), new Subparts 114–47.3, 114–47.4, 114–47.5, and 114–47.6 are added to Chapter 114, Title 41 of the Code of Federal Regulations as set forth below.

These new subparts shall become effective on the date of publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
*Deputy Assistant Secretary of the Interior.*

DECEMBER 29, 1969.

**Subpart 114–47.3—Surplus Real Property Disposal**



**Subpart 114–47.4—Management of Excess and Surplus Real Property**



**Subpart 114–47.5—Abandonment, Destruction, or Donation to Public Bodies**



**Subpart 114–47.6—Delegations**



### Subpart 114–47.3—Surplus Real Property Disposal

**§ 114–47.301 General provisions of subpart.**

**§ 114–47.301–3 Disposals under other laws.**

Numerous special statutes are on the books which authorize the Secretary to dispose of real property no longer needed for program purposes by the holding Bureau or Office. Many of these laws predate the Federal Property and Administrative Services Act of 1949, as amended. Where such special law provides that disposal will be made to the general public, as opposed to a specific named individual, firm, or organization, disposal shall be subject to the utilization and disposal provisions of IPMR 114–47.

**§ 114–47.301–5 Records and reports.**

A semiannual Report of Surplus Real Property Disposals and Inventory, GSA Form 1100, shall be prepared by each Bureau and Office holding real property. The report shall be prepared and submitted in accordance with FPMR 101–47.4903 and the following supplemental instructions:

(a) *Preparation.* (1) The report should include only surplus real property inventory and disposals which are being transacted by Interior Bureaus and Offices pursuant to disposal authorities delegated to the Department in FPMR 101–47.302–2, 101–47.603, and any special one-time disposal authority which may be delegated by the General Services Administration.

(2) Transfers of available real property between Interior Bureaus and transfers of excess real property to other Federal agencies outside Interior should not be reported on GSA Form 1100. However, in the event real property is withdrawn from the surplus inventory for further Federal agency utilization, the transaction should be reported on Line 13 of the form.

(3) Any sale of surplus real property at less than appraised fair market value (Line 5) must be explained as provided in Instruction 3 on the reverse of GSA Form 1100.

(4) If all properties reported on Line 14 have been held in the surplus inventory for 12 months or less, a statement to that effect shall be entered in the "Remarks" space. A listing of any properties held in surplus inventory over 12 months must accompany the report as provided in Instruction 3.b on the reverse of GSA Form 1100.

(5) Note that disposal transactions, as well as inventory data, are to be reported on the basis of "locations"—not number of transactions, parcels of land, buildings, etc.

(b) *Submission and due date.* GSA Form 1100 shall be submitted, in original only, to the Director of Management Operations by the 25th of the month following the close of the reporting period. Negative reports are required and may be submitted in the form of a memorandum in lieu of GSA Form 1100.

**§ 114–47.302 Designation of disposal agencies.**

**§ 114–47.302–2 Holding agency.**

The disposal authority conferred in the Secretary by this subsection has been delegated to heads of Bureaus and Offices in 205 DM 10.

**§ 114–47.302–8 Report of identical bids.**

(a) The reporting requirements specified in this subsection are applicable to all sales of Government-owned property made on a competitive basis whether competition is obtained through sealed bid, negotiation, auction, or spot bid procedures. They apply to:

(1) Program sales made pursuant to special statutes authorizing the Secretary of the Interior to sell specific real properties, and

(2) Sales of surplus real property made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(b) Whenever identical bids or offers are received through closed competitive negotiations or through sealed or spot bid procedures for the sale of real property under the conditions set forth in paragraphs (1), (2), and (3) of this paragraph, a copy of the invitation and a copy of the completed abstract of bids with identical bids circled in red shall be submitted to the Director of Management Operations for transmittal to the Attorney General. These documents shall be forwarded to reach the Office of Management Operations within 15 days following the disposition of all bids received in response to the invitation involved whether by awarding of contract(s) or other action.

(1) Where written bids or offers were solicited through formal advertising procedures or through closed competitive negotiation;

(2) Where the bid value of the line item or items on which identical bids were received exceeds $2,500 (based on the apparent high bid received for such line item or items); and

(3) Where the total bid value of all line items covered by the invitation exceeds $10,000 (based on the apparent high bid received for each line item).

NOTE: Identical bids are reportable pursuant to IPMR 114–47.302–8 only when all of the above conditions obtain.

**§ 114–47.304 Advertised and negotiated disposals.**

**§ 114–47.304–12 Explanatory statements.**

(a) Explanatory statements required to be submitted to the General Services Administration for transmittal to the committees of the Senate and House of

Representatives pursuant to FPMR 101–47.304–12 shall be prepared following the outline shown in FPMR 101–47.4911. Such statements shall be submitted as attachments to a transmittal letter addressed to the Administrator, General Services Administration, Washington, D.C. 20405, prepared for the signature of the Assistant Secretary for Administration.

(b) The background and justification portion of this submission shall be a narrative statement fully showing that the property is in fact surplus (e.g., the goods and services produced by the property are no longer needed), and a complete justification both for the decision to sell at all, and to sell by negotiation rather than advertising.

(c) Twenty-two (22) mimeographed copies of such notices shall be submitted to the Assistant Secretary for Administration, twenty (20) of which are for submission to the General Services Administration and transmittal to the appropriate committees of the Congress. The letter transmitting each such notice to the Assistant Secretary for Administration shall include any additional supporting data as may not be incorporated in the "background and justification" portion of the explanatory statement.

### § 114–47.304–50 Sales to Government employees.

In instances where this Department acts as disposal agency, surplus real property may be disposed of by sale, lease, or otherwise to Federal employees or their spouses only where all of the following conditions are met:

(a) The invitation for bids states the extent to which Federal employees are eligible to bid and requires Federal employees to identify themselves, their organization, and position, with similar information from spouses.

(b) Notice is given that no awards will be made to Federal employees or their spouses who might reasonably be expected to have information with regard to the property or its uses which is not readily available to members of the public, or who participated in the decision to dispose of the property, or in the sale itself.

(c) The sale is conducted under publically advertised, sealed bid procedures.

NOTE: Disposals under this paragraph apply only to actions taken pursuant to the Federal Property and Administrative Services Act of 1949, as amended. For disposals of public lands to employees of the Department, see 43 CFR Part 7.

### § 114–47.304–51 Noncollusive bids and proposals.

(a) Certificate of independent price determination: A certificate of independent price determination shall be required with each bid or offer for the purchase of real property, except where the price is fixed in advance of sale pursuant to law or regulation.

(1) The certificate of independent price determination clause contained in FPMR 101–45.4926 shall be included in all invitations for bids and requests for quotations on Government sales of real property and shall be submitted with sealed bids and written quotations submitted in response thereto.

(2) Auction and Spot Bid Sales: Bureaus and Offices conducting sales of Government property by the auction or spot bid methods shall include an appropriate provision in the sales notice which will put the successful bidder on notice that he will be required, as a condition of award, to sign a certificate to the effect that "the bid was arrived at by the bidder or offeror independently, and was tendered without collusion with any other bidder or offeror."

(3) The requirement for a certificate of independent price determination applies to sales of surplus real property and to program sales made pursuant to special statutes as referred to in IPMR 114–47.302–8(a).

(b) The authority to make the determination contemplated by paragraph (d) of FPMR 101–45.4926 is vested in the heads of bureaus and offices and may not be redelegated.

(c) Reporting suspected antitrust violations: Whenever any Bureau or Office has factual information leading it to believe or suspect that bids received in response to a sales offering evidence collusion on the part of two or more bidders designed to eliminate competition, full particulars shall be submitted to the Solicitor for consideration and possible referral to the Attorney General. This submission should include a summary of the pertinent facts concerning the reported case and, in the case of a formally advertised sale, a copy of the Invitation for Bids, the Abstract of Bids, and the bid of bidder(s) suspected of irregular practices; the name of the successful bidder and reason why the award was made to him; and any other information available which might tend to establish possible violation of the antitrust laws. Reports required by this paragraph are in addition to and not in lieu of the identical bid reports required by IPMR 114–47.302–8.

(1) Reporting procedure: Reports of suspected antitrust violations should be transmitted to the Solicitor in the following format:

ASSISTANT ATTORNEY GENERAL,
*Antitrust Division,*
*Department of Justice,*
*Washington, D.C. 20530.*

DEAR SIR: We transmit to you a case where bids received in response to Invitation No. _____ for (item(s) description), to be sold (sale date), were opened by (selling bureau or office and location) on _____, 19__. Evidence of collusion or other conduct in violation of antitrust laws is herewith reported as follows:

Award was made to_____
(In the next sentence explain the method by which the successful bidder was selected, i.e., high bidder, etc., unless all bids were rejected and the sale effected by readvertisement or negotiation, in which case, furnish details.)

Sincerely yours,

*Solicitor.*

Enclosure:

(2) The following copies are required:

(i) Original on "Office of the Solicitor" stationery

(ii) Shadow copy to accompany the original on letterhead tissue

(iii) White surname box copy on letterhead tissue

(iv) White letterhead tissue copy to be marked "Docket Copy"

(v) White letterhead tissue copy to be marked "Director of Management Operations"

(vi) Other information copies as may be required by the Bureau or Office.

### § 114–47.304–52 Compliance review.

The head of each Bureau and Office engaged in programs which involve the conduct of sales of Government property in the categories referred to in IPMR 114–47.302–8(a) shall install an appropriate monitoring system at the headquarters office level to ensure compliance with the provisions of IPMR 114–47.302–8 and 114–47.304–51. The monitoring system installed by each Bureau and Office will be subject to review by the Department's internal audit staff to determine its adequacy and effectiveness.

## Subpart 114–47.4—Management of Excess and Surplus Real Property

### § 114–47.401 General provisions of subpart.

### § 114–47.401–6 Interim use and occupancy.

Interior regulations governing the temporary use, by another Federal agency, of surplus real property are contained in IPMR 114–47.51.

## Subpart 114–47.5—Abandonment, Destruction, or Donation to Public Bodies

### § 114–47.501 General provisions of subpart.

### § 114–47.501–4 Findings.

(a) The findings specified in this subsection shall be documented in the form of an approved Report of Survey.

(b) For purposes of FPMR 101–47.501–4(b), a reviewing authority shall be the same as specified in IPMR 114–44.501–2.

### § 114–47.503 Abandonment and destruction.

### § 114–47.503–1 General.

The findings specified in FPMR 101–47.503–1 shall be made by an official not below a regional, area, or State Director.

### § 114–47.503–3 Abandonment or destruction without notice.

Findings justifying abandonment or destruction of real property without public notice shall be documented in the form of a Report of Survey approved by an appropriate reviewing authority. (See IPMR 114–44.501–2.)

## Subpart 114–47.6—Delegations

### § 114–47.603 Delegation to the Department of the Interior.

(a) The authority conferred in the Secretary by this subsection has been delegated to the heads of Bureaus and Offices in 205 DM 10.

(b) Available real property having an estimated fair market value of less than $1,000 shall be screened in accordance

with the provisions of IPMR 114–47.203–1(b) before a determination of excess or surplus is made.

**§ 114–47.604 Delegation to the Department of the Interior and the Department of Health, Education, and Welfare.**

The authority conferred in the Secretary by this subsection has been delegated to the Commissioner of Indian Affairs in 205 DM 10.

[F.R. Doc. 70–232; Filed, Jan. 7, 1970; 8:45 a.m.]

## PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. III, 1965–1967) and section 205(c), 63 Stat. 390; 40 U.S.C. 486 (c), new Subparts 114–47.50 and 114–47.51 are added to Chapter 114, Title 41 of the Code of Federal Regulations as set forth below.

These new subparts shall become effective on the date of publication in the FEDERAL REGISTER.

GEORGE E. ROBINSON,
*Deputy Assistant Secretary of the Interior.*

DECEMBER 29, 1969.

**Subpart 114–47.50—Identification of Unneeded Real Property**



**Subpart 114–47.51—Permits**



### Subpart 114–47.50—Identification of Unneeded Real Property

**§ 114–47.5001 Scope of subpart.**

This subpart prescribes basic policies and criteria for the review of real property in the custody of Bureaus and Offices of the Department to identify that which is unneeded in the Department's programs and that which is uneconomically utilized. It implements Bureau of the Budget Circular No. A–2, Revised, dated April 5, 1967.

**§ 114–47.5002 Objective of review program.**

The objective of the real property review program is to promote the disposal of unneeded or uneconomically utilized real property so that:

(a) Unneeded properties may be made available to other Interior Bureaus and other Federal agencies needing them in their programs, thus avoiding unnecessary acquisition from private sources;

(b) Unnecessary operation and maintenance expenses may be avoided;

(c) The capital represented may be returned to the Treasury;

(d) The State and local tax base may be broadened; or

(e) The properties may be developed privately.

**§ 114–47.5003 Applicability.**

The provisions of this subpart are applicable to all Federal real property in custody of this Department of the types referred to in 114–47.5003(a), wherever located.

(a) Specifically, this subpart applies to:

(1) Lands, buildings, and other structures and facilities acquired by purchase, condemnation, construction, donation, lease, or other methods, including Government-owned buildings, structures, and facilities located on:

(i) Withdrawn public domain land,

(ii) Lands excepted from the provisions of this subpart by IPMR 114–47.5003(b), or

(iii) Other than Government-owned land.

(2) Withdrawn public domain land. Refer also to 603 DM 1 which establishes Departmental policy relating to the review and restoration, in whole or in part, of withdrawn land no longer used or required for the programs for which withdrawn.

(b) This subpart does not apply to the following:

(1) Unreserved public domain;

(2) Rights-of-way or easements granted to the Government;

(3) Indian tribal and trust properties;

(4) Oregon and California revested lands (43 U.S.C. 1181a);

(5) Land administered by the National Park Service, other than administrative sites outside of the established boundaries of a national park;

(6) Land on Indian reservations within consolidation areas approved by the Secretary of the Interior;

(7) Land within the National Wildlife Refuge System; and

(8) Real property which is to be sold or otherwise disposed of and which was acquired through foreclosure, confiscation, or seizure in settlement of a claim of the Federal Government, or through conveyance to the Federal Government in connection with an indemnity or loan insurance or guarantee program.

**§ 114–47.5004 Annual review of real property holdings.**

Each Bureau and Office having jurisdiction over real property in the categories referred to in IPMR 114–47.5003(a) shall conduct an annual review of all such property to identify that for which there is no present or future program need, or which otherwise meets the disposal criteria provided in IPMR 114–47.5005. Every effort shall be made to effect partial disposals of real property whenever circumstances will permit economic separate disposal of the unneeded portion.

**§ 114–47.5005 Disposal criteria.**

The following criteria are provided for the use and guidance of Bureaus and Offices in identifying unneeded real property holdings and achieving effective and economical use of such property:

(a) *Unneeded property—no future use.* Property not presently used in the Bureau's program for which acquired and for which there is no foreseeable future need. Appropriate action should be taken promptly to dispose of property in this category by:

(1) Intrabureau transfer, transfer to other Interior Bureaus, declaration to GSA as excess, or disposal as surplus pursuant to authority delegated in 205 DM 10, or

(2) Reporting to the Bureau of Land Management in the case of unneeded withdrawn public domain land. (See IPMR 114–47.201–3.)

(b) *Property not presently utilized—known future need.* Property not presently being used, but for which a positive future program need exists should be retained, unless the disposal criteria set forth in 114–47.5005(d) or 114–47.5005(e) apply. Consideration may be given to putting property in this category into productive use during the period it would otherwise remain vacant or idle, either by:

(1) Permitting another Interior Bureau or Federal agency to use the property on an interim basis. This presupposes that the requesting agency's proposed use of the property conforms to the acquisition and use provisions of Bureau of the Budget Circular No. A–2, Revised, dated April 5, 1967, or

(2) Interim leasing to non-Federal entities: *Provided,* That the holding Bureau has specific statutory authority to lease temporarily unneeded property. (See 15 CG 96.)

(c) *Unneeded property—possible future need.* Property not presently needed or used in the Bureau's program, but for which a possible future need exists. The less certain or farther away this possible future need is, the greater consideration must be given to disposal, particularly if the property is not unique and replacement property could be acquired later if the need materializes. If funds for the program utilization of such properties have not been included by the head of the Bureau in his latest budget request, the property shall be identified as unneeded and brought to the attention of the head of the Bureau, with appropriate details and recommendations, as provided in IPMR 114–47.5008(d), for his determination.

(d) *High value locations.* An essential Bureau activity being carried on at a valuable real estate site might not be using such site to its full economic advantage. For example, at the time of acquisition the site may have been in an outlying area, but may now be within the growing community. Such land is not unneeded or excess, since there is a continuing program need for the installation, but the present land could be sold

for substantially more than the cost of suitable replacement facilities and the difference deposited in the Treasury.

(1) In these instances funds for replacement facilities must first be obtained through the normal budgetary processes, justified by the net gain to be realized. (See also IPMR 114–47.5006.)

(2) Once the replacement facilities are available, the old facilities should be disposed of as unneeded in the usual manner.

(e) *High cost facilities.* An essential Bureau activity may be performed in facilities which have such an unusually high annual operation and maintenance cost that replacement is justified. Some examples of this might be:

(1) The work is being performed at several separate locations, with a consequent loss of efficiency and higher costs.

(2) The work is being performed in several small buildings at the one site, and would significantly benefit from operations being consolidated in one building.

(3) The facility is unusually expensive to maintain, due to age or poor condition.

(4) The facility is so poorly planned or laid out, or so unsuitable for the particular type of activity being carried on, that excess costs are incurred.

(5) The facility is permanently underutilized, and is not susceptible to partial disposal through sharing, rental, sale, etc.

In all of the above and similar instances, if the anticipated savings would so warrant, funds for replacement should be sought through the normal budgetary processes, justified by the net savings. (See also IPMR 114–47.5006.) Once the replacement facilities are available, the old facilities should be disposed of as unneeded in the usual manner.

(f) *Property used by another Federal agency under permit.* Property for which a future need was anticipated (see IPMR 114–47.5005(b)) may be utilized by another Federal agency by permit from the holding Bureau. If reexamination of the anticipated need discloses that such need will not materalize, the Bureau having basic custody of the property should convey the property to the permitee Bureau or agency by formal transfer of accountability. This presupposes that the permittee agency's use of the property conforms to the acquisition and use provisions of Bureau of the Budget Circular No. A–2, Revised, dated April 5, 1967.

(g) *Property leased to non-Federal entities.* Property for which a future need was anticipated may have been leased on an interim basis to a non-Federal entity. (See IPMR 114–47.5005(b).) If reexamination of the anticipated need discloses that such need will not materialize, the property should be disposed of, subject to the provisions of the lease.

### § 114–47.5006 Funds and statutory authority.

There may be cases where it will be necessary to secure additional funds or specific legislative authority before disposal of high-value locations or high-cost facilities can be made and the necessary replacement facilities acquired. However, this circumstance must not delay the making of necessary surveys in order to identify properties in these categories or the initiation of specific proposals looking toward replacement. Proposals should be supported by estimates of replacement costs and ultimate net savings. In seeking replacement facilities:

(a) Such action as can be taken without additional funds or statutory authority should be initiated at the earliest practicable time;

(b) Consideration should be given to obtaining available and excess property presently held by other Interior Bureaus and other Federal agencies; and

(c) The appropriate regional office of the General Services Administration should be contacted to determine whether suitable excess replacement facilities are available for transfer or expected to become available within a reasonable time.

### § 114–47.5007 Bureau implementation.

In those Bureaus having large and varied real property holdings, the general instructions in this chapter require further development for effective application within the Bureau, particularly with respect to the following:

(a) *Retention criteria.* Bureau implementation should include, to the extent possible, uniform retention criteria for specific properties for the guidance of field personnel conducting the annual review required by IPMR 114–47.5004. The following is an example of retention criteria which might be developed:

It may be determined that a certain amount of land is needed to accommodate a particular type or size of facility, such as an administrative site, boarding school, day school, etc. Where this determination can be made the needed acreage should be specified and any held for this purpose in excess of that amount should be considered for disposal.

(b) *Partial disposals.* Bureau instructions should make clear that it is not enough for a field office official to determine, for example, that a program using 1,000 acres of land will continue to be carried on, but a further determination should be made as to the need to retain the entire 1,000 acres and whether or not a part of the acreage can be made available for other utilization or disposal. It might still be necessary to provide employee housing, but 50 units might now be adequate and 10 units released. The units of property to be released must, of course, be of a nature or so located that they are susceptible of economic separate disposal.

(c) *Underutilization and uneconomical utilization.* These situations may be common or typical of certain phases of the Bureau's program at some locations, and further criteria are needed to show either how they may be overcome or else why they must be accepted as a temporary condition due to the program requirements.

(d) *Program utilization.* Real property must be listed by the installation at the time of annual review if not being used for program purposes. There is a definite need for Bureau particularization on what constitutes program utilization, as distinguished from non-program but authorized utilization. There are many legitimate and necessary instances of utilization of real property for nonprogram purposes, usually of a temporary nature, but such use does not give it a program status. One rule of thumb might be whether program funds would be expended to purchase land or construct buildings for present uses of existing real property.

(e) *Inspection and field review.* The Bureau headquarters and regional staff members responsible for this aspect of real property management shall include checking the effectiveness of compliance and understanding at the regional and installation level, of this program, particularly on the completeness of both regional and installation reports, and the development of adequate techniques for the survey at the installation level.

### § 114–47.5008 Intrabureau records and reports.

The head of each Bureau having jurisdiction over real property shall issue instructions to provide that:

(a) Each office responsible for conducting the prescribed annual review of real property holdings shall:

(1) Maintain a written descriptive listing of all properties or portions of properties identified during each annual review as meeting the disposal criteria, whether or not disposal action is going to be taken on the properties;

(2) Submit a report to the appropriate regional, area, or comparable office covering all properties or portions of properties identified during the annual review as meeting the disposal criteria. The report shall include all properties so identified whether or not disposal action is going to be taken. In any instance where disposal action is not recommended or is considered to be infeasible or impossible, the report shall include a statement describing the circumstances upon which the recommendation or conclusion is based.

(b) Reports submitted pursuant to IPMR 114–47.5008(a)(2) are to be reviewed by responsible officials in the regional, area, or comparable office. Appropriate followup action, consistent with the objectives of the program, shall be taken with regard to each unit of property reported.

(c) At least one copy of the report submitted pursuant to IPMR 114–47.5008(a)(2) is to be maintained in the regional, area, or comparable office for the information of that office and ready review by others conducting audits, surveys, etc.

(d) Regional, area, and comparable offices shall submit an annual report to the head of the Bureau listing separately:

(1) All properties or portions thereof identified as meeting disposal criteria during the latest review, for which action

looking toward disposal will not be taken promptly. This applies alike to instances where disposal of the property is not recommended or is said to be infeasible or impossible, and to any instances where retention of the property was fully authorized in previous years. This report shall include the comments and recommendations of the Regional, Area, or State Director, etc., with respect to the disposition that should be made of each unit of property falling in this category. Where applicable, an estimate of the amounts needed to acquire replacement property and the anticipated proceeds from the disposal of existing facilities shall be included.

NOTE: Any property for which funds for program utilization have been included in the latest budget request are excepted from the reporting requirements of this subparagraph.

(2) All properties or portions thereof appearing for the third time on the listing under 114–47.5008(d)(1) regardless of status or reason. The comments and recommendations of the Regional, Area, or State Director, etc., as to the disposition that should be made of property in this category shall be included.

**§ 114–47.5009 Review by bureau headquarters office.**

(a) Reports submitted pursuant to IPMR 114–47.5008(a)(2), shall be reviewed by appropriate officials at the headquarters office level of the Bureau. Heads of Bureaus are responsible for seeing that appropriate action, consistent with program objectives, and the objectives of this chapter and Bureau of the Budget Circular No. A–2, is taken with regard to each unit of property so reported.

(b) If disposal has been recommended by the region, area, or other office, but obstacles are said to prevent it, the head of the Bureau must attempt to have such obstacles removed.

(c) If retention is recommended by the region, area, or other office, the head of the Bureau must either concur in such recommendation for the ensuing year, or decide against further retention and specify the disposal action to be taken.

**§ 114–47.5010 Annual report to the Department.**

The head of each Bureau and Office having jurisdiction over real property shall submit an annual report to the Assistant Secretary for Administration summarizing the actions taken during the fiscal year to comply with the provisions of this subpart. The report shall:

(a) Include a statistical report on Form DI–107, Summary Report of Actions Taken in Compliance with Bureau of the Budget Circular No. A–2. Form DI–107 shall be consolidated for the Bureau and submitted to the Assistant Secretary for Administration, in triplicate, as an attachment to a transmittal memorandum.

(b) Include in the memorandum transitting Form DI–107, a narrative summary of actions taken during the fiscal year to comply with the provisions of this Subpart 114–47.50. The narrative should include, but not be limited to, (1) actions taken to strengthen procedures for meeting the objectives of the annual review program, and (2) actions taken by the head of the bureau and headquarters office staff to ensure full compliance with Bureau of the Budget and Departmental regulations at all levels within the Bureau.

(c) Include, as attachments to Form DI–107:

(1) Two copies of new or revised manual or other instructions developed and issued by the Bureau during the fiscal year. If none were issued during the year, the report should so state in the space reserved for "Remarks" on Form DI–107.

(2) One copy of the listing of properties referred to in IPMR 114–47.5008(d)(2). If the listing is negative, the report should so state in the space reserved for "Remarks" on Form DI–107.

(d) Cite (under "Remarks" of Form DI–107) any instances where proposals were initiated during the fiscal year to obtain appropriate financing or new authorizing legislation to acquire replacement facilities as a prerequisite to disposal of existing facilities. If none were initiated, so indicate under "Remarks" of Form DI–107.

(e) Be signed by an official not below the Chief Administrative Officer of the Bureau and transmitted to reach the Assistant Secretary for Administration by August 21 of each year.

## Subpart 114–47.51—Permits

**§ 114–47.5101 Scope of subpart.**

This subpart prescribes basic policy and criteria for the granting of permits authorizing other Interior Bureaus or other Federal agencies to use real property in custody of Bureaus and Offices of the Department of the Interior.

**§ 114–47.5102 Applicability.**

The provisions of this subpart are applicable to all Federal real property in custody of this Department of the types referred to in subparagraph (a), below, wherever located.

(a) Specifically, this subpart applies to utilization by permit of:

(1) Lands; buildings, structures and facilities (including those located on other than Government-owned land) acquired by purchase, condemnation, donation, construction, lease, or other methods; and

(2) Withdrawn public domain land.

(b) This subpart does not apply to use permits involving the following land and properties, but it does apply to Government-owned buildings, structures, and facilities located on such lands:

(1) Unreserved public domain;

(2) Rights of way or easements granted to the Government;

(3) Indian tribal and trust properties;

(4) Oregon and California revested lands (43 U.S.C. 1181a);

(5) Land administered by the National Park Service, other than administrative sites outside of the established boundaries of a national park;

(6) Land on Indian reservations within consolidation areas approved by the Secretary of the Interior;

(7) Land within the National Wildlife Refuge System; and

(8) Real property which is to be sold or otherwise disposed of and which was acquired through foreclosure, confiscation, or seizure in settlement of a claim of the Federal Government, or through conveyance to the Federal Government in connection with an indemnity or loan insurance or guarantee program.

**§ 114–47.5103 Definition of permit.**

For purposes of this subpart, a permit is defined to mean the temporary authority conferred on one Government agency to use property under the jurisdiction of another Government agency.

**§ 114–47.5104 Authority.**

While no statutory authority is required to execute a permit authorizing the use of property by another Federal agency, such use may be granted only in the following instances:

(a) *Nonexcess property.* When it has been determined by the head of the Bureau or Office, or his designee(s), that there is a present or future program requirement for the property, and the proposed use by the requesting agency conforms to the acquisition and use provisions of Bureau o fthe Budget Circular No. A–2, Revised, dated April 5, 1967.

(b) *Excess or surplus property in process of disposal.* Excess or surplus real property may be made available for short term use by permit during the period it is being processed for further Federal use or disposal as provided in subparagraphs (1) and (2), of this paragraph; *provided,* That the requesting agency conforms to the provisions of Bureau of the Budget Circular No. A–2, Revised, dated April 5, 1967; *And provided further,* That such temporary use or occupancy will not interfere with, delay, or retard its transfer to another Federal agency, or disposal.

(1) Permits granting interim use of the following properties may be executed without the approval of the General Services Administration:

(i) Excess or surplus real property, including land with or without improvements, having an estimated fair market value of less than $1,000, and

(ii) Surplus improvements of any kind having an estimated fair market value of $1,000 or more to be disposed of without the underlying land. A permit may not be issued, however, until the surplus determination has been made by the General Services Administration.

(2) Permits granting interim use of the following properties may be executed only with the approval of the General Services Administration in each instance:

(i) Excess improvements of any kind, having an estimated fair market value of $1,000 or more, to be disposed of without the underlying land. In the event such improvements are subsequently determined by the General Services Administration to be surplus, permits may be

granted pursuant to IPMR 114–47.5104 (b) (1) (ii).

(ii) Excess or surplus land, with or without improvements, having an estimated fair market value of $1,000 or more.

§ 114–47.5105 Limitations.

The head of each Bureau or Office should impose such additional limitations on the granting of use permits as he deems necessary for effective utilization and disposition of real property in the custody of his Bureau.

[F.R. Doc. 70–233; Filed, Jan. 7, 1970; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9485; Amdts. 23–8; 25–21]

## PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

## PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

### Maintenance Manual Requirements

The purpose of these amendments to Parts 23 and 25 of the Federal Aviation Regulations is to provide maintenance manuals for airplanes type certificated under Parts 23 and 25 of the Federal Aviation Regulation.

These amendments, together with proposed amendments to Parts 1, 43, and 91, which would provide a definition of the term "rebuild" and establish performance standards for such work, were proposed in Notice 69–10 issued on March 14, 1969 (34 F.R. 5440). Numerous comments were received in response to the notice. In view of comments received concerning the proposed amendments to Parts 1, 43, and 91, the FAA has determined that these proposals require further study prior to final rule making action. However, the FAA does not believe that the adoption of the maintenance manual requirements should be delayed.

With regard to the proposed requirement that the airplane manufacturer make maintenance manuals available to the owner at the time of delivery of the airplane, most commentators gave wholehearted support to the proposal; however, several comments stated that manufacturers do make maintenance manuals available and therefore the proposed requirement is unnecessary. The FAA is aware that some manufacturers provide or make available manuals containing maintenance information, however, the FAA is not aware that all manufacturers make all the information considered essential for proper maintenance available at the time of delivery of an airplane. Furthermore, there are no standards prescribing the mimimum content, distribution, and time the information must be available to the person who needs it. The majority of airplanes built today, both large and small, are more complex than those built in the past. New materials and new fabrication methods are being used and sophisticated equipment is being installed; all of which require maintenance instructions and techniques which are not common knowledge or used on older airplanes. The FAA recognizes that maintenance practices and requirements are not static and may change as information is developed during the service life of an airplane. Nevertheless, the information contained in the manual will increase the likelihood of satisfactory maintenance during the earliest stages of operation of the airplane.

Several comments expressed concern that the issuance of a type certificate for the airplane would be withheld pending the production of the maintenance manual and its approval by the FAA. However, it should be clearly understood that the rule merely requires the manual to be available to the owner at the time of delivery of an airplane and that it need contain only that information which the manufacturer considers essential for proper maintenance. It was not intended that the manufacturer had to supply each of the items listed unless he considers such information essential for proper maintenance. To remove any possible confusion in this regard, proposed §§ 23.1529 and 25.1529 have been revised to make it clear that the manufacturer must consider the listed items in determining the information essential for proper maintenance of his airplane.

A number of comments recommended that the criteria established in Air Transport Association of America Specification for Manufacturer's Technical Data, ATA Specification No. 100, be required to be used in preparing maintenance manuals. The FAA believes that the manufacturer of the airplane is in the best position to determine the maintenance requirements for his airplane, and that the form of the manual as well as the information contained therein, should be left to the discretion of the manufacturer. Thus, a manufacturer may use the format and indexing specified in ATA Specification No. 100 in preparing his maintenance manual as long as he considers those items listed in the regulation in preparing his manual.

One comment suggested that the maintenance manual requirement should be made retroactive. Such a requirement is beyond the scope of Notice 69–10 and therefore is not appropriately a part of this rulemaking action. As previously pointed out, some manufacturers' maintenance information has been voluntarily supplied in the past; however, because of the increasing complexity and sophistication of the new airplane designs, the FAA now considers it necessary to require maintenance manuals.

In consideration of the foregoing, Parts 23 and 25 of the Federal Aviation Regulations are hereby amended, effective February 5, 1970, as follows:

*Part 23.* 1. Part 23 is amended by adding a new § 23.1529 following § 23.1525 and before the center title heading "Markings and Placards" to read as follows:

§ 23.1529 Maintenance Manual.

A maintenance manual containing the information that the applicant considers essential for proper maintenance must be made available to the owner at the time of delivery of the airplane. The applicant must consider at least the following in developing the essential information:

(a) Description of systems such as electrical, hydraulic, fuel controls, etc.

(b) Lubrication instructions setting forth the frequency and the lubricants and fluids which are to be used in the various systems.

(c) Pressures and electrical loads applicable to the various systems.

(d) Tolerances and adjustments necessary for proper functioning of the airplane.

(e) Methods of leveling, raising, and towing.

(f) Methods of balancing control surfaces.

(g) Identification of primary and secondary structures.

(h) Frequency and extent of inspections necessary for proper maintenance of the airplane.

(i) Special repair methods applicable to the airplane.

(j) Special inspection techniques such as X-ray, ultrasonic, magnetic particle inspection, etc.

(k) List of special tools.

*Part 25.* 2. Part 25 is amended by adding a new § 25.1529 to read as follows:

§ 25.1529 Maintenance Manual.

A maintenance manual containing the information that the applicant considers essential for proper maintenance must be made available to the owner at the time of delivery of the airplane. The applicant must consider at least the following in developing the essential information:

(a) Description of systems such as electrical, hydraulic, fuel controls, etc.

(b) Lubrication instructions setting forth the frequency and the lubricants and fluids which are to be used in the various systems.

(c) Pressures and electrical loads applicable to the various systems.

(d) Tolerances and adjustments necessary for proper functioning of the airplane.

(e) Methods of leveling, raising, and towing.

(f) Methods of balancing control surfaces.

(g) Identification of primary and secondary structures.

(h) Frequency and extent of inspections necessary for proper maintenance of the airplane.

(i) Special repair methods applicable to the airplane.

(j) Special inspection techniques such as X-ray, ultrasonic, magnetic particle inspection, etc.

(k) List of special tools.

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

Issued in Washington, D.C., on December 31, 1969.

D. D. THOMAS,
*Acting Administrator.*

[F.R. Doc. 70-237; Filed, Jan. 7, 1970; 8:46 a.m.]

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[Docket No. 9653; Amdts. Nos. 25-22; 91-71; 121-57]

## PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

## PART 91—GENERAL OPERATING AND FLIGHT RULES

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

### Additional Attitude Instrument in Large Turbojet Aircraft

The purpose of these amendments to Parts 25, 91, and 121 of the Federal Aviation Regulations is to require a third (additional) attitude indicating instrument, operating from a source of power independent of the normal electrical generating system, on all large turbojet powered airplanes operated pursuant to the requirements of Part 121; and to permit certification under Part 25 and operation under Parts 91 and 121 of a large airplane without a gyroscopic rate of turn instrument installed, if that airplane is equipped with an additional attitude indicating instrument system. Persons holding certificates issued under Parts 123 and 135 who operate large turbojet powered airplanes under the operating rules of Part 121 of this chapter are subject to this requirement.

These amendments were proposed in Notice 69-26, which was published in the FEDERAL REGISTER on June 17, 1969 (34 F.R. 9456).

Several comments received questioned the source and interpretation of the statistics used to establish a projected failure rate for attitude indicators. The FAA statistics are based on information received from field offices and cover unscheduled removals as well as failures. In our opinion the projected failure rate based on those statistics is valid. All statistics developed from FAA sources, as well as those submitted by the industry, point up the problem of unpredictable, irregular failures resulting in the loss of attitude reference. In this connection, it is worth noting that since the notice was issued, another air carrier CV-880 airplane lost total electrical power while flying at 35,000 feet under VFR conditions. In that instance, a third attitude reference system would have provided a margin of safety not otherwise available if the flight had been conducted under instrument conditions.

All commentators expressed concern about reliable attitude reference, and many suggestions were made as alternatives to the proposal in the notice. However, none of the proposed alternatives provide for gyroscopic attitude reference after total aircraft electrical failure, or for alternatives to any but single component failure. This amendment requires a system capable of attitude presentation which continues for a minimum of 30 minutes after total aircraft electrical generating system failure, using an independent instrument, amplifier (if needed), gyroscope, and power source. We believe the totally independent system to be preferable to any single component alternative suggested.

There was also criticism that the proposal was too restrictive, providing only for equipment presently available. No such restriction was intended and the agency believes this amendment establishes requirements which may be met in a number of ways.

In light of comments concerning the location of the indicator, the language of the proposal has been changed in the amendment to require the indicator to be installed on the instrument panel in a position acceptable to the Administrator that will make it plainly visible to and usable by both pilots occupying the pilot stations. This change makes administration of the rule more flexible and precludes an interpretation that two indicators are required.

Several comments emphasized the need for the third attitude indicator to be lighted during its operation. The FAA agrees, and believes that while a requirement for appropriate lighting is inherent in the regulations, the specific requirement for indicator illumination should be set forth. Therefore, the proposal is revised to state this requirement.

All commentators except one concurred in the proposed deletion of the gyroscopic rate-of-turn indicator when the third attitude indicator system is installed. The single comment proposing retention of the rate-of-turn indicator emphasized the instrument's reliability and use as a basic attitude reference. However, the FAA believes, and all other commentators apparently agree, that in large transport category airplanes the rate-of-turn indicator is no longer as useful as an instrument which gives both horizontal and vertical attitude information. Accordingly, Parts 25, 91, and 121 are amended, as proposed, to authorize certification and operation of large aircraft without a gyroscopic rate-of-turn indicator if a third attitude indicating system is installed in accordance with § 121.305(j).

Comments also suggested that certain other instruments or systems be made redundant, that the attitude indicator conform to certain named requirements, and that the third attitude indicator system appear on the Minimum Equipment List. However, these suggested amendments are outside the scope of the Notice, and therefore, were not considered.

Some of the comments suggested that the time proposed for compliance was inadequate because of demand, technology, or programmed modification. Upon further consideration, the FAA agrees that additional time for compliance should be provided. Accordingly, the proposed compliance date is revised by this amendment to allow 18 months for compliance. While this should allow sufficient time to achieve compliance, the agency realizes that unforeseen circumstances beyond the control of a particular Part 121 operator may arise and prevent the operator from achieving compliance by the date specified. Therefore, a provision is included whereby such an operator can obtain a limited extension from the FAA Air Carrier District Office charged with the overall inspection of its operation.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Parts 25, 91, and 121 of the Federal Aviation Regulations are amended, effective February 5, 1970, as follows:

1. Section 25.1303(a)(6) is amended to read as follows:

**§ 25.1303 Flight and navigation instruments.**

(a) * * *

(6) A gyroscopic rate-of-turn indicator combined with an integral slip-skid indicator (turn and bank indicator) except that only a slip-skid indicator is required on large airplanes with a third attitude instrument system installed in accordance with § 121.305(j) of this title.

* * * * *

2. Section 91.33(d)(3) and (4) are amended to read as follows:

**§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.**

* * * * *

(d) * * *

(3) Gyroscopic rate-of-turn indicator, except on large aircraft with a third attitude instrument system installed in accordance with § 121.305(j) of this title.

(4) Slip-skid indicator.

* * * * *

3. Section 121.305 is amended by revising paragraph (f) and by adding a new paragraph designated (j) to read as follows:

**§ 121.305 Flight and navigation equipment.**

* * * * *

(f) A gyroscopic rate-of-turn indicator combined with an integral slip-skid indicator (turn-and-bank indicator), except that only a slip-skid indicator is required when a third attitude instrument system is installed in accordance with paragraph (j) of this section.

(j) After August 5, 1971, on large turbojet powered airplanes, in addition to two gyroscopic bank-and-pitch indicators (artificial horizons) for use at the

pilot stations, a third such instrument that—

(1) Is powered from a source independent of the electrical generating system;

(2) Continues reliable operation for a minimum of 30 minutes after total failure of the electrical generating system;

(3) Operates independently of any other attitude indicating system;

(4) Is operative without selection after total failure of the electrical generating system;

(5) Is located on the instrument panel in a position acceptable to the Administrator that will make it plainly visible to and usable by any pilot at his station; and

(6) Is appropriately lighted during all phases of operation.

A certificate holder may obtain an extension of the August 5, 1971, compliance date described in paragraph (j) of this section, but not beyond February 5, 1972, from the Air Carrier District Office charged with the overall inspection of its operations, if it shows to the ACDO before August 5, 1971, that due to circumstances beyond its control it cannot comply by that date and has submitted by that date a schedule for compliance which is acceptable to the ACDO.

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

Issued in Washington, D.C., on December 31, 1969.

D. D. THOMAS,
*Acting Administrator.*

[F.R. Doc. 70-238; Filed, Jan. 7, 1970; 8:46 a.m.]

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[Docket No. 69-CE-32-AD; Amdt. 39-907]

## PART 39—AIRWORTHINESS DIRECTIVES

### Certain Models of Beech Airplanes

There have been a number of reports of cracked, corroded, bent or nicked elevator push rods on military versions of Beech Models 50 and 65 series airplanes. These defects were found on 10 percent of the military aircraft inspected having more than 2,000 hours' time in service. The Beech model airplanes affected by this airworthiness directive have either identical or similar elevator push rods as the military airplanes. The reported failures are in the elevator push rods located between the elevator bell crank and the elevator horn in the tail of the airplane. These conditions can result in failure of the part and partial loss of elevator control. Since this condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring on or before January 21, 1970, on all Beech Model airplanes hereinafter listed with more than 2,000 hours' time in service, inspection of the elevator push rods using dye penetrant procedures for cracks and visual inspection for corrosion, bending or nicks. If the above defects are found the affected push rod must be replaced with a serviceable push rod of the same part number and reported on FAA Form 8330-2, Malfunctions or Defect Report.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provision of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

BEECH. Applies to Models 50, B50, C50, D50, D50A, D50B, D50C, D50E, E50, F50, G50, H50, J50, 65, A65, A65-8200, 65-80, 65-A80, 65-A80-8800, 65-B80, 65-88, 65-90, 65-A90, 65-A90-1, 65-A90-2, 65-A90-3, 70, and B90 Airplanes with 2,000 hours or more time in service.

To prevent partial loss of elevator control, as the result of push rod failure due to cracks, corrosion, bending or nicks, accomplish the following:

On or before January 21, 1970, remove push rod assembly located between the elevator bell crank and elevator horn and inspect the push rod assembly using dye penetrant procedures for cracks and visually inspect for corrosion, bending or nicks. If any of the above defects are found, replace the defective push rod with a serviceable part of the same part number. Report all defects found during this inspection on FAA Form 8330-2, Malfunction or Defect Report. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

This amendment becomes effective January 3, 1970.

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

Issued at Kansas City, Mo., on December 24, 1969.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 70-264; Filed, Jan. 7, 1970; 8:47 a.m.]

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[Docket No. 7933; Amdt. 39-919]

## PART 39—AIRWORTHINESS DIRECTIVES

### British Aircraft Corp. Model BAC 1-11 200 Series Airplanes

Amendment 39-483 (32 F.R. 13182), AD 67-27-4, requires repetitive inspections of fin rib assemblies 2, 3, 4, 5, and 6 for cracks and the repair of any cracks found exceeding specified limits on British Aircraft Corp. Model BAC 1-11 200 and 400 series airplanes. Based on a subsequent survey of operators of BAC 1-11 200 series airplanes and recommendations by the manufacturer, the Federal Aviation Administration has determined that the intervals between the repetitive inspections required by paragraph (a) of that amendment for BAC 1-11 200 series airplanes may be increased without any adverse affect on safety. Therefore, the AD is being amended to extend the inspection interval for fin rib assemblies Nos. 3, 4, and 5 to 1,000 hours' time in service from the last inspection, and to extend the inspection interval for fin rib assemblies Nos. 2 and 6 to 1,500 hours' time in service for British Aircraft Corp. Model BAC 1-11 200 series airplanes.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary 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, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-483 (32 F.R. 13182), AD 67-27-4, is amended by amending paragraph (a) by striking out the numbers "600" and "1200" and inserting in place thereof the numbers "1000" and "1500", respectively.

(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 31, 1969.

EDWARD C. HODSON,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 70-265; Filed, Jan. 7, 1970; 8:47 a.m.]

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[Docket No. 9929; Amdt. 39-918]

## PART 39—AIRWORTHINESS DIRECTIVES

### British Aircraft Corp. Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspection of the fuselage leading edge frame structure reinforcing plates and replacement of cracked plates on British Aircraft Corp. Viscount Models 744, 745D, and 810 series airplanes was published in 34 F.R. 17339.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

BRITISH AIRCRAFT CORP. Applies to Viscount Models 744, 745D, and 810 series airplanes which have fuselage leading edge frame structure reinforcing plates, P/N 70152-2787/8 or P/N 70152-3311/12 installed.

Compliance is required as indicated unless already accomplished.

To prevent failure of the fuselage leading edge frame structure, accomplish the following:

(a) For airplanes which have reinforcing plates P/N 70152-2787/8 installed, visually inspect the reinforcing plates for cracks within the next 500 landings after the effective date of this AD, unless already accomplished within the last 500 landings, or within 1,000 landings after the reinforcing plates were installed, whichever occurs later, and thereafter at intervals not to exceed 1,000 landings since the last inspection. If

cracks are found, comply with paragraph (c) of this AD within the next 500 landings.

(b) For airplanes which have reinforcing plates, P/N 70152-3311/12 installed, visually inspect the reinforcing plates within the next 1,500 landings after the effective date of this AD unless already accomplished within the last 1,500 landings or within 3,000 landings after the reinforcing plates were installed, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings since the last inspection. If cracks are found, comply with paragraph (c) of this AD within the next 500 landings.

(c) If cracks are found during the inspection required by paragraphs (a) and (b) of this AD, replace the cracked reinforcing plates with new plates P/N 70152-3311/12 by the incorporation of Modification D.3072 Part (d) (for Models 744 and 745D series airplanes) or Modification FG.1928 Part (d) (for Model 810 series airplanes), or FAA-approved equivalents.

(d) Upon request by 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 this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for the operator.

(e) For the purpose of complying with this AD, subject to the acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the type aircraft.

(British Aircraft Corp., Ltd., Preliminary Technical Leaflets No. 242, Issue 4 (Model 744 and 745D airplanes) and No. 106, Issue 4 (Model 810 series airplanes) cover this subject and present an approved accessibility scheme to facilitate the inspections required by paragraphs (a) and (b)).

This amendment becomes effective February 8, 1970.

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

Issued in Washington, D.C., on December 31, 1969.

EDWARD C. HODSON,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 70-266; Filed, Jan. 7, 1970; 8:47 a.m.]

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[Docket No. 69-CE-31-AD; Amdt. 39-906]

## PART 39—AIRWORTHINESS DIRECTIVES

### Cessna Model 177 and 177A Airplanes

There have been reports of loss of engine power on Cessna Model 177 aircraft due to fuel starvation even though the fuel quantity indicator showed adequate fuel available for the intended flight. Investigation has disclosed that this condition occurs when the refueling nozzle is inserted into the fuel tanks at a slight angle thereby contacting and bending the fuel float arms and float arm stops of the fuel gauge transmitters.

The manufacturer has designed new fuel gauge transmitters for each fuel tank with an offset arm and guard over the stops to prevent damage to the transmitters. Cessna Service Letter No. SE69-25, dated December 9, 1969, provides information to install the new transmitters. Since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive is being issued requiring all Cessna Model 177 aircraft hereinafter listed to be modified within the next 50 hours' time in service after the effective date of this AD but no later than March 1, 1970, in accordance with Cessna Service Letter No. SE69-25.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

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

CESSNA. Applies to Models 177 and 177A, Serial Nos. 177-00001 through 177-01160, 177-01165, through 177-01168, 177-01171, 177-01174, through 177-01178 and 177-01180, airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent possible damage to the fuel quantity transmitter float arm during refueling, which can result in inaccurate quantity indication, accomplish the following:

Within 50 hours' time in service after the effective date of this AD but no later than March 1, 1970, remove the fuel quantity transmitter from each fuel tank and install new Cessna P/N 12341-667-1 and 12341-667-2 fuel gauge transmitters in accordance with the instructions contained in Cessna Service Letter No. SE69-25, dated December 9, 1969, or any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective January 3, 1970.

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

Issued in Kansas City, Mo., on December 24, 1969.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 70-267; Filed, Jan. 7, 1970; 8:47 a.m.]

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[Docket No. 69-CE-30-AD; Amdt. 39-905]

## PART 39—AIRWORTHINESS DIRECTIVES

### Continental Models IO-346A, IO-520-B, -C, and TSIO-B, -E, and -J Engines' Oil Filter Adapter

There have been failures of Continental P/N 631645 oil filter adapter installed on Continental Models IO-346-A, IO-520-B, -C and TSIO-520-B, -E, and -J engines which permit loss of engine oil. The manufacturer has determined through investigations that these failures are related to overtorquing of the center stud which secures the filter assembly to the adapter.

Since this condition is likely to exist or develop in other engines of the same type design, an AD is being issued which will require on the Continental Model Engines listed herein within the times in service hereinafter specified after the effective date of this AD and at every oil filter element change thereafter, the following: (a) inspection of the oil filter adapter for evidence of radial cracks inward from the outer edge and the replacement of any cracked adapters with serviceable parts and (b) adherence to existing oil filter installation instructions as covered by Continental Service Bulletin No. M66-6 dated April 28, 1966.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provision of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

CONTINENTAL. Applies to Models IO-346-A, IO-520-B, and -C, and TSIO-520-B, -E, and -J engines having Continental P/N 631645 oil filter adapter installed, used with A-C OF-9-A oil filter assembly.

Compliance: To prevent failure of Continental P/N 631645, oil filter adapter, within the next 75 hours' time in service on the Model TSIO-520-B, -E, and -J engines, and within the next 100 hours' time in service on the Models IO-346-A, and IO-520-B, and -C engines after the effective date of this AD and at every oil filter element change thereafter, accomplish the following:

(A) Visually inspect the upper surface of the adapter face using light and mirror for indications of radial cracks inward from the outer edge. Replace any cracked adapters with serviceable parts.

(B) After installing filter element in housing in accordance with oil filter element manufacturers instructions install assembled housing and base plate to adapter as follows:

1. Clean all gasket and seal surfaces.
2. Lubricate new gasket well on all sides using engine oil.
3. Install assembly on adapter and snug center stud to light seal contact by hand.
4. Visually inspect base plate to adapter seal for proper positioning and seating.
5. Torque center stud to 15-18 lb.-ft. If torque wrench is not available or center stud is inaccessible to torque wrench, tighten center stud 1¾ turns beyond point of initial seal contact.
6. Reattach upper bracket and resafety wire.
7. Operate engine for approximately 5 minutes at 1000-2000 r.p.m. Check for oil leaks and proper assembly using light and mirror if necessary. If a leak appears between top of housing and stud, remove stud and check for nicks or visual damage at sealing surface. Correct any damage and re-install with new copper gasket. Do not increase torque to stop leaks.

Continental Service Bulletin M66-6 dated April 28, 1966, refers to this subject.

This amendment becomes effective January 3, 1970.

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

Issued in Kansas City, Mo., on December 22, 1969.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 70-268; Filed, Jan. 7, 1970; 8:47 a.m.]

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[Airworthiness Docket No. 69-WE-29-AD; Amdt. 39-917]

## PART 39—AIRWORTHINESS DIRECTIVES

### General Dynamics Model 30 and 30A Airplanes

There has been a failure of the main landing gear support beam on a Model 30A airplane during landing that resulted in a left main landing gear collapse and MLG parts coming through the wing upper surface. Reports have been received disclosing fatigue cracks on MLG beams on other aircraft. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the affected area of the main landing gear support beams on the Model 30 and 30A airplanes and rework and reinforcement as necessary.

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

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

GENERAL DYNAMICS. Applies to Model 30 and 30A airplanes.
Compliance required as indicated.

To detect fatigue cracks and prevent possible failure of the main landing gear support beams:

(a) Within the next 50 hours time in service after the effective date of this AD, or before the accumulation of 17,000 hours time in service, whichever occurs later, visually inspect the exposed surface of the upper beam cap from wing station 69 to 163 for cracks.

(1) If no cracks are found, comply with either paragraph (b) or (c)(1) below.

(2) If cracks are found in the exposed beam cap surface, remove the fasteners and conduct the inspection of the upper beam cap and tangs as described in paragraph (b), below. Prior to further flight, accomplish (c)(1) or (2), as appropriate.

(b) If no cracks are found as a result of the inspections specified in paragraph (a), within the next 250 hours time in service, remove the fasteners attaching the lower honeycomb wing panels to beam lower aft tang to permit internal access to the area from wing station 69 to 163, and inspect upper beam cap and tangs by means of dye penetrant or eddy current inspection procedure.

(1) If no cracks are found, comply with one of the following alternatives:

(i) Repeat the inspection described in paragraph (b) at intervals not to exceed 250 hours time in service, or:

(ii) Accomplish the rework specified in paragraph (c)(1).

(2) If cracks are found which are confined to an area of the beam tang where the tang is less than 0.300-inch thick, comply with one of the following within the next 50 hours time in service:

(i) Repair the tangs in accordance with paragraph 2(A) of General Dynamics Service Bulletin No. 57-9, dated September 22, 1969, or later FAA-approved revision, or an equivalent repair approved by the Chief, Aircraft Engineering Division, FAA Western Region, and repeat the inspections specified in paragraph (b) at intervals not to exceed 250 hours time in service, or:

(ii) Accomplish the rework specified in paragraph (c)(1).

(3) If cracks are found extending into the beam cap, or in an area of the beam tang where the tang is 0.300-inch thick or greater, comply with paragraph (c) prior to further flight.

(c) Accomplish the following as applicable.

(1) If there are no cracks, or if cracks are confined to the beam tangs or extend into the beam cap to any depth less than 0.75 inch: *Provided*, That the total cross sectional area loss due to cracking is within the limits specified in General Dynamics Service Engineering Report No. 057-0/67-990-44A, accomplish the repair and reinforcement provisions of paragraph (2)(c) of General Dynamics Service Bulletin 57-9, dated September 22, 1969, or later FAA-approved revision, or an equivalent repair and reinforcement approved by the Chief, Aircraft Engineering Division, FAA Western Region. The installation of machine tapered straps on the MLG beam flanges described in General Dynamics Service Bulletin No. 57-3, dated September 21, 1962, or later FAA-approved revision, or an equivalent approved installation must be accomplished prior to or concurrently with the rework of S.B. 57-9. The repetitive inspections outlined in paragraph (b) may be discontinued following the above repair and reinforcement.

(2) If the cracks extend into the beam cap to any depth greater than 0.75 inch, or if the total cross sectional area loss due to cracking exceeds the limits specified in General Dynamics Service Engineering Report No. 057-0/67-990-44A, the beam must be replaced with a new beam before further flight. The following conditions are also applicable:

(i) If the rework and reinforcement outlined in paragraph (c)(1) are not accomplished on the new beam, perform inspections at the intervals specified in paragraph (b) of this AD prior to the accumulation of 17,000 hours time in service after installation of the new beam.

(ii) If the rework and reinforcement of paragraph (c)(1) has been accomplished on the new beam, all inspections mentioned above may be discontinued.

This amendment becomes effective January 29, 1970.

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

Issued in Los Angeles, Calif., on December 31, 1969.

LYNN L. HINK,
*Acting Director,*
*FAA Western Region.*

[F.R. Doc. 70-269; Filed, Jan. 7, 1970; 8:47 a.m.]

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[Airworthiness Docket No. 69-WE-31-AD; Amdt. 39-908]

## PART 39—AIRWORTHINESS DIRECTIVES

### Hughes Model 369HS and 369HE Helicopters

Hughes Tool Co., Aircraft Division, has determined that a mandatory reduction in service life must be placed on P/N 369A3600, P/N 369A3600-501, -601, -603, and -605 horizontal stabilizer assemblies installed in 369HS and 369HE helicopters to insure continued compliance with fatigue strength requirements of Civil Air Regulations 6.221. The Federal Aviation Administration concurs with this determination. Therefore, an airworthiness directive is being issued to require the retirement prior to the accumulation of 1,585 hours time in service instead of 2,083 as previously specified for these assemblies, which are presently installed, or may subsequently be installed, on the affected helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 30 days from date of publication.

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

HUGHES. Applies to Model 369HS, S/N 0101S and up, and 369HE, S/N 0101E and up, helicopters with either P/N 369A3600, P/N 369A3600-501, -601, -603, or -605 horizontal stabilizer assembly installed.

To insure continued airworthiness of these assemblies, prior to the accumulation of 1,585 hours time in service, remove from service horizontal stabilizer assembly P/N 369A3600, P/N 369A3600-501, -601, -603, or -605, and mark it permanently and conspicuously to prevent its inadvertent return to service. Replace it with a serviceable assembly having less than 1,585 hours time in service.

The previously established service life of 2,083 hours time in service is no longer applicable.

This amendment becomes effective February 7, 1970.

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

Issued in Los Angeles, Calif., on December 29, 1969.

ARVIN O. BASNIGHT,
*Director, FAA Western Region.*

[F.R. Doc. 70-270; Filed, Jan. 7, 1970; 8:47 a.m.]

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[Airspace Docket No. 69-SW-81]

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

### Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Worth, Tex. (Carswell AFB), control zone.

The Eagle Mountain Lake, Tex., VOR will be decommissioned 0001 G.m.t., January 8, 1970; therefore, it is necessary to amend the Forth Worth, Tex. (Carswell AFB), control zone by revoking the controlled airspace based on this VOR.

In order to conform to current criteria, it is necessary that the control zone extension based on the Carswell AFB TACAN 358° radial be extended from 12 miles north of the TACAN to 14 miles north.

Action is taken herein to revoke the airspace based on the Eagle Mountain Lake VOR and expand the airspace based on the Carswell AFB TACAN 358° radial. Although this action will shift a small portion of the control zone westward and expand it slightly northward, the total amount of controlled airspace will not be increased.

Since this amendment is minor in nature and is required in the interest of safety, notice and public procedures hereon are not practical and the amendment may be made effective to coincide with the decommissioning of the Eagle Mountain Lake VOR.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 G.m.t., January 8, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Fort Worth, Tex. (Carswell AFB), control zone is amended in part by deleting "* * * within 2 miles each side of the Eagle Mountain Lake VOR 180° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Carswell AFB TACAN 358° radial extending from the TACAN to 12 miles north * * *" and substituting therefor "* * * within 2 miles each side of the Carswell AFB TACAN 358° radial extending from the TACAN to 14 miles north * * *."

(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 Fort Worth, Tex., on December 22, 1969.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 70-271; Filed, Jan. 7, 1970; 8:47 a.m.]

[Airspace Docket No. 69-SW-69]

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

### Alteration of Control Zone and Transition Area

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

On November 6, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17964) stating the Federal Aviation Administration proposed to alter controlled airspace in the Carlsbad, N. Mex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through 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., March 5, 1970, as hereinafter set forth.

(1) In § 71.171 (35 F.R. 2054) the Carlsbad, N. Mex., control zone is amended to read:

CARLSBAD, N. MEX.

Within a 5-mile radius of Cavern City Air Terminal (lat. 32°20'20" N., long. 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 337° and 157° radials extending from the 5-mile radius zone to 10 miles southeast of the VOR.

(2) In § 71.181 (35 F.R. 2134), the Carlsbad, N. Mex., transition area is amended to read:

CARLSBAD, N. MEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cavern City Air Terminal (lat. 32°20'20" N., long. 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 157° radial extending from the 7-mile radius area to 11 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles southeast and 9.5 miles northwest of the Carlsbad VOR 065° and 245° radials extending from 8 miles southwest to 19 miles northeast of the VOR, within 6 miles southwest and 9.5 miles northeast of the Carlsbad VOR 157° radial extending from 5.5 miles southeast to 19 miles southeast of the VOR, and within 5 miles each side of the Carlsbad VOR 157° radial extending from 19 miles southeast to 33 miles southeast of the VOR.

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

Issued in Fort Worth, Tex., on December 22, 1969.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 70-272; Filed, Jan. 7, 1970; 8:47 a.m.]

[Airspace Docket No. 69-SO-131]

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

### Alteration of Control Zone and Transition Area

On November 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18175), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Anderson, S.C., control zone and 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., March 5, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Anderson, S.C., control zone is amended to read:

ANDERSON, S.C.

Within a 5-mile radius of Anderson County Airport (lat. 34°29'40" N., long. 82°42'30" W.); within 1.5 miles each side of Anderson VORTAC 039° radial, extending from the 5-mile radius zone to 1.5 miles northeast of the VORTAC.

In § 71.181 (35 F.R. 2134), the Anderson, S.C., transition area is amended to read:

ANDERSON, S.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Anderson County Airport (lat. 34°-29'40" N., long. 82°42'30" W.).

(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 23, 1969.

JAMES G. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 70-273; Filed, Jan. 7, 1970; 8:47 a.m.]

[Airspace Docket No. 69-SO-134]

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

### Alteration of Control Zone and Transition Area

On November 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18176), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Sarasota, Fla., control zone and 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., March 5, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Sarasota, Fla., control zone is amended to read:

SARASOTA, FLA.

Within a 5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of the Sarasota 050°, 142°, and 302° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast, and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (35 F.R. 2134), the Sarasota, Fla., transition area (34 F.R. 7849) is amended to read:

SARASOTA, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VOR 050°, 142°, and 302° radials, extending from the 8.5-mile radius area to 8.5 miles northeast, southeast, and northwest of the VOR; excluding that

airspace outside the continental limits of the United States.

(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 23, 1969.

JAMES G. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 70-274; Filed, Jan. 7, 1970; 8:47 a.m.]

[Airspace Docket No. 69-SO-138]

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

### Alteration of Control Zone and Transition Area

On November 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18177), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., control zone and 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., March 5, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Raleigh, N.C., control zone is amended to read:

RALEIGH, N.C.

Within a 5-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 3 miles each side of Raleigh-Durham VORTAC 034° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of Raleigh-Durham VORTAC 231° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC.

In § 71.181 (35 F.R. 2134), the Raleigh, N.C., transition area (34 F.R. 12595) is amended to read:

RALEIGH, N.C.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham VORTAC 231° radial, extending from the VORTAC to 18.5 miles southwest of the VORTAC.

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

Issued in East Point, Ga., on December 23, 1969.

JAMES G. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 70-275; Filed, Jan. 7, 1970; 8:48 a.m.]

[Airspace Docket No. 69-SO-139]

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

### Alteration of Control Zones and Transition Area

On November 20, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18469), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Panama City and Tyndall AFB, Fla., control zones and the Panama City, Fla., 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., March 5, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Panama City, Fla., control zone is amended to read:

PANAMA CITY, FLA.

Within a 5-mile radius of Panama City-Bay County Airport (lat. 30°12'41" N., long. 85°40'57" W.); within 3 miles each side of the Panama City VOR 059°, 152° and 310° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast and northwest of the VOR; excluding that portion within the Tyndall AFB control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.171 (35 F.R. 2054), the Tyndall AFB, Fla., control zone is amended to read:

TYNDALL AFB, FLA.

Within a 5-mile radius of Tyndall AFB (lat. 30°04'15" N., long. 85°34'30" W.); within 1.5 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

In §71.181 (35 F.R. 2134), the Panama City, Fla., transition area is amended to read:

PANAMA CITY, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Panama City-Bay County Airport (lat. 30°12'41" N., long. 85°40'57" W.); within an 8.5-mile radius of Tyndall AFB (lat. 30°04'15" N., long. 85°34'30" W.); within 3 miles each side of the Panama City VOR 059° and 310° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VOR; excluding the airspace outside of the continental limits of the United States.

(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 31, 1969.

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

[F.R. Doc. 70-276; Filed, Jan. 7, 1970; 8:48 a.m.]

[Airspace Docket No. 69-CE-125]

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

### Alteration of Transition Area

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

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

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

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

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

VINCENNES, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (lat. 38°45'35" N., long. 87°36'30" W.); within a 5½-mile radius of O'Neal Airport (lat. 38°41'30" N., long. 87°33'10" W.); within 3 miles each side of the 355° bearing from Lawrenceville-Vincennes Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport and within 3 miles each side of the 258° bearing from O'Neal Airport, extending from the 7-mile and 5½-mile radii to 8 miles west of the airport.

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

Issued in Kansas City, Mo., on December 15, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 70-277; Filed, Jan. 7, 1970; 8:48 a.m.]

[Airspace Docket No. 69-SO-123]

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

### Alteration of Transition Area

On November 15, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18311), stating that the Federal Aviation Administration was considering an amendemnt to Part 71 of the Federal Aviation Regulations that would alter the Lexington, Tenn., transition area.

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

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

In § 71.181 (35 F.R. 2134), the Lexington, Tenn., transition area is amended to read:

LEXINGTON, TENN.

That Airspace extending upward from 700 feet above the surface within an 8-mile radius of the Franklin-Wilkins Airport (lat. 35°39'07" N., long. 88°22'47" W.); within 3 miles each side of the Jacks Creek VORTAC 165° radial, extending from the 8-mile radius area to 8.5 miles southeast 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 23, 1969.

JAMES G. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 70-278; Filed, Jan. 7, 1970; 8:48 a.m.]

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[Airspace Docket No. 69-SO-125]

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

### Alteration of Transition Area

On November 20, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18470), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kosciusko, Miss., 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., March 5, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Kosciusko, Miss., transition area is amended to read:

KOSCIUSKO, MISS.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Kosciusko-Attala County Airport (lat. 33°05'20" N., long. 89°32'25" W.); within 3 miles each side of the 142° and 310° bearings from the Kosciusko RBN (lat. 33°05'29" N., long. 89°32'25" W.), extending from the 5.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

(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 30, 1969.

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

[F.R. Doc. 70-279; Filed, Jan. 7, 1970; 8:48 a.m.]

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[Airspace Docket No. 69-SO-126]

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

### Designation of Transition Area

On November 22, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18765), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Wetumpka, Ala., transition area.

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

Subsequent to publication of the notice, the name of the airport at Wetumpka was changed from Elmore Field to Wetumpka Municipal Airport. It is necessary to alter the description by inserting the new name of the airport. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

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

In § 71.181 (35 F.R. 2134), the following transition area is added:

WETUMPKA, ALA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wetumpka Municipal Airport (lat. 32°31'45" N., long. 86°19'30" W.); within 3 miles each side of the Maxwell VOR 066° radial, extending from the 7-mile radius area to 22 miles northeast of the Maxwell VOR; excluding the portion that coincides with the Montgomery, Ala., transition area.

(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 31, 1969.

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

[F.R. Doc. 70-280; Filed, Jan. 7, 1970; 8:48 a.m.]

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[Airspace Docket No. 69-SW-80]

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

### Revocation of Control Zone and Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Clinton, Okla., control zone and alter the Hobart, Okla., transition area.

Clinton-Sherman Air Force Base was closed December 12, 1969, and the Clinton-Sherman TACAN and ILS and the Burns Flat VOR were decommissioned. Therefore, the controlled airspace provided for instrument approach/departure procedures at Clinton-Sherman AFB is no longer required. Action is taken herein to revoke this airspace.

Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary.

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

(1) In § 71.171 (35 F.R. 2054), the Clinton, Okla., control zone is revoked.

(2) In § 71.181 (35 F.R. 2134), the Hobart, Okla., transition area is amended in part by deleting "* * * within an 8-mile radius of the Clinton-Sherman AFB; within 5 miles west and 8 miles east of the Burns Flat VOR 360° and 180° radials, extending from 5 miles north to 12 miles south of the VOR * * *."

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

Issued in Fort Worth, Tex., on December 22, 1969.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 70-281; Filed, Jan. 7, 1970; 8:48 a.m.]

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[Docket No. 9545; Amdt. 127-14]

## PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

### Pilot Qualification; Recent Experience

The purpose of this amendment to Part 127 of the Federal Aviation Regulations is to eliminate the requirement that multiengine helicopter air carrier pilots make two one-engine-inoperative proficiency landings in each 90-day period, and to provide that the proficiency landings be made in the type helicopter in which each pilot is to serve. The amendment was proposed in Notice 69-31 issued on July 30, 1969, and published in the FEDERAL REGISTER on August 5, 1969 (34 F.R. 12716).

Comments were received from the Air Transport Association and the Air Line Pilots Association, both expressing unqualified concurrence with the proposed amendment.

Section 127.175 as presently written requires a pilot in multiengine helicopter air carrier service to make at least two one-engine-inoperative landings in each 90-day period, and, if that pilot serves at night, at least one of those one-engine-inoperative landings must be made at night. This regulation was introduced when multiengine helicopters were inaugurated into air carrier service over 6 years ago.

Since that time, air carrier multiengine experience has been good. Occurrences of one engine becoming inoperative have been very few, and the dangers from one engine out have been shown to be negligible. Emergency procedures with one engine inoperative are not difficult, and there is little or no change in controllability or flight characteristics.

We believe air carrier multiengine experience has shown the requirement unnecessary for proficiency demonstrations of one-engine-inoperative approaches at 90-day intervals. This maneuver is required during the pilot's 6-month proficiency check, and we believe this to be sufficient.

The amendment also removes the requirement for a night proficiency landing in a multiengine helicopter by a pilot scheduled to serve in air transportation at night. However, the initial training given each pilot as required by § 127.155 must include night takeoffs and landings, if night operations are authorized. In this regard the amendment makes Part 127 consistent with Part 121 of the Federal Aviation Regulations.

In addition, § 127.175 is amended to require that an air carrier pilot engaged in scheduled air transportation make his proficiency takeoffs and landings in each type of helicopter in which he is to serve. There is sufficient variety in the emergency procedures for each type that proficiency in specific safety techniques is essential. General proficiency may be attained in a variety of ways, but the public interest is best served by having each pilot proficient and current as to the safety techniques applicable to the particular type helicopter in which he regularly serves the public.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 127 of the Federal Aviation Regulations is amended to read as follows, effective February 7, 1970:

§ 127.175 **Pilot Qualification: recent experience.**

No air carrier may use a pilot in scheduled air transportation unless, within the preceding 90 days, he has made at least three takeoffs and three landings in each type of helicopter in which he is to serve. At least two of the landings must have been from an approach in auto-rotation in each type single-engine helicopter in which he is to serve. In addition, if the pilot is scheduled to serve in air transportation at night, at least one of the autorotative landings must have been made at night.

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

Issued in Washington, D.C., on December 30, 1969.

D. D. THOMAS,
*Acting Administrator.*

[F.R. Doc. 70-282; Filed, Jan. 7, 1970; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 7323 o.]

### PART 13—PROHIBITED TRADE PRACTICES

### Diamond Crystal Salt Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order to cease and desist, Diamond Crystal Salt Co., St. Clair, Mich., Docket No. 7323, Dec. 9, 1969]

Order reopening an earlier order, 25 F.R. 1873, dated February 4, 1960, which prohibited a major dry salt producer from making certain acquisitions, and modifying said order to permit the respondent to acquire stock in a Panamanian corporation which has title to salt deposits in Chile.

The modified order to cease and desist, is as follows:

*It is ordered,* That this proceeding be, and it hereby is, reopened and that paragraph (4) of the order to divest and to cease and desist be, and it hereby is, modified to read as follows:

(4) *It is further ordered,* That for a period of 10 years from February 4, 1960, the respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, or purchase, the physical assets, stock, share capital of, or any other interest in any corporation, in commerce, engaged in the business of producing and/or distributing salt in any form, specifically including salt in a dry state produced by any dry mining method, or produced by any evaporation method, and salt in brine: *Provided, however,* That the respondent shall not be prohibited hereby from effectuating the proposed purchase of the assets referred to in the first paragraph of the Commission's order ruling on the petition filed by the respondent on June 7, 1961: *Provided further,* That the respondent shall not be prohibited hereby from effectuating the proposed purchases referred to in the first paragraph of the Commission's order ruling on the petition filed by the respondent on October 1, 1969.

Issued: December 9, 1969.

By the Commission.

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

[F.R. Doc. 70-253; Filed, Jan. 7, 1970; 8:46 a.m.]

[Docket No. 8784]

### PART 13—PROHIBITED TRADE PRACTICES

### Holiday Carpets, Inc. and Robert M. Siegel

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act; § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–15 Comparative; 13.155–100 Usual as reduced, special, etc; § 13.175 *Quality of product or service.* 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—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees:* 13.1647–80 Textile Fiber Products Identification Act; § 13.1715 *Quality;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1785 *Comparative;* § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; § 13.1892 *Sales contract, right-to-cancel provision;* §13.1905 *Terms and conditions:* 13.1905–50 Sales contract.

(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, Holiday Carpets, Inc., et al., Wheaton, Md., Docket No. 8784, Nov. 20, 1969]

Order requiring a Wheaton, Md., seller and installer of custom-fitted home carpeting to cease misbranding and falsely advertising its textile fiber products, using bait tactics, false pricing and savings claims, failing to maintain adequate records, using deceptive guarantees, misrepresenting that it usually negotiates its sales contracts to a bank, misrepresenting the terms and conditions of its sales, and failing to include the right to cancel the sale within three days in its sales contracts.

The order to cease and desist is as follows:

I. *It is ordered,* That respondents Holiday Carpets, Inc., a corporation, and its officers, and Robert M. Siegel, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or

through any corporate or other device, in connection with the 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 for 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 product" 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 such products as to the name or amount of constituent fibers contained therein.

2. Failing to set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling or padding, when such is the case.

B. Falsely and deceptively advertising textile fiber products by 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.

II. *It is further ordered,* That respondents Holiday Carpets, Inc., a corporation, and its officers, and Robert M. Siegel, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of carpeting and floor coverings, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of other merchandise or services.

2. Advertising or offering merchandise for sale for the purpose of obtaining leads or prospects for the sale of different merchandise when the advertised merchandise is inadequate to perform the functions for which it is offered and respondents do not maintain a reasonably adequate and readily available stock of said advertised merchandise.

3. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale.

4. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Representing, directly or by implication, that any price for respondents' products or services is a special or sale price, when such price does not constitute a significant reduction from an established selling price at which such products or services have been sold in substantial quantities by respondents in the recent, regular course of their business.

6.(a) Representing in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

7. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5, 6 (a)–(c), and 7 of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5, 6 (a)–(c), and 7 of this order can be determined.

8. Representing, directly or by implication, that a purchaser of respondents' products or services will receive a "free" vacation or any other prize or award unless all conditions, obligations or other prerequisites to the receipt of such vacation, prize, or award are clearly and conspicuously disclosed.

9. Representing, directly or by implication, that any product or service is guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

10. Misrepresenting, through the use of words such as "All Bank Financing", or "Bank Financing", or in any other manner, that respondents usually and customarily discount, negotiate, or assign customers' conditional sale contracts, promissory notes or other instruments of indebtedness to a bank, rather than to a finance company or other third party unless respondents do in fact, usually and customarily assign such customers' instruments of indebtedness to a bank.

11. Representing, directly or by implication, that respondents sell their products for "No Money Down", or that respondents sell their merchandise without requiring a down payment, unless such is the fact.

12. Misrepresenting, in any manner, the credit arrangements made by respondents, or the amount or number of periodic credit installment payments necessary to pay the balance due on products or services purchased from respondents.

13. Representing, in any manner, that a stated price for floor covering includes the cost of a separate padding and the installation thereof, unless in every instance where it is so represented, the stated price for floor covering does in fact include the cost of such separate padding and installation thereof.

14. Misrepresenting, in any manner, the prices, terms or conditions under which respondents supply separate padding in connection with the sale of floor covering products.

15. Misrepresenting the number of colors available of the advertised carpeting.

16. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

III. *It is further ordered,* That the respondents herein shall, in connection with the offering for sale, sale or distribution of carpeting and floor coverings, or any other articles of merchandise, when the offer for sale or sale is made in the buyer's home, forthwith cease and desist from:

1. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

2. Failing to disclose, orally prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note or other instrument executed by the buyer with such conspicuousness and clarity as likely to be observed and read by such buyer, that the buyer may rescind or cancel the sale by directing or mailing a notice of cancellation to respondents' address prior to midnight of the third day, excluding Sundays and legal holidays, after the

date of the sale. Upon such cancellation the burden shall be on respondents to collect any goods left in buyer's home and to return any payments received from the buyer. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility for taking reasonable care of the goods prior to cancellation and during a reasonable period following cancellation.

3. Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

4. Negotiating any trade acceptance, conditional sales contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the date of execution by the buyer. This provision will not be applicable when there has been a waiver or modification of the customer's right to rescind the transaction and such waiver or modification was made pursuant to paragraph 6 of part III hereof.

5. *Provided, however,* That nothing contained in part III of this order shall relieve respondents of any additional obligations respecting contracts made in the home required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent respondents can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

6. *Provided, however,* That nothing contained in part III of this order to the contrary, a customer may modify or waive his right to rescind a transaction if the customer furnishes the seller with a separate dated and signed personal statement demanding immediate delivery and installation and ordering measurement, precutting and preseaming of carpeting or floor covering to the specifications of his dwelling. The use of printed forms for this purpose is prohibited.

IV. *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 respondents notify the Commission at least thirty (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.

By "Final Order" further order requiring report of compliance is as follows:

*It is further ordered,* That Holiday Carpets, Inc., a corporation, and Robert M. Siegel, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by the respondent named in this order, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: November 20, 1969.

By the Commission.

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

[F.R. Doc. 70-254; Filed, Jan. 7, 1970; 8:46 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

[Rel. Nos. IC-5943, 33-5035, 34-8788, AS-114]

## PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

## PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

### Provision by Registered Investment Companies for Federal Income Taxes

On August 20, 1969, the Securities and Exchange Commission published notice (Investment Company Act Release No. 5780, and in the FEDERAL REGISTER for August 28, 1969, 34 F.R. 13747) that it had under consideration the amendment of Rule 6-02-9 of Article 6 of Regulation S-X and a related amendment of Rule 2a-4 under the Investment Company Act of 1940 ("Act").

Article 6 of Regulation S-X [17 CFR 210.6-01 et seq.] governs the form and content of financial statements filed by management investment companies (other than those which are issuers of periodic payment plan certificates) under the Act, the Securities Act of 1933 and the Securities Exchange Act of 1934. Rule 6-02-9 of Article 6 [17 CFR 210.6-02(i)] requires that appropriate provision shall be made in the financial statements of such companies for Federal income taxes.

Rule 2a-4 under the Act [17 CFR 270.2a-4] defines the term "current net asset value" of redeemable securities issued by registered investment companies used in computing periodically the current price of such securities for the purpose of distribution, redemption, and repurchase. Paragraph (a)(4) of Rule 2a-4 [7 CFR 270.2a-4(a)(4)] provides that in computing such current net asset value expenses shall be included to the date of calculation.

The proposed amendment of Rule 6-02-9 of Regulation S-X [17 CFR 210.6-02(i)] would specifically provide that a company which retains realized capital gains and designates such gains as a distribution to shareholders in accordance with section 852(b)(3)(D) of the Internal Revenue Code ("Code") shall, on the last day of its taxable year (and not earlier), make provision for taxes on such undistributed capital gains realized during such year. The amendment would also revise the reference in Rule 6-02-9 to the section of the Code defining a company's status as a "regulated investment company" to its present designation of Subtitle A, Chapter 1, Subchapter M. The proposed amendment of Rule 2a-4 [17 CFR 270.2a-4] under the Act would add a sentence to subparagraph (a)(4) to require that appropriate provision shall be made for Federal income taxes in accordance with Rule 6-02-9 of Regulation S-X [17 CFR 210.6-02(i)].

The primary purpose of the proposed amendment is to assure that regulated investment companies excepted by provisions of the Code from payment of Federal income taxes on net income and realized gains distributed to shareholders will make appropriate provision for taxes on any realized undistributed capital gains designated as distributions to shareholders under provisions of the Code. Most regulated investment companies follow the practice of distributing realized capital gains to shareholders, thereby relieving such companies of the payment of Federal income taxes on such gains. However, under the provisions of section 852(b)(3)(D) of the Code, a regulated investment company which elects to do so may retain realized long-term capital gains and, in effect, pay the tax on those gains on behalf of the shareholders. Every such shareholder at the close of the company's taxable year shall include in his tax return his pro rata portion of the company's realized capital gains as if it had been distributed to him, accrue his capital gains tax thereon, and elsewhere in his tax return is allowed credit or refund for his pro rata share of the capital gains tax which has been paid for his benefit by the company but which is deemed to have been paid by him. At the same time, such shareholder shall increase the tax basis of his shares by the excess of his pro rata portion of the realized gains over the tax credit or refund allowed to him.

The question of the appropriate method of tax accrual or adjustment of net asset value by investment companies which retain realized capital gains under section 852(b)(3)(D) of the Code was considered by the National Association of Investment Companies (the predecessor to the present Investment Company Institute) and the Committee on Relations with the SEC of the American Institute of Accountants in 1956 following the enactment of the provision of the Code in its present form. On November 2, 1956, the Association sent a memorandum to its members stating in part that the question had been considered by the Committee which was of the opinion that, since for a company intending to proceed under section

852(b)(3)(D) the tax on realized undistributed capital gains would be on the shareholder and not the company, no allowance need be made, either for possible Federal income tax on unrealized appreciation or for Federal income tax on capital gains realized during the year. The memorandum stated that at the end of a company's taxable year the Federal income tax to be paid on realized but undistributed capital gains would be carried in an accrual account until paid.

The above procedure is followed as the generally accepted accounting practice by regulated investment companies which elect to retain relized capital gains and pay the tax on behalf of shareholders. Most of such companies are capital exchange funds which issued their shares for securities in tax-free exchanges and which are not making public offerings of shares. Of a total of 34 active exchange funds, 30 elected for their fiscal years ended in 1968 to retain realized capital gains, in whole or in part, and pay the tax on behalf of the shareholders. All except four of these exchange funds followed the practice of making provision for such taxes on the last day of the taxable year. The four funds which did not follow the general practice made provision for taxes on realized undistributed capital gains throughout the year as the gains were realized.

The proposed amendments to the rules would codify the generally accepted practice of making provision, on the last day of the taxable year of the investment company, for taxes on realized undistributed capital gains designated as distributions to shareholders. The amended rules would not affect the rights of any person who may have redeemed shares prior to the adoption of the amendments.

Under the provisions of the Code, the taxes on realized capital gains retained by the company are payable by the company only on behalf of those persons who are shareholders on the last day of the taxable year in which the gains were realized. It is only those persons who are shareholders on the last day of the taxable year who are deemed under the provisions of the Code to have paid the tax imposed on the designated capital gains retained by the company and who, accordingly, are allowed credit or refund for the tax so deemed to have been paid by them and are entitled to increase the tax basis of their shares by the excess of their pro rata portion of the realized gains over the tax credit or refund allowed to them. Accrual of the tax by the company at any time prior to the last day of its taxable year therefore reduces the net asset value of the shares of holders who redeem or sell their shares during the year and who consequently receive no credit for the tax so accrued.

After consideration of the comments and suggestions received from interested persons, the Commission has determined to adopt the amendments to the rules.

The amendment of Rule 6-02-9 of Article 6 of Regulation S-X is adopted pursuant to sections 8, 30, 31(c), and 38(a) of the Investment Company Act of 1940; sections 7 and 19(a) of the Securities Act of 1933; and sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934. The proposed amendment of Rule 2a-4 under the Investment Company Act of 1940 is adopted pursuant to sections 22 and 38(a) of that Act.

*Commission Action*: Pursuant to the authority set forth above, the Commission hereby amends paragraph (i) of § 210.6-02, and paragraph (a) of § 270.2a-4, of Chapter II of Title 17 of the Code of Federal Regulations to read as set forth below:

**§ 210.6-02 Special rules applicable to management investment companies.**

* * * * *

(i) *Federal income taxes.* Appropriate provision shall be made on the basis of the applicable tax laws, for Federal income taxes that it is reasonably believed are, or will become, payable in respect of (1) current net income, (2) realized gain on investments and (3) unrealized appreciation on investments. The company's status as a "regulated investment company" as defined in Subtitle A, Chapter 1, Subchapter M of the Internal Revenue Code as amended shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the company has relied in making or not making provisions for such taxes. However, a company which retains realized capital gains and designates such gains as a distribution to shareholders in accordance with section 852(b)(3)(D) of the Internal Revenue Code shall, on the last day of its taxable year (and not earlier), make provision for taxes on such undistributed capital gains realized during such year.

* * * * *

**§ 270.2a-4 Definition of "Current Net Asset Value" for use in computing periodically the current price of redeemable security.**

(a) The current net asset value of any redeemable security issued by a registered investment company used in computing periodically the current price for the purpose of distribution, redemption, and repurchase means an amount which reflects calculations, whether or not recorded on the books of account, made substantially in accordance with the following, with estimates used where necessary or appropriate:

* * * * *

(4) Expenses, including any investment advisory fees, shall be included to date of calculation. Appropriate provision shall be made for Federal income taxes in accordance with paragraph (i) of § 210.6-02 of this chapter.

* * * * *

The amendments to Rule 6-02 of Regulation S-X [17 CFR 210.6-02(i)] and Rule 2a-4 under the Act [17 CFR 270.2a-4] shall be effective so that after the date of adoption of the amendments (Dec. 31, 1969) no further provision shall be made for taxes in the circumstances stated in the amendment to Rule 6-02-9 except on the last day of the taxable year. The foregoing amendments are adopted in the identical language in which they were published in the notice of proposed rule adoption which appeared in the FEDERAL REGISTER for August 28, 1969 at 34 F.R. 13747. The Commission finds that there is good cause for not delaying any further the effective date of such amendments, and that further notice and procedures as specified in 5 U.S.C. 554 are unnecessary. Accordingly, the foregoing amendments shall take effect on December 31, 1969.

(Secs. 7, 19(a), 48 Stat. 78, 85, 908, 15 U.S.C. 77g, 77s(a); secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 3, 8, 49 Stat. 1377, 1379, secs. 3, 4, 78 Stat. 569, 570, secs. 1, 2, 82 Stat. 454, 15 U.S.C. 781, 78m, 78o(d), 78w(a); secs. 8, 22, 30, 31(c), 38(a), 54 Stat. 803, 823, 836, 838, 841, 15 U.S.C. 80a-8, 80a-22, 80a-29, 80a-30(c), 80a-37(a))

By the Commission, December 31, 1969.

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

[F.R. Doc. 70-258; Filed, Jan. 7, 1970; 8:47 a.m.]

# Title 28—JUDICIAL ADMINISTRATION

## Chapter I—Department of Justice

[Order 422-69]

## PART 14—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

### Amendment of Claims and Reconsideration of Claims Denied

By virtue of the authority vested in me by the first paragraph of section 2672 of title 28, United States Code, Part 14 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows.

1. Section 14.2 is amended by designating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

**§ 14.2 Administrative claim; when presented.**

* * * * *

(b) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final agency action or prior to the exercise of the claimant's option under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the agency shall have six months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675 (a) shall not accrue until six months after the filing of an amendment.

2. Section 14.9 is amended by designating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 14.9 Final denial of claim.

* * * * *

(b) Prior to the commencement of suit and prior to the expiration of the 6-month period provided in 28 U.S.C. 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request with the agency for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration the agency shall have 6 months from the date of filing in which to make a final disposition of the claim and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of a request for reconsideration. Final agency action on a request for reconsideration shall be effected in accordance with the provisions of paragraph (a).

Dated: December 29, 1969.

JOHN N. MITCHELL,
*Attorney General.*

[F.R. Doc. 70-218; Filed, Jan. 7, 1970; 8:45 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

## PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

### Child Welfare Services Program

1. In § 220.49, that part of the heading which reads "(Other regulations in 42 CFR Part 201 still pertain)" is revised to read "(See also Subpart D of this Part)".

2. A new Subpart D is added to Part 220 of Chapter II of Title 45. Its content has been transferred from Part 201 of Chapter II of Title 42 of the Code of Federal Regulations which Part is hereby superseded. This transfer contains technical changes but no substantive changes have been made. Subpart D reads as follows:

Subpart D—Other Provisions Governing Child Welfare Services Program

Sec.
220.70 Meaning of terms.
220.71 The State Plan, the annual budget, submission, approval, duration, purpose, revision.
220.72 State and local funds.
220.73 Allotment of Federal funds.
220.74 Payments from allotments.
220.75 Records and audit.
220.76 Custody and methods of disbursement.
220.77 Fiscal year to which expenditures chargeable.
220.78 Liquidation of obligations.
220.79 Interest and refunds.
220.80 Apportionment of costs.
220.81 Equipment and Supplies.
220.82 Effect of payments.
220.83 Promulgation.
220.84 Reallotment of funds.

AUTHORITY: The provisions of this Subpart D of Part 220 issued under sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.

**§ 220.70 Meaning of terms.**

Unless the context otherwise requires, the following terms, as used in this subpart have the following meanings:

(a) "Act" means title IV, part B of the Social Security Act, 42 U.S.C. 601–626.

(b) "Social and Rehabilitation Service" means the Social and Rehabilitation Service in the Department of Health, Education, and Welfare.

(c) "State" means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(d) "State agency" means the public welfare agency of a State which has been designated as the single agency for the purpose of administering or supervising the administration of a State plan for child welfare services.

(e) "Local agency" means the public welfare agency of a political subdivision of a State which is engaged in the administration of that part of the State plan that pertains to the locality and which, in such administration, is under the supervision of the State agency.

(f) "Official forms" means forms supplied by the Social and Rehabilitation Service to State agencies for submitting required information and requests.

(g) "Children" means those individuals under the age of 21 years who are homeless, dependent, neglected or in danger of becoming delinquent regardless of the fact that they also may fall into other categories, and for whom services under the State program of child welfare services are authorized by State law.

(h) "Child welfare services" means public social services which supplement, or substitute for, parental care and supervision for the purposes set forth in section 425 of the Act.

(i) "Establishing, extending, and strengthening" means stabilizing, increasing where necessary and desirable the applicability of, and making stronger the State program of child welfare services and undertaking new child welfare services where necessary and desirable for meeting the unmet needs of children.

(j) "State plan" means the plan developed jointly by the State agency and the Social and Rehabilitation Service for establishing, extending and strengthening the State program of child welfare services, taking into account the condition of such program, the needs of children and the potential for meeting the unmet needs of children through Federal financial participation. It includes the basic plan and the annual budget pursuant to § 220.71.

**§ 220.71 The State plan; the annual budget; submission, approval, duration, purpose, revision.**

(a) *Submission, approval, duration.* Upon adoption by the State of a State plan (including a basic plan and an annual budget and jointly developed by the State agency the Social and Rehabilitation Service) it shall be certified by a duly authorized officer of the State agency and submitted to the Social and Rehabilitation Service for approval. Upon approval the State plan shall be in effect for the purposes of the Act. The basic plan, as approved and as it may be revised in accordance with paragraph (d) of this section from time to time, shall remain in continuous effect without periodic renewal. The annual budget, as it may be revised in accordance with paragraph (d) of this section during the fiscal year, shall be in effect only for the fiscal year for which it is approved.

(b) *Basic plan, content, purpose.* The basic plan, as a part of the State plan, shall be a narrative description, together with appropriate illustrations, of the total State program of child welfare services. It shall be developed in accordance with instructions as to form and subject matter issued by the Social and Rehabilitation Service. A basic plan which is in effect in accordance with paragraph (a) of this section shall be the State plan for the purpose of allotment to the State of sums appropriated under the Act. From time to time, as determined by the Social and Rehabilitation Service, a new plan may be required of all States.

(c) *Annual budget, content, purpose.* The annual budget, as a part of the State plan, shall be jointly developed annually for the fiscal year and submitted by the State agency on official forms to the Social and Rehabilitation Service for approval. It shall be a statement, certified by a duly authorized officer of the State agency, which includes proposed and estimated expenditures for carrying out those items described in the basic plan which the State agency and the Social and Rehabilitation Service have agreed upon as establishing, extending, and strengthening the State program of child welfare services for the fiscal year. The annual budget, upon approval, and subject to applicable provisions of the Act, the regulations in this subpart and the basic plan, shall be the State plan for the fiscal year for purposes of determining the amount of the Federal share of the total sum expended thereunder, and making payments to the State out of the sums allotted to it for the fiscal year.

(d) *Revision.* The State plan shall be revised whenever necessary because of any material change in the program provided by the plan, in the organization, policies or operations relating to the program, or any changes in pertinent law, and as may otherwise be deemed necessary by the Social and Rehabilitation Service. Revisions are subject to joint development by the State agency and the Social and Rehabilitation Service, and shall be submitted to the Social and Rehabilitation Service, certified by a duly authorized officer of the State agency, for approval. Revisions shall be incorporated into the State plan and shall be in effect for the purposes of the Act upon, and in accordance with, the approval. Except when it is not feasible for a revision to the annual budget to be submitted to the Social and Rehabilitation Service

a reasonable time in advance of being carried out by the State agency, approval of revisions shall be prospective.

**§ 220.72 State and local funds.**

In order to be entitled to payments from the sums available from the State's allotment under section 421 of the Act in the amount of the Federal share, up to the amount of such sums, the State must make expenditures under the Annual budget equal to the State's share from State or local funds.

**§ 220.73 Allotment of Federal funds.**

Section 421 of the Act prescribes the following method for determining a State's allotment for State child welfare services for each fiscal year:

(a) (1) From the sums appropriated for each fiscal year for grants to States for State child welfare services, each State shall be entitled to an allotment of $70,000, and

(2) Each State shall be entitled to an allotment from the remainder of the sums appropriated of an amount which bears the same ratio to such remainder as the product of the population of such State under the age of 21 and its allotment percentage bears to the sum of the corresponding products of all the States.

(b) The "allotment percentage" for any State shall be 100 per centum less the State percentage, which is that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that the allotment percentage shall in no case be less than 30 per centum or more than 70 per centum, and the allotment percentage for Puerto Rico, the Virgin Islands, and Guam shall be 70 per centum.

**§ 220.74 Payments from allotments.**

Payments to a State from the sums available from its allotments under section 421 of the Act shall be computed and made pursuant to sections 422 and 423 of the Act, as follows:

(a) For any fiscal year the "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States except that the Federal share shall in no case be less than 33⅓ per centum or more than 66⅔ per centum, and the Federal share for Puerto Rico, the Virgin Islands and Guam shall be 66⅔ per centum.

(b) Estimates: Prior to the beginning of each fiscal quarter an authorized official of the State agency should submit to the Social and Rehabilitation Service on official forms an estimate of the amount of the Federal share which it will require from the sums available from its allotments under section 421 of the Act in carrying out the annual budget during such quarter.

(c) Payments: On the basis of the annual budget and the quarterly estimates submitted by the State agency, each State shall be paid from the sums available from its allotments, the estimated Federal share of the cost of carrying out the annual budget for such fiscal quarter. The amount so to be paid to the State shall be reduced or increased, as the case may be, by any overpayment or underpayment to the State for any prior quarter not previously adjusted under this paragraph.

**§ 220.75 Records and audit.**

The State agency shall establish and maintain such accounts, records, and supporting documents as will permit an accurate and expeditious Federal audit of the program to be made at any time. Such accounts, records and supporting documents shall be maintained until the completion of such audits (including the final resolution of any questions raised thereby) or for 3 years, whichever is later, unless the State agency is requested to retain particular accounts, records, or supporting documents for a longer period.

**§ 220.76 Custody and methods of disbursement.**

Except as otherwise provided in the Act and the regulations in this subpart, State laws, rules, regulations, and standards governing the custody and methods of disbursement of State funds shall govern the custody and methods of disbursement of Federal funds paid to the State.

**§ 220.77 Fiscal year to which expenditures chargeable.**

An expenditure under an annual budget will be charged to that Federal fiscal year in which the obligation was incurred: *Provided*, That obligation incurred in 1 fiscal year for services and expenses continuing into the next fiscal year may be charged to the allotment for either year when consistent with the plan and with State laws, rules, and regulations governing the expenditure of State appropriated funds. Such budgets and expenditure reports as are required by the Social and Rehabilitation Service will be prepared on this basis. For the purposes of this section and § 220.78, "obligation" shall mean only bona fide encumbrances or commitments which are supported by contracts or other evidence of liability consistent with State purchasing procedure.

**§ 220.78 Liquidation of obligations.**

All obligations of the State agency incurred in carrying out the annual budget shall be liquidated within 2 years after the close of the fiscal year in which the obligation was incurred unless otherwise authorized by the Social and Rehabilitation Service.

**§ 220.79 Interest and refunds.**

Interest earned on payments made under the Act and the regulations in this subpart and any amount refunded or repaid to the State shall be duly reported for any necessary adjustment in accordance with § 220.74(c).

**§ 220.80 Apportionment of costs.**

Where an expenditure is made for the benefit of this program and any other programs the amount to be charged as a cost of carrying out the State plan shall not exceed the amount arrived at by a reasonable apportionment except that, as may be authorized by applicable law and policy, the expenditure may be chargeable in whole either to this program or another program.

**§ 220.81 Equipment and supplies.**

All items of equipment or supply purchased in carrying out the annual budget shall be used only for purposes for which expenditures may be included in the annual budget, and the State agency shall maintain a complete equipment inventory and adequate property controls covering such items.

**§ 220.82 Effect of payments.**

Neither approval of the State plan nor any payments to the State pursuant thereto shall be deemed to waive the failure of the State to observe before or after such administrative action any Federal requirements or the right or duty of the Federal government to withhold funds by reason thereof.

**§ 220.83 Promulgation.**

The Federal shares and the allotment percentages shall be promulgated between July 1 and August 31 of each even-numbered year, as required by and with the effect given by section 423(c) of the Act.

**§ 220.84 Reallotment of funds.**

Under section 424 of the Act the amount of any allotment to a State under section 421 of the Act for any fiscal year which the State certifies will not be required for carrying out the State plan shall be available for reallotment to other States in accordance with the following:

(a) On or before dates fixed by the Social and Rehabilitation Service each State shall certify on an official form whether or not it will require the full amount of its allotment for carrying out the State plan for the fiscal year. If it is certified that the full amount will not be required, the certification shall contain the amount of the allotment not so required. If it is certified that the full amount will be required, and if the State has need for and will be able to use sums in excess of its allotment in carrying out the State plan, the State agency may so state in a letter to the Social and Rehabiliation Service together with an estimate of the amount of such sums.

(b) The total amount certified by States as not being required for carrying out their State plan for the fiscal year shall be tentatively apportioned among those States which have stated need for and capacity to use sums in excess of their allotments in carrying out their plans: *Provided*, That in no event shall the amount of such apportionment to a State exceed the estimated amount of its request under paragraph (a) of this section, and any excess shall be tentatively apportioned among the remaining States. The Social and Rehabilitation Service promptly shall notify such States of such tentative apportionment. Each such State, after taking into consideration the amount of the tentative apportionment

to it, shall notify the Social and Rehabilitation Service on or before a date fixed by the Social and Rehabilitation Service whether or not it desires to continue to be considered for purposes of the reallotment.

(c) In the event that all such States notify the Social and Rehabilitation Service that they desire to continue to be considered for purposes of the reallotment, each State shall develop jointly with the Social and Rehabilitation Service a revision to the State plan covering the amount tentatively apportioned to it.

(d) In the event that a State notifies the Social and Rehabilitation Service that it does not desire to continue to be considered for purposes of the reallotment the tentative apportionment shall be recomputed without the withdrawing State. Each of the remaining States shall be notified of the recomputation and shall develop jointly with the Social and Rehabilitation Service a revision to the State plan covering the amount tentatively apportioned to it under the recomputation.

(e) Reallotment shall be made among those States which have plan revisions pursuant to paragraph (c) or (d) of this section and which the Social and Rehabilitation Service determines (1) have need in carrying out their State plan for the additional funds and (2) will be able to use such additional funds during the fiscal year.

(f) In computing the amount of the reallotted funds to each State consideration shall be given to the population under the age of 21 and the per capita income of each such State as compared with the population under the age of 21 and the per capita income of all such States participating in the reallotment.

(g) Any amount reallotted to a State shall be deemed part of its allotment under section 421 of the Act.

*Effective date:* The provisions in this Subpart are effective on the date of their publication in the FEDERAL REGISTER.

Dated: December 23, 1969.

JOHN D. TWINAME,
*Acting Administrator,*
*Social and Rehabilitation Service.*

Approved: January 2, 1970.

ROBERT H. FINCH,
*Secretary.*

[F.R. Doc. 70-257; Filed, Jan. 7, 1970; 8:46 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter II—Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare

### PART 201—CHILD WELFARE SERVICES

### PART 206—ADMINISTRATIVE PROCEDURE

### Miscellaneous Amendments to Chapter

Part 201 is deleted from Chapter II of Title 42 of the Code of Federal Regulations and its content is set forth in Subpart A and Subpart D, Part 220 of Chapter II of Title 45.

In Part 206, § 206.8 is deleted.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

*Effective Date*: Effective upon date of publication in the FEDERAL REGISTER.

Dated: December 23, 1969.

JOHN D. TWINAME,
*Acting Administrator,*
*Social and Rehabilitation Service.*

Approved: January 2, 1970.

ROBERT H. FINCH,
*Secretary.*

[F.R. Doc. 70-256; Filed, Jan. 7, 1970; 8:46 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4753]

[Wyoming 18167]

### NEBRASKA

### Partial Revocation of Reclamation Withdrawal

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The departmental order of May 3, 1904, withdrawing lands for reclamation purposes is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 22 N., R. 52 W.,
Sec. 15, N½NW¼NW¼.

The area described contains approximately 20 acres, in Morrill County. The lands are included in an allowed homestead entry.

HARRISON LOESCH,
*Assistant Secretary of the Interior.*

DECEMBER 24, 1969.

[F.R. Doc. 70-228; Filed, Jan. 7, 1970; 8:45 a.m.]

# Title 49—TRANSPORTATION

## Chapter I — Hazardous Materials Regulations Board, Department of Transportation

[Docket No. OPS-2]

### PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: REPORTS OF LEAKS

### Office of Pipeline Safety; Leak Reporting Requirements

This regulation establishes requirements for the reporting of natural gas pipeline leaks and test failures by operators of transmission and distribution systems and by operators of gathering systems located in populated areas. This regulation supersedes all accident reporting requirements contained in the Interim Minimum Federal Safety Standards for the Transportation of Natural and Other Gas by Pipeline, as set forth in Part 190 of this chapter.

The substance of this regulation was issued as a notice of proposed rule making on July 8, 1969 (Notice 69-1, 33 F.R. 11979). The public was also provided with copies of the forms that the Department proposed for submitting the prescribed reports. In response to these proposals, over 200 comments were submitted. All have been carefully considered and many have resulted in changes that should improve the usefulness of the regulation and the forms.

In addition to considering the comments submitted by the general public, the Department has consulted with the Technical Pipeline Safety Standards Committee established under the Natural Gas Pipeline Safety Act of 1968 with respect to both the proposed regulations and the forms. Their advice and comments have resulted in a number of beneficial changes.

A number of comments expressed the opinion that, due to the broad statement of nonapplicability in § 5(a) of the Natural Gas Pipeline Safety Act (hereinafter referred to as "the Act"), the receipt of a State certification under that section precludes the Secretary from requiring direct reports of accidents or incidents that occur on the intrastate pipeline facilities to which the certification applies. As was indicated in the preamble to the notice proposing these rules, the Department considers that detailed information about the causes of pipeline accidents or incidents is essential for the development of a rational regulatory program. Notwithstanding the broad language of section 5(a) of the Act, the Secretary has a continuing responsibility for establishing new and amended standards for intrastate pipeline facilities and, where necessary, for issuing orders to abate hazardous conditions discovered therein. In order to properly discharge these responsibilities, the Secretary must have the detailed information that will be provided by this reporting system and the Department believes that there is sufficient authority to support these reporting requirements.

A number of comments indicated that there was some misunderstanding as to the purpose of the required reports. Many persons felt that all reports concerning intrastate facilities covered by a certification under section 5(a) of the Act should be sent to the State agency concerned since that Agency, and not the Secretary is responsible for enforcement. Others felt that only leaks that caused injury or property damage should be reported. In view of these and other similar comments, a restatement of the purpose of this regulation appears warranted.

The preamble to the notice of proposed rulemaking stated that "* * * the first task is to marshal * * * detailed information about the causes of [leaks]." Thus, the primary purpose of this regulation is to provide for the accumulation

of factual data that will give the Department a sound statistical base with which to define safety problems, determine their underlying causes, and propose regulatory solutions. For this purpose, an accident or leak does not become less significant because no one was injured or the damage was minimal. Nor does the existence of a regulatory violation or lack thereof have any bearing upon the statistical impact of a particular mishap. If reports were limited to instances such as these, the data base would be much narrower and therefore less likely to suggest appropriate regulatory solutions.

Another aspect of the reporting requirements that received significant attention in the comments was the question of confidentiality of the reports. Several comments requested that reports be classified as confidential and not be made available to the general public, because of the possibility they might be used "for other purposes which could be detrimental to their interests." Concern was expressed that information might be quoted out of context, distorting the truth, and presenting an erroneous image of a particular reporting company. It was further urged that confidentiality was required "to protect against unwarranted claims and nuisance litigation," since the required reports could include questions, the answers to which might be "self-incriminating in the event of future litigation." In this connection it was also claimed that questions relating to the value of property owned by others and damaged by pipeline accidents, are not pertinent to the cause of the incidents, and might expose the reporting company to unnecessary litigation, or at least place it at a disadvantage in contesting claims for damage. It was accordingly requested that if the reports are not kept confidential, the section concerning property damage be rewritten so as to require the submission of estimated damage to the property "of the company and others," rather than "of the company or others." This last request has to some extent been accepted as is indicated below in the discussion of changes to these forms.

These arguments are all necessarily speculative. On consideration and analysis of all of these comments, they do not contain any argument that is substantial enough to require that the reports be kept confidential.

It is the policy of the Department of Transportation to make information available to the public to the greatest extent possible in keeping with the spirit of the Freedom of Information Act (5 U.S.C. 552). In the light of the statute, a refusal to permit public access to accident reports would be contrary to sound public policy. The public interest is better served by not keeping such reports confidential.

The only statutory exceptions to the basic requirement of disclosure are set out in section 552(b). None of these exceptions provides confidentiality for the reports under consideration here. Section 552(b)(4) excepts "trade secrets and commercial or financial information obtained from a person and privileged or confidential." However, the legislative history indicates that this exception refers to instances where privileged information (not required by law, and that would not customarily be released to the public) is voluntarily furnished and received in confidence. Examples are commercial or financial information submitted with loan applications, or information voluntarily given to the Government in confidence for the purpose of compiling statistics which are then published in the aggregate.

Moreover, in promulgating the regulations by which the Department implemented the Freedom of Information Act (49 CFR Part 7), the Secretary announced that "the policy of the Department will be to make all information available to the public except that which must not be disclosed in the national interest, to protect the right of an individual to personal privacy, or to insure the effective conduct of public business. To this end, the [regulation] provides that information will be made available to the public even if it falls within one of the exemptions set forth in section 552(b), unless the release of that information would be inconsistent with the purpose of the exemption" (32 F.R. 9284 (1967)).

The exemption of documents from mandatory public disclosure merely authorizes the Secretary to withhold them, it does not compel him to do so.

Section 7.51 of the regulations provides that, even though a record is exempt from public inspection, nevertheless the Department will release it, "unless it determines that the release of that record would be inconsistent with a purpose of" the particular exemption.

There is nothing in the Natural Gas Pipeline Safety Act of 1968 which overrides the basic policy embodied in the Freedom of Information Act favoring disclosure of public records. On the contrary, the specific provision in section 12(d) of the Natural Gas Pipeline Safety Act that "information (which) contains or relates to a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that Section," suggests that Congress chose not to prevent disclosure of other information obtained by the Government under the Act.

The policy statement of the Department of Transportation regarding the Office of Pipeline Safety, states that the Office, in administering the Natural Gas Pipeline Safety Act of 1968, will "act as a clearing house of safety information, systematically distributing safety information acquired from government and industry research and development programs and from industry operating experience." It is further stated that the general public will have ample opportunity to participate in the identification and definition of safety problems, and that "while we may deal on a daily basis with representatives of the affected industry, we recognize that it is our duty to ensure that the interests of the unorganized general public are served."

Finally, it must be pointed out that accident reports are not protected from disclosure for any other mode of transportation in the Department. The availability of these reports does not appear to have caused any great difficulty to the other transportation industries, and no reason is apparent for a different treatment of gas pipeline accident reports.

A number of comments stated that leak reports with regard to intrastate pipeline facilities should be made only to the State regulatory agencies because these agencies were better equipped to deal with these essentially local safety problems. While the State agencies have a major legitimate interest in these reports and should receive them if they so desire, nonetheless the Secretary must also have full access to this information to be able to carry out his responsibilities under the Act. The collection and compilation of these statistics on a nationwide basis gives them much greater validity and value than those which would be assembled by each individual State. Consequently, for the reasons discussed above, the general requirement for making reports directly to the Secretary is retained. However, § 191.7 has been modified to permit, under certain conditions, the submission of reports relating to intrastate facilities that are the subject of a State certification under section 5(a) of the Act, directly to a State agency rather than to the Secretary. This may be done if the regulations under which that agency operates require submission in duplicate to the State and provide for further transmittal of one copy to the Department, within 10 days for leak reports and not later than February 15th for annual reports. While not specifically set forth in the regulation, under this change each State will also have the option of requiring that only one copy of each report relating to pipeline facilities under its jurisdiction be sent to the State, in which case the requirement for direct reporting to the Secretary would remain.

A discussion of each section of the regulation follows with respect to some of the more significant comments and changes that have been made.

§ *191.1.* Several comments pointed out that the scope of the proposed rules appeared to go beyond the authority contained in the Act. Therefore, § 191.1 has been modified to conform to the limits stated in the Act by excluding gathering lines outside of certain specified areas.

§ *191.3.* In response to several comments, the term "system failure" and the various gradations of leaks have been removed from the definitions. In their place, the scope provisions in section 191.1 have been restated to limit the applicability of the regulation to leaks that would have been included in the proposed definition as "Grade 1" and "Grade 2" leaks and to exclude therefrom the leaks that would have been defined as "Grade 3" leaks. It appears that an adequate statistical base can be obtained by requiring the reporting of only the more significant leaks that require immediate or scheduled repair. Certain leaks will require telephonic notice as specified in section 191.5. These and other leaks must also be individually reported in accordance with criteria set

forth in sections 191.9 and 191.15. These criteria replace the different gradations of leaks that were proposed.

In response to the request in the preamble to the notice of proposed rule making, a number of suggestions were made as to definitions for transmission lines of a distribution system and for transmission, gathering, and distribution systems. It appears that these terms are fairly well understood throughout the industry, and there should be no need to prescribe precise definitions at this time. If any difficulties arise, the Department will examine the facts in each situation and will establish definitions as they are needed. Those lines of distribution systems that must be reported as a transmission system are clearly delineated by the criteria set forth in section 191.13.

The definition of "system" has been changed slightly to make it clear that service lines and customers' meters are included in that term.

A number of other definitions have been added to section 191.3. The terms "gas," "municipality," "person," "pipeline facilities," "Secretary," "State," and "transportation of gas" are included as they are defined in the Act with minor changes to conform to the purpose, language, and style of this regulation. As requested by comments, definitions of the terms "operator" and "test failure" are also included. An "operator" is defined as any person (as person is defined in section 191.3) who engages in the transportation of gas. "Test failure" is defined to include only breaks or ruptures of such magnitude that repair is required before continuation of the test. This limited definition, which encompasses testing with gas, air, or water, is intended to reduce the number of reports required due to failures during testing.

§ *191.5.* This section has not been changed significantly. Some comments requested the option of reporting by telegraph in any case in which the person reporting is not able to reach the correct person by telephone. However, this problem will not arise since the published phone number will be manned 24 hours a day, 7 days a week.

The term "failure" was used uniformly in the proposal to describe the incident to be reported, and many comments requested that this be changed to either accident, incident, or leak. As stated above in conjunction with the changes in definitions, the scope of the regulation has been restated to clearly delineate the leaks to which it applies.

Some comments suggested the deletion of certain of the criteria for making these reports. The five stated categories are virtually identical to those developed by the Federal Power Commission for telephonic reports of accidents. The experience of the Commission indicates that these types of incidents are of sufficient magnitude to require immediate notification in order that the Department may investigate the incident and take any action that may be necessary to protect persons or property.

§ *191.9.* Individual leak reports under this section will not be required from distribution companies providing service to less than 100,000 customers. Studies by the Department indicate that approximately 28 percent of the total number of distribution companies have over 100,000 customers. This group of larger companies services over 85 percent of the total number of gas customers in the United States. Requiring reports only from this group of companies will furnish a statistically valid sample and will significantly lessen the reporting burden on smaller companies who are least able to bear it.

Several comments suggested that the information on this report for distribution companies could be summarized and submitted annually or semiannually. This reporting requirement is designed to elicit information that might be the basis for prompt regulatory action or for the issuance of an order requiring immediate steps to remove a hazardous condition. A delay of 6 months or a year in receiving this information would significantly reduce the value of this information and make it unusable for most of these purposes.

Many comments also urged a longer reporting period. For the reasons discussed above and also to facilitate any investigations that may appear to be necessary, the 20-day reporting period has been retained. The forms make it clear that if certain information is not available the incomplete report should be submitted indicating this unavailability. When the information becomes available, a supplemental report will be submitted. This in effect permits operators to take as much time as is reasonably necessary to assemble all of the information while still assuring the Department of early receipt of the first written report.

§ *191.11.* A number of comments on this section and § 191.17 requested a later reporting date for the annual report, varying from March 15 to April 15. The Department is required to submit its annual report to Congress on March 17th and in order to allow adequate time to compile the data from these annual reports for inclusion in the Departmental report, a reporting date of February 15th is necessary. However, to allow operators more time to organize their internal reporting and information systems so as to be able to meet the February 15th deadline, the first annual report will not be required until 1971 for calendar year 1970. This will also satisfy a number of comments that indicated that assembling the cumulative information for 1969 would be very difficult due to the time that has passed since most of the incidents occurred.

§ *191.13.* As discussed above, a large number of suggestions were made as to classifying "transmission lines of a distribution system". This section sets forth the two basic criteria that have been selected for this purpose. Reports involving pipeline facilities that operate at 20 percent or more of specified minimum yield strength (SMYS) or that are used to convey gas into or out of storage, are to be submitted in accordance with the requirements for transmission systems as specified in §§ 191.15 and 191.17.

§ *191.15.* This section now contains the requirements both for leaks occurring during normal operations and for test failures. Both will be reported on the same form, thereby reducing the number of different forms for these operators from three to two.

The form prescribed by this section has been developed in coordination with the Feleral Power Commission so as to require most of the information presently required on their accident reports. The Commission is preparing to amend its regulations to eliminate all duplicative reporting requirements. When this is completed, it is expected that the Commission will require that copies of certain of the Department of Transportation reports be submitted to it.

§ *191.17.* The requirements for annual reports for transmission or gathering systems has been reworded slightly. The discussion with respect to § 191.11 applies to this section as well.

§ *191.19.* This new section has been added to notify interested persons as to where copies of the prescribed forms may be obtained. It also provides that other formats may be used if acceptable to the Secretary. This will permit submission of reports in machine record form when the Department develops its statistical systems sufficiently to accommodate information in this form.

*Forms.* The comments on the proposed forms were very detailed and very helpful in making necessary revisions. The forms have been reorganized and reworded so as to eliminate redundant and unnecessary questions and to present the remaining questions more precisely.

Several comments objected to the requirements for reporting the pH of soil and soil resistivity. These items have been retained in the forms for reporting on corrosion caused leaks because they give environmental information needed for the determination and evaluation of corrosion control measures and because they are easily obtained. However, the requirement for reporting soil resistivity has been modified to require reporting of the most recent soil resistivity measurement in the area of the leak instead of requiring an actual test to be made at the leak site upon discovery of the leak. The requirement is stated so that if a soil resistivity measurement is not available then it will not be necessary to obtain one.

Several objections were made to requiring a report of "Unaccounted for gas". It is recognized that this information is not precise and that care must be taken in its use. Nevertheless, it is believed that this information should be obtained and studied so that it can be determined whether there is a connection between loss of gas and accidents.

Due to the time required to prepare, print, and distribute an adequate supply of the forms for public use, the printed forms may not be available at the time this regulation becomes effective. In that

event, a small supply of temporary forms will be distributed for use until receipt of the permanent printed forms. These temporary forms may be reproduced by any company if additional copies are needed in the interim period.

In consideration of the foregoing and for the reasons discussed in the preamble to Notice 69–1, Title 49 of the Code of Federal Regulations is amended by adding a new Part 191 to read as set forth below, effective February 9, 1970.

Issued in Washington, D.C., on December 31, 1969.

W. C. JENNINGS,
*Acting Director,*
*Office of Pipeline Safety.*

## PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; REPORTS OF LEAKS

Sec.



AUTHORITY: The provision of this Part 191 issued under the Natural Gas Pipeline Safety Act (49 U.S.C. 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

### § 191.1 Scope.

(a) This part prescribes requirements for the reporting of gas leaks that are not intended by the operator and that require immediate or scheduled repair and of test failures, by persons engaged in the transportation of gas. However, it does not apply to leaks and test failures that occur in the gathering of gas outside of the following areas:

(1) An area within the limits of any incorporated or unincorporated city, town, or village; or

(2) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

(b) The reporting requirements in this part supersede any accident or leak reporting requirements that were incorporated by reference in the Interim Minimum Federal Safety Standards in Part 190 of this chapter.

### § 191.3 Definitions.

As used in this part and in the DOT Forms referenced in this part—

"Gas" means natural gas, flammable gas, or gas which is toxic or corrosive;

"Municipality" means a city, county, or any other political subdivision of a State;

"Operator" means a person who engages in the transportation of gas;

"Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

"Pipeline facilities" includes, without limitation, new and existing pipe, right-of-way, and any equipment facility, or building used in the transportation of gas or the treatment of gas during the course of transportation;

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned;

"State" includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

"System" means all pipeline facilities used by a particular operator in the transportation of gas, including but not limited to, line pipe, valves and other appurtenances connected to line pipe, compressor units, fabricated assemblies associated with compressor units, metering (including customers' meters) and delivery stations, and fabricated assemblies in metering and delivery stations;

"Test failure" means a break or rupture that occurs during strength-proof testing of transmission or gathering lines that is of such magnitude as to require repair before continuation of the test;

"Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas in or affecting interstate or foreign commerce.

### § 191.5 Telephonic notice of certain leaks.

(a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with paragraph (b) of this section of any leak that—

(1) Caused a death or a personal injury requiring hospitalization;

(2) Required the taking of any segment of transmission pipeline out of service;

(3) Resulted in gas igniting;

(4) Caused estimated damage to the property of the operator, or others, or both, of a total of $5,000 or more; or

(5) In the judgment of the operator, was significant even though it did not meet the criteria of subparagraphs (1), (2), (3), or (4) of this paragraph.

An operator need not give notice of a leak that met only the criteria of subparagraph (2) or (3) of this paragraph, if it occurred solely as a result of, or in connection with, planned or routine maintenance or construction.

(b) Each notice required by paragraph (a) of this section shall be made by telephone to Area Code 202–962–6000 and shall include the following information:

(1) The location of the leak.

(2) The time of the leak.

(3) The fatalities and personal injuries, if any.

(4) All other significant facts that are known by the operator that are relevant to the cause of the leak or extent of the damages.

### § 191.7 Addressee for written reports.

Each written report required by this part must be made to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. However, reports for intrastate facilities subject to the jurisdiction of a State agency pursuant to certification under section 5(a) of the Natural Gas Pipeline Safety Act, may be submitted in duplicate to the State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy, within 10 days of receipt for leak reports and not later than February 15 for annual reports, to the Director, Office of Pipeline Safety.

### § 191.9 Distribution system: Leak report.

(a) Each operator of a distribution system serving more than 100,000 customers shall, as soon as practicable but not more than 20 days after detection, report the following on Department of Transportation Form DOT–F–7100.1:

(1) A leak that required notice by telephone under § 191.5.

(2) A leak that, because of its location, required immediate repair and other emergency action to protect the public such as evacuation of a building, blocking off an area, or rerouting of traffic.

(b) Where additional related information is obtained after a report is submitted under paragraph (a) of this section, the operator shall make a supplemental report as soon as practicable with a clear reference by date and subject to the original report.

### § 191.11 Distribution system: Annual report.

Each operator of a distribution system shall submit an annual report on Department of Transportation Form DOT–F–7100.1–1. This report must be submitted for the preceding calendar year not later than February 15, 1971, and not later than February 15 of each year thereafter.

### § 191.13 Distribution system: Certain facilities reported as a transmission system.

Each operator of a distribution system shall, for pipeline facilities that operate at 20 percent or more of specified minimum yield strength, or that are used to convey gas into or out of storage, submit reports for those facilities under § 191.15 and § 191.17.

### § 191.15 Transmission and gathering systems: Leak report.

(a) Each operator of a transmission system or a gathering system shall, as soon as practicable but not more than 20 days after detection, report the following on Department of Transportation Form DOT–F–7100.2:

(1) A leak that required notice by telephone under § 191.5.

(2) A leak in a transmission line that required immediate repair.

(3) A test failure that occurred while testing either with gas or another test medium.

(b) Where additional related information is obtained after a report is submitted under paragraph (a) of this section, the operator shall make a supplemental report as soon as practicable with

a clear reference by date and subject to the original report.

§ 191.17 **Transmission and gathering systems: Annual report.**

Each operator of a transmission system or a gathering system shall submit an annual report on Department of Transportation Form DOT-F-7100.2-1. This report must be submitted for the preceding calendar year not later than February 15, 1971, and not later than February 15 of each year thereafter.

§ 191.19 **Report forms.**

Copies of the prescribed report forms are available without charge upon request from the Office of Pipeline Safety. Additional copies in this prescribed format may be reproduced and used if in the same size and kind of paper. In addition, the information required by these forms may be submitted by any other means that is acceptable to the Secretary.

NOTE: The recordkeeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 70-318; Filed, Jan. 7, 1970; 8:50 a.m.]

# Title 50—WILDLIFE AND FISHERIES

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

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Brigantine National Wildlife Refuge, N.J.

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

§ 28.28 **Special regulations, public access, use, and recreation; for individual wildlife refuge areas.**

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public access, during daylight hours, for the purpose of nature study, wildlife observation, photography, picnicking, hiking, swimming, and sunbathing is permitted. Access on foot is permitted except in areas posted as closed, and by motor vehicle on designated travel routes. Pets are allowed if on a leash not exceeding 10 feet in length. Hunting and fishing are permitted under special regulations.

Refuge public use areas, comprising more than 19,385 acres, and respective permissible activities, are designated on maps available at refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,
*Regional Director, Bureau of Sport Fisheries & Wildlife.*

DECEMBER 31, 1969.

[F.R. Doc. 76-224; Filed, Jan. 7, 1970; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### [ 14 CFR Part 71 ]

[Airspace Docket No. 69–CE–119]

### CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Iron Mountain, Mich.

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

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

Since designation of controlled airspace in the Iron Mountain, Mich., terminal area, the VOR instrument approach procedures for Ford Airport have been changed. In addition, the criteria for the designation of control zones and transition area have changed. Accordingly, it is necessary to alter the Iron Mountain, Mich., control zone and transition area to adequately protect aircraft executing the changed procedures and to comply with the new control zone and transition area criteria.

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

(1) In § 71.171, the following control zone is amended to read:

IRON MOUNTAIN, MICH.

Within a 5-mile radius of Ford Airport (latitude 45°48'55" N., longitude 88°07'00" W.); within 2½ miles each side of the Iron Mountain VOR 141° radial, extending from the 5-mile radius zone to 6½ miles southeast of the VOR; within 3 miles each side of the Iron Mountain VOR 193° radial, extending from the 5-mile radius zone to 7½ miles south of the VOR; within 3 miles each side of the 182° bearing from Ford Airport, extending from the 5-mile radius zone to 7 miles south of the airport; and within 3 miles each side of the 276° bearing from Ford Airport, extending from the 5-mile radius zone to 7 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181, the following transition area is amended to read:

IRON MOUNTAIN, MICH.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Iron Mountain VOR; within 4½ miles west and 9½ miles east of the Iron Mountain VOR 193° radial, extending from the 13-mile radius area to 18½ miles south of the VOR; within 4½ miles west and 9½ miles east of the 182° bearing from Ford Airport, extending from the 13-mile radius area to 18½ miles south of the airport; and within 4½ miles north and 9½ miles south of the 276° bearing from Ford Airport, extending from the 13-mile radius area to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Iron Mountain VOR 141° radial extending from the VOR to 18½ miles southeast of the VOR.

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

Issued in Kansas City, Mo., on December 12, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 70–283; Filed, Jan. 7, 1970; 8:48 a.m.]

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### [ 14 CFR Part 71 ]

[Airspace Docket No. 69–SO–158]

### 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 Florence, S.C., 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, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. 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, Airspace 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 Florence control zone described in § 71.171 would be redesignated as:

Within a 5-mile radius of Florence Municipal Airport (lat. 34°11'17" N., long. 79°43'28" W.); within 3 miles each side of Florence VOR 052° and 232° radials, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR.

The Florence transition area described in § 71.181 would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Florence Municipal Airport (lat. 34°11'17" N., long. 79°43'28" W.).

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Florence terminal area requires the following actions:

1. Increase the control zone extension predicated on Florence VOR 052° and 232° radials 2 miles in width and 0.5 mile in length.

2. Increase the transition area basic radius circle from 8 to 8.5 miles.

The proposed alterations are required to provide 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.

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 December 19, 1969.

JAMES G. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 70–284; Filed, Jan. 7, 1970; 8:48 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 69–SW–78]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Beaumont, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 public 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 Division. 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 Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171, the Beaumont, Tex., control zone is amended to read:

BEAUMONT, TEX.

Within a 7-mile radius of Jefferson County Airport (lat. 29°57'05" N., long. 94°01'10" W.).

(2) In § 71.181 ,the 700-foot portion of the Beaumont, Tex., transition area is is amended to read:

BEAUMONT, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jefferson County Airport (lat. 29°57'05" N., long. 94°01'10" W.), within a 5-mile radius of Beaumont Municipal Airport (lat. 30°04'15" N., long. 94°13'00" W.), within 3 miles each side of the Beaumont ILS localizer southeast course extending from the 7-mile radius area to 13.5 miles southeast of the approach end of Jefferson County Airport Runway 29, and within 2.5 miles each side of the Beaumont ILS localizer northwest course extending from the 7-mile radius area to the 5-mile radius area.

The proposed alterations would provide controlled airspace for aircraft executing proposed new instrument approach procedures VOR/DME–1 and VOR/DME RWY 34 as well as existing approach procedures. Due to the large number of approach procedures, amending the radius of the control zone to 7 miles would eliminate the requirement for multiple control zone extensions and improve chart legibility. Increasing the radius of the Jefferson County Airport 700-foot transition area to 7 miles would eliminate the requirement for multiple transition area extensions. The remaining extensions have been adjusted to comply with current criteria.

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

Issued in Fort Worth, Tex., on December 22, 1969.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 70–285; Filed, Jan. 7, 1970; 8:48 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 69–SO–162]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Edenton, N.C., 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, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. 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, Airspace 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 Edenton transition described in § 71.181 would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Edenton Municipal Airport (Lat. 36°-01'30" N., long. 76°33'30" W.); within 3 miles each side of the 216° and 350° bearings from Edenton RBN (lat. 36°01'33" N., long. 76°33'57" W.), extending from the 6.5-mile radius area to 8.5 miles southwest and north of the RBN.

The application of Terminal Instrument Procedures (TERPs) to Edenton terminal area, together with the establishment of two instrument approach procedures utilizing the Edenton nondirection radio beacon (private) and the cancellation of the Special NDB (ADF) RWY–19 instrument approach procedure, requires the following actions:

1. Increase the transition area basic radius circle from 5 to 6.5 miles.
2. Revoke the extension predicated on the 331° bearing from WCDJ Commercial Broadcast Station.
3. Designate extensions predicated on the 216° and 350° bearings from Edenton RBN 6 miles in width and 8.5 miles in length.

The proposal alteration is required to provide controlled airspace protection for IFR aircraft in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

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 December 24, 1969.

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

[F.R. Doc. 70–286; Filed, Jan. 7, 1970; 8:48 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 69–CE–121]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Colby, Kans.

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

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

A new public use instrument approach procedure has been developed for the Colby, Kans., Municipal Airport, utilizing a city-owned radio beacon on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Colby, Kans. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at Colby will be controlled by the Denver Air Route Traffic Control Center through the Sidney, Nebr., Flight Service Station.

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

In § 71.181, the following transition area is added:

COLBY, KANS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Colby Municipal Airport (lat. 39°29'15" N., long. 101°03'00" W.); and within 3 miles each side of the 029° bearing from Colby Municipal Airport, extending from the 5½-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 029° and 209° bearing from Colby Municipal Airport, extending from 5 miles southwest to 18½ miles northeast of the airport.

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

Issued in Kansas City, Mo., on December 12, 1969.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 70-287; Filed, Jan. 7, 1970; 8:48 a.m.]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 69-SO-64]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Tullahoma, Tenn., 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 Tullahoma transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Arnold Air Force Station (lat. 35°23'33" N., long. 86°05'10" W.); within 3 miles each side of the Arnold VOR 216° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR.

The proposed transition area is required to provide controlled airspace protection for IFR operations at Arnold Air Force Station in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to this airport, utilizing the Arnold Air Force Station VOR, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on December 23, 1969.

JAMES G. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 70-288; Filed, Jan. 7, 1970; 8:48 a.m.]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 69-SW-82]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Arkadelphia, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 public 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 Division. 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 Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181, the following transition area is added:

ARKADELPHIA, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Arkadelphia Municipal Airport (lat. 34°06'15" N., long. 93°03'45" W.), and within 3.5 miles each side of the 221° bearing from the Arkadelphia RBN (lat. 34°03'19" N., long. 93°06'17" W.) extending from the 6.5-mile radius area to 11.5 miles southwest of the RBN.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Arkadelphia Municipal Airport, Arkadelphia, Ark. The extension to the proposed transition area is based on the 221° true (214° magnetic) bearing from the proposed Arkadelphia RBN.

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

Issued in Forth Worth, Tex., on December 29, 1969.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 70-289; Filed, Jan. 7, 1970; 8:48 a.m.]

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## [ 14 CFR Parts 91, 121, and 127 ]

[Docket No. 10037; Notice 69-55]

## FASTENING OF SAFETY BELTS DURING TAKEOFF OR LANDING

### Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 91, 121, and 127 of the Federal Aviation Regulations to require each occupant of an aircraft to fasten his safety belt during the takeoff and landing of that aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 31, 1970, will be considered by the

Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

At the present time there is no Part 91 provision which requires occupants other than required flight crewmembers to fasten their safety belts, although § 91.32 requires safety belts for all occupants.

Under Part 121, which is applicable to operations by air carriers and commercial operators of large aircraft, § 121.311 (b) requires each occupant over 2 years of age to occupy a seat and to fasten his safety belt during takeoff or landing. A person who is 2 years of age or less may be held by a nadult who is occupying a seat or berth.

The FAA recognizes that safety belts are customarily used by most occupants of aircraft. However, for obvious safety reasons, all occupants should fasten their safety belts during a takeoff and landing. Therefore, the FAA proposes to establish a regulatory requirement in Part 91 similar to that contained in Part 121. Further, to assure compliance with the regulation, the pilot in command of an aircraft woul dhave to advise all occupants that the Federal Aviation Regulations require safety belts to be fastened during takeoff and landing.

In addition, changes would be made to §§ 91.33, 121.311, and 127.109 to make all of the safety belt requirements in Parts 91, 121, and 127 consistent with respect to the exception for persons less than 2 years of age. For greater clarity all of these exceptions would be dependent on whether or not a person had reached his second birthday. In addition, the specific requirement for fastening safety belts would be included in Part 127, and the flush sentence following paragraph (b) of § 127.109 would be deleted because it is inconsistent with the requirements placed on an air carrier to provide a seat and safety belt for each passenger who has reached his second birthday.

In consideration of the foregoing, it is proposed to amend Parts 91, 121, and 127 of the Federal Aviation Regulations as follows:

1. By adding a new section in Part 91 after § 91.13 to read as follows:

**§ 91.14 Fastening of safety belts.**

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off or land a U.S. registered civil aircraft unless each person on board that aircraft has been notified to fasten his safety belt.

(2) During the takeoff and landing of a U.S. registered civil aircraft, each person on board that aircraft must occupy a seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth.

(b) This section does not apply to operations conducted under Parts 121 and 127 of this chapter. Subparagraph (a)(2) of this section does not apply to persons subject to § 91.7.

2. By amending the first sentence of § 91.33(b)(12) to read as follows:

**§ 91.33 Powered civil aircraft with standard category United States airworthiness certificates: instrument and equipment requirements.**

* * * * *

(b) * * *

(12) Approved safety belts for all occupants who have reached their second birthday.

* * * * *

3. By amending paragraphs (a) and (b) of § 121.311 to read as follows:

**§ 121.311 Seat and safety belts.**

(a) No person may operate an airplane unless there are available during the takeoff, en route flight and landing—

(1) An approved seat or berth for each person on board the airplane who has reached his second birthday; and

(2) An approved safety belt for separate use by each person on board the airplane who has reached his second birthday, except that two persons occupying a berth may share one approved safety belt, and two persons occupying a multiple lounge or divan seat may share one approved safety belt only during en route flight.

(b) During the takeoff and landing of an airplane, each person on board shall occupy an approved seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth. A safety belt provided for the occupant of a seat may not be used during takeoff and landing by more than one person who has reached his second birthday.

4. By amending § 127.109 to read as follows:

**§ 127.109 Seat and safety belts.**

(a) No person may operate a helicopter unless there are available during the takeoff, en route flight and landing—

(1) An approved seat for each person on board the helicopter who has reached his second birthday; and

(2) An approved safety belt for separate use by each person on board the helicopter who has reached his second birthday.

(b) During the takeoff and landing of a helicopter, each person on board shall occupy an approved seat with a separate sfety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 18, 1969.

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

[F.R. Doc. 70-239; Filed, Jan. 7, 1970; 8:46 a.m.]

## Office of Pipeline Safety

## [ 49 CFR Part 190 ]

[Notice 69-4, Docket No. OPS-4]

## INSPECTION AND MAINTENANCE PLANS

### Notice of Proposed Rule Making

The Department of Transportation, Office of Pipeline Safety, is considering adopting regulations to implement the requirements for inspection and maintenance plans, as prescribed by section 11 of the Natural Gas Pipeline Safety Act of 1968.

Section 11 provides as follows:

Each person who engages in the transportation of gas or who owns or operates pipeline facilities not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act shall file with the Secretary or, where a certification or an agreement pursuant to section 5 is in effect, with the State agency, a plan for inspection and maintenance of each such pipeline facility owned or operated by such person, and any changes in such plan, in accordance with regulations prescribed by the Secretary or appropriate State agency. The Secretary may, by regulation, also require persons who engage in the transportation of gas or who own or operate pipeline facilities subject to the provisions of this Act to file such plans for approval. If at any time the agency with responsibility for enforcement of compliance with the standards established under this Act finds that such plan is inadequate to achieve safe operation, such agency shall, after notice and opportunity for a hearing, require such plan to be revised. The plan required by the agency shall be practicable and designed to meet the need for pipeline safety. In determining the adequacy of any such plan, such agency shall consider—

(1) relevant available pipeline safety data;

(2) whether the plan is appropriate for the particular type of pipeline transportation;

(3) the reasonableness of the plan; and

(4) the extent to which such plan will contribute to public safety.

The purpose of this section was explained in the report of the House of Representatives, Committee on Interstate and Foreign Commerce (House Report No. 1390, 90th Cong., second session p. 24) as follows:

An important part of the program proposed by this legislation to achieve pipeline safety is the plan of inspection and maintenance according to which the company maintains surveillance of its lines and facilities.

Section 11 of the reported bill requires each person who engages in the transportation of gas or owns or operates pipeline facilities to file a plan for inspection and maintenance with the Secretary of Transportation, or with the State agency where a certification under section 5(a) or an agreement under section 5(b) is in effect. The filing of such plans is mandatory under the bill as to all gathering, transmission and distribution pipelines and pipeline facilities which are not under the jurisdiction of the Federal Power Commission under the Natural

Gas Act. The filing by interstate transmission lines subject to Commission jurisdiction is optional with the Secretary.

The Department's regulation would apply to (1) all interstate gas transmission lines subject to the jurisdiction of the Federal Power Commission, (2) all gas gathering lines in nonrural areas, and (3) all transmission and distribution pipeline facilities not subject to the jurisdiction of the Federal Power Commission. The regulation would not apply to gas facilities subject to a similar State regulation of a State agency that has in effect a certification under section 5(a) of the Act or an agreement under section 5(b) of the Act.

The Department is considering requiring the filing of inspection and maintenance plans for both interstate and other lines by July 1, 1970.

Section 8 of the Natural Gas Pipeline Safety Act requires each person who engages in the transportation of gas or who owns or operates pipeline facilities to file and comply with any inspection and maintenance plans required by section 11. Therefore, the failure of any person either to file a plan or to comply with any plan filed with the Department under the proposed regulation would be a violation of the Act and could subject that person to the enforcement provisions provided in the Act.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before March 31, 1970, will be considered before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposals contained in this notice may be changed in light of comments received.

The final location of this proposed regulation will depend on several other rule-making actions presently being considered. Therefore while this notice proposes to add a new section to Part 190, the interim Federal safety standards, the final regulation may, in fact, be added to a different part.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 190 by adding the following new section:

**§ 190.7 Inspection and maintenance plans.**

(a) Each person engaged in the transportation of gas or who owns or operates pipeline facilities shall file with the Office of Pipeline Safety not later than July 1, 1970, a plan for inspection and maintenance of each pipeline facility he owns or operates. This requirement shall not apply to any person who is required to file such a plan with a State agency that has in effect a certification under section 5(a) or agreement under section 5(b) of the Natural Gas Pipeline Safety Act of 1968.

(b) Any person who changes an inspection and maintenance plan required to be filed under paragraph (a) of this section shall file each change with the Office of Pipeline Safety within 10 days after the date the change is made.

This notice is issued under the authority of section 11 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1671, et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on December 31, 1969.

W. C. JENNINGS,
*Acting Director,*
*Office of Pipeline Safety.*

[F.R. Doc. 70-320; Filed, Jan. 7, 1970; 8:50 a.m.]

# FEDERAL TRADE COMMISSION

## [ 16 CFR Part 424 ]

## RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

### Trade Regulation Rule; Additional Hearing

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B, of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has scheduled an additional public hearing will take place as schedthe proposed Trade Regulation Rule relating to Retail Food Store Advertising and Marketing Practices. The original public hearing will take place s scheduled, on January 20 and 21, 1970, as announced in a public notice published in the FEDERAL REGISTER on November 14, 1969.

The second hearing will take place on March 24 and 25, 1970, at 10 a.m., e.s.t., in Room 532 of the Federal Trade Commission Building, Washington, D.C. The second hearing is being scheduled at the request of industry associations which have indicated a desire to appear at the public hearing but which will not be able to collect and prepare, by January 20, 1970, all the information they wish to present for the Commission's consideration.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rule with the Chief, Division of Trade Regulation Rules, Federal Trade Commission, Sixth and Pennsylvania Avenue NW., Washington, D.C. 20580, not later than March 16, 1970. Any person desiring to orally present his views at the second hearing should so inform the Chief, Division of Trade Regulation Rules, not later than March 16, 1970, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Chief, Division of Trade Regulation Rules, on or before March 16, 1970. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

Issued: January 5, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-255; Filed, Jan. 7, 1970; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial Number A 58]

### ARIZONA

### Notice of Partial Termination of Classification

JANUARY 2, 1970.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), classification published November 5, 1966 (31 F.R. 14319) classifying public lands for disposal in satisfaction of valid scrip rights pursuant to section 3 of the Act of August 31, 1964 (78 Stat. 751) is terminated effective upon publication of this notice, as to the lands described below:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 N., R. 4 E.
Sec. 6, lots 1, 2, 8 through 23, inclusive, SW¼NE¼;
Sec. 20, SE¼.

Containing 359.77 acres

Subject to valid existing rights, any petition-application filed for the lands will be considered on its merits in accordance with existing laws and regulations. The lands will not be subject to occupancy or disposition until they have been classified.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

RILEY E. FOREMAN,
*Acting State Director.*

[F.R. Doc. 70-226; Filed, Jan. 7, 1970; 8:45 a.m.]

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### Bureau of Land Management

[Serial No. N-3560]

### NEVADA

### Notice of Public Sale

DECEMBER 29, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 10 a.m., local time on Thursday, February 12, 1970, at the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 11 N., R. 25 E.,
Sec. 10, SE¼SW¼, S½SE¼.

The area described contains 120 acres. The appraised value of the tract is $4,900 and the estimated publication costs to be assessed are $12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for right-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any state thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701, prior to 4 p.m., on Wednesday, February 11, 1970. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-3560, February 12, 1970".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale.

If no bids are received for the sale tract on Thursday, February 12, 1970, the tract will be reoffered on the first Wednesday of subsequent months at 9 a.m., beginning March 4, 1970.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701.

ROBERT T. WEBB,
*Acting Manager,*
*Nevada Land Office.*

[F.R. Doc. 70-225; Filed, Jan. 7, 1970; 8:45 a.m.]

## FEDERAL HOME LOAN BANK BOARD

[H. C. No. 55]

### GREATER OHIO CORP.

### Notice of Receipt of Application for Permission To Acquire Control of the Citizens Savings and Loan Association

JANUARY 5, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Greater Ohio Corp., Columbus, Ohio, for approval of acquisition of control of The Citizens Savings and Loan Association, Tiffin, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of capital stock of The Citizens Savings and Loan Association for cash and stock in Greater Ohio Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
*Secretary,*
*Federal Home Loan Bank Board.*

[F.R. Doc. 70-295; Filed, Jan. 7, 1970; 8:49 a.m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

## SALES OF CERTAIN COMMODITIES

### January Sales List

*Notice to buyers.* Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced the minimum prices at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.s.t., December 31, 1969. These prices, subject to amendment, will continue until superseded by the February Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, soybeans, peanuts, tung oil, cottonseed oil, butter, and nonfat dry milk.

There are no changes in the number of commodities listed for January.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list. For commodities stored at other locations, the information may be attained from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Regulations GSM–4) for January 1970 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include barley, bulgur, cattle (beef and dairy breeding), corn, cornmeal, cotton (upland and extra long staple), cottonseed meal, cottonseed oil, dairy products, flaxseed, grain sorghum, lard, linseed oil, oats, raisins, rice (milled and brown), rye, soybean oil, tallow, tobacco, wheat, and wheat flour. These commodities are subject to certain area limitations. Commodities purchased from CCC may be financed for export from private stocks under the GSM–4 regulations.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of Assistant Sales Manager, Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley, oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS–1, as amended; cottonseed oil and soybean oil under Announcement PS–2; tobacco under Announcement PS–3; upland and extra long staple cotton under Announcement PS–4; and inedible tallow and grease under Announcement PS–5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter, Hard Red Spring, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated by the U.S. Department of Commerce. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for restricted or unrestricted use.

Countries and commodities are specifically listed in the U.S. Department of Commerce Export Control Regulations. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

*Unrestricted use.*

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate [3] for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store).* [1]

| Markup in-store received by— | | Examples |
|---|---|---|
| Truck | Rail or barge | |
| $0.13 | $0.10½ | Minneapolis—No. 1 DNS ($1.57) 115 percent +$0.10½; $1.91¼.<br>Portland—No. 1 SW ($1.45) 115 percent +$0.10½; $1.77½.<br>Kansas City—No. 1 HRW ($1.45) 115 percent +$0.10½; $1.77½.<br>Chicago—No. 1 RW ($1.46) 115 percent +$0.10½; $1.78½. |

*Export.*

A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR-345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

*Available.* Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

SOYBEANS, BULK

*Unrestricted use.*

A. *Storable—Port positions (basis Grade 1 in-store).* Market price but not less than $2.64½ per bushel at Great Lakes terminals; $2.70½ gulf; and $2.71½ east coast.

*Interior positions (basis Grade 1 in-store).* Market price but not less than the 1969 base loan rate where stored plus 33½ cents per bushel.

Market discounts will be applied in determining the minimum price of lower grades.

B. *Nonstorable.* At not less than the market price as determined by CCC.

*Available.* Kansas City, Chicago, and Minneapolis ASCS Grain Offices.

See footnotes at end of document.

CORN, BULK

*Unrestricted use.*

A. *Storable—Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate [3] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

| Markup in-store | Examples |
|---|---|
| $0.08½ | Feed grain program domestic PIK certificate minimums:<br>McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.08½; $1.37½. |

*Available.* Chicago, Kansas City, and Minneapolis, ASCS grain offices.

GRAIN SORGHUM, BULK

*Unrestricted use.*

*Nonstorable.* At not less than market price as determined by CCC.

*Export.*

Export market price, as determined by CCC but not less than $2.35 per hundredweight in-store west coast ports Grade 2 or better, or $2.20 per hundredweight in-store gulf ports Grade 2 or better, or $2.41½ per hundredweight on track Texas border points Grade 2 or better. Sales will be made pursuant to Announcement GR-212.

*Available.* Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

*Unrestricted use.*

A. *Storable—Redemption of domestic payment-in-kind certificates (basis in-store):* Market price, as determined by CCC, but not less than the 1969 price-support loan rate where stored for the class, grade, and quality of the barley plus 25½ cents per bushel if received by truck or 23 cents per bushel if received by rail or barge.

B. *Nonstorable.* At not less than market price as determined by CCC.

*Available.* Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

OATS, BULK

*Unrestricted use.*

A. *Storable (basis in-store).* Market price, as determined by CCC, but not less than the applicable 1969 price-support rate where stored for the class, grade, and quality of the oats plus 22½ cents per bushel.

B. *Nonstorable.* At not less than the market price as determined by CCC.

*Available.* Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

*Unrestricted use.*

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent [3] of the applicable 1969 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

| Markup in-store received by— | | Examples |
|---|---|---|
| Truck | Rail or barge | |
| $0.13 | $0.10½ | Agriculture Act of 1949; statutory minimums.<br>Rolette County, N. Dak. ($0.86); 115 percent +$0.13; $1.12.<br>Minneapolis, Minn. ($1.22) 115 percent +$0.10½; $1.51½. |

C. *Nonstorable.* At not less than market price as determined by CCC.

*Available.* Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

*Unrestricted use.*

Market price but not less than 1969 loan rate plus 5 percent, plus 31 cents per hundredweight, basis f.o.b. warehouse.

*Available.* Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

FLAXSEED, BULK

*Unrestricted use.*

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1969 price-support rate [3] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

| Markup per bushel received by— | | Example of minimum prices—terminal and price |
|---|---|---|
| Truck | Rail or barge | |
| $0.15 | $0.10¾ | Minneapolis, Minn. ($3.01); 105 percent + $0.10¾; $3.26¾. |

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

*Available.* Through the Minneapolis ASCS Branch Office.

COTTON, UPLAND

*Unrestricted use.*

Competitive offers under the terms and conditions of Announcement NO-C-31 (Revised) (Disposition of Upland Cotton—In Liquidation of Rights in a Certificate Pool, Against the "Shortfall," and Under Barter Transactions). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC which will be based on 110 percent of the price-support loan rate for Middling 1-inch cotton at average location at the time of delivery, plus reasonable carrying charges for the month in which the sale is made. Carrying charges are 45 points per pound. In no event will the price for any cotton be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time of delivery.

*Export.*

*CCC disposals for barter.* Competitive offers under the terms and conditions of Announcements CN-EX-28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO-C-31, as amended, at the prices described in the preceding paragraph.

COTTON, EXTRA LONG STAPLE

*Unrestricted use.*

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2). Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made. Carrying charges are 45 points per pound. Notwithstanding the foregoing, until otherwise announced by CCC, cotton will be available under Announcement NO–C–6 in an amount not to exceed the unsold shortfall at the market price, as determined by CCC.

COTTON, UPLAND OR EXTRA LONG STAPLE

*Unrestricted use.*

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

*Availability information.*

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED OIL, REFINED (BULK)

*Export.*

Competitive offers under the terms and conditions of Announcement NO–CS–9. Sales will be made only for export to restricted destinations. Oil sold under NO–CS–9 may be exported only against dollar sales or under the CCC export credit sales program (GSM–4).

*Available.* New Orleans ASCS Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

*Restricted use sales.*

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Tex. 76454.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

*Unrestricted use.*

Sales are made periodically on a competitive bid basis. Bids are submitted to the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

[1] See footnote at end of document.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Oilseeds and Special Crops Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–7120.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

*Submission of offers.*

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

*Unrestricted use.*

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

*Export.*

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price, and the period of time such price will be in effect.

BUTTER

*Unrestricted use.*

Announced prices, under MP–14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 657 Second Avenue N., Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on December 30, 1969.

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

[F.R. Doc. 70–171; Filed, Jan. 7, 1970; 8:45 a.m.]

## ADMINISTRATOR, FOOD AND NUTRITION SERVICE

### Designation as Claims Official and Delegation of Authority Relating to Claims by or Against Commodity Credit Corporation

Pursuant to the authority vested in the Executive Vice President, Commodity Credit Corporation, by the Board of Directors of the Commodity Credit Corporation, the Administrator, Food and Nutrition Service, is hereby designated a claims official of the Commodity Credit Corporation. There is hereby delegated to him, with authority to redelegate to officials within the Food and Nutrition Service with the rank of division director or above, the authority and responsibility to collect, adjust, compromise, terminate collection activity, and refer for litigation the following types of claims by or against the Commodity Credit Corporation, with a monetary limitation of $20,000 on adjustment, compromise and termination, subject to and in accordance with applicable rules and regulations promulgated by the Commodity Credit Corporation:

1. Claims arising from donations of food commodities to State, Federal, and private agencies pursuant to section 416 of the Agricultural Act of 1949, as amended.

2. Claims arising from donations of food commodities to State correctional institutions for minors pursuant to section 210 of the Agricultural Act of 1956.

3. Claims arising from distribution of dairy products to meet the requirements of any programs authorized by law and for which CCC purchases commodities under authority of section 709 of the Food and Agriculture Act of 1965, as amended.

The Administrator, Food and Nutrition Service, or his designee, may appoint, in writing, additional Food and Nutrition Service personnel as CCC claims officers to exercise all or a part of the foregoing authority within specified monetary limitations. The names of such CCC claims officers and information with respect to their authority shall be filed with and may be obtained from the Secretary, Commodity Credit Corporation, Washington, D.C. 20250.

All matters involving the interpretation of claims policies affecting programs and functions of Commodity Credit Corporation shall require the concurrence of the Vice President, Commodity Credit Corporation, who is Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service, before being put into effect.

Effective date: This designation and delegation of authority shall be effective on publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 2, 1970.

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

[F.R. Doc. 70-294; Filed, Jan. 7, 1970; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 2, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 383), filed November 26, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Dawson, Moultrie, and Valdosta, Ga., as off-route points in connection with applicants' regular route authority to and from points in Georgia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 2310 (Sub-No. 3), filed November 20, 1969. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, La Porte, Ind. 46350. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers (bottles or jars), caps, covers, stoppers, tops, and fiberboard boxes*, from the plantsite and facilities of Obear-Nester Glass Co., at Lincoln, Ill., to points in Wisconsin, Iowa, Missouri, the lower peninsula of Michigan, Indiana, Illinois, Ohio, Kentucky, and Tennessee, and *materials and supplies* used in the manufacture and shipping of such commodities, from points in Wisconsin, Iowa, Missouri, the lower peninsula of Michigan, Indiana, Illinois, Ohio, Kentucky, and Tennessee to the plantsite and facilities of Obear-Nester Glass Co., at Lincoln, Ill., under contract with Obear-Nester Glass Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2512 (Sub-No. 26), filed September 24, 1969. Applicant: CITY TRANSFER & STORAGE CO., a corporation, 1152 Marine Drive, Astoria, Oreg. 97103. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment); (A) (1) between Portland, Oreg., and Ilwaco, Wash., from Portland over

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Interstate Highway 5 to junction of Interstate Highway 5 and Washington Highway 4, near Kelso, Wash., thence over Washington Highway 4 to junction Washington Highway 4 and Washington Highway 401, near Naselle (Naselle Junction), thence over Washington Highway 401 to junction U.S. Highway 101, thence over U.S. Highway 101 to Ilwaco (also from junction Washington Highway 4 and Washington Highway 401 over Washington Highway 4 to junction of U.S. Highway 101 thence over U.S. Highway 101 to Ilwaco); (2) between Naselle Junction, Wash., and Hammond, Oreg., from Naselle Junction, over Washington Highway 401 to junction U.S. Highway 101, thence over U.S. Highway 101 and unnumbered highways to Hammond (also from Ilwaco, Wash., over U.S. Highway 101 and unnumbered highways to Hammond), and return over the same routes; (3) serving all intermediate points and off-route points in Washington within 20 miles of Ilwaco, Wash., and to and from all Oregon points intermediate and off-route within 5 miles of U.S. Highway 101 and unnumbered roads authorized which are south, west, or southwest of Astoria. (B) (1) Between Portland, Oreg., and Astoria, Oreg., over U.S. Highway 30, serving no intermediate points, as an alternate route for operating convenience only;

(2) Between Portland, Oreg., and Astoria, Oreg., over U.S. Highway 26, serving no intermediate points as an alternate route for operating convenience only; and (3) applicant also proposes to use as an alternate route the interstate bridge at Longview, Wash., in either direction in connection with its service routes and alternate routes. NOTE: Applicant states that upon issuance of the authority herein applied for it will surrender for cancellation the following authorities contained in its certificate MC 2512, irregular routes: General commodities, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Ilwaco, Wash., and points in Washington within 20 miles thereof, on the one hand, and, on the other, Astoria, Oreg.; general commodities, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckload lots only, between Ilwaco, Wash., and points in Washington within 20 miles thereof on the one hand, and, on the other, Portland, Oreg.; and general commodities, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, in less-truckload lots, between Portland, Oreg., on the one hand, and, on the other, Ilwaco, Wash., and points in Washington within 20 miles thereof. If a hearing is deemed necessary, applicant requests it be held at Portland and Astoria, Oreg.

No. MC 3854 (Sub-No. 13), filed December 4, 1969. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, N.C. 27703, Applicant's representative: Edward G. Villalon, 1735 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished wall paneling and accessories* therefor, from Charlotte, N.C., to points in Kentucky, Tennessee, West Virginia, South Carolina, Virginia, Illinois (except Chicago, Ill., and points within 35 miles thereof), those in Indiana south of U.S. Highway 40, and Pennsylvania (except Pittsburgh, Pa., and points within 40 miles thereof). NOTE: Applicant holds contract carrier authority under Docket No. MC 118864 Sub 1, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 4761 (Sub-No. 26), filed December 1, 1969. Applicant: LOCK CITY TRANSPORTATION COMPANY, a corporation, 327 Sixth Avenue, Menominee, Mich. 49858. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Veron Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Rhinelander, Wis., to points in Minnesota and the Upper Peninsula of Michigan. NOTE: Applicant states that it could join or tack the authority sought with the authority contained in its present Certificate MC-4761 (Sub-No. 14), however applicant states that it does not intend to tack the authority sought herein with any of its existing authority and would accept a restriction against tacking, if required. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 25798 (Sub-No. 202), filed December 3, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (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 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 commodities in bulk in tank vehicles), from the plantsite and/or storage facilities utilized by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 30844 (Sub-No. 306), filed December 3, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, from New York City and commercial zone and Newark, N.J., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 33641 (Sub-No. 93), filed December 4, 1969. Applicant: IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite and facilities of National Lead Co. at or near Rowley, Utah, as an off-route point in connection with applicant's presently authorized regular route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 34689 (Sub-No. 12), filed November 28, 1969. Applicant: H. MAYNARD GOULD CO., Union Street, East Walpole, Mass. 02032. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Soapstone*, from Gassett, Vt., to Walpole and Norwood, Mass.; and (b) *talc*, from West Windsor, Vt., to Walpole and Norwood, Mass. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 43215 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 51146 (Sub-No. 154), filed December 11, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and plywood products, plywood and plywood products combined with veneer and plastics, paneling, doors, composition wood and composition wood products, and accessories, materials, and supplies* used in connection with the manufacture and distribution of the above-described commodities, from Oshkosh Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland,

Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies* used in the manufacture and distribution of the above-described commodities, from points in the above destination States, to Oshkosh, Wis. NOTE: Applicant states that the requested authority can be tacked with its existing authority in MC 51146 and various subs thereunder where feasible and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56679 (Sub-No. 36), filed November 28, 1969. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpeting, and textile products*, from Moultrie, Ga., to points in Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59150 (Sub-No. 48), filed November 16, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Box 47, Station G, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle-board, plywood, and lumber*, from the plantsite and warehouse of International Paper Co., Long Bell Division, Greenwood County, S.C., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Mobile, Ala.

No. MC 61396 (Sub-No. 223), filed November 28, 1969. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representatives: D. G. Herman (same address as applicant), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and related products*, in bulk, in tank vehicles, between the plantsite of Northern Petrochemical Co., located in Grundy County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 64932 (Sub-No. 484), filed December 5, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60603. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and related products*, in bulk, in tank vehicles, between the plantsite of Northern Petrochemical Co. located in Grundy County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69036 Sub-No. 10), filed December 3, 1969. Applicant: HEARTLAND EXPRESS, INC., 911 West Sheridan, Shenandoah, Iowa 51601. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as described in sections A, B, and C to appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Minden and Lexington, Nebr., to points in Iowa, Kansas, Missouri, Illinois, Minnesota, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Shenandoah, Iowa.

No. MC 74321 (Sub-No. 38), filed November 24, 1969. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Jerry C. Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Pueblo, Colo., to points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 82063 (Sub-No. 27), filed November 25, 1969. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and related products*, in bulk, in tank vehicles, between points in Grundy County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 98646 (Sub-No. 10), filed November 19, 1969. Applicant: RYAN FREIGHT LINES., INC., 1257 East Reno, Post Office Box 17570, Oklahoma City, Okla. 73117. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate at a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Oklahoma City, Okla., and Merietta, Okla., over U.S. Highway 77, serving all intermediate points; (2) between Ardmore, Okla., and Waurika, Okla., over U.S. Highway 70, serving the intermediate and off-route points of Lone Grove, Hewett, Dillard, Rexroat, Wilson, Healdton, Wirt, and McMann, Okla.; (3) between Oklahoma City, Okla., and junction Oklahoma Highway 76 and U.S. Highway 70 near Wilson, Okla., from Oklahoma City over U.S. Highway 62 to its junction with Oklahoma Highway 76 near Blanchard, Okla., thence over Oklahoma Highway 76 to its junction with U.S. Highway 70 near Wilson, Okla., and return over the same route serving all intermediate points; (4) between junction U.S. Highway 77 and Oklahoma Highway 29 near Wynnewood, Okla., and the junction of Oklahoma Highway 29 and Oklahoma Highway 76 near Foster, Okla., serving the intermediate and off-route points of Elmore City and Foster, Okla.; from the junction of U.S. Highway 29 near Wynnewood, Okla., over Oklahoma Highway 29 to the junction of Oklahoma Highway 29 and Oklahoma Highway 76 near Foster, Okla., and return over the same route; (5) between Pauls Valley, Okla., and Alex, Okla., over Oklahoma Highway 19, serving all intermediate points including White Bead, Okla.

(6) Between the junction of U.S. Highway 77 and Oklahoma Highway 74 near Purcell, Okla., and Elmore City, Okla., from the junction of U.S. Highway 77 and Oklahoma Highway 74 near Purcell, Okla., over Oklahoma Highway 74 to Elmore City, Okla., and return over the same route, serving all intermediate points; (7) between Ardmore, Okla., and Durant, Okla., over U.S. Highway 70 serving all intermediate points; (8) between the junction of U.S. Highway 70 and Oklahoma Highway 12 near Russett, Okla., and Ravia, Okla., from the junction of U.S. Highway 70 and Oklahoma Highway 12 and over Oklahoma Highway 12 to Ravia, Okla., and return over

the same route serving all intermediate points; (9) between Madill, Okla., and Tishomingo, Okla., over Oklahoma Highway 99, serving all intermediate points; (10) between Madill, Okla., and the junction of Oklahoma Highway 78 and Oklahoma Highway 48 near Durant, from Madill, over Oklahoma Highway 199 to its junction with Oklahoma Highway 78, thence over Oklahoma Highway 78 to its junction with Oklahoma Highway 48 near Durant, Okla., and return over the same route, serving all intermediate points; (11) between Durant, Okla., and Broken Bow, Okla., over U.S. Highway 70, serving all intermediate points and the off-route point of Wright City, Okla.; (12) between Durant, Okla., and the Oklahoma-Texas State line over U.S. Highway 75 serving all intermediate points; (13) between Antlers, Okla., and the junction of U.S. Highway 271 and U.S. Highway 70 near Soper, Okla., over U.S. Highway 271, serving all intermediate points; (14) between Davis, Okla., and the junction of Oklahoma Highway 7 and Oklahoma Highway 12 near Scullin, Okla., over Oklahoma Highway 7, serving all intermediate points;

(15) Between Lexington, Okla., and Dickson, Okla., serving all intermediate points and the off-route point of Wanette, Okla.; from Lexington over Oklahoma Highway 39 to Asher, Okla., thence over Oklahoma Highway 18 to Dickson, Okla., and return over the same route; (16) between Sulphur, Okla., and Durant, Okla., serving all intermediate points; from Sulphur over Oklahoma Highway 7 to its junction with Oklahoma Highway 12, thence over Oklahoma Highway 12 to Ravia, thence over Oklahoma Highway 22 to Tishomingo, thence over Oklahoma Highway 78 to its junction with Oklahoma Highway 48, thence over Oklahoma Highway 48 to Durant, and return over the same route; (17) between Madill, Okla., and Brown, Okla., over Oklahoma Highway 199, serving all intermediate points; (18) between Ada, Okla., and Tishomingo, Okla., from Ada over Oklahoma Highway 3 to junction Oklahoma Highway 99, thence over Oklahoma Highway 99 to Tishomingo and return over the same route, serving all intermediate points; (19) between Oklahoma City and Antlers, Okla., serving all intermediate points and serving the off-route points of Maude, Bowlegs, and St. Louis, Okla.; from Oklahoma City over U.S. Highway 270 to Shawnee, thence over U.S. Highway 177 (formerly portion Oklahoma Highway 18) to Stratford, Okla., thence over Oklahoma Highway 19 to Ada, Okla., thence over Oklahoma Highway 3 to junction U.S. Highway 75, thence over U.S. Highway 75 to Atoka, thence over Oklahoma Highway 3 and Oklahoma Highway 7 to Antlers, and return over the same route;

(20) Between Atoka and Durant, over U.S. Highway 75 serving all intermediate points; (21) between Pauls Valley, Okla., and Ada, Okla., over Oklahoma Highway 19 serving all intermediate points and the off-route point of Vanoss, Okla.; (22) between Wayne, Okla., and the junction of Oklahoma Highway 59A and Oklahoma Highway 13; from Wayne over U.S. Highway 75 to its junction with Oklahoma Highway 59, thence over Oklahoma Highway 59 to its junction with Oklahoma Highway 59A, thence over Oklahoma Highway 59A to its junction with Oklahoma Highway 13, and return over the same route; (23) between Dallas, Tex., and Marietta, Okla., over U.S. Highway 77, serving the intermediate points in Oklahoma only; and (24) between Dallas, Tex., and Durant, Okla., over U.S. Highway 75, serving the intermediate points in Oklahoma only. Restriction: The authority described in 1 through 24 above is restricted against the handling of traffic moving to, from, or through Dallas, Tex., on the one hand, and to, from, or through Oklahoma City, Okla., on the other. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Ardmore, or Durant, Okla.

No. MC 82841 (Sub-No. 65), filed December 5, 1969. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pumps* (truck—mounted and unmounted), *conveyors, scaffolding, and accessories, and parts thereof*, between Yankton, S. Dak., on the one hand, and, on the other, points in the United States excluding Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 101280 (Sub-No. 10), filed December 3, 1969. Applicant: FRANCIS BLACK, doing business as BLACK BROS., 500 West Monroe Street, Paris, Ill. 61944. Applicant's representative: Melvin N. Routman, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn and corn products*, from Paris, Ill., to points in Michigan, Ohio and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 105457 (Sub-No. 66), filed November 24, 1969. Applicant: THURSTON MOTOR LINES, INC., 601 Johnson Road, Charlotte, N.C. 28201. Applicant's representative: J. E. Bullock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition boards or sheets*, from the plantsite and warehouses of Westvaco Corp. at or near North Charleston, S.C., to points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia, West Virginia, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states the purpose of this application is to eliminate gateways and certain highways which result in a circuitous route. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 105457 (Sub-No. 67), filed November 24, 1969. Applicant: THURSTON MOTOR LINES, INC., 601 Johnson Road, Charlotte, N.C. 28201. Applicant's representative: J. E. Bullock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboards, insulation boards, plywoods and/or particleboards*, in straight or mixed truckloads, *parts, materials, and accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (b) *commodities* used in the manufacture of hardboards, insulating boards, plywoods, or particleboards, and parts, materials, and accessorial items incidental to the transportation and installation thereof in truckloads, from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this application is to acquire authority to serve points in States not authorized to be served and to eliminate gateway restriction. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 106398 (Sub-No. 437), filed November 28, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Shenandoah County, Va., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107818 (Sub-No. 51), filed December 5, 1969. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, 1301 Gulf Life Drive, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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), *canned and frozen foods, and dairy and poultry products*, from St. Paul, Worthington, and Fairmont, Minn., and Eau Claire, Portage, and Monroe, Wis., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 606), filed December 4, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint, paint products, paint ingredients and varnish*, in bulk, from Milwaukee, Wis., to Houston, Tex., and East Point, Ga.; and (2) *dry ammonia sulfate*, in bulk, from East Chicago, Ill., to Milwaukee, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 111299 (Sub-No. 10), filed November 28, 1969. Applicant: CY KIRVAN, doing business as KIRVAN TRUCK LINE, Box 829, International Falls, Minn. 56649. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to International Falls, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111812 (Sub-No. 392), filed November 24, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: R. H. Jinks (same address as above), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. 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, B, 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 and hides, from the plantsite and warehouse facilities of Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to traffic originating at the plantsite and warehouse facilities of Sioux-Preme Packing Co., and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112148 (Sub-No. 46), filed December 4, 1969. Applicant: POWERS TRANSPORTATION, INC., Post Office Box 87, Storm Lake, Iowa 50588. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material, supplies, and products* used in or produced by the food processing industry (except commodities in bulk), from Lawton, Mattawan, and Decatur, Mich., to points in Iowa, Minnesota, Wisconsin (except Eau Claire, La Crosse, Prairie du Chien, and Rice Lake), Nebraska, North Dakota, South Dakota, and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 112822 (Sub-No. 138), filed November 24, 1969. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal wood, charcoal briquettes, and charcoal pellets;* (a) from Memphis, Tenn., to points in Arizona, Colorado, Iowa, Kansas, Missouri, Oklahoma, Texas, Indiana, Illinois, Minnesota, and Wisconsin; (b) from Branson, Mo., to points in Colorado, Iowa, Illinois, Kansas, New Mexico, Nebraska, Minnesota, Oklahoma, Texas, and Wisconsin; and (2) *canned goods and canned dog food*, from Proctor and Kansas, Okla.; Siloam Springs and Gentry, Ark.; and the plantsite of Allen Canning Co. located at a point 10 miles east of Siloam Springs, Ark., to points in Arizona. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Tulsa, Okla.

No. MC 113267 (Sub-No. 225), filed November 26, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap, detergents, cleaners, polishes, and finishes*, from Tampa, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 113267 (Sub-No. 226), filed December 5, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, and woodpulp;* (1) from points in McMinn County, Tenn., to points in North Dakota, Oklahoma, and Texas; and (2) from St. Louis, Mo., and Granite City, Ill., to points in Iowa, Missouri, Kansas, Nebraska, and Illinois, restricted to traffic having a prior movement by water from St. Louis, Mo., and Granite City, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 173), filed December 3, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood furniture squares, hardwood furniture parts, millwork and hardwood furniture*, from points in Wayne County, Pa., and points in Delaware County, N.Y., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113459 (Sub-No. 54), filed December 3, 1969. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Pueblo, Colo., to points in Arkansas, Illinois, Indiana, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 113828 (Sub-No. 168), filed December 4, 1969. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and John F. Grimm

(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, in bulk and in bags, from Plasterco and Norfolk, Va., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114211 (Sub-No. 133), filed November 28, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic moulding, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products, and accessories* used in the installation of such products (except commodities in bulk); (1) from McPherson, Kans., to points in the United States (except Alaska and Hawaii); and (2) from Waco, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant did not specify location.

No. MC 115162 (Sub-No. 186), filed November 26, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles and woodpulp;* (1) From points in McMinn County, Tenn., to points in Indiana north of U.S. Highway 40, including Columbus and Indianapolis; Louisville, Ky., commercial zone and points in Indiana within the Louisville, Ky., commercial zone; St. Louis commercial zone and points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Texas, and West Virginia; and (2) from Natchez, Greenville, and Vicksburg, Miss., to points in Louisiana, Mississippi, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Birmingham, Ala.

No. MC 115162 (Sub-No. 187), filed November 26, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves, hydrants, and gaskets*, from the plantsite and warehouse facilities of the Clow Corp. located near Lincoln, Talladega County, Ala., to points in Delaware, Iowa, Kansas, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Montgomery, or Mobile, Ala.

No. MC 115841 (Sub-No. 366), filed December 4, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), also E. Stephen Heisley, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Arkansas to points in Alabama, Florida, Georgia, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Kentucky, Indiana, Illinois, Iowa, Wisconsin, Michigan, Minnesota, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, and the District of Columbia, restricted to traffic originating in Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 117165 (Sub-No. 28), filed November 21, 1969. Applicant: C. J. DAVID, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. 48880. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboards, insulation boards, plywoods, and/or particleboards*, in straight or mixed truckloads and *parts, materials, and accessorial items* necessary for the installation thereof over irregular routes. From the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin; (2) *commodities* used in the manufacture of hardboards, insulating boards, plywoods, or particleboards, and *parts, materials, and accessorial items* incidental to the transportation and installation thereof in truckloads over irregular routes. From points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C.; and (3) *materials and supplies*, used in the manufacturing of boards, building wall, and/or insulating fiberboard, from points in Alabama, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin to Alpena, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 117370 (Sub-No. 18), filed November 28, 1969. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, Wis. 53122. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk (except in dump vehicles), (1) from Portage, Wis., to points in Minnesota, Michigan, Iowa, Missouri, Illinois, Indiana, Ohio, and Pennsylvania, and (2) from Oregon, Ill., to points in Missouri and the Lower Peninsula of Michigan. NOTE: Applicant states that the requested authority can be tacked with its existing authority in the state of Ohio, but indicates that it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 117765 (Sub-No. 91), filed November 20, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies* used in the manufacture, installation, or distribution thereof, between the plantsite and facilities of United States Gypsum Co. at or near Southard, Okla., and points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118263 (Sub-No. 20), filed November 28, 1969. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. 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), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Monmouth, Ill. to points in Maryland, New Jersey, New York, Pennsylvania, and Washington, D.C., restricted to the transportation of traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above specified destinations. NOTE: Applicant has a pending application for contract carrier authority under Docket No. MC 111069 (Sub-No. 53), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118263 (Sub-No. 21), filed November 28, 1969. Applicant: COLD-WAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, 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) from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. Restricted to the transportation of traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above-specified destinations. NOTE: Applicant holds contract authority under MC 111069 Sub 42, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119531 (Sub-No. 130), filed November 24, 1969. Applicant: DIECK-BRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between North Vernon, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. NOTE: Applicant states possible tacking exists at Cleveland, Ohio, to serve points in New York and Pennsylvania in its MC 119531 (Sub-No. 7), however this possible extension not supported in instant application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119654 (Sub-No. 15), filed November 12, 1969. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, and covers* for glass containers, and *fiberboard boxes*, from points in Indiana, to points in Illinois, Kentucky, Michigan, Ohio, Wisconsin, and St. Louis, Mo. Restriction: The above transportation is restricted to traffic originating at the warehouse and storage facilities of Kerr Glass Manufacturing Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119654 (Sub-No. 16), filed December 5, 1969. Applicant: HI-WAY DISPATCH, INC., 26th and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and covers* for glass containers, and *fiberboard boxes*, from Lincoln, Ill., to points in Wisconsin, Indiana, the Lower Peninsula of Michigan, and Ohio, rejected or damaged shipments, on return. NOTE: Applicant states that the request authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 123639 (Sub-No. 121), filed November 24, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Sioux-Preme Packing Co. and storage facilities used by Sioux-Preme Packing Co. at or near Sioux Center, Iowa, to points in Arizona, Colorado (except the Denver commercial zone), Illinois (except the Chicago commercial zone), Indiana, Kansas, Michigan, Missouri, and Nebraska, restricted to traffic originating at the named origin. NOTE: Applicant states that it does not intend to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 123887 (Sub-No. 4), filed November 28, 1969. Applicant: L. J. NAVY TRUCKING CO., a corporation, 2300 Eight Avenue, Huntington, W. Va. 25703. Applicant's representative: L. J. Navy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers; (1) from Columbus, Ohio, to Bluefield and Welch, W. Va.; and (2) from Fort Wayne, Ind., to Beckley, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 124127 (Sub-No. 2), filed November 28, 1969. Applicant: ALLEN RUSSELL, doing business as ALLEN RUSSELL TRUCKING COMPANY, Route No. 2, Franklin, Ky. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: (1) *Wire, wire cages and wire products;* and (2) *materials and supplies used in the manufacture of poultry equipment*, between the plantside of Bilt-Rite Products, Inc., Russellville, Ky., on the one hand, and, on the other points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Bilt-Rite Products, Inc., Division of U.S. Industries, Russellville, Ky. NOTE: Applicant now holds common carrier authority under it MC 119519 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 124221 (Sub-No. 27), filed December 8, 1969. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, ice cream products, and delicatessen products*, from the dairy site and warehouse facilities of the Kroger Co. at Cincinnati, Ohio, to points in Alabama, Kentucky, Tennessee, Virginia, and West Virginia; and *out-dated, refused, or rejected merchandise, and plastic cases and shipping devices*, on return; under a continuing contract, or contracts, with the Kroger Co. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 124505 (Sub-No. 6), filed November 20, 1969. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. 59801. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Tacoma, Wash., and Portland, Oreg., to Billings, Bozeman, Butte,

Helena, and Missoula, Mont., and Moscow, Sandpoint, and Wallace, Idaho, under contract with Intermountain Distributing Co., Earl J. Tucker Distributing Co., Clausen Distributing Co., Earl's Distributors, and Sandpoint Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Missoula or Helena, Mont.

No. MC 126758 (Sub-No. 4), filed November 20, 1969. Applicant: EUGENE J. GLOSIER AND LEROY F. SOMMER, a partnership, doing business as GLOSIER SERVICE CO., Post Office Box 366, St. Charles, Mo. 63302. Applicant's representative: Leroy F. Sommer (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Peoria and Belleville, Ill., to Springfield, Mo.; and (2) from Belleville, Ill., to Imperial, Mo.; under contract with Stag Distributing Co., Inc., and Paul Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127832 (Sub-No. 9), filed November 26, 1969. Applicant: C & S TRANSFER, INC., Post Office Box 5249, Macon, Ga. 31208. Applicant's representative: William Addams, 1776 Peachtree Street NW., Suite 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, supplies, and equipment* used in the operation of cafeterias and restaurants, between the storage facilities of State Wholesale Food, Inc., at or near Macon, Ga., on the one hand, and, on the other, Ahoskie, Charlotte, Kinston, Lexington, Roanoke Rapids, Rocky Mount, Siler City, Washington, and Windsor, N.C., under contract with State Wholesale Food, Inc., Macon, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128866 (Sub-No. 11), filed December 4, 1969. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, N.J. 08034. Applicant's representative: Daniel L. O'Connor, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, from the plantsite of Aluminum Co. of America at Alcoa, Tenn., to the plantsites of Penny Plate, Inc. at Cherry Hill, N.J., and Searcy, Ark., and (2) *scrap aluminum, defective and damaged aluminum foil and sheets, skids, pallets, and aluminum cores*, from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of Aluminum Co. of America at Alcoa, Tenn., under contract with Penny Plate, Inc., Haddonfield, N.J., in connection with (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133138 (Sub-No. 3), filed November 28, 1969. Applicant: INTER-ISLAND GARMENT CARRIERS, INC., 18 Stegman Court, Jersey City, N.J. 07305. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are handled, used, sold and dealt in by chain grocery, department or discount stores, between the facilities and warehouses of Vornado, Inc., at Hanover and Garfield, N.J., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone as defined by the Commission. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133313 (Sub-No. 1), filed October 3, 1969. Applicant: McMAHON TRANSPORT LTEE, Post Office Box 11, St. Celestin, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street West, Suite 1010, Montreal, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and wood products*, from the ports of entry on the international boundary line between the United States and Canada located at or near Champlain, N.Y., Highgate Springs and North Mills, Vt., to points in Massachusetts, Pennsylvania, New York, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Maryland, and Michigan, under contract with St. Leonard Veneer Co., St. Leonard d'Aston Quebec, Canada, Service Forestier, Le Seminaire de Quebec, Quebec, Canada, Ubald Forest & Fils Ltee, La Visitation, Cte Yamaska, Quebec, Canada, W. A. Byrne Lumber, Quebec, Province of Quebec, Canada, and (2) *rough lumber*, from Williamsport and Montgomery, Pa., and Salamanca and Falconer, N.Y., to the port of entry on the international boundary line between the United States and Canada located at or near Champlain, N.Y., under contract with M & M Hardwood, Inc., Montreal, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 133700 (Sub-No. 3), filed December 4, 1969. Applicant: DUCKETT TRANSFER COMPANY, INC., 74 Meadow Road, Asheville, N.C. 28803. Applicant's representative: Philip G. Carson, Post Office Box 748, Asheville, N.C. 28802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice* in bulk in tank vehicles, (1) from Lake Wales, Fla., to Asheville, N.C., and (2) from Dunedin, Fla., to Asheville, N.C., under contract with Gerber Products Co., Asheville, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at the closest geographical point to Ashville, N.C., available.

No. MC 134014 (Sub-No. 1), filed November 28, 1969. Applicant: TOM ROBERTS, Box 73, Pleasant Plains, Ill. 62677. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel storage tanks, stainless steel storage tanks, and component parts thereof*, from Virginia, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Minnesota, Michigan, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin under contract with Precision Tank & Equipment Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 134067 (Sub-No. 1), filed December 8, 1969. Applicant: CARMARK TRANSPORTATION LINE, INC., 16260 South Wood Street, Markham, Ill. 60426. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, quick or hydrate, in bags, from Chicago and Thornton, Ill., to points in Indiana; under contract with Marblehead Lime Co., a division of Central Dynamics Corp., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134088 (Amendment), filed October 3, 1969, published in the FEDERAL REGISTER issue of October 30, 1969, amended and republished as amended this issue. Applicant: FORD L. WRIGHT & MARIE A. WRIGHT, a partnership doing business as ALL-AMERICAN MOVING & STORAGE, 3091 Bellbrook Center Drive, Memphis, Tenn. 38116. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Shelby, Fayette, Hardeman, McNairy, Hardin, Tipton, Haywood, Madison, Henderson, Lauderdale, Crockett, Carroll, Dyer, Gibson, Lake, Obion, Weakley, Henry, and Decatur Counties, Tenn.; De Soto, Marshall, Benton, Tippah, Alcorn, Tishomingo, Tunica, Tate, Prentiss, Coahoma, Quitman, Panola, Lafayette, Union, Pontotoc, Lee, Itawamba, Bolivar, Washington, Sunflower, Tallahatchie, Leflore, Yalobusha, Grenada, Carroll, Montgomery, Webster, Calhoun, Chickasaw, Clay, Monroe, Lowndes, Oktibbeha, Choctaw, Winston, and Noxubee Counties, Miss.; and Randolph, Clay, Sharp, Lawrence, Greene, Independence, Jackson, Craighead, Poinsett, Mississippi, White, Woodruff, Cross, Crittenden, St. Francis, Lonoke, Prairie, Monroe, Lee, Phillips, Arkansas, Jefferson, Pulaski, Faulkner, Saline, Sharp, and Garland Counties, Ark., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack. The purpose of this republication is to reflect a change in the territorial description. If a hearing is deemed necssary, applicant requests it be held at Memphis, Tenn.

No. MC 134161 (Sub-No. 1), filed November 20, 1969. Applicant: PERRY C. BYERS, doing business as MATTHEWSON'S PARCEL DELIVERY SERVICE, 3321 Gandy Boulevard, Post Office Box 13291, Tampa, Fla. 33611. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, and premiums;* and (2) *equipment and supplies* used in connection with Item (1) above, from Tampa, Fla., to points in Pineallas and Hillsborough Counties, Fla., under a continuing contract with Avon Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134164, filed November 12, 1969. Applicant: CHARLES LEONARD HUTCHENS, Route No. 2, Clemmons, N.C. 27012. Applicant's representative: William K. Davis, Post Office Box 1406, Winston-Salem, N.C. 27102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Individual repossessed automobiles*, as requested by financing institution, General Motors Acceptance Corp. (GMAC), between Winston-Salem, N.C., and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, Louisiana, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant reequests it be held at Charlotte or Raleigh, N.C.

No. MC 134171, filed November 24, 1969. Applicant: BRUCE J. REID, doing business as HORSETRAINER, Colebrook Road, Norfolk, Conn. 06058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Show horses; saddle horses; breeding stock; polo ponies; equipment pertaining* to these horses; and *attendants*, between points in Connecticut, Rhode Island, and Massachusetts. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 134183, filed November 25, 1969. Applicant: CHARLES ZUMSTEIN, doing business as C. E. ZUMSTEIN CO., Lewisburg, Ohio 45338. Applicant's representative: Ronald L. Wollett, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *Pipe fittings, elbows, unions, and joints;* and (2) *materials, supplies and machinery used in the manufacture of* (1) above, between Eaton, Ohio, and Huntsville, Ala. Restriction: The operations authorized herein will be limited to a transportation service to be performed under a continuing contract with Parker-Hannifan Corp., Eaton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134184, filed November 29, 1969. Applicant: GAMBRINUS TRUCKING CO., INC., 359 Court Street, Plymouth, Mass. 02360. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material* when shipped in connection therewith, from Marrimack, N.H., to Plymouth, Salem, and Danvers, Mass., under contract with Seaboard Products, Inc., and L. Knife & Sons, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 134187, filed November 24, 1969. Applicant: DALE BUBLITZ, 1603 West Fifth Street, Winona, Minn. 55987. Applicant's representative: Dennis A. Challeen, Suite 203, First National Bank Building, Winona, Minn. 55987. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from points in Winona, Houston, Fillmore, Olmsted, and Wabasha Counties, Minn., to points in Buffalo, Trempealeau, La Crosse, Monroe, Jackson, and Pepin Counties, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

APPLICATION OF FREIGHT FORWARDER

No. FF-245 (Sub-No. 4) (EMPIRE HOUSEHOLD SHIPPING COMPANY OF NEW YORK, INC., Extension—Florida), filed December 23, 1969. Applicant: EMPIRE HOUSEHOLD SHIPPING COMPANY OF NEW YORK, INC., 160 Broadway, New York, N.Y. 10038. Applicant's representative: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to extend operation as a *freight forwarder* in interstate or foreign commerce as a common carrier in the forwarding of, *used automobiles*, between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, and Pennsylvania, on the one hand, and, on the other, points in Florida.

MOTOR CARRIER OF PASSENGERS

No. MC 114571 (Sub-No. 1), filed November 24, 1969. Applicant: LUTHER J. YODER, Mattawana, Pa. 17054. Applicant's representative: Robert B. Brugler, 10 South Wayne Street, Lewistown, Pa. 17044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round trip special and charter operations, beginning and ending at points in Mifflin County, Pa., and extending to points in Maryland, North Carolina, South Carolina, Georgia, Florida, New York, New Jersey, Delaware, Virginia, West Virginia, Ohio, and Washington, D.C. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Lewistown or Harrisburg, Pa.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIER OF PASSENGERS

No. MC 28348 (Sub-No. 2) (Correction), filed November 18, 1969, published in the FEDERAL REGISTER issue of December 31, 1969, and republished as corrected this issue. Applicant: CITIZEN AUTO STAGE COMPANY, a corporation, 424 Grand Avenue, Nogales, Ariz. Applicant's representative: Robert J. Corber, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in the counties of Santa Cruz and Pima, Ariz. (excluding the Papago Indian Reservation and points in Pima County west thereof) and extending to points in the United States (except Hawaii and Alaska); and (2) *passengers and their baggage* in the same vehicle with passengers, in special operations, in one-way sightseeing and pleasure tours, between points in the counties of Santa Cruz and Pima, Ariz. (excluding the Papago Indian Reservation and points in Pima County west thereof) on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), restricted to passengers having an immediately subsequent or immediately prior movement by air between one of the foregoing origins or destinations and one of the foregoing destinations or origins. NOTE: Applicant holds common carrier of property authority under MC 54541 (Sub-No. 1). Common control may be involved. The purpose on this republication is to more clearly set forth the restriction in (2) above.

By the Commission.

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

[F.R. Doc. 70-204; Filed, Jan. 7, 1970; 8:45 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 5, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the eGneral 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. 41845—*Grain and Grain Products from Zoeller and Bovey Elevator Spur, Montana.* Filed by North Pacific Coast Freight Bureau, agent (No.

69–8), for interested rail carriers. Rates on grain and grain products, in carloads, as described in the application, from Zoeller and Bovey Elevator Spur, Montana, to points in Washington, Oregon, Idaho, and British Columbia, Canada.

Grounds for relief—Unregulated motor carrier competition.

Tariff—Supplement 51 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

FSA No. 41846—*Talc from points in Montana.* Filed by Trans-Continental Freight Bureau, agent (No. 458), for interested rail carriers. Rates on talc, ground or pulverized, compacted into pellets, in carloads, as described in the application, from specified points in Montana, to points in western trunkline, official and southern territories.

Grounds for relief—Modified short-line distance formula and grouping.

By the Commission.

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

[F.R. Doc. 70-291; Filed, Jan. 7, 1970; 8:49 a.m.]

[No. 35203]

## INTRASTATE FREIGHT RATES AND CHARGES IN SOUTHERN STATES, 1969

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 24th day of December 1969.

By petition filed on December 12, 1969, common carriers by railroad operating within the South seek the institution of an investigation by this Commission pursuant to section 13 of the Interstate Commerce Act into the matter of increasing the intrastate rate level obtaining in the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia to the Ex-Parte No. 262 interstate level which became effective in November 1969, in order to allegedly remove a discriminatory burden from traffic moving in interstate commerce; and, thus, for good cause appearing:

*It is ordered*, That the petition be, and it is hereby, granted; that an investigation be, and it is hereby, instituted into the matters and things raised in the petition, pursuant to section 13 of the Interstate Commerce Act; and that all common carriers by railroad operating within the above-indicated States and subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding.

*It is further ordered*, That all persons who desire actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying the Commission in writing on or before January 20, 1970. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; however mere casual interest does not justify participation. The Commission desires participation only of those who intend to take an active part in the proceeding.

*It is further ordered*, That as soon as practicable after the date for indicating a desire to participate in the proceeding has past, the Secretary will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

*It is further ordered*, That a copy of this order be served upon the petitioners; that the nine above-indicated States be notified of the institution of the instant proceeding by sending a copy of this order by certified mail to the Governor of each State; and that notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

*And it is further ordered*, That this proceeding be assigned for hearing at such time and place as may hereafter be designated.

By the Commission, Division 2.

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

[F.R. Doc. 70-290; Filed, Jan. 7, 1970; 8:48 a.m.]

[Notice 472]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 2, 1970.

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–71714. By order of December 30, 1969, the Motor Carrier Board approved the transfer to Harold D. Smith, doing business as Harold D. Smith Trucking Service, Camargo, Ill., of the operating rights in certificate No. MC–49639 (Sub-No. 1) issued August 20, 1942, to Earl Davis, Murdock, Ill., authorizing the transportation, over irregular routes, of livestock, grain, hay, feed, and household goods from Murdock, Ill., and points within 25 miles of Murdock, except Champaign, Urbana, Paris, Charleston, and Mattoon, Ill., to points in Putnam, Vigo, Parke, and Clay Counties, Ind., lumber, farm machinery, ground feed, coal, sand, gravel, brick, tile, limestone, and household goods from points in the above destination area to the above origin points, and livestock from Murdock, Ill., and points within 25 miles of Murdock, except Champaign, Urbana, Paris, Charleston, and Mattoon, Ill., to Indianapolis, Ind. Melvin N. Routman, 308 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC–FC–71716. By order of December 30, 1969, the Motor Carrier Board approved the transfer to Eugene Bechtold and E. L. McNish, doing business as Northeast Kansas Lines, Hiawatha, Kans., of a portion of certificate No. MC–115030 (Sub-No. 6) and the entire certificate No. MC–115030 (Sub-No. 10) issued September 9, 1960 and December 14, 1961, respectively, to W. R. Chester, doing business as Trenton-St. Joseph Coaches, St. Joseph, Mo., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Horton, Kans., and Topeka, Kans., serving all intermediate points that are on the rail lines of the Chicago, Rock Island and Pacific Railroad Co., and between Hiawatha, Kans., and Horton, Kans., serving no intermediate points. Don A. Cashman, 103 South Sixth Street, Hiawatha, Kans. 66434, attorney for applicants.

No. MC–FC–71726. By order of December 30, 1969, the Motor Carrier Board approved the transfer to Worth Freight Lines, Inc., Chicago, Ill., of the certificate of registration No. MC–121354 (Sub-No. 1) issued December 20, 1963, to Otto Doornbos, doing business as Otto Doornbos Delivery, Chicago, Ill., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Illinois. Anthony J. Lepore, 3101 West 95th Street, Evergreen Park, Ill. 60642, attorney for applicants.

No. MC–F–71784. By order of December 22, 1969, the Motor Carrier Board approved the transfer to Bradley Freight Lines, Inc., Asheville, N.C., of the operating rights in certificate No. MC–129649 issued March 29, 1968, to Jones Freight Line, Inc., Asheville, N.C., authorizing the transportation of new furniture, between Ferndale Station, Ky., on the one hand, and, on the other, points in Kentucky except points in Harlan County, points in Tennessee, except those on Tennessee Highway 33 and U.S. Highway 25E between Knoxville and Cumberland Gap, including the points named, and points in Virginia; from points in North Carolina and Virginia, except points in Lee and Wise Counties, to Ferndale Station, Ky., and from points in Tennessee, except those on Tennessee Highway 33 and U.S. Highway 25E between Knoxville and Cumberland Gap, including the points named, to Ferndale Station, Ky. Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219, attorney for applicants.

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

[F.R. Doc. 70-212; Filed, Jan. 6, 1970; 8:48 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of International Commerce

[File No. 23(67)-34]

### STEINEMANN BEADON, LTD., AND D. V. BEADON

### Order Terminating Indefinite Denial Order

In the matter of Steinemann Beadon, Ltd., and D. V. Beadon, Hodford House, 17/27 High Street, Hounslow, Middlesex, England, respondents.

On July 11, 1969, effective on July 21, 1969 (34 F.R. 12296) an order was entered against the above respondents denying them, for an indefinite period, all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States because they failed to answer interrogatories duly served in accordance with section 388.15 of the Export Control Regulations without showing good cause for such failure. The respondents have now furnished complete and responsive answers to the interrogatories.

*Accordingly, it is hereby ordered,* That the above mentioned order dated July 11, 1969 be and the same hereby is terminated.

Dated: January 2, 1970.

RAUER H. MEYER,
*Director,*
*Office of Export Control.*

[F.R. Doc. 70-296; Filed, Jan. 7, 1970; 8:49 a.m.]

## Bureau of the Census

### RETAILERS' INVENTORIES, SALES, NUMBER OF ESTABLISHMENTS AND PURCHASES

### Notice of Determination

In accordance with title 13, United States Code, sections, 181, 224, and 225 and due notice of consideration having been published December 4, 1969 (34 F.R. 19212), I have determined that certain 1969 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951 and makes available on a comparable classification basis data covering 1969 year-end inventories, annual sales, and number of retail stores operated at the end of the year. The 1969 survey will also include an inquiry on purchases. This survey, which provides important information on retail inventories and sales inventory ratios, is the only continuing source available on a comparable classification basis and on a sufficiently timely basis for use as the benchmark for the monthly inventory estimates. It also assists in establishing a benchmark for the geographic area distribution of sales. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sample stores on the basis of their sales size, selection in Census list sample mail panel, and location in Census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: December 19, 1969.

GEORGE H. BROWN,
*Director, Bureau of the Census.*

[F.R. Doc. 70-222; Filed, Jan. 7, 1970; 8:45 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-231]

### GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

### Notice of Issuance of Amendment to Provisional Operating License

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13675), the Atomic Energy Commission (The Commission) has issued, effective as of the date of issuance, Amendment No. 1 to Provisional Operating License No. DR-15 as proposed in that notice. The license, as previously issued, authorizes the General Electric Co. (General Electric) and Southwest Atomic Energy Associates (SAEA), with General Electric acting for itself and for SAEA, to possess, use and operate the plutonia-urania-fueled, fast spectrum, sodium-cooled experimental reactor at power levels up to 1 megawatt thermal. The reactor, known as the Southwest Experimental Fast Oxide Reactor (SEFOR), is located in Cove Creek Township, Washington County, Ark., approximately 19 miles southwest of Fayetteville, Ark. The amendment authorizes (1) the operation of the reactor at steady-state power levels up to a maximum of 20 megawatts thermal and in the pulsed mode of operations, in accordance with the revised technical specifications and (2) the receipt, possession and use of up to 10 millicuries each of Krypton-85, Iodine-131, Xenon-133 and Cesium-137 in connection with the operation of the reactor. The technical specifications have been revised and provide that a licensed operator be present at the plant at all times and to clarify the degree of supervision necessary during certain plant activities.

The Commission has found that the application for the provisional operating license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR, Chapter I. The Commission has made the findings which were set forth in the proposed amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. A copy of the license amendment will be available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2d day of January 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-221; Filed, Jan. 7, 1970; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

### EXPRESS AIR FREIGHT, INC.

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

JANUARY 5, 1970.

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 21742, from Express Air Freight, Inc., 2950 U.S. Highway No. 22, Scotch Plains, N.J. 07076, for authority to provide for pickup and delivery service between J. F. Kennedy International Airport or Newark Airport and the following New York points:

| | |
|---|---|
| Accord. | Montgomery. |
| Arlington. | Mountainville. |
| Chester. | New Windsor. |
| East Fishkill. | Pawling. |
| Ellenville. | Port Ewen. |
| Fishkill. | Port Jarvis. |
| Garrison. | Red Hook. |
| Gardiner. | Rhinebeck. |
| Harriman. | Rhinecliff. |
| Kingston. | Vailsgate. |
| Mahopac. | Walden. |
| Middleton. | |

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. 70-262; Filed, Jan. 7, 1970; 8:47 a.m.]

[Docket No. 20993; Order 69-12-138]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Cargo Rates

Issued under delegated authority December 31, 1969.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conferences 1-2 and 3-1 of the International Air Transport Association (IATA). The agreements have been assigned the above-designated CAB agreement numbers.

The agreements establish bulk unitization charges to apply within the Western Hemisphere, subject to the same provisions which govern the bulk unitization program in other geographic areas and which the Board has earlier approved.[1] Flat charges have been agreed upon and would be available on a point-to-point basis for the same four basic sizes of unit load devices.[2] The charge would apply to chargeable weights up to a specified maximum, after which the weight in excess of the maximum would be assessed an excess weight charge.

Charges have been agreed upon for application between Los Angeles/Miami/New York, on the one hand, and various Caribbean, Central, and South American points, on the other hand, which will afford significant reductions from the applicable general cargo rates. Consistent with the presently applicable differential with the general cargo rate scale, the northbound rates, on a cents per ton-mile basis, are somewhat lower than the southbound rates. For example, the rates for 125 x 88 inch pallets/igloos moving northbound to New York range from 12.7 to 14.4 cents per ton-mile in markets up to 3,000 miles and range from 7.9 to 10.2 cents for markets 3,000 miles or more. For southbound shipments from New York the rates range from 16.4 to 24.9 cents per ton-mile in markets up to 3,000 miles, and range from 23.2 to 24.5 cents in markets 3,000 miles or more.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

| Agreement CAB: | *IATA resoultions* |
|---|---|
| 21432 | 100(Mail 821)003. |
| | 100(Mail 821)531. |
| | JT12(Mail 722)003. |
| | JT31(Mail 171)536a. |
| | JT31(Mail 171)536b. |
| 21441 | JT12(Mail 722)534b. |

*Accordingly, it is ordered,* That:

Action on Agreements CAB 21432 and 21441 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
*Acting Secretary.*

[F.R. Doc. 70-263; Filed, Jan. 7, 1970; 8:47 a.m.]

[Docket No. 21761; Order 70-1-15]

## WEIGHT LIMITATION INVESTIGATION

### Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1970.

For the reasons set forth below, the Board has decided to institute an investigation to determine whether the 12,500-pound limitation on maximum certificated takeoff weight for equipment used by air taxi operators pursuant to Part 298 of the Board's economic regulations should be liberalized, and if so, what change or changes should be made.

Part 298 of the Board's economic regulations grants a blanket authorization for the operations of air taxi operators, as defined therein, in all areas of the United States except Alaska. To come within the ambit of the exemption authority conferred by Part 298, air taxi operators must utilize equipment which does not have a maximum certificated takeoff weight of more than 12,500 pounds.[3] This provision was incorporated in Part 298 when that regulation was promulgated on January 11, 1952.[4] The 12,500-pound weight limitation was established essentially for the purpose of insuring that the aircraft operated by air taxi operators would not be competitive with the aircraft operated by certificated carriers.

Since the weight limitation was conceived approximately 20 years ago, there have been substantial changes in the nature of the operations of both the certificated carrier industry and the air taxi industry. We believe that these changed circumstances are of sufficient importance to warrant the institution of an investigation to determine whether a change in the weight limitation is required or warranted.

A few illustrative examples are pertinent. The local service carriers have grown significantly since the original Part 298 limitation on air taxi operators was established. Moreover, the local carriers are moving to all jet operations with DC-9 and B-727 equipment having capacities of 100 seats or more. The question is thus posed as to whether the acquisition of larger and more comfortable equipment by air taxi operators would pose a risk of diverting significant revenues from the certificated system, under current conditions. In addition, at this point in time the 12,500-pound rule may well discourage manufacturers from building an aircraft especially designed for the commuter air carrier industry. The aircraft now used, Twin Otters, Beech-99's, etc., are derivative aircraft principally designed for private business use and not for commuter air transportation. The information available to the Board indicates that manufacturers have compromised to build a vehicle that is economically attractive to the operators and which can carry as many people as possible under the 12,500-pound rule. If manufacturers were free to design a plane to hold a prescribed number of passengers without reference to the existing weight limit, it is possible that a more economic aircraft for commuter operations would result. Finally, it may be that the 12,500-pound rule precludes the manufacturers from designing a vehicle for use by the commuter carriers which includes many of the conveniences that airline passengers have come to expect—i.e., lavatories, extra headroom, pressurization and air conditioning. Each of these features requires additional weight and a consequent reduction in seats. Additional baggage capacity is also desirable, especially for passengers interlining with certificated carriers.

We regard the question of the appropriate weight limitation restriction for air taxi operators to be one which has present and future significance both to that industry and to the traveling public. Consequently, the establishment of a complete and specific evidentiary record is particularly indicated. To this end, we expect each party participating in the investigation and advocating a change in the weight limitation to make its proposal in specific terms and fully support and document its suggestions. By the same token, those parties opposing any changes in the weight limitation should fully support and document their positions.

For the guidance of the parties, we set forth below a list of problem areas

[1] The Board tentatively proposed to approve the transatlantic and transpacific programs in Order 69-8-174, dated Aug. 29, 1969, and, after allowing a 15-day period for the receipt of comments from interested persons and parties, finalized its approval in Order 69-10-30, dated Oct. 7, 1969.

[2] Full pallets or igloos and B-747 pallets/igloos/lower deck containers.

[3] The scope of the service authorized to air taxi operators by Part 298 is set forth in § 298.21. Section 298.21(a) provides, in pertinent part, that the exemption authority provided to air taxi operators shall extend to the direct air transportation of persons, property and mail in aircraft having a maximum takeoff weight of 12,500 pounds or less.

[4] It had earlier appeared in predecessor regulations.

which we believe are matters which warrant careful consideration in the investigation: [3]

(1) The desirability of using a capacity restriction instead of a weight limitation, or possibly a combination of the two;

(2) The possibility of modification of the 12,500 pound restriction for noncompetitive markets only;

(3) The possibility of a change in the weight limitation only for aircraft with STOL characteristics;

(4) The desirability of speed limitations on the type of aircraft authorized;

(5) The desirability of range limitations on the aircraft authorized or limitations relating to flight segment mileage; and

(6) The desirability of imposing terms, conditions, and limitations on the exercise of any broadened authority which may be granted herein.[4]

*Accordingly, it is ordered*, That:

An investigation designated the Part 298 Weight Limitation Investigation, be and it hereby is instituted in Docket 21761, pursuant to sections 204(a) and 416(b) of the Federal Aviation Act of 1958, as amended, to determine whether the Board should amend Part 298 of the Board's economic regulations in such a manner as to change the existing 12,500-pound weight limitation restriction.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
*Acting Secretary.*

[F.R. Doc. 70-261; Filed, Jan. 7, 1970; 8:47 a.m.]

# FEDERAL POWER COMMISSION

## DETERMINATION OF THE COMMISSION CONTINUING THE NATIONAL POWER SURVEY REGIONAL ADVISORY COMMITTEES

JANUARY 2, 1970.

Pursuant to section 8 of Executive Order No. 11007, issued February 26, 1962 (27 F.R. 1875, 3 CFR 1959–63 Comp., p. 573) and paragraph 8 of the Commission's Order Establishing National Power Survey Regional Advisory Committees, issued January 10, 1966 (35 FPC 58; 31 F.R. 586, Jan. 18, 1966), the Commission hereby determines that the continued existence of the National Power Survey Regional Advisory Committees for an additional period of 2 years, from January 10, 1970 until January 10, 1972, is in the public interest.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-243; Filed, Jan. 7, 1970; 8:46 a.m.]

[Docket Nos. RI70-698, etc.]

## ATLANTIC RICHFIELD CO. ET AL.

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

DECEMBER 23, 1969.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued November 28, 1969 and published in the FEDERAL REGISTER December 5, 1969, 34 F.R. 19309, Appendix A under column headed "Date Suspended Until" change "10-1-69" to "10-2-69" opposite each rate schedule on that page.

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-244; Filed, Jan. 7, 1970; 8:46 a.m.]

[Docket No. CP70-155]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Application

DECEMBER 31, 1969.

Take notice that on December 17, 1969, Transcontinental Gas Pipe Line Corp., Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP70-155 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 additional liquefied natural gas (LNG) facilities and the rendition of additional LNG storage service to its customers, 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 a second above-ground LNG 1 million Mcf equivalent storage tank with a peak day deliverability of 200,000 Mcf, and appurtenant facilities at its existing LNG storage facility in the Hackensack Meadows, Bergen County, N.J. Applicant also proposes to render additional LNG storage service commencing in the 1971–72 winter and totaling 163,520 Mcf per day in maximum demand and 902,570 Mcf of storage volume by 1972–73 winter, all to existing resale customers.

The total estimated cost of the proposed facilities is $8,240,000, to be financed initially from temporary bank loans and available cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 19, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-246; Filed, Jan. 7, 1970; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

## RAJAC INDUSTRIES, INC.

### Order Suspending Trading

DECEMBER 31, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc., a New York corporation, and all other securities of Rajac Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

[3] Section 298.21(a) grants air taxi operators an exemption for planeload charter flights with turbojet aircraft having a maximum certificated takeoff weight of over 12,500 pounds and under 27,000 pounds and a maximum passenger capacity of not more than 12 persons. Modification of this particular provision will not be in issue in this investigation.

[4] The above list of items is not intended to encompass all of the matters which the Board considers desirable for consideration in this investigation. On the contrary, there may well be other suggestions and recommendations made by the parties which are equally worthy of consideration. The parties will, of course, be permitted to present any evidence which is relevant and material to the question of whether the weight limitation restriction should be altered, and if so, in what manner.

order to be effective for the period January 2, 1970, through January 11, 1970, both dates inclusive.

By the Commission.

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

[F.R. Doc. 70-236; Filed, Jan. 7, 1970; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Report 473]

## COMMON CARRIER SERVICES INFORMATION [1]

### Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 5, 1970.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
*Secretary.*

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

*File No., applicant, call sign and nature of application*

3506-C2-P-70—Frank L. Yates, Jr., doing business as Gulf Mobilphone (New), C.P. for a new 2-way station to be located at 127 South Roach Street, Jackson, Miss., to operate on base frequency 454.10 MHz.

3507-C2-P-70—Iowa City Communications Corp. (New), C.P. for a new 1-way station to be located at 1,000 feet south of Interstate 80 and 1 mile west of Highway No. 1, Iowa City, Iowa, to operate on base frequency 152.24 MHz.

3508-C2-P-70—Iowa City Communications Corp. (KJU809), C.P. for an additional channel to operate on base frequency 152.18 MHz to be located at a new site to be identified as location No. 2: 1,000 feet south of Interstate 80, and 1 mile west of Highway 1, Iowa City, Iowa.

3513-C2-P-70—Walter L. Peden, Jo Ann Wolfe Peden, and J. E. Wolfe, doing business as Cleveland Mobile Telephone & Answering Service (New), C.P. for a new 2-way station to be located at 675 feet north of Carpenter Street on Bagwell Avenue extended, Cleveland, Ohio, to operate on base frequency 152.21 MHz.

3515-C2-P-(2)-70—Certified Telephone Answering Service (KAF240), C.P. for additional facilities to operate on base channels 454.025 and 454.100 MHz at station located at 230 Bemiston, Clayton, Mo.

3516-C2-P-(2)-70—Certified Telephone Answering Service (KAD925), C.P. for additional facilities to operate on base channels 454.150 and 454.350 MHz at a new site to be identified as location No. 3: 230 Bemiston, Clayton, Mo.

3514-C2-P-(3)-70—Mobilfone, Inc. (KMA253), C.P. for additional channel to operate on base frequency 454.075 MHz at location No. 5: San Pedro Hill, Los Angeles, Calif. and location No. 6: La Habra Heights, Los Angeles, Calif. Also add a new site to be identified as location No. 7: Oat Mountain, Los Angeles, Calif., to operate on base frequency 454.075 MHz.

3517-C2-TC-(4)-70—Redwood Radio Telephone Corp. (KMM658), (KMA617), (KMM660), (KQZ716), Consent to transfer of control from: Daniel W. Cochran, Transferor to: California Mobil Telephone Co., Transferee.

3518-C2-TC-70—Redwood Radio Telephone Corp.—Marin (KMM659), (KMM690), (KQZ719), Consent to transfer of control from: Daniel W. Cochran, Transferor to: California Mobile Telephone Co., Transferee.

3519-C2-TC-70—Industrial Communications System (KMD990), Consent to transfer of control from: Homer N. Harris, Transferor to: California Mobile Telephone Co., Transferee.

3526-C2-P-70—Communications Industries, Inc., doing business as New Orleans Mobilfone (KLB759), C.P. to add standby transmitter at location No. 2: 109 West Cazezu Lane, Buras, La., to operate on frequency 152.06 MHz.

3527-C2-P-(2)-70—Morris Communications, Inc. (KIY731), C.P. for two additional channels to operate on base frequencies 152.09 and 152.15 MHz at station located at Paris Mountain, Lake Circle Drive, 6 miles north of Greenville, S.C.

7559-C2-P-(3)-69—James D. and Lawrence D. Garvey, doing business as Radiofone (KKO349), Resubmitted Nov. 7, 1969, C.P. for three additional channels to operate on base frequencies 454.125, 454.175, and 454.200 MHz at station located at Corner O'Keefe and Howard Streets, New Orleans, La.

3532-C2-P-70—McLean County Telephone Co. (New), Resubmitted Dec. 29, 1969, C.P. for a new 1-way station to be located at 429 North Main Street, Bloomington, Ill., to operate on base frequency 158.70 MHz.

3531-C2-P-(4)-70—Pacific Northwest Bell Telephone Co. (KUA288), C.P. to replace transmitter at location No. 1: 819 Southwest Oak Street, Portland, Oreg., operating on base frequency 35.22 MHz. Relocate facilities at location No. 2 to: Sentinel Hill, Portland, Oreg., operating on base frequency 35.22 MHz. Add two new locations to be identified as location No. 6: On Southwest Ardenwood, Portland, Oreg. and location No. 7: Oregon City, Oreg., to operate on base frequency 35.22 MHz.

*Major Amendment, Correction*

1464-C2-P-(6)-70—Thomas R. Poor, doing business as Kern Radio Dispatch (KMD993), correct to read: Application amended to change base frequency from 454.275 MHz to 454.325 MHz at location No. 1. All other particulars remain the same as reported in public notice dated Sept. 29, 1969. Report No. 459.

*Correction*

3284-C2-MP-(2)-70—Peninsula Radio Secretarial Service, Inc. (KQZ718), correct to read: Modification of C.P. to change antenna location to: 50 feet west of intersection of Lincoln Avenue and Newlands Avenue, San Mateo, Calif., for frequencies 152.24 MHz and 158.70 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3528-C1-P/ML-70—The Ohio Bell Telephone Co. (KAL27), C.P. and modification of license to add frequency 6160.2 MHz toward 4300 Brookpark Road, Cleveland, Ohio, and change antenna system. Location: 750 Huron Road, Cleveland, Ohio.

3529-C1-P-70—Pioneer Telephone Cooperative (KPC81), C.P. to change frequency 6024 MHz toward Marys Peak, Oreg., to 2171.6 MHz toward Eugene, Oreg.; replace transmitters, and change antenna system. Location: Prairie Peak, 14.3 miles south, 80° west of Monroe, Oreg.

Applications filed pursuant to section 214 of the Communications Act of 1934, as amended:

TELEPHONE WIRE FACILITIES

P-C-6019-19—American Telephone & Telegraph Co., Formal: (Section 63.01.) For authority to acquire from the Communications Satellite Corp. and to operate, circuits between an appropriate North American earth station or stations and an appropriate communications satellite or satellites over the Atlantic Ocean to provide its regularly authorized services between the U.S. mainland and certain countries in Europe, the Mid-East, and Africa and to acquire and operate where necessary, connecting facilities between the appropriate foreign earth station or stations and the foreign countries where the communication services terminate.

P-C-7414-1—American Telephone & Telegraph Co., Formal: (Section 63.01.) For authority to acquire from Communications Satellite Corp. and to operate, circuits between an appropriate North American earth station or earth stations and an appropriate communication satellite or satellites over the Pacific Ocean to provide its regularly authorized services between the U.S. mainland and countries and territories (excluding Hawaii) and to acquire and operate, where necessary, connecting circuit facilities between the appropriate foreign earth station or stations and foreign countries or territories where the communication services terminate.

P-C-6440-3—American Telephone & Telegraph Co., Formal: (Section 63.01.) For authority to acquire from Communications Satellite Corp. and to operate, circuits between an appropriate North American earth station or stations and the earth station at Paumalu, Hawaii, via an appropriate communications satellite or satellites over the Pacific Ocean for use in jointly providing their regularly authorized services between the U.S. mainland and Hawaii.

P-C-7737—The Bell Telephone Co. of Pennsylvania, Informal: (Section 63.03.) To supplement existing facilities between Ambler, Pa.-Philadelphia, Pa., Hatboro, Pa.-Philadelphia, Pa., Norristown, Pa.-Wayne, Pa., and between Willow Grove, Pa.-Philadelphia, Pa.

P-C-7738—Amreican Telephone & Telegraph Co. Informal: (Section 63.03) To supplement existing facilities by establishing (5) broadband channel groups between New York, N.Y., and Pittsburgh, Pa.

P-C-7739—The Bell Telephone Co. of Pennsylvania. Informal: (Section 63.03.) To supplement existing facilities between Philadelphia, Pa.-Lancaster, Pa., and between Philadelphia, Pa.-Lansdale, Pa.

P-C-7740—Wisconsin Telephone Co. Informal: (Section 63.03.) To supplement existing facilities by establishing additional carrier facilities for interstate circuits between Madison, Wis.-Rockford, Ill., and between Madison, Wis.-Freeport, Ill.

P-C-7741—American Telephone & Telegraph Co. and Illinois Bell Telephone Co. Formal: (Section 63.01). For authority to supplement existing facilities by construction of a coaxial cable and the installation of carrier equipment between Chicago 6, Ill., and Oakbrook, Ill., and Oakbrook, Ill., and Plano, Ill.

P-C-7742—The Mountain States Telephone & Telegraph Co. Informal: (Section 63.03.) To supplement existing facilities between Flagstaff, Ariz.-Phoenix, Ariz.; Flagstaff, Ariz.-Prescott, Ariz.; Phoenix, Ariz.-Prescott, Ariz.; and between Holbrook, Ariz.-Phoenix, Ariz.

[F.R. Doc. 70-242; Filed, Jan. 7, 1970; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0020]

## MUTUAL SMALL BUSINESS INVESTMENT CORP.

### Application for Transfer of Control of a Licensed Small Business Investment Company

Mutual Small Business Investment Corp., a small business investment company licensed by the Small Business Administration (SBA) pursuant to the Small Business Investment Act of 1958, as amended, and having its principal place of business located in the Park Square Building, 31 St. James Street, Boston, Mass. 02116, has filed an application with SBA for approval of a change of control as required by section 107.701 of SBA Regulations (13 CFR Part 107, 33 F.R. 326).

Mutual Small Business Investment Corp. was licensed August 4, 1961. Its paid-in capital as of September 30, 1969, was $353,809. On the same date, 1500 shares of common stock were outstanding and held by the following:

| | | |
|---|---|---|
| Mr. Harry Sher, President and Director | 500 | shares. |
| Mr. Frank Brezuiak, Treasurer and Director | 500 | shares. |
| Mr. Jacob Hark, Vice President and Director | 500 | shares. |

Mr. Jacob Hark proposed to transfer all of his shares to Mrs. Ida Sher, 111 Perkins Street, Jamaica Plain, Mass., the wife of Mr. Harry Sher. Mrs. Sher is presently vice president of the licensee and upon approval of the transfer by SBA, will succeed Mr. Hark as a director.

There will be no change in the operations of the licensee other than the replacement of Mr. Hark by Mrs. Ida Sher as a director.

SBA's consideration of the application includes the general business character and reputation of Mrs. Ida Sher and her commitment to actively operate the company within the intent of the Act and Regulations.

Interested persons should address their comments on the proposed change of control to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days after the publication of this notice.

A similar notice shall be published by Mutual Small Business Investment Corp. in a newspaper of general circulation in Boston, Mass.

For SBA (under delegated authority).

Dated: January 2, 1970.

JAMES THOMAS PHELAN,
*Acting Associate Administrator for Investment.*

[F.R. Doc. 70-259; Filed, Jan. 7, 1970; 8:47 a.m.]

## CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

**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 January.**

### 3 CFR



### 5 CFR



### 7 CFR



### 9 CFR



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### 14 CFR



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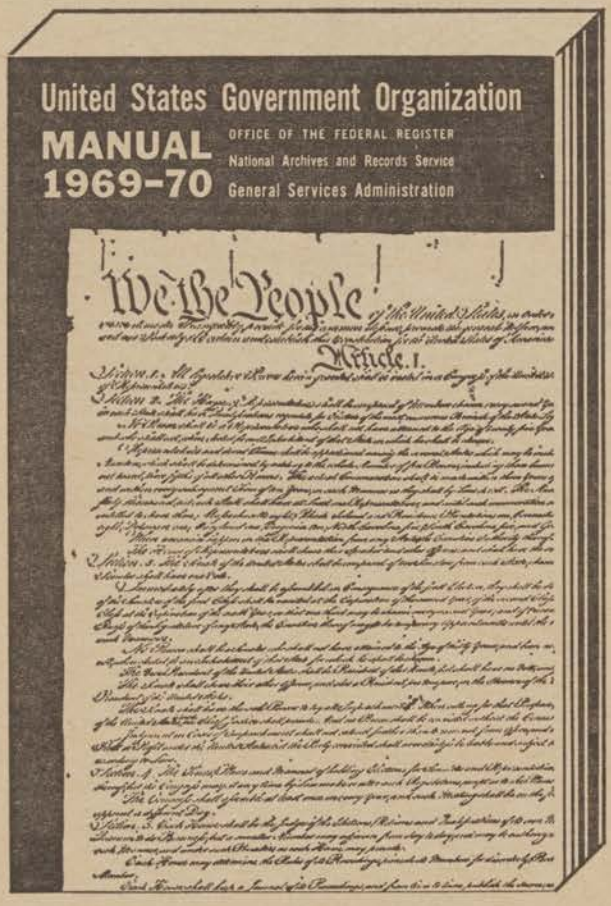
# United States Government Organization MANUAL 1969–70

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