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Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 50]

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Illinois marketing area (7 CFR Part 1050), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1969.

In § 1050.14(b)(2) the provision "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will revoke for the month of July 1969 the provision which limits the quantity of diverted milk which qualifies as producer milk to not more than 8 days' production of a producer.

(4) This suspension action is necessary to provide for the efficient handling of reserve milk of the market during July 1969. Because of abnormally large amounts of rainfall which resulted in excellent pasture conditions the volume of reserve milk supplies which must be moved to milk manufacturing plants exceeds the quantity which could be moved under the 8-day diversion limitation. The most efficient method of handling is movement directly from producers' farms to milk manufacturing plants. This suspension order would allow such handling while the dairy farmers involved retain producer status.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (34 F.R. 11099). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during July 1969.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of July 1969.

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

Effective date: Upon publication in the FEDERAL REGISTER.

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

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-8749; Filed, July 24, 1969; 8:50 a.m.]

[Milk Order 63]

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area (7 CFR Part 1063), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of July and August 1969.

In § 1063.14 the provision "*Provided*, That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will revoke for the months of July and August 1969 the provision which limits the amount of diverted milk which qualifies as producer milk to not more than the same number of days' production that was delivered to a pool plant from a producer's farm.

(4) This suspension action is necessary to provide for the efficient handling of reserve milk of the market during July and August 1969. Because one of the major handlers in the market lost a large regional supermarket chain's business in June 1969 which in turn has substantially reduced the amount of milk needed by handlers for fluid use, the volume of reserve milk supplies which must be moved to milk manufacturing plants exceeds the quantity that could be moved under the diversion limitation. The most efficient method of handling is movement directly from producers' farms to milk manufacturing plants. This suspension would allow such handling while the dairy farmers involved retain producer status.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (34 F.R. 11378). Cooperative associations in the market contend that without the suspension the reserve milk would have to be hauled to pool plants at the expense of the producers and would be a waste of producers' money. One handler in the market opposed the suspension on the basis that the market is being adequately supplied with milk under the present diversion provisions of the order. Although the reserve supplies are not needed at pool plants it is necessary that such milk retain producer milk status to assure that producers historically associated with the market share uniformly in carrying the burden of the market's reserve supplies.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during July and August 1969.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of July and August 1969.

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

Effective date: Upon publication in the FEDERAL REGISTER.

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

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-8750; Filed, July 24, 1969; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1969 crop of types 11–14 Flue-cured tobacco, under the tobacco price support loan program.

§ 1464.16 1969 Crop—Flue-cured tobacco, types 11–14, advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
A1F	90.25	H5L	76.25
A2F	88.25	H6L	72.25
B1L	84.25	H1F	85.25
B2L	79.25	H2F	82.25
B3L	76.25	H3F	80.25
B4L	74.25	H4F	78.25
B5L	70.25	H5F	76.25
B6L	66.25	H6F	72.25
B1F	84.25	H3FR	74.25
B2F	79.25	H4FR	71.25
B3F	76.25	H5FR	68.25
B4F	74.25	H6FR	64.25
B5F	70.25	H4K	72.25
B6F	66.25	H5K	68.25
B1FR	83.25	H6K	62.25
B2FR	78.25	C1L	86.25
B3FR	75.25	C2L	84.25
B4FR	71.25	C3L	82.25
B5FR	67.25	C4L	80.25
B6FR	62.25	C5L	78.25
B3R	61.25	C1F	86.25
B4R	56.25	C2F	84.25
B3LV	72.25	C3F	82.25
B4LV	68.25	C4F	80.25
B5LV	64.25	C5F	78.25
B3FV	72.25	C4LV	76.25
B4FV	68.25	C4FV	76.25
B5FV	64.25	C4K	77.25
B4KV	57.25	C4KL	73.25
B5KV	51.25	C4KF	73.25
B6KV	46.25	C4KM	73.25
B3K	66.25	C4KR	77.25
B4K	64.25	C4LS	72.25
B5K	60.25	C5LS	69.25
B6K	54.25	X1L	82.25
B3KL	58.25	X2L	80.25
B4KL	56.25	X3L	78.25
B5KL	52.25	X4L	75.25
B6KL	46.25	X5L	71.25
B3KR	67.25	X1F	82.25
B4KR	65.25	X2F	80.25
B5KR	61.25	X3F	78.25
B3KF	57.25	X4F	75.25
B4KF	55.25	X5F	71.25
B5KF	51.25	X3LV	73.25
B6KF	45.25	X4LV	70.25
B3KM	61.25	X3FV	73.25
B4KM	59.25	X4FV	70.25
B5KM	55.25	X4KV	61.25
B6KM	49.25	B4GG	43.25
B4CL	61.25	B5GG	41.25
B5CL	58.25	X4KL	67.25
B6CL	52.25	X4KF	67.25
B4CF	60.25	X3KM	71.25
B5CF	55.25	X4KM	66.25
B6CF	50.25	X4KR	71.25
B4GR	53.25	X3LS	69.25
B5GR	47.25	X4LS	65.25
B6GR	41.25	X3FS	68.25
B4GK	55.25	X4FS	65.25
B5GK	50.25	X4G	59.25
B6GK	45.25	X5G	53.25
B5R	50.25	X4GK	57.25
B6R	45.25	P2L	77.25
B3LS	67.25	P3L	74.25
B4LS	65.25	P4L	71.25
B5LS	61.25	P5L	63.25
B6LS	54.25	P2F	77.25
B3FS	63.25	P3F	74.25
B4FS	61.25	P4F	70.25
B5FS	57.25	P5F	60.25
B6FS	51.25	P4G	55.25
B5RR	45.25	P5G	48.25
B5RG	42.25	N1L	49.25
H1L	85.25	N1XL	54.25
H2L	82.25	N1F	44.25
H3L	80.25	N1K	50.25
H4L	78.25	N1R	36.25
N1GL	42.25	N1GR	35.25
N1GF	40.25	N1GG	32.25

See footnotes at end of table.

[1] The advance rates listed are applicable only to untied Flue-cured tobacco identified on a 1969 tobacco marketing card which does not bear either the notation "No Price Support" or "Discount Variety Limited Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the applicable farm marketing quota. Rates for tobacco identified on a marketing card which bears the notation "Discount Variety Limited Support", which does not bear the notation "No Price Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the applicable farm marketing quota, are 50 percent of the advance rates listed, plus twelve and one-half cents ($0.125) per hundred pounds. Rates for tied Flue-cured tobacco are three dollars ($3.00) per hundred pounds more for each grade than for untied tobacco similarly identified. Tobacco is eligible for advances only if consigned by the original producer and only if produced by a cooperator.

In all belts, price support will be available on both tied and untied tobacco throughout the entire marketing season.

Tobacco graded "W" (doubtful keeping order), "U" (unsound), N2, No-G or scrap will not be accepted. The cooperative association through which price support is made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on July 18, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-8678; Filed, July 22, 1969; 9:55 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Issuance of Licenses for Receipt, Storage, Packaging, and Transfer of Radioactive Wastes

On April 29, 1969, the Atomic Energy Commission published in the FEDERAL REGISTER (34 F.R. 7033) proposed amendments to certain sections of its rules of practice in 10 CFR Part 2. The proposed amendments would eliminate requirements for assignment of docket numbers, publication of notices of proposed action and issuance of licenses, and service of license applications and notices on State and local officials, with respect to applications for licenses to receive, package, or store waste byproduct, source, or special nuclear material for transfer to other licensees for ultimate disposal.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments. The text of the amendments set out below is identical with the text of the proposed amendments published April 29, 1969.

The amendments will (1) accord applications for licenses involving only the receipt, storage, and packaging of waste materials, the same treatment accorded applications for other types of materials licenses, and (2) reduce unnecessary details in the Commission's materials licensing process. Applications for licenses authorizing ultimate disposal of waste materials by the licensee are not affected by the adoption of the amendments. Applications for such licenses will continue to be assigned docket numbers, and notice of proposed action, and issuance of any such licenses will continue to be published in the FEDERAL REGISTER and notification given to State and local officials.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 2, are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. Section 2.101 is amended to read as follows:

§ 2.101 Filing of application.

(a) An application for a license or an amendment to a license shall be filed with the Director of Regulation as prescribed by the applicable provisions of this chapter. A prospective applicant may confer informally with the regulatory staff prior to the filing of an application. Each application for a license for a facility, or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee will be assigned a docket number.

(b) An applicant for a license for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee shall serve a copy of the application on the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, on the chief executive of the county. The Director of Regulation will send a copy of each such application to the Governor or other appropriate official of the State in which the facility is to be located or the activity is to be conducted, and will cause to be published in the FEDERAL

REGISTER a notice of receipt of the application which states the purpose of the application and specifies the location at which the proposed activity would be conducted.

2. Paragraph (a) of § 2.103 is amended to read as follows:

§ 2.103 Action on applications for byproduct, source, special nuclear material, and operator licenses.

(a) If the Director of Regulation finds that an application for a byproduct, source, special nuclear material, or operator license complies with the requirements of the Act and this chapter, he will issue a license. If the license is for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, the Director of Regulation will inform the State and local officials specified in § 2.104(c) of the issuance of the license.

* * * * *

3. Paragraph (c) of § 2.104 is amended to read as follows:

§ 2.104 Notice of hearing.

* * * * *

(c) The Secretary will give timely notice of the hearing to all parties and to other persons, if any, entitled by law to notice. The Director of Regulation will transmit a notice of hearing on an application for a facility license or for a license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, to the Governor or other appropriate official of the State and to the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, to the chief executive of the county.

4. Subparagraph (2) of § 2.105(a) is amended to read as follows:

§ 2.105 Notice of proposed action.

(a) If a hearing is not required by the Act or this chapter, and if the Commission or the Director of Regulation has not found that a hearing is in the public interest, he will, prior to acting thereon, cause to be published in the FEDERAL REGISTER a notice of proposed action with respect to an application for:

* * * * *

(2) A license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee; or

* * * * *

5. Subparagraph (2) of § 2.106(a) is amended to read as follows:

§ 2.106 Notice of issuance.

(a) The Director of Regulation will cause to be published in the FEDERAL REGISTER notice of, and will inform the State and local officials specified in § 2.104(c) of, the issuance of:

* * * * *

(2) An amendment of a license for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, whether or not a notice of proposed action has been previously published;

* * * * *

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

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

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8679; Filed, July 24, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

Miscellaneous Provisions; Correction

Effective immediately, the document revising Part 207 of Chapter II of Title 12 of the Code of Federal Regulations (F.R. Doc. 69-6863), published in the FEDERAL REGISTER on June 11, 1969, is corrected as follows:

By changing in § 207.4(a)(1)(i) the words "to any such credit extended prior to February 1, 1968, to finance the exercise of such rights granted to any named officer or employee and effectively" to "to any such credit extended to finance the exercise of such rights granted to any named officer or employee prior to February 1, 1968, and effectively".

(15 U.S.C. 78g)

Dated at Washington, D.C., the 14th day of July 1969.

Board of Governors of the Federal Reserve System.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8694; Filed, July 24, 1969; 8:45 a.m.]

[Reg. Z]

PART 226—TRUTH IN LENDING

Refinancing and Increasing; Correction

The interpretation published July 1, 1969 (34 F.R. 11083), § 226.903 *Refinancing and increasing—disclosures and effects on the right of rescission*, is corrected by changing in the last sentence of paragraph (a) the words "lien on" to "security interest in".

(15 U.S.C. 1634)

Dated at Washington, D.C., the 14th day of July 1969.

Board of Governors of the Federal Reserve System.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8695; Filed, July 24, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-62]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

BARGE FLEETING AREA, HILLSBOROUGH BAY, TAMPA, FLA.

Correction

In F.R. Doc. 69-8310, appearing at page 11582 in the issue of Tuesday, July 15, 1969, in the fourth line of § 110.193(a)(5), the reference to "52°26'35"" should read "82°26'35"".

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

1969-70 Hunting Seasons for Puerto Rico and Virgin Islands

Section 10.52 *Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands* appearing on pages 9678 and 9679 of the FEDERAL REGISTER of Friday, June 20, 1969, is corrected as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

* * * * *

(a) *Puerto Rico.*

* * * * *

Open season dates[1, 2, 3, 4 * * *] July 19 to September 26, 1969.

* * * * *

[4 * * *] Paloma Sabanera; [* * *]

* * * * *

(c) *Virgin Islands.*

* * * * *

[1] The season is closed on all species of migratory game birds in the Virgin Islands except Zenaida doves.

* * * * *

In the paragraph listing local names for game birds, the spelling of the word "Barbara" is changed to "Barbary".

(40 Stat. 755; 16 U.S.C. 703 et seq.)

Effective date. This revision becomes effective on publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 22, 1969.

[F.R. Doc. 69-8756; Filed, July 24, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 69-SW-32; Amdt. 39-801]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 204B, 205A, and 205A-1 Helicopters

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations to include an airworthiness directive that requires replacement, within specified limitations, of aft cross tubes having 1,000 hours' time in service on Bell Model 204B, 205A, and 205A-1 helicopters equipped with Float Kit Installations, Part No. 204-706-053, or Part No. 205-706-050, was published in 34 F.R. 8369, because there had been failures of the aft cross tube, attributed to fatigue cracks, on some Bell Model 204B helicopters.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

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:

BELL. Applies to Bell Model 204B, 205A, and 205A-1 helicopters equipped with the Float Kit Installation, Part No. 204-706-053, or Part No. 205-706-050.

Compliance required as indicated.

To prevent possible failure of the aft cross tube, Part No. 204-706-053-5, or Part No. 205-050-114-1, due to fatigue cracks, accomplish the following:

(a) Remove and replace aft cross tubes with 900 or more hours' time in service on the effective date of this AD within the next 100 hours' time in service.

(b) Remove and replace aft cross tubes with less than 900 hours' time in service on the effective date of this AD, prior to accumulating 1,000 hours' time in service.

(c) Remove and replace all subsequent replacement aft cross tubes prior to accumulating 1,000 hours' time in service.

(d) Operators not having kept time in service records on individual cross tubes should use float kit hours' time in service for the purpose of paragraphs (a), (b), and (c) above.

(Bell Helicopter Co. Service Bulletin No. 204B-5, 205A-3, dated Apr. 2, 1969, pertains to this subject.)

This amendment becomes effective August 16, 1969.

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

Issued in Fort Worth, Tex., on July 15, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-8735; Filed, July 24, 1969; 8:49 a.m.]

[Airworthiness Docket No. 69-WE-13-AD; Amdt. 39-803]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Model 707 Aircraft

Amendment 80 (25 F.R. 336) AD 60-2-1, as amended by Amendment 39-58 (30 F.R. 5827) and Amendment 39-632 required repetitive inspections of wing splice plates on certain Boeing Model 707 Series aircraft.

All the cracks which have occurred have done so within the first 25,000 flight hours. It appears from service experience and upon the advice of the manufacturer that the splice plates of aircraft which have been operated for 25,000 flight hours or more with no reported cracks, were properly installed and in all likelihood are not subject to cracking.

Therefore, AD 60-2-1, as amended, is further amended to provide that those aircraft which have accumulated 25,000 flight hours or more, no longer have to comply therewith.

Since this amendment relieves a limitation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 80 (25 F.R. 336), AD 60-2-1 as amended by Amendment 39-58 (30 F.R. 5827) and Amendment 39-632 is further amended as follows:

Amendment 80 (25 F.R. 336), AD 60-2-1, as amended, Boeing Model 707-100 Series aircraft (listed) is amended by adding a new paragraph (e) to read:

(e) Aircraft which have accumulated 25,000 or more flight hours do not require further inspections under this Airworthiness Directive.

This amendment becomes effective July 25, 1969.

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

Issued in Los Angeles, Calif., on July 15, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-8736; Filed, July 24, 1969; 8:49 a.m.]

[Airworthiness Docket No. 69-WE-15AD; Amdt. 39-804]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

It has been determined that repeated firing of the squib on the Accessory Products Co. (APCO), engine fire extinguishing container can result in a slow discharge or no discharge of the container.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require inspection and replacement or modification as required of the APCO engine fire extinguisher outlet body, P/N 805516, on Boeing Model 727 Series airplanes. The modifications to the outlet body will preclude the possibility of repeated squib firing causing a reduced diameter gas port and providing less than optimum gas flow to the discharge mechanism.

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:

BOEING. Applies to Model 727 Series airplanes.

Compliance required as indicated.

To prevent a slow discharge or no discharge of the engine fire extinguisher container, accomplish the following:

(a) Within the next 1,000 hours' time in service after the effective date of this AD unless already accomplished, and after each discharge regardless of time in service, inspect the Accessory Products Co. (APCO) fire extinguisher outlet body P/N 805516 to determine that the gas port diameter has not been reduced below the allowable limit as set out in APCO Service Bulletin No. 26-04, dated March 31, 1969, or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) If an outlet body is found which is below the allowable limit, replace it, or modify it in accordance with APCO Service Bulletin No. 26-04 or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Within the next 3,000 hours' time in service after the effective date of this AD unless already accomplished, modify the APCO fire extinguisher outlet body P/N 805516 in accordance with APCO Service Bulletin No. 26-04 or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Upon completion of the modification described in (b) or (c), the inspection requirement of (a) is no longer applicable.

This amendment becomes effective on July 25, 1969.

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

Issued in Los Angeles, Calif., on July 16, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-8737; Filed, July 24, 1969; 8:49 a.m.]

[Docket No. 69-CE-11-AD; Amdt. 39-797]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 310 Series and 320 Series Airplanes

An airworthiness directive was adopted on July 9, 1969, and made effective as to all known owners of Cessna Models 310, 310A through 310F, 320 and 320-1 airplanes. For clarification purposes one paragraph of the airworthiness directive was amended on July 15, 1969, and all owners were advised by letter of the amendment. The airworthiness directive was issued because as a result of tests conducted by the manufacturer in certain of these model airplanes it has been determined that fuel starvation will occur during high angle descent in certain aircraft configurations with substantial quantities of otherwise usable fuel in each main tank. High angles of nose-down inclination cause the fuel port in the tank to be exposed to air and results in engine stoppage. A shallow angle of nose-down inclination will lessen the possibility of fuel starvation. Application of power during descents while flaps are fully extended will have a marked effect in shallowing nose-down inclinations.

In order to prevent this condition, the airworthiness directive prohibits operation with less than five (5) gallons of fuel in each main tank and requires prior to further flight the installation of placards reading: "Operation with less than 5 gallons of fuel in each main tank is prohibited. Usable fuel in each main tank is 45 gallons" and "Maintain power within green arcs during descent".

Since it was found that immediate corrective action was required, notice and public procedure thereon was not practical and contrary to the public interest and good cause existed for making this airworthiness directive effective immediately as to the owners of the Cessna Model Airplanes listed herein by individual letters dated July 9, and July 15, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons in addition to those to whom it was made effective by letters dated July 9, and July 15, 1969.

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.

CESSNA. Applies to Models 310, 310A through 310F, 320, and 320-1 Airplanes (all serial numbers).

Compliance: Required as indicated, unless already accomplished.

To prevent fuel starvation during high angle descent, accomplish the following:

(A) Effective immediately, operation of the airplane with less than five (5) gallons of fuel in each main tank is prohibited.

(B) Prior to further flight on all models listed above, install a permanent type placard in full view of the pilot as near as possible to the main fuel quantity indicator with the following wording:

"Operation With Less Than Five (5) Gallons of Fuel in Each Main Tank Is Prohibited. Usable Fuel in Each Main Tank Is 45 Gallons."

(C) Prior to further flight on all models listed above, install a permanent type placard in full view of the pilot as near as possible to the manifold pressure gauge with the following wording:

"Maintain Power Within Green Arcs During Descent."

NOTE: The operator may make and install the above placards. Minimum ⅛-inch high letters must be used.

This amendment becomes effective July 25, 1969, for all persons except those to whom it was made effective by letters dated July 9, and July 15, 1969.

(Sec. 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 Kansas City, Mo., on July 17, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-8767; Filed, July 24, 1969; 8:51 a.m.]

[Docket No. 69-CE-12-AD; Amdt. 39-802]

PART 39—AIRWORTHINESS DIRECTIVES

Learjet Models 23, 24, and 25 Airplanes

There have been reports of throttle cable jamming on certain Learjet Model 24 and 25 airplanes which are equipped with one-piece Controlex throttle cables. Certain Learjet Model 23 airplanes are also equipped with these throttle cables. The throttle cable jamming condition can result in loss of engine control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring within 50 hours' time in service from the effective date of this airworthiness directive, the installation of two-piece quick-disconnect type ball bearing throttle cables in accordance with Lear Service Kit No. 23/24/25-317, dated May 19, 1969, or later Federal Aviation Administration approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

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 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 airworthiness directive:

LEARJET. Applies to Model 23 (Serial Nos. 23-012, 23-019, and 23-030 through 23-099) equipped with Controlex ball bearing throttle cables; Model 24 (Serial Nos. 24-100 through 24-139 equipped with Controlex ball bearing throttle cables, and (Serial Nos. 24-140 through 24-180); and Model 25 (Serial Nos. 25-003 through 25-024) Airplanes.

Compliance: Within 50 hours' time in service after the effective date of this airworthiness directive, unless already accomplished.

To prevent the possibility of the engine power control cable jamming, accomplish the following:

Remove the one-piece Controlex throttle cables and install two-piece quick-disconnect type ball bearing throttle cables in accordance with Lear Service Kit No. 23/24/25-317, dated May 19, 1969, or later Federal Aviation Administration approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

This amendment becomes effective August 15, 1969.

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

Issued in Kansas City, Mo., on July 16, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-8738; Filed, July 24, 1969; 8:49 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-CE-15]

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

Alteration of Transition Area

On page 7869 of the FEDERAL REGISTER dated May 17, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Poplar Bluff, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Earl Fields Memorial Airport longitude coordinate recited in the Poplar Bluff, Mo., transition area alteration as "longitude 90°19'30'' W." is changed to read "longitude 90°19'20'' W.".

This amendment shall be effective 0901 G.m.t., September 18, 1969.

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

Issued in Kansas City, Mo., on July 11, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

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

POPLAR BLUFF, MO.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'20" W.); and within 3 miles each side of the 189° bearing from Earl Fields Memorial Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 009° and 189° bearings from Earl Fields Memorial Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 075° bearing from the Earl Fields Memorial Airport, extending from the airport to V-9, excluding the portion which overlies the Blytheville, Ark., transition area.

[F.R. Doc. 69-8734; Filed, July 24, 1969; 8:49 a.m.]

[Airspace Docket No. 68-EA-142]

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

Revocation of Federal Airway and Reporting Point

On May 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7977) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the U.S. portion of Green Federal airway No. 1 and the Millinocket, Maine, radio beacon domestic low altitude reporting point.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

1. In § 71.103 (34 F.R. 4506) "G-1" is revoked.

2. In § 71.203 (34 F.R. 4792) "Millinocket, Maine, RBN" is revoked.

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

Issued in Washington, D.C., on July 17, 1969.

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

[F.R. Doc. 69-8740; Filed, July 24, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SW-45]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the designated altitudes of the Orogrande, N. Mex., Restricted Area R-5106.

The Department of the Army has requested that the maximum altitude on R-5106 be reduced from "unlimited" to "40,000 feet MSL." Such action is taken herein.

Since this amendment will relieve a restriction, notice and public procedure hereon are unnecessary and for this reason may be made effective without regard to the 30-day period preceding effectiveness.

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

Section 73.51 (34 F.R. 4837) is amended as follows: In the "Designated altitudes." of R-5106 Orogrande, N. Mex., "to unlimited." is deleted and "to 40,000 feet MSL." is substituted therefor.

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

Issued in Washington, D.C., on July 17, 1969.

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

[F.R. Doc. 69-8733; Filed, July 24, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-9]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation and Alteration of Jet Routes

On May 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7545) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would designate J-33 and realign J-87 between Humble, Tex., and Greater Southwest, Tex., to provide dual route capability.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856, 6079) is amended as follows:

1. Jet Route No. 33 is added as follows:

Jet Route No. 33 (Humble, Tex., to Greater Southwest, Tex.).

From Humble, Tex., via INT Humble 347° and Greater Southwest, Tex., 139° radials; to Greater Southwest.

2. In the text of Jet Route No. 87, all before "Tulsa, Okla.;" is deleted and "From Humble, Tex., via INT Humble 332° and Greater Southwest, Tex., 154° radials; Greater Southwest;" is substituted therefor.

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

Issued in Washington, D.C., on July 17, 1969.

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

[F.R. Doc. 69-8739; Filed, July 24, 1969; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9723; Amdt. 95-182]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

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

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective August 21, 1969, as follows:

1. By amending Subpart C as follows:

Section 95.48 *Green Federal airway 8* is amended to read in part:

From, to, and MEA

Mordvinoff INT, Alaska; *Cold Bay, Alaska, LFR; **6,000. *5,300—MEA Cold Bay LFR, southwestbound. **8,000—MEA required without HF airborne communications equipment.

Section 95.638 *Blue Federal airway 38* is amended to read in part:

Five Fingers, Alaska, LF/RBN; Sisters Island, Alaska, LF/RBN; 7,000.
Sisters Island, Alaska, LF/RBN; Gustavus, Alaska, LFR; 5,600.
*Gustavus, Alaska, LFR; Haines, Alaska, LF/RBN; 9,000. *7,000—MCA Gustavus LFR, northbound.
Haines, Alaska, LF/RBN; Whitehorse, Yukon Territory, LFR; *10,000. *For that airspace over U.S. territory.

Section 95.640 *Blue Federal airway 40* is amended to read in part:

Haines, Alaska, LF/RBN; Robinson, Yukon Territory, Canada, LF/RBN; *10,000. *9,800—MOCA. #For that airspace over U.S. territory.

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

Alma, Ga., VORTAC; Int, GNV 270°/AMG 182°; 18,000.

Asheville, N.C., VOR; *Gilkey INT, N.C.; 6,000. *6,000—MCA Gilkey INT, westbound.
50-nautical-mile DME via 001° M rad, PIE VORTAC; St. Petersburg, Fla., VORTAC; *6,000. *1,300—MOCA.
*Gilkey INT, N.C.; Lawndale INT, N.C.; 4,000. *6,000—MCA Gilkey INT, westbound.
Int, GNV 270°/AMG 182°; 50-nautical-mile DME, 001° M rad, PIE VORTAC; 10,000.
Int, 090° M rad, Decatur, Ala., VOR and 136° M rad, Huntsville, Ala., VOR; Int, 080° M rad, Huntsville, Ala., VOR and 177° M rad, Shelbyville VOR; *4,000. *2,800—MOCA.
Lawndale INT, N.C.; Stanley INT, N.C.; 3,000.
Lawson, Ga., LF/RBN; Seale INT, Ala.; 2,000.
Northgate INT, Fla.; Marianna, Fla., VOR; 1,500.

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

Asheville, N.C., VOR; Int, 084° M rad, Asheville, VOR and 374° M rad, Fort Mill VOR; 6,000.
Augusta, Ga., VOR; Chattin INT, S.C.; 2,000.
Biscayne Bay, Fla., VOR; Deerfield INT, Fla.; 2,000.
Carmel, N.Y., VOR; Newtown INT, Conn.; *3,000. *2,200—MOCA.
Carp INT, Alaska; Shrimp INT, Alaska; #2,000. #10,000—MEA required without HF airborne communications equipment.
Deerfield INT, Fla.; Bonita INT, Fla.; *6,000. *1,400—MOCA.
Halibut INT, Alaska; Carp INT, Alaska; #2,000. #10,000—MEA required without HF airborne communications equipment.
Int, 270° M rad, Gainesville, Fla., VOR and 182° M rad, Alma, Ga., VOR; St. Petersburg, Fla., 50-mile DME Fix, 001° rad, *10,000. *1,300—MOCA.
McComb, Miss., VOR; Mobile, Ala., VOR; *2,300. *1,800—MOCA.
Nenana, Alaska, VOR; Chandalar Lake, Alaska, LF/RBN Cop 113° ENN; *14,500. *8,000—MOCA.
Newtown INT, Conn.; Litchfield INT, Conn.; *3,000. *2,200—MOCA.
Porpoise INT, Alaska; Middleton Island, Alaska, VOR; #2,000. #10,000—MEA required without HF airborne communications equipment.
Putnam, Conn., VOR; Leominster INT, Mass.; 3,000.
Rome, Ga., VOR; Huntsville, Ala., VOR; 4,000.
St. Petersburg, Fla., 50-mile DME Fix/001° rad, St. Petersburg, Fla., VOR; *6,000. *1,300—MOCA.
Shrimp INT, Alaska; Porpoise INT, Alaska; #2,000. #10,000—MEA required without HF airborne communications equipment.

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

Chason INT, Fla.; Tallahassee, Fla., VOR; *3,000. *1,600—MOCA.
Guppy INT, Fla.; Int, 052° M rad, Biscayne Bay, Fla., VOR and 008° M rad, Bimini, Nassau, VOR; *4,000. *1,200—MOCA.
Lee INT, Fla.; Valdosta, Ga., VOR; *2,000. *1,500—MOCA.
Orlando, Fla., VOR; Tico INT, Fla.; 2,000. MAA—45,000.

Section 95.6004 *VOR Federal airway 4* is amended by adding:

Charleston, W. Va., VOR via S alter.; Swiss INT, W. Va., via S alter.; 3,000.

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

Kansas City, Mo., VOR; Fleming INT, Mo.; *2,600. *2,400—MOCA.
Swiss INT, W. Va., via S alter.; Elkins, W. Va., VOR via S alter.; 5,000.
Topeka, Kans., VOR via N alter.; Wood INT, Kans., via N alter.; *2,700. *2,400—MOCA.
Wood INT, Kans., via N alter.; Kansas City, Mo., VOR via N alter.; *2,600. *2,300—MOCA.

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

Nashville, Tenn.; Central City, Ky., VOR; 3,000.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Cuba INT, Tenn., via W alter.; Malden, Mo., VOR via W alter.; *2,500. *1,900—MOCA.
Greenwood, Miss., VOR via E alter.; Independence INT, Miss., via E alter.; *2,000. *1,700—MOCA.
Kerrville INT, Tenn.; Holland INT, Mo.; *2,500. *2,300—MOCA.
McComb, Miss., VOR; *Florence INT, Miss.; **2,000. *4,000—MRA. **1,800—MOCA.
Memphis, Tenn., VOR; *Kerrville INT, Tenn.; **2,500. *2,700—MRA. **2,300—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Memphis, Tenn., VOR via W alter.; *Kerrville INT, Tenn., via W alter.; **2,500. *2,700—MRA. **2,300—MOCA.
Kerrville INT, Tenn., via W alter.; Dyersburg, Tenn., VOR via W alter.; *2,500. *2,300—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Santa Barbara, Calif., VOR; Henderson INT, Calif.; 7,000.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Hope INT, Minn.; Farmington, Minn., VOR; *3,000. *2,600—MOCA.
Kansas City, Mo., VOR; Plattsburg INT, Mo.; *2,600. *2,400—MOCA.
Lamoni, Iowa, VOR; *Woodburn INT, Iowa; **3,000. *4,300—MRA. **2,400—MOCA.
Woodburn INT, Iowa; Des Moines, Iowa, VOR; *2,600. *2,400—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Shawnee INT, Okla., via S alter; Prague INT, Okla., via S alter.; *5,500. *2,400—MOCA.
Prague INT, Okla., via S alter.; Sapulpa INT, Okla., via S alter.; *4,000. *2,300—MOCA.
Vandalia, Ill., VOR; Terre Haute, Ind, VOR; *2,400. *2,000—MOCA.

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

Independence INT, Tex., via W alter.; College Station, Tex., VOR via W alter.; 1,800.
Kansas City, Mo., VOR; Dearborn INT, Mo.; *2,600. *2,300—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Knoxville, Tenn., VOR; *Piedmont INT, Tenn.; 3,000. *4,000—MCA—Piedmont INT, northeastbound.
Piedmont INT, Tenn.; Ottway INT, Tenn.; 4,000.
Ottway INT, Tenn.; Telford INT, Tenn.; 4,000.
Memphis, Tenn., VOR via S alter.; Moscow INT, Tenn., via S alter.; **1,900. *1,700—MOCA.
Moscow INT, Tenn., via S alter.; Selmer INT, Tenn., via S alter.; *3,500. *1,700—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Alex INT, Okla.; Oklahoma City, Okla., VOR; *2,800. *2,400—MOCA.
Bellaire INT, Tex., via E alter.; San Antonio, Tex., VOR via E alter.; *2,500. *2,400—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Augusta, Ga., VOR; *Norway INT, S.C.; **3,000. *3,500—MCA Norway INT, southeastbound. **2,100—MOCA.

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

Sheridan, Wyo., VOR; Billings, Mont., VOR; *8,000. *7,000—MOCA.
Sheridan, Wyo., VOR via E alter.; Billings, Mont., VOR via E alter.; *8,000. *7,000—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Malad City, Idaho, VOR; Bannock INT, Idaho; 10,000.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Oceanside, Calif., VOR; Balboa INT, Calif.; 4,000.

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

St. George INT, S.C.; *Ernies INT, S.C.; **2,000. *2,500—MRA. **1,700—MOCA.
Ernies INT, S.C.; Columbia, S.C., VOR; *2,000. *1,700—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Harris, Ga., VOR; *Dillard INT, Ga.; 7,500. *7,000—MCA Dillard INT, Westbound.
Hillemann INT, Ark., via N alter.; *Round Pond INT, Ark., via N alter; **3,000. *4,000—MRA. **1,700—MOCA.
Texarkana, Ark., VOR via N alter.; Pike INT, Ark., via N alter.; *3,500. *1,700—MOCA.
Pike INT, Ark., via N alter.; Marcus INT, Ark., via N alter.; 3,500.
Round Pond INT, Ark., via N alter.; Memphis, Tenn., VOR via N alter.; *1,800. *1,500—MOCA.
Memphis, Tenn., VOR via N alter.; Moscow INT, Tenn., via N alter.; *1,900. *1,700—MOCA.
Moscow INT, Tenn., via N alter.; *Selmer INT, Tenn., via N alter.; **3,500. *4,000—MRA. **1,700—MOCA.

Section 95.6057 *VOR Federal airway 57* is amended to read:

Lexington, Ky., VOR; Falmouth, Ky., VOR; 3,000.
Falmouth, Ky., VOR; Hamilton INT, Ohio; 2,700.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Fort Mill, S.C., VOR; Midland INT, N.C.; *2,200. *1,900—MOCA.

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

Sparkman INT, Ark.; Caney INT, Ark.; 3,500.
Hot Springs, Ark., VOR; Ola INT, Ark.; 3,500.
Hot Springs, Ark., VOR via W alter.; Creek INT, Ark., via W alter.; *3,500. *3,200—MOCA.
Creek INT, Ark., via W alter.; Rover INT, Ark., via W alter.; 5,500.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Alex INT, Okla., via E alter.; Oklahoma City, Okla., VOR via E alter.; *2,800. *2,400—MOCA.
Lamoni, Iowa, VOR; *Woodburn INT, Iowa; **3,000. *4,300—MRA. **2,400—MOCA.
Woodburn INT, Iowa; Des Moines, Iowa, VOR; *2,600. *2,400—MOCA.
Topeka, Kans., VOR; Huron INT, Kans.; *2,600. *2,300—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Brainerd, Minn., VOR; Minneapolis, Minn., VOR; *3,000. *2,600—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Billings, Mont., VOR; Sheridan, Wyo., VOR; *8,000. *7,000—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

Carlsbad, N. Mex., VOR; Hobbs, N. Mex., VOR; *5,600. *5,000—MOCA.
Hobbs, N. Mex., VOR; Lubbock, Tex., VOR; *6,000. *5,400—MOCA.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

Pasco, Wash., VOR via W alter.; *Grange INT, Wash., via W alter.; 5,000. *6,000—MRA.
Grange INT, Wash., via W alter.; Spokane, Wash., VOR via W alter.; 5,000.

Section 95.6131 *VOR Federal airway 131* is amended to read in part:

Tulsa, Okla., VOR; Tyro INT, Kans.; *2,700. *2,300—MOCA.

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

Kansas City, Mo., VOR; Dearborn INT, Mo.; *2,600. *2,300—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Lamoni, Iowa, VOR; *Woodburn INT, Iowa; **3,000. *4,300—MRA. **2,400—MOCA.
Woodburn INT, Iowa; Des Moines, Iowa, VOR; *2,600. *2,400—MOCA.
Minneapolis, Minn., VOR; Brainerd, Minn., VOR; *3,000. *2,600—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Alex INT, Okla., via W alter.; Oklahoma City, Okla., VOR via W alter.; *2,800. *2,400—MOCA.
Bellaire INT, Tex.; San Antonio, Tex., VOR; *2,500.*2,400—MOCA.
Maysville INT, Okla.; *Washington INT, Okla.; **2,800. *4,000—MRA. **2,400—MOCA.
Washington INT, Okla.; Oklahoma City, Okla., VOR; *2,800. *2,400—MOCA.

Section 95.6165 *VOR Federal airway 165* is amended to read in part:

Oceanside, Calif., VOR; Balboa INT, Calif.; 4,000.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

Hartford, Conn., VOR; Sterling INT, Conn.; *2,600. *2,000—MOCA.
Sterling INT, Conn.; Providence, R.I., VOR; *2,500. *1,800—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

Snowbird, Tenn., VOR; *Piedmont INT, Tenn.; 6,000. *4,000—MCA Piedmont INT, southeastbound.
Piedmont INT, Tenn.; via E alter.; Knoxville, Tenn., VOR via E alter.; 3,000.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

White Cloud, Mich., VOR via W alter.; Manistee, Mich., VOR via W alter.; *2,900. *2,300—MOCA.
Manistee, Mich., VOR via W alter.; Traverse City, Mich., VOR via W alter.; *2,900. *2,200—MOCA.

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

Eureka INT, N.C.; Rocky Mount, N.C., VOR; *2,000. *1,300—MOCA.

Section 95.6217 *VOR Federal airway 217* is amended to read in part:

Milwaukee, Wis., ILS locr.; Lake Park INT, Wis.; 2,300.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Malad City, Idaho, VOR; Bannock INT, Idaho; 10,000.
Pocatello, Idaho, VOR; Rockford INT, Idaho; 7,000.
Rockford INT, Idaho; Dubois, Idaho, VOR; 7,500.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Greenwood, Miss., VOR; College INT, Miss.; 2,000.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

Topeka, Kans., VOR; Wood INT, Kans.; *2,700. *2,400—MOCA.
Wood INT, Kans.; Kansas City, Mo. VOR; *2,600. *2,300—MOCA.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Gregg County, Tex., VOR; Texarkana, Ark., VOR; 2,000.

Section 95.6484 *VOR Federal airway 484* is amended to read in part:

Wooden Shoe INT, Idaho; Spring Bay INT, Utah; *14,000. *11,900—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

Labelle, Fla., VOR via N. alter.; *Haven INT, Fla., via N. alter.; **2,000. *3,000—MCA Haven INT, southeastbound. **1,200—MOCA.

Section 95.7012 *Jet Route No. 12* is deleted:

Section 95.7020 *Jet Route No. 20* is amended to delete:

From, To, MEA, and MAA

Pendleton, Oreg., VORTAC; Boise, Idaho, VORTAC; 18,000; 45,000.
Boise, Idaho, VORTAC; Malad City, Idaho, VORTAC; 18,000; 45,000.

Section 95.7020 *Jet Route No. 20* is amended by adding:

Pendleton, Oreg., VORTAC; McCall, Idaho, VORTAC; 18,000; 45,000.
McCall, Idaho, VORTAC; Pocatello, Idaho, VORTAC; 18,000; 45,000.
Pocatello, Idaho, VORTAC; Rock Springs, Wyo., VORTAC; 18,000; 45,000.

Section 95.7034 *Jet Route No. 34* is amended to read in part:

Cleveland, Ohio, VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.
Bellaire, Ohio, VORTAC; Westminster, Md., VORTAC; 23,000; 45,000.

Section 95.7049 *Jet Route No. 49* is amended to delete:

Charleston, W. Va., VORTAC; Philipsburg, Pa., VORTAC; 18,000; 45,000.

Section 95.7054 *Jet Route No. 54* is amended by adding:

Pendleton, Oreg., VORTAC; Boise, Idaho, VORTAC; 18,000; 45,000.
Boise, Idaho, VORTAC; Pocatello, Idaho, VORTAC; 18,000; 45,000.

Section 95.7054 *Jet Route No. 54* is amended to delete:

Pendleton, Oreg., VORTAC; McCall, Idaho, VOR; 18,000; 45,000.

Section 95.7080 *Jet Route No. 80* is amended to read in part:

Indianapolis, Ind., VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.
Bellaire, Ohio, VORTAC; Coyle, N.J., VORTAC; 18,000; 45,000.

Section 95.7110 *Jet Route No. 110* is amended to read in part:

Indianapolis, Ind., VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.
Bellaire, Ohio, VORTAC; Coyle, N.J., VORTAC; 18,000; 45,000.

Section 95.7145 *Jet Route No. 145* is added to read:

Charleston, W. Va., VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.

Section 95.7149 *Jet Route No. 149* is amended to read:

Casanova, Va., VORTAC; Rosewood, Ohio, VORTAC; 27,000; 45,000.
Rosewood, Ohio, VORTAC; Fort Wayne, Ind., VORTAC; 18,000; 45,000.

Section 95.7162 *Jet Route No. 162* is added to read:

Cleveland, Ohio, VORTAC; Bellaire, Ohio, VORTAC; 18,000; 45,000.
Bellaire, Ohio, VORTAC; Front Royal, Va., VORTAC; 18,000; 45,000.

Section 95.7502 *Jet Route No. 502* is amended to read in part:

United States-Canadian border; Annette Island, Alaska, VOR; 18,000; 45,000.

Section 95.7518 *Jet Route No. 518* is amended to read in part:

United States-Canadian border; Cleveland, Ohio, VORTAC; 18,000; 45,000.
Cleveland, Ohio, VORTAC; Westminster, Md., VORTAC; 19,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From; to—Changeover point; Distance; from

V–15 is amended to read in part:
Humble, Tex., VOR via E. alter.; Navasota, Tex., VOR via E. alter.; 25; Humble.

V–18 is added to read:
Augusta, Ga., VORTAC; Norway INT, S.C.; 48; Augusta.

V–314 is amended to delete:
Princeton, Maine, VOR; St. Johns, Canada, VOR; 36; Princeton.

V–484 is amended to read in part:
Twin Falls, Idaho, VOR; Salt Lake City, Utah, VOR; 59; Twin Falls.

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

Issued in Washington, D.C., on July 15, 1969.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 69-8637; Filed, July 24, 1969; 8:45 a.m.]

[Reg. Docket No. 9701; Amdt. 658]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

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

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA VOR	AM LOM	Direct	5000	T-dn*	300-1	300-1	300-1
Claude Int	AM LOM	Direct	5000	C-dn	600-1	600-1	600-1½
Canyon Int	AM LOM	Direct	5000	A-dn	NA	NA	NA
Tower Int	AM LOM	Direct	5300				
Plant Int	AM LOM	Direct	6000				

Radar vectoring.
Procedure turn E side crs 130° Outbnd, 310° Inbnd, 5000' within 10 miles. Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 4500'.
Crs and distance, facility to airport, 310°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing AM LOM, turn left, climb to 6000' within 20 miles on 260° bearing from AM LOM.
CAUTION: Towers, 3920', 2 miles NW of airport; 3094' 2 miles NE of airport; 3029', 2 miles NE of airport. 204' AGL grain elevator located ¾ mile SW of Runway 35.
NOTES: No weather service at airport. Air carrier use not authorized. Tradewind MHW is AM LOM.
*300-2 required for takeoff Runway 35.
MSA within 25 miles of facility: 000°-360°—6000'.

City, Amarillo; State, Tex.; Airport name, Tradewind; Elev., 3642'; Fac. Class., H-SAB/LOM; Ident., AM; Procedure No. NDB (ADF)-1, Amdt. 6; Eff. date, 7 Aug. 69 Sup. Amdt. No. 5; Dated 26 June 69

Grand Beach Int	MGC RBn (final)	Direct	1250	T-dn	300-1	300-1	200-½
North Liberty Int	MGC RBn	Direct	2300	C-dn	600-1	600-1	600-1¼
				S-dn-20	600-1	600-1	600-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 010° Outbnd, 190° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1250'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 mile of MGC RBn, climb to 2300' on crs 190° and return to RBn.
NOTES: (1) Use South Bend altimeter setting. (2) Procedure not authorized between 0200-1300Z.
CAUTION: 730' MSL (80' AGL) light pole 450' W of Runway 20 centerline and 400' past threshold.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—2900'; 180°-360°—2100'.

City, Michigan City; State, Ind.; Airport name, Michigan City; Elev., 650'; Fac. Class., MHW; Ident., MGC; Procedure No. NDB (ADF) Runway 20, Amdt. 3; Eff. date, 7 Aug. 69; Sup. Amdt. No. 2; Dated, 24 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d%	1000-2	1000-2	1000-2
				T-n%	1000-3	1000-3	1000-3
				C-d	1000-2	1000-2	1000-2
				C-n	1000-3	1000-3	1000-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 4500' within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 157°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing EED VOR, turn right and climb to 6000' on R 322° within 20 miles.
NOTE: Final approach from holding pattern at EED VOR not authorized. Procedure turn required.
%Takeoffs all runways: Climb heading 045° to intercept and climb via EED VOR R 331°, within 20 miles to recross EED VOR at 4000', then via assigned route. Procedure turn W. of crs.
MSA within 25 miles of facility: 000°-090°—8100'; 090°-180°—6100'; 180°-270°—4700'; 270°-360°—5600'.

City, Needles; State, Calif.; Airport name, Needles Municipal; Elev., 990'; Fac. Class., BVORTAC; Ident., EED; Procedure No. VOR-1, Amdt. 5; Eff. date, 7 Aug 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 24 June 65

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Champaign, Ill. (Urbana)—University of Illinois-Willard, VOR Runway 22, Amdt. 1, 20 Jan. 1968, canceled, effective 7 Aug. 1969.

3. By amending § 97.15 of Subpart B to establish very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Mansfield Int	CMI VORTAC	Direct	2400	T-dn%	300-1	300-1	200-½
R 270°, CMI VORTAC CW	R 027°, CMI VORTAC	Via 12-mile DME Arc.	2700	S-dn-22	400-1	400-1	400-1
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2
R 145°, CMI VORTAC CCW	R 027°, CMI VORTAC	Via 12-mile DME Arc.	2400				
12-mile DME, R 027°	6-mile DME, R 027° (NOPT)	Direct	2400				

Procedure turn E side of crs, 027° Outbnd, 207° Inbnd, 2400' within 10 miles of 6-mile DME Fix.
Minimum altitude over 6-mile DME Fix on final approach crs, 2400'; over 2.6-mile DME Fix, 1500'.
Crs and distance, 6-mile DME Fix to airport, 207°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 0 mile of VORTAC, climb to 2500' on R 234° and proceed to Bement Int.
%When weather is less than 400-1, aircraft departing Runways 4, 31, and 36, maintain runway heading until reaching 1500' due to 1146' tower 2.5 miles NNE.
MSA within 25 miles of facility: 000°-180°—3000'; 180°-360°—2800'.

City, Champaign (Urbana); State, Ill.; Airport name, University of Illinois-Willard; Elev., 753'; Fac. Class., L-BVORTAC; Ident., CMI; Procedure No. VOR/DME Runway 22, Amdt. Orig.; Eff. date, 7 Aug. 69

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.3 miles after passing FDY VORTAC.
			Climb to 2400', left turn, proceed to FDY VORTAC and hold. Supplementary charting information: Hold NE Findley VORTAC R 053°, right turns, 1 minute, 233° Inbnd. Runway 23, TDZ elevation, 850'.

Proceed turn N side of crs, 053° Outbnd, 233° Inbnd, 2400' within 10 miles of FDY VORTAC.
FAF, FDY VORTAC. Final approach crs, 233°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over FDY VORTAC, 1700'.
MSA: 000°-090°—2400'; 090°-180°—2300'; 180°-270°—2500'; 270°-360°—2200'.
NOTES: (1) Use Findley, Ohio, altimeter setting. (2) Alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-23	1260	1	410	1260	1	410	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1380	1	530	1380	1	530	NA	NA
A	Not authorized		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Bluffton; State, Ohio; Airport name, Bluffton Flying Service; Elev., 850'; Facility, FDY; Procedure No. VOR Runway 23, Amdt. Orig.; Eff. date, 7 Aug. 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MTJ VOR.
			Climbing right turn to 7900' direct to MTJ VOR; continue climb in holding* pattern for direction of flight. Supplementary charting information: *Hold NW MTJ VOR, right turns, minute, 119° Inbnd. Final approach crs intercepts Runway 12 centerline 5200' from threshold. LRCO 122.1. Runway 12, TDZ elevation, 5731'.

Procedure turn S side of crs, 299° Outbnd, 119° Inbnd, 7900' within 10 miles of MTJ VOR.
Final approach crs, 119°.
MSA: 000°-090°—13,800'; 090°-180°—15,200'; 180°-270°—13,000'; 270°-360°—11,300'.
NOTES: (1) Use GJT altimeter setting when control zone not effective. (2) Final approach from holding pattern not authorized; procedure turn required.
&Alternate minimums not authorized when control zone not effective, except operators with approved weather service.
@Circling and straight-in MDA increased 200' when control zone not effective, except operators with approved weather service.
%IFR departure procedures: Climb in holding pattern to cross MTJ VOR at or above 10,000' eastbound V-244; 9300' westbound V-244.
#Air carrier reduction not authorized.
$Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12@$	6400	1	669	6400	1	669	6400	1¼	669	6400	1¼	669
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	6400	1	641	6400	1	641	6400	1½	641	6640	2	881
A	And 1000-2.		T 2-eng. or less—Standard.%#				T over 2-eng.—Standard.%#					

City, Montrose; State, Colo.; Airport name, Montrose County; Elev., 5750'; Facility, MIJ; Procedure No. VOR-2, Amdt. Orig.; Eff. date, 7 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Ettrick Int.
HCM VORTAC	HPW VORTAC (NOPT)	Direct	2000	Climb on HPW R-252 to 2000' to Dalton Int. and hold. Supplementary charting information: Hold SW on RIC R 220°, 1 minute/5-mile right turns Inbnd crs 040°. Intersects centerline 3000' from runway threshold. Antenna 1.3 miles N of airport, 335'. Runway 23, TDZ elevation, 191'.

Procedure turn not authorized. Descend in holding pattern to 2000' at HPW VORTAC 1 minute/left turns Inbnd crs 252°.
FAF, Ettrick Int. Final approach crs, 252°. Distance FAF to MAP, 5 miles.
Minimum altitude over Ettrick Int (14.8-mile DME Fix), 1600'.
NOTES: (1) Use Richmond altimeter setting. (2) Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-23	760	1	569	760	1¼	569	760	1½	569	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	760	1	566	760	1¼	566	760	1½	566	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Petersburg; State, Va., Airport Name, Petersburg Municipal; Elev., 194'; Facility, HPW; Procedure No. VOR Runway 23, Amdt. Orig.; Eff. date, 7 Aug. 69

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.8 miles after passing ADM VOR.
ADM NDB	ADM VORTAC	Direct	2500	Climb to 2700' on R-046 within 20 miles.
DUC VOR	ADM VORTAC	Direct	2600	Supplementary charting information: Tower 1.7 miles N, 1075'.

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2500' within 10 miles of ADM VORTAC.
FAF, Ardmore VORTAC. Final approach crs, 046°. Distance FAF to MAP, 8.8 miles.
Minimum altitude over ADM VORTAC, 2000'; over Autry Int, 1360'.
MSA: 000°–090°—2700'; 090°–180°—2900'; 180°–270°—2500'; 270°–360°—2700'.
#Night operations not authorized Runways 4–22.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4#	1360	1	598	1360	1	598	1360	1	598	1360	1	598
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1360	1	598	1360	1	598	1380	1½	618	1400	2	638
	VOR/DME or VOR/ADF Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4#	1200	1	438	1200	1	438	1200	1	438	1200	1	438
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	538	1300	1	538	1380	1½	618	1400	2	638
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Ardmore; State, Okla.; Airport name, Ardmore Municipal; Elev., 762'; Facility, ADM; Procedure No. VOR Runway 4, Amdt. 7; Eff. date, 7 Aug. 69; Sup. Amdt. No. 6; Dated, 28 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MTJ VOR.
Grand Junction VORTAC	Bridgeport DME Fix	Direct	10,500	Climbing right turn to 8,300' on R 299° of MTJ VOR within 10 miles, return to VOR and hold.
Bridgeport DME Fix	Delta DME Fix	Direct	8300	Supplementary charting information:
Delta DME Fix	Roe Fan Marker (NOPT)	Direct	*6600	Hold NW MTJ VOR, right turns, 1 minute, 119° Inbnd.
MTJ VOR	Roe Fan Marker	Direct	8300	Final approach crs intercepts Runway 12 centerline 5200' from threshold.
				TDZ elevation, 5731'.
				LRCO—122.1.

Procedure turn S side of crs, 299° Outbnd, 119° Inbnd, 8,300' within 10 miles of Roe Fan Marker.
Final approach crs, 119°.
Minimum altitude over Roe Fan Marker, *6,600'.
MSA: 000°–090°—13,800'; 090°–180°—15,200'; 180°–270°—13,000'; 270°–360°—11,300'.
NOTES: (1) Use GJT altimeter setting when control zone not effective. (2) Fan Marker equipment required.
#Alternate minimums not authorized when control zone not effective, except operators with approved weather service.
*Circling and straight-in MDA increased 400' and MDA over Roe FM becomes 6800' when control zone not effective, except operators with approved weather service.
%IFR departure procedures: Climb in holding pattern to cross MTJ VOR at or above 10,000' eastbound V-244; 9300' westbound V-244.
**Air carrier reduction not authorized.
$Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
	Fan Marker minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT			
S-12*$	6140	1	409	6140	1	409	6140	1	409	6140	1	409
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	6280	1	521	6280	1	521	6340	1½	581	6640	2	881
A	1000-2.#		T 2-eng. or less—Standard.%**				T over 2-eng.—Standard.%**					

City, Montrose; State, Colo.; Airport name, Montrose County; Elev., 5759'; Facility, MTJ; Procedure No. VOR-1, Amdt. 1; Eff. date, 7 Aug. 69; Sup. Amdt. No. VOR Runway 12, Orig.; Dated, 22 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10.2 miles after passing PHX VOR.
				Climbing left turn to 5000' direct to PHX VOR.
				Supplementary charting information:
				Final approach crs to a point 1.1 miles S of midpoint Runways 3/21.
				Chart VFR track MAP to airport.

Approach crs (profile) starts at PHX VOR.
FAF, PHX VOR. Final approach crs, 339°. Distance FAF to MAP, 10.2 miles.
Minimum altitude over PHX VOR, 5000'.
MSA: 010°–100°—6100'; 100°–190°—4200'; 190°–280°—5600'; 280°–010°—5000'.
NOTES: (1) Radar vectoring. (2) Use Phoenix altimeter setting.
% IFR departure procedures: Climb visually over airport to 1900' or above, direct to PHX VOR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2140	1	661	2140	1	661	2140	1½	661	2140	2	661
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Scottsdale; State, Ariz.; Airport name, Scottsdale Municipal; Elev., 1479'; Facility, PHX; Procedure No. VOR-1, Amdt. 1; Eff. date, 7 Aug. 69; Sup. Amdt. No. Orig.; Dated, 3 July 69

6. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation; Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.2 miles after passing PTB RBN.
McKenney Int	PTB NDB (NOPT)	Direct	1500	Climb to 1900', right turn, direct to PTB RBN and hold.
Appomattox Int	PTB NDB	Direct	1900	Supplementary charting information: Hold SW, 1 minute, right turns, Inbnd crs, 052°. Alternate missed approach: Climbing left turn to 2000' via the HPW R 252° to Dalton Int and hold. Hold SW on RIC R 220° 1 minute/5-mile right turns, Inbnd crs, 040°. Runway 5, TDZ elevation, 193'.

Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 1900' within 10 miles of PTB RBN.
FAF, PTB RBN. Final approach crs, 052°. Distance FAF to MAP, 4.2 miles.
Minimum altitude over PTB RBN, 1500'.
MSA: 000°-090°—2100'; 090°-180°—1700'; 180°-270°—1800'; 270°-360°—2100'.
NOTES: (1) Use Richmond altimeter setting. (2) Radar vectoring.
CAUTION: Do not penetrate R-6602 when executing procedure turn.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-5	720	1	527	720	1	527	720	1	527	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	720	1	526	720	1	526	720	1¼	526	NA
A	Not authorized.		T 2 eng. or less—Standard.				T over 2-eng.—Standard.			

City, Petersburg; State, Va.; Airport name, Petersburg Municipal; Elev., 194'; Facility, PTB; Procedure No. NDB (ADF) Runway 5, Amdt. Orig.; Eff. date, 7 Aug. 69

7. By amending § 97.31 of Subpart C to cancel precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

Dothan, Ala.—Dothan, Radar-1, Amdt. 3, 21 Mar. 1968, canceled, effective 7 Aug. 1969.

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 2, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-8087; Filed, July 24, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-41; Amdt. 6]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Refund of Filing Fee

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1969.

Under § 389.25 of the Organization Regulations a filing fee of $200 is charged for applications under section 401 of the Act involving certificates of public convenience and necessity to engage in air transportation. The regulation provides that the fee will be refunded if the application is (1) withdrawn prior to hearing, (2) dismissed under the stale-application rule of § 302.911, or (3) dismissed pursuant to the denial of consolidation rule of § 302.12(e). Where moot applications are dismissed with the carriers' consent under the Board's "docket-sweep" program, those applications may possibly fall within the regulation's scope on the grounds either that they have been withdrawn or that they are stale. To remove any uncertainty, the Board will amend § 389.25 by specifying that refunds are allowed in all cases where the Chief Examiner dismisses applications prior to hearing pursuant to § 385.10(b). The amendment also clarifies that the refunds are payable only if requested.

Since this amendment is an interpretive rule of agency practice and procedure, and since it clarifies the grounds for refund of fees, and otherwise imposes no burden, the Board finds that notice and public procedure are unnecessary and that the regulation may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 389 of its Organization Regulations (14 CFR Part 389), effective July 18, 1969, by amending § 389.25(a) to read as follows:

§ 389.25 Schedule of filing and license fees.

(a) *Certificates of public convenience and necessity.* (1) The filing fee for an application, under section 401 of the Act,

(i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew, or transfer a certificate or to abandon a route or a part thereof, is $200. The fee will be refunded, on request, if the application is withdrawn prior to hearing, is dismissed under the stale-application rule of § 302.911 of this chapter, is dismissed pursuant to the denial of consolidation rule of § 302.12(e) of this chapter, or is otherwise dismissed by the Chief Examiner prior to hearing under the authority delegated to him in § 385.10(b) of this chapter.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958; 72 Stat. 743; 49 U.S.C. 1324(a); 5 U.S.C. 140)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-8755; Filed, July 24, 1969; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7176]

PART 13—PROHIBITED TRADE PRACTICES

Alleghany Pharmacal Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–74 Reducing, nonfattening, low-calorie, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Final order reinstating cease and desist order, Alleghany Pharmacal Corp. et al., New York, N.Y., Docket 7176, June 17, 1969]

In the Matter of Alleghany Pharmacal Corp., a Corporation, and Harry Evans and Vincent J. Lynch, Individually, and Chester Carity, Individually and as an Officer of Said Corporation

Order dismissing an amended complaint issued November 15, 1965, and reinstating the suspended order of November 7, 1958, 23 F.R. 10506, which prohibited a New York City distributor of drugs from deceptively advertising its weight-reducing preparation, "Hungrex with P.P.A."

The final order is as follows:

It is ordered, That the amended complaint issued on November 15, 1965, be dismissed as to all respondents without prejudice to the right of the Commission to take such further action in the future as may appear to be appropriate.

It is further ordered, That the order to cease and desist issued by the Commission November 7, 1958, remain in effect as to all respondents named therein.

Issued: June 17, 1969.

By the Commission.

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

[F.R. Doc. 69-8701; Filed, July 24, 1969; 8:46 a.m.]

[Docket No. C-1556]

PART 13—PROHIBITED TRADE PRACTICES

Gineros & Boronico, Inc., et al.

Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—*Neglecting, Unfairly or Deceptively, To Make Material Disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Gineros & Boronico, Inc., et al., New York, N.Y., Docket C-1556, July 8, 1969]

In the Matter of Gineros & Boronico, Inc., a Corporation, and Spero Gineros and Constantine Boronico, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

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

It is ordered, That respondents Gineros & Boronico, Inc., a corporation, and its officers, and Spero Gineros and Constantine Boronico, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

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

B. Falsely or deceptively invoicing fur products by:

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

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

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

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

Issued: July 8, 1969.

By the Commission.

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

[F.R. Doc. 69-8702; Filed, July 24, 1969; 8:46 a.m.]

[Docket No. C-1555]

PART 13—PROHIBITED TRADE PRACTICES

Orvil D. Percifield et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Orvil D. Percifield trading as Northwest Chinchilla Co., Portland, Oreg., Docket C-1555, July 2, 1969]

In the Matter of Orvil D. Percifield, Also Known as Orville D. Percifield, an Individual Trading and Doing Business as Northwest Chinchilla Co., Formely Known as The Chinchilla Guild of America, Pacific Northwest Division

Consent order requiring a Portland, Oreg., distributor of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality

of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its services to purchasers.

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

It is ordered, That respondent Orvil D. Percifield, also known as Orville D. Percifield, an individual trading and doing business as Northwest Chinchilla Co., formerly known as The Chinchilla Guild of America, Pacific Northwest Division, or trading and doing business under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of chinchilla breeding stock or any other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, or spare buildings, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for, and raising of such animals.

3. Each female chinchilla purchased from respondent and each female offspring will produce successive litters of one to four live offspring at 111-day intervals.

4. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla of purchasers of respondent's breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

5. Pelts from the offspring of respondent's chinchilla breeding stock sell for an average price of $30.90 per pelt; or that pelts from the offspring of respondent's breeding stock generally sell from $15 to $60 each.

6. Chinchilla pelts from respondent's breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondent's breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Purchasers of respondent's chinchilla breeding stock will receive top quality chinchillas or that respondent's chinchilla breeding stock has a market value of $350 each or any other price or range of prices unless respondent's purchasers do actually receive chinchillas of the represented market value, price or range of prices.

8. Each female chinchilla purchased from respondent and each female offspring produce at least three live young per year.

9. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondent's breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchasers to whom the representation is made.

10. A purchaser starting with six mated pairs of respondent's chinchillas will have, from the sale of pelts, a gross income, earnings or profits of $5,760 at the end of the fifth year after purchase.

11. Purchasers of respondent's breeding stock will realize earnings, profits, or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits, or income of purchasers of respondent's breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

12. Breeding stock purchased from respondent is warranted or guaranteed without clearly and conspicuously disclosing in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of the guarantor.

13. Breeding chinchillas by mated pairs will produce more or better quality offspring than by polygamous breeding.

14. Chinchillas are hardy animals or are not susceptible to disease.

15. Purchasers of respondent's chinchilla breeding stock joining The Chinchilla Guild of America will, because of the services offered by that organization, be able to raise chinchillas with pelts selling for an average price of $45 per pelt, or for any other amount in excess of that usually received by members of said Guild; or misrepresenting, in any manner, the benefits, gains, or advantages afforded members of said Guild or members, participants, or affiliates of any other organization or group.

16. Respondent will purchase all or any of the chinchilla offspring or pelts thereof raised by purchasers of respondent's breeding stock for $80 a pair unless respondent does in fact so purchase such offspring or pelts for the represented price; or that respondent will purchase said offspring or pelts for any other prices unless respondent does, in fact, purchase all the offspring or pelts offered by said purchasers at the prices and on the terms and conditions represented; or representing, in any manner, that respondent will purchase chinchilla offspring raised by customers unless respondent does in fact purchase such offspring.

17. The "Guild Quality" standard of live chinchilla evaluation is an accepted standard in the chinchilla industry for determining the quality of chinchilla breeding stock; or misrepresenting, in any manner, the standards or the acceptance or recognition of standards in the chinchilla industry for the evaluation or grading of chinchillas or the pelts therefrom.

18. Approximately 75 percent of all chinchillas raised from chinchilla breeding stock purchased from respondent will be of Guild quality; or misrepresenting, in any manner, the number or proportion of chinchillas from respondent's or any other breeding stock which will be of a stated grade or quality.

19. Respondent doing business as Northwest Chinchilla Co. or under any other trade or corporate name or as an individual has been in the chinchilla business for more than 20 years; or misrepresenting, in any manner, the length of time respondent individually or through any corporate or other device has been in business.

20. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondent's breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondent's chinchillas because said chinchillas or pelts are in great demand.

21. Purchasers investing $4,000 in respondent's chinchillas will make $25,000 in profit 2 years after the purchase of respondent's chinchillas.

22. Purchasers investing any amount or range of amounts will make any amount, or range of amounts in profit in any number of years or interval of time after the purchase of respondent's chinchillas; or representing, in any manner, the past profit or range of profits purchasers investing any amount or range of amounts will make in any number of years or interval of time after purchase of respondent's chinchillas unless, in fact, the past profit or range of profits represented are those of a substantial number of purchasers and accurately reflect the average profit or range of profits of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

23. The assistance or advice furnished to purchasers of respondent's chinchilla

breeding stock by respondent or The Chinchilla Guild of America will assure purchasers of successfully breeding or raising chinchillas as a commercially profitable enterprise.

B. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondent to purchasers of his chinchilla breeding stock.

C. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

D. 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 respondent's products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

Issued: July 2, 1969.

By the Commission.

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

[F.R. Doc. 69-8703; Filed, July 24, 1969; 8:46 a.m.]

[Docket No. C-1550]

PART 13—PROHIBITED TRADE PRACTICES

Slifka Fabrics et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Slifka Fabrics et al., New York, N.Y., Docket C-1550, July 2, 1969]

In the Matter of Slifka Fabrics, a Partnership, and Joseph Slifka and Sylvia Slifka, Individually and as Copartners Trading as Slifka Fabrics

Consent order requiring a New York City converter and importer of fabrics to cease misbranding and falsely invoicing its wool products.

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

It is ordered, That respondents Slifka Fabrics, a partnership, and Joseph Slifka and Sylvia Slifka, individually and as copartners trading as Slifka Fabrics, or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Slifka Fabrics, a partnership, and Joseph Slifka and Sylvia Slifka, individually and as copartners trading as Slifka Fabrics, or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, sale or distribution of wool products, or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products, on invoices or shipping memoranda applicable thereto or in any other manner.

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

Issued: July 2, 1969.

By the Commission.

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

[F.R. Doc. 69-8704; Filed, July 24, 1969; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-355; Order 384]

MISCELLANEOUS AMENDMENTS TO CHAPTER

JULY 17, 1969.

Takeover or relicensing of licensed projects, new application requirements relating to Federal development, electric coordination, water quality, historical and archeological properties, procedural changes.

On December 19, 1968, the Commission issued a notice of proposed rule making in this proceeding (33 F.R. 20052, Dec. 31, 1968) wherein it proposed to amend Part 16, of the regulations under the Federal Power Act and to delete § 2.6 of the rules of practice and procedure with respect to the takeover of projects by the United States or relicensing of projects to non-Federal entities as a result of the amendment of the Federal Power Act, Public Law 90-451 (82 Stat. 616). The Commission additionally proposed to amend §§ 4.41 and 4.40 of the regulations under the Federal Power Act prescribing certain new application requirements relating to Federal development, electrical coordination, water quality, and historical and archeological properties. Also proposed were certain amendments of §§ 4.31 and 4.50 hereinafter set forth.

The proposed amendments, which provide new procedures for the processing of applications covering expiring licenses of hydroelectric projects, will permit the Commission, in a single proceeding to determine whether a project should be relicensed or recommended for Federal takeover. New procedures are also provided for the filing of applications for nonpower licenses which have been provided for in the amendment of section 15 of the Act.

Proposed requirements for additional information will enable the Commission to explore more fully in both original and renewal licensing proceedings all considerations bearing on comprehensive development under section 10(a) of the Federal Power Act. These include economic and financial feasibility, the multiple purpose uses of streams, hydraulic and electrical coordination of a project with other projects and systems, water quality control, pollution abatement, recreational development, fish and wildlife conservation, development of aesthetic values, and preservation of historical and archeological properties.

Twenty-two responses have been received to the Commission's notice[1] suggesting a number of modifications of the proposed rules. A number of these suggestions as hereinafter discussed will re-

[1] (1) U.S. Department of the Interior, National Park Service.
(2) Idaho Fish and Game Department.
(3) Wisconsin Valley Improvement Co.
(4) Montana Power Co.
(5) Northeast Utilities Service Co.
(6) Southern California Edison Co.
(7) New England Power Co.
(8) Union Electric Co.
(9) U.S. Department of the Interior, Office of the Secretary.
(10) Virginia Electric and Power Co.
(11) Alabama Power Co.
(12) Georgia Power Co.
(13) Utah Power & Light Co.
(14) Pacific Gas & Light Co.
(15) Public Service Co. of New Hampshire.
(16) Consolidated Papers, Inc.
(17) The Washington Water Power Co.
(18) Pennsylvania Power & Light Co.
(19) Idaho Power Co.
(20) Pacific Power & Light Co.
(21) American Public Power Association.
(22) U.S. Department of Agriculture, Forest Service.

sult in improved terms of Commission regulations. Those not adopted were considered to be unnecessary or lacking in merit.

We are revising that part of § 16.3, which provides that Licensees whose licenses expire within 3 years must file applications for new licenses in accordance with the newly prescribed regulations within 6 months of the issuance of this rule, by extending the 3-year period to 3½ years. Licensees whose licenses expire shortly after the 3-year period will thus have at least 6 months within which to file. For Applicants who have already filed under existing provisions we are providing 6 months in which to supplement their applications in accordance with the new regulations. It has been suggested that a 6-month period within which to prepare an application for license is insufficient. While there may exist individual situations in which upon the filing of a prior request, a brief extension may be shown to be warranted, we believe that a 6-month period should normally be adequate. It has also been suggested that persons who are not presently licensees but seek to be licensed to takeover and operate a project, should for power or nonpower purposes be subject to the same time requirements for filing their applications as licensees. We have provided a 6-month period after a licensee has filed during which nonlicensee applicants may file, recognizing that such parties who might otherwise not choose to compete with an existing licensee for a new license, may be motivated to file if adequate redevelopment or coordination is not proposed by the licensee, or in the absence of any application by licensee.

Section 16.5 dealing with annual licenses, has been modified in accordance with some of the comments to make clear that an annual license will be automatically issued by the Secretary until final Commission action has been taken upon any application by an existing licensee for a new license.[2]

A number of comments dealt with the provisions of § 16.6. The proposed rule did not permit the incorporation by reference of certain exhibits previously filed in order to provide for completely self contained applications in takeover and relicensing proceedings. Upon review of the proposed rule, however, we agree that an exception should be made with respect to Exhibit A which, if the Applicant is a corporation, consists of the charter or certificate and articles of incorporation, with all amendments thereto, and may be voluminous. We have provided an appropriate exception in § 16.6(a) as well as in § 4.31. We have likewise provided in § 4.31 for the deferral of the filing of final Exhibits F and K in the case of unconstructed projects. Some of the comments urge deferral of information to be required by § 16.6 (b) and (e) of the proposed rule. It is contended for instance, that information on severance damages[3] would not be necessary where a project is relicensed to an existing licensee. Such a contention overlooks the possibility that an application by a nonlicensee or a takeover recommendation, may be filed in the proceeding. We wish to stress, as we did in hearings before the Congress in support of Public Law 90-451, that this Commission must have adequate information on all subjects relating to the takeover or relicensing of hydroelectric projects in order for the Commission to fulfill its responsibilities of passing upon relicensing to the original licensee, or recommending Federal takeover, or licensing the project to a new entity, in a single proceeding.

In response to several comments on § 16.6(b), we have modified the language with respect to fair value, net investment and severance damages. It has been suggested that § 16.6(d), requiring a statement as to why additional project capacity, "if feasible" is not proposed to be installed, is ambiguous in that capacity, which could feasibly be installed from an engineering standpoint, may be infeasible, at least at the time of relicensing, on the basis of valid economic considerations. This is quite true, and we recognize that in many, if not most, cases where the existing licensee believes technically feasible additional capacity is not presently economic from the standpoint of its company, analysis will show it is also not required by a comprehensive plan of waterway development undertaken either by the existing licensee or some other interested party. But it is important in such circumstances that the existing licensee, who will be in the best position to make the initial evaluation of the question, provide the Commission and other interested parties with a detailed statement of the reasons for his conclusions on the matter.[4] We shall therefore clarify the rule to point out that the statement with respect to additional capacity is required wherever the installation thereof is technically feasible.

The suggestion in some of the comments that § 16.6(e) be made applicable to nonlicensee applicant is not adopted as that section specifically seeks to elicit information from an existing licensee on how it would be affected by takeover or relicensing to another.

Section 16.7 was the subject of particular interest to the Forest Service, Department of Agriculture in its comments since there are a number of small projects located on National Forest lands which represent potential nonpower developments over which the Forest Service may wish to exercise regulatory supervision. In response to the comments of the Forest Service we have expanded the language of § 16.7 to indicate that as a temporary license, the nonpower license is subject to termination at any time after the license is issued upon showing by an agency that it is authorized and willing to assume adequate regulatory supervision. Moreover, we shall provide that in the case of projects located on the public lands or reservations of the United States, where there is no pending application for relicensing as a powerplant, such a showing may be made by the agency having authority over such lands during the proceedings upon an application for a nonpower license itself, since in such circumstances the necessity for our issuing any nonpower license may be obviated.[5]

The Forest Service raises questions concerning the language of section 15 (b), added to section 15 of the Act by Public Law 90-451, appearing to authorize the Commission to issue nonpower licenses "on its own motion". As we understand this language, it authorizes the Commission in its discretion, to tender a nonpower license to an applicant for a power license "whenever it finds in conformity with a comprehensive plan for improving or developing a waterway or waterways for beneficial public uses all or part of any licensed project should no longer be used or adapted for power purposes." Nothing in the language or legislative history of Public Law 90-451 indicates that this authority supersedes the existing authority of the Forest Service to issue Special Use Permits for nonpower purposes and we anticipate no conflict with the Forest Service in this regard.

It has been suggested that the term "regulatory supervision" taken from section 15(b), added by Public Law 90-451, should be defined. Precise definition is undesirable for purposes of the regulations as we do not now have before us an experience base of factual situations which should be recognized in any precise definitional statement. For present purposes, we believe it sufficient to note what is intended generally is administrative control over the lands and facilities concerned. It would be our intent that a

[2] With respect to the provisions of § 16.5 it should be noted that section 9(b) of the Administrative Procedure Act (5 U.S.C. 558c) provides that when a timely and sufficient application for a new license has been filed in accordance with agency rules a license with reference to a continuing activity does not expire until the application has been finally determined by the agency.

[3] It should be noted that § 16.6(b)(4) relating to severance damages does not require the precise amount claimed, but rather the basis for such a claim.

[4] In this respect, we point out that the alternatives available to the Commission are not limited to a renewal of a project license upon condition that the licensee install new capacity then, or pursuant to some schedule for the future, or turning the entire project over to a new entity. The Act also provides authority for the separate licensing of individual project works of a complete development. Thus, for example, where otherwise appropriate, an additional generating unit or other facility could be separately licensed to a new party while the remainder of the project is relicensed to the original licensee.

[5] There conceivably may be situations where even in such circumstances a Commission license for nonpower use will be beneficial to the nonlicensee applicant to permit him to take advantage of the right under section 15(b) of the Act to take over the project works at the net investment price. This would, of course, be considered by the Commission in determining whether to exercise its discretion to terminate the proceeding.

statement by officials of the local, State or Federal Government body in question that it possessed such continuing authority would satisfy the provisions of section 15(b) and these regulations. For example, we anticipate that in the case of public lands falling under the authority of the Departments of Agriculture or Interior, the relevant statements would be filed by officials of these Departments stating their authority and legal capacity to act in respect to the lands involved.

The Department of the Interior has requested that § 16.8 be changed to provide a period of 9 months in lieu of 6 months during which a Federal agency may file a recommendation for takeover, after notice of an application for relicensing has been issued. We are acceding to this request and likewise extending the time for the filing of a reply to the recommendation, as suggested in several comments, to 4 months which is believed to be adequate.

Several comments with reference to §§ 16.8 and 16.9 express the need to provide an opportunity for oral argument and rehearing, as well as for the notice and opportunity for hearing prescribed by the Act, prior to the transmittal of a Commission takeover recommendation to Congress. The parties to a takeover or relicensing proceeding will have an opportunity pursuant to our rules of practice and procedure to petition the Commission for oral argument, whenever they believe it appropriate for any reason, and to seek reconsideration of any action recommending takeover to the Congress. We agree, however, that, prior to the submission of any such takeover recommendation to the Congress, the licensee and other interested parties should have an opportunity to seek reconsideration and § 16.9 has been modified * to so provide.

It has also been suggested that provision should be made for furnishing the Congress with the licensee's views with respect to takeover at the time the Commission transmits its recommendation. Presumably, such views and those of other interested parties will be set forth in the Commission's report to Congress, and any order on reconsideration; to the extent the licensee or any other party believes his views have not been properly reflected, he is of course free to make such additional presentation to the Congress as he deems fit. Additionally, the record and any pleadings on the matter before the Commission will be available for Congress' consideration should it so desire. We believe to provide, by rule, for the submission of anything more would be unnecessary and impractical.

In response to several comments we have clarified the language of § 16.10 to make it more consistent with the governing statutory language, and certain language of § 16.11 erroneously suggesting that the two year notice of takeover provided in section 14 of the Act could be shortened by Congress, has been deleted. It is contended in several comments that the statutory 2-year notice period is too short to permit the licensee to make other arrangements. While there may be circumstances where it will be impossible or impractical to have the United States or a new licensee take possession of the project within 2 years of final determination by the Congress or the Commission's notice thereof, in which event the Commission will be free to specify the appropriate later date, we believe that the normal notice period specified in these rules should be the statutory minimum of 2 years. We agree, however, with the suggestion that the time in which to file claims for compensation after issuance of notice of congressional takeover should be enlarged and have, accordingly, changed the 3-month period in § 16.11 to 6 months.

One comment with respect to § 16.12 makes reference to the absence of provisions for renewal of minor part licenses not subject to takeover. This category of licenses, consisting primarily of transmission facilities, are generally not subject to section 14 or 15 of the Act and in a number of cases involve situations which under our consistent practice over the past 30 years either would not be licensed at all or would be licensed as part of a complete project. However, since there are a number of such licenses which the Commission will undoubtedly find appropriate for relicensing and the existing licensees should, in any event, have a procedure through which they can seek new licenses, we have included minor part licenses not subject to section 14 of the Act within the category of licenses to which § 16.12 applies.

We have added § 16.13 making § 4.31 (Acceptance for Filing or Rejection of Applications), as revised herein, applicable to license applications filed under Part 16 of the regulations.

The Office of the Secretary of Interior and the National Park Service of the Department of the Interior have, in their respective comments, suggested somewhat similar revisions to the proposed amendment to the language of § 4.40(k) of the Commission's regulations dealing with historical and archeological properties. The language of the rules has been revised to meet the suggestions in these comments.

Several comments suggested that the proposed requirements under Exhibit H relating to water quality may be unnecessary in some situations. We recognize, of course, that certain projects will have a lesser effect on water quality than others and that the information furnished will so indicate. We believe it important, however, that the Commission obtain all available information which an applicant can furnish on the project's effect upon the water quality of the stream. We are, however, making some minor modifications to Exhibit H which will serve to more clearly specify the information desired and to avoid duplication of similar information provided in Exhibit R or S.

A number of the comments received were critical of proposed Exhibit T on grounds that it purportedly puts a positive burden upon an applicant to show a negative with respect to Federal takeover or development, and, as such, may indicate a Commission view that Federal development or takeover should be recommended unless it can be factually demonstrated that the applicant can do a superior job. This misconceives the purpose of Exhibit T, which is solely to seek information from the licensee to aid the Commission in making the determination, required of it either on initial licensing or relicensing, whether to recommend Federal development.

The procedures established by the Commission pursuant to the congressional mandate that it consider in a single proceeding the alternatives of relicensing or a takeover recommendation, would properly be subject to criticism if we failed to seek information from the potential or existing licensee itself as to why it believed it, rather than an agency of the Federal Government, should be authorized to construct, operate and maintain the project in the future. Moreover, we consciously left the details to be included in the statement to the applicant, speaking instead only in the general terms of the language of sections 10(a) and 7(b),† in recognition of the fact that much of the factual support will be included in other portions of the filing and that the applicant should be given full rein to present such data and argumentation on the point as it sees fit.

A number of comments question the necessity for, or comprehensiveness of, the proposed new Exhibit U. That exhibit seeks, for applications for new unconstructed projects and for relicensing of existing projects, detailed information as to the relationship of the existing and proposed power output of the project to the needs of the licensee's system and the systems of the region in which the project is, or is to be, located with which the licensee's system is, or could be, interconnected or coordinated on an economic basis. To the extent that these comments reflect a belief that any consideration of the nature of the proposed power utilization of a licensed project is irrelevant to our licensing responsibility

* Since any recommendation to the Congress is necessarily a nonfinal action which cannot by itself affect the licensee's rights, in the absence of subsequent congressional legislation we do not believe such action, unlike final Commission action granting or denying a license, would be subject to rehearing or judicial review under section 313 of the Act. In fact, since a recommendation by the Commission is not a legal prerequisite to congressional takeover, it cannot even be characterized as an essential interlocutory step in such action.

† There has been some question raised as to the use of the language "these public programs" in the last phrase of the description of Exhibit T in the proposed rule. Our objective was to indicate our recognition that in reaching our determination whether "the development of any water resources for public purposes should be undertaken by the United States" under sections 7(b) or 7(c) of the Act, the comprehensive development standards of section 10(a) must necessarily be applied. The word "programs" was inadvertently substituted for the statutory word "purposes" and this has been corrected.

as long as the power can be economically absorbed in the licensee's system, they are based upon an overly restrictive view of our duties to insure that licensed projects are "best adapted to a comprehensive plan for improving or developing a waterway * * * for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water power development and for other public uses * * *". See Udall v. FPC, 387 U.S. 428, cf., Red Lion Broadcasting Co. v. Federal Communications Commission, ------ U.S. ------, 37 U.S. Law Week 4509, 4517. (U.S. Sup. Ct., 1969). We agree, however, that the significance of such information will vary with the magnitude of the potential power output of the project, and are accordingly modifying the exhibit to provide that it will not be applicable, except upon special request, to projects having or proposing to have less than 25,000 kilowatts installed capacity. We have also modified the language of the exhibit to make clear that it is applicable to all of the power output of a project sought to be relicensed, and that among the data to be supplied is information with respect to the dependable capacity of the project.

Several of the comments, while recognizing the general validity of the inquiry into the nature of the power utilization, question its scope particularly to the extent it requires the applicant to explore the potential utilization of the power developed, or which could be developed, by other systems with which the applicant's system could be, but is not presently, interconnected and coordinated. We recognize, of course, that the range of the systems with which an applicant's system theoretically could be electrically interconnected and coordinated are extensive and for this reason limited the scope of the inquiry to those whom the applicant could reasonably believe could, in the event of interconnection and coordination, utilize project power upon an economic basis. We do not believe, however, as some of the comments suggest, that such inquiry should be limited to systems which have previously expressed an interest in securing project power. An applicant seeking to utilize the Nation's waterways for the development of power has an obligation to look beyond its own needs to those of the region in which it operates, Western Massachusetts Electric Co. 39 FPC 723, 734-35, 40 FPC 300. For from being merely an unwelcome burden we are convinced that the reasonable regional planning required to be detailed by the exhibit will, in most cases, be beneficial to the prospective licensee, as well as the general public.

The Commission finds:

The amendments hereinafter set forth are necessary and appropriate for carrying out the provisions of the Federal Power Act.

The Commission acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 4(e), 7(c), 9, 10(a), 14, 15, and 309 thereof (41 Stat. 1065, 1068, 1071, 1072; 49 Stat. 884, 858, 82 Stat. 616; 16 U.S.C. 797(e), 802, 803, 807, 808, 825h) orders:

(A) Part 16, Subchapter (B), Chapter I, Title 18, Code of Federal Regulations is amended by substituting therefore a new Part 16 as follows:

PART 16—PROCEDURES RELATING TO TAKEOVER AND RELICENSING OF LICENSED PROJECTS

Sec.

AUTHORITY: The provisions of this Part 16 issued under Federal Power Act, secs. 7(c), 14, 15, 309 (16 U.S.C. 800, 807, 808, 825h).

§ 16.1 Purpose and coverage.

This part implements the amendments of sections 7(c), 14, and 15 of Part I of the Federal Power Act, as amended, enacted by Public Law 90-451, 82 Stat. 616, approved August 3, 1968. It applies to projects subject to sections 14 and 15 of the Federal Power Act including projects for which a nonpower license may be issued. Procedures are provided for the filing of applications for either power or nonpower licenses for projects whose licenses are expiring. A license for a power project issued to either the original licensee or another licensee is referred to in this part as a "new license" and a license for a nonpower project as a "non-power license". Also provided are procedures for the filing of recommendations for takeover by Federal departments or agencies and applications for renewal of licenses not subject to section 14.

§ 16.2 Public notice of projects under expiring license.

In order that there should be adequate notice and opportunity to file timely applications for a license, the Commission's Secretary will give notice of the expiration of license of a project (except transmission line and minor projects) 5 years in advance thereof in the same manner as provided in section 4(f) of the Act. The Secretary shall upon promulgation of the rules herein give notice, as provided in section 4(f) of the Act, of all whose license terms have expired since January 1, 1968, or which will expire within 5 years of the effective date of this rule. In addition, the Commission each year will publish in its annual report and in the FEDERAL REGISTER a table showing the projects which will expire during the succeeding 5 years. The table will list these licenses according to their expiration dates and will contain the following information: (a) License expiration date; (b) licensee's name; (c) project number; (d) type of principal project works licensed, e.g., dam and reservoir, powerhouse, transmission lines; (e) location by State, county, and stream; also by city or nearby city when appropriate; and (f) plant installed capacity.

§ 16.3 When to file.

(a) An existing licensee must file an application for a "new license" or "nonpower license" or a statement of intention not to file an application for a "new license" no earlier than 5 years and no later than 3 years prior to the expiration of its license, except that, where the license will expire within 3½ years of the issuance of this part, such applications or statements shall be filed within 6 months from the effective date of this part. Applicants which have applications pending which were filed under previous Commission regulations shall supplement their applications in accordance with pertinent provisions of this part within 6 months of the effective date of this part.

(b) Any other person or municipality may file an application for a "new license" or "non-power license" within 5 years of the expiration of the license, but in no event, unless authorized by the Commission, later than 6 months after issuance of notice of the filing of an application or statement by the licensee under § 16.4 or 2½ years before the expiration of the license, whichever is earlier.

(c) Any application submitted after the expiration of the time specified herein for filing must be accompanied by a motion requesting permission to file late, which motion shall detail the reasons of good cause why the application was not timely filed and how the public interest would be served by its consideration.

§ 16.4 Notice upon filing of application.

When any timely application or statement within the meaning of § 16.3 is received, or when the Commission grants any motion for consideration of a late filed application, notice of receipt thereof will be furnished the applicant, and public notice will be given in the same manner as provided in sections 4(f) and 15(b) of the Act (49 Stat. 838; 41 Stat. 1072; 82 Stat. 616; 16 U.S.C. 797, 808) §§ 1.37 and 2.1 of this chapter, the Fish and Wildlife Coordination Act, 48 Stat. 401, as amended, 16 U.S.C. 661 et seq., and by publication in the FEDERAL REGISTER.

§ 16.5 Annual licenses.

No application for annual license need be filed nor will such application be accepted under section 15 of the Act. An existing licensee making timely filing for a new license will be deemed to have

filed for an annual license. If the Commission has not acted upon an application by licensee for a new license at the expiration of the license term, by the issuance of an order granting, denying or dismissing it, an annual license shall be issued by notice of the Secretary.

§ 16.6 Applications for new license for projects subject to sections 14 and 15 of the Federal Power Act and all other major projects.

(a) Each application for a new license hereunder shall conform in form to § 131.2 of this chapter, and shall set forth in appropriate detail all information and exhibits prescribed in §§ 4.40 through 4.42 of this chapter, inclusive and in § 4.51 of this chapter, as well as additional information specified in paragraphs (b) through (e) of this section, except that Exhibit A may be incorporated in an application by reference where one applicant files applications for several projects, one of which already contains an Exhibit A or in any case where applicant has filed an Exhibit A within 10 years preceding the filing of the application, and that Exhibits N and O as specified in § 4.41 of this chapter need only be filed as provided in paragraph (c) of this section. An original and fourteen conformed copies of the application and all accompanying exhibits shall be submitted to the Commission plus one additional conformed copy for each interested State Commission.

(b) An application for a "new license" hereunder shall include a statement showing the amount which Licensee estimates would be payable if the project were to be taken over at the end of the license term pursuant to the provisions of sections 14 and 15 of the Federal Power Act. This statement shall include estimates of: (1) Fair value; (2) net investment; and (3) severance damages. (This subsection is not applicable to State, municipal, or nonlicensee applicants.)

(c) If the applicant proposes project works in addition to those already under license, the maps, plans, and descriptions of the project works (Exs. I, J, L and M) shall distinguish the project works or parts thereof which have been constructed from those to be constructed. Exhibits N and O shall also be included in the application relating to new construction.

(d) Applicant shall furnish its plans for the future modification or redevelopment of the project, if any, and shall set forth in detail why technically feasible, additional capacity is not proposed for installation at the time of relicensing.

(e) Applicant shall file a statement on the effect that takeover by the United States or relicensing to another applicant would have upon the supply of electric energy to the system with which it is interconnected, the rates charged its customers, the licensee's financial condition, and taxes collected by local, State, and Federal Governments. (This subsection is not applicable to State, municipal or nonlicensee applicants.)

§ 16.7 Application for nonpower license.

Each application for "non-power license" shall generally follow the form prescribed in § 131.6 of this chapter, except for subsections 7 and 8 thereof. It shall be accompanied by Exhibits K, L, R, and S prepared as described in section 4.41, and shall include the information specified in paragraphs (a) through (c) of this section. Unless otherwise specified, an original and 14 conformed copies of the application and all accompanying exhibits shall be submitted with one additional conformed copy for each interested State commission. Additional information may be requested by the Commission if desired.

(a) Applicant shall furnish a description of the nonpower purpose for which the project is to be utilized and a showing of how such use conforms with a comprehensive plan for improving or developing a waterway or waterways for beneficial uses, including a statement of the probable impact which conversion of the project to nonpower use will have on the power supply of the system served by the project.

(b) Applicant shall identify the State, municipal, interstate or Federal agency, if any, which is authorized or willing to assume regulatory supervision over the land, waterways and facilities to be included within the nonpower project. (If there is such an agency, applicant shall forward one copy of the application to such agency.)

(c) Applicant shall submit a proposal for the removal or other disposition of power facilities of the project.

A "non-power license" shall be effective until such time as in the judgment of the Commission a State, municipal, interstate, or Federal agency is authorized and willing to assume regulatory supervison over the land, waterways, and facilities included within the "non-power license" or until the project structures are removed. Such State, municipal, interstate or Federal agency may petition the Commission for termination of a "non-power license" at any time. Where the existing project is located on the public lands or reservations of the United States, and there is no application for relicensing as a power project either by the original licensee or some other entity, or a takeover recommendation, the Commission may, in its discretion, and upon a showing by the agency having jurisdiction over the lands or reservations that it is prepared to assume requisite regulatory supervision for the nonpower use of the project, terminate the proceeding without issuing any license for nonpower use.

§ 16.8 Departmental recommendation for takeover.

A recommendation that the United States exercise its right to take over a project may be filed by any Federal department or agency no earlier than 5 years and no later than 2 years prior to the expiration of the license term; *Provided, however,* That such recommendation shall not be filed later than 9 months after the issuance of a notice of application for a new license. Departments or agencies filing such recommendations shall thereby become parties to the relicensing-takeover proceeding. An original and 14 copies of the recommendation shall be filed together with one additional copy for each interested State commission. The recommendation shall specify the project works which would be taken over by the United States, shall include a detailed description of the proposed Federal operation of the project, including any plans for its redevelopment and shall indicate how takeover would serve the public interest as fully as non-Federal development and operation. It shall also include a statement indicating whether the agency making the recommendation intends to undertake operation of the project. A copy of the recommendation shall be served upon the licensee by the Commission's Secretary. Any applicant for a new license covering all or part of the project involved in the takeover recommendation shall have 120 days within which to serve a reply to the recommendation upon the Commission with copies to any parties in the proceeding.

§ 16.9 Commission recommendation to Congress.

If the Commission, after notice and opportunity for hearing concludes upon departmental recommendation, a proposal of any party, or its own motion, that the standards of section 10(a) of the Act would best be served if a project whose license is expiring is taken over by the United States, it will issue its findings and recommendations to this, effect, and after any modification thereof, upon consideration of any application for reconsideration, made in conformity with the provisions of § 1.34 of this chapter governing applications for rehearing, forward copies of its findings and recommendations to the Congress.

§ 16.10 Motion for stay by Federal department or agency.

If the Commission does not recommend to the Congress that a project be taken over, a Federal department or agency which has filed a timely recommendation for takover as provided in this part may, within thirty (30) days of issuance of an order granting a license, file a motion, with copies to the parties in the proceeding, before the Commission requesting a stay of the license order. Upon the filing of such a motion, the license order automatically will be stayed for 2 years from the date of issuance of the order, unless the stay is terminated earlier upon motion of the department or agency requesting the stay or by action of Congress. The Commission will notify Congress of any such stay. Upon expiration or termination of the stay, including any extension thereof by act of Congress, the Commission's license order shall automatically become effective in accordance with its terms. The Commission will notify Congress of each license order which has become effective by reason of the expiration or termination of a stay.

§ 16.11 Procedures upon congressional authorization of takeover.

A determination whether or not there is to be a Federal takeover of a project would ultimately be made by Congress through the enactment of appropriate legislation. If Congress authorizes takeover, the Secretary will immediately give the licensee not less than 2 years' notice in writing of such action. Within 6 months of issuance of such notice the licensee shall present to the Commission any claim for compensation consistent with the provisions of section 14 of the Federal Power Act and the regulations of the Commission.

§ 16.12 Renewal of minor or minor part licenses not subject to sections 14 and 15.

Licensees whose minor or minor part licenses are not subject to sections 14 and 15 of the Act and wish to continue operation of the project after the end of the license term shall file an application for a "new license" 1 year prior to the expiration of their original license in accordance with applicable provisions of part 4 of this chapter.

§ 16.13 Acceptance for filing or rejection of application.

Acceptance for filing or rejection of applications under this part shall be in accordance with the provisions of §4.31 of this chapter.

PART 2—GENERAL POLICY AND INTERPRETATIONS

§ 2.6 [Deleted]

(B) Part 2, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by deleting therefrom § 2.6.

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

(C) Part 4, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Section 4.40 is amended by substituting new provisions for § 4.40(k) and redesignating the current paragraph (k) as (l) as follows:

§ 4.40 Contents.

* * * * *

(k) A description of any historical or archeological properties listed in the National Register established under the provisions of Public Law 89-665 (80 Stat. 915) or under consideration or eligible for listing in the National Register which are or may be affected by the project. The National Register is contained in the FEDERAL REGISTER of February 25, 1969, Part 2 of this chapter (34 F.R. 2580), and is updated on the first Tuesday of each month thereafter. Inquiries with respect to properties under consideration or eligible for listing may be directed to the State Liaison Officer, a list of which is included in the FEDERAL REGISTER of February 25, 1969.

(l) Other data which the Applicant may consider pertinent

2. Section 4.41 is amended by revising Exhibit H and adding Exhibits T and U to § 4.41 as follows:

§ 4.41 Required exhibits.

* * * * *

Exhibit H. A statement of the proposed operation of the project works during times of low, normal, and flood flows on the stream, including a statement of reservoir elevations and the minimum flow proposed to be released, during the recreation season and periods of low water, and, to the extent possible, full exposition of any proposed use of the project for the conservation and utilization in the public interest of the available water resources for the purposes of power, navigation, irrigation, reclamation, flood control, recreation, fish, wildlife, and municipal water supply. A statement of the effect, if any, the project would have on water quality, in the reservoir or downstream, plans for maintaining or improving water quality and a statement on the extent of consultation and cooperation with Federal, State, and local agencies having responsibilities for water quality control. A statement as to whether in relation to existing and proposed future projects in the same or related watersheds, the fullest practicable utilization of the water, storage possibilities and head available will be made possible. Furnish operating rule for reservoirs with draw-down and usable storage; State criteria for determining spillway capacity. To the extent that aspects of water quality, referred to herein, related to fish and wildlife and recreation are covered in Exhibit S or in Exhibit R, respectively, a specific reference to Exhibit S or Exhibit R will suffice.

* * * * *

Exhibit T. A statement setting forth why the development and operation of the project by applicant rather than the Federal Government would be best adapted to a comprehensive plan for improving or developing the waterway or waterways within the meaning of section 10(a) of the Act and why the development of the water resources by the Federal Government is not necessary to achieve these public purposes. (This exhibit is not required in applications for relicensing of State or municipal projects.)

Exhibit U. This exhibit shall (unless specially requested during the course of processing of an application) be applicable to applications for projects both on initial licensing and relicensing, having or proposing to have 25,000 kilowatts or more of capacity. It shall consist of a detailed statement showing the manner in which any power or energy developed or to be developed by the project, or in the case of an application for relicensing of an existing project, any additional power or energy proposed to be developed, will be utilized, and the manner in which any additional power or energy that could be economically developed might be utilized: (a) As a part of applicant's electric system; (b) as a part of the electric systems of others with which applicant electrically interconnects and coordinates; and (c) as a part of the electric systems of others with which applicant could electrically interconnect and coordinate upon an economic basis.

Among the details to be so provided, the exhibit shall identify by FPC rate schedule designation (or furnish as a part of the exhibit, if not on file with the Commission, including any agreements) all of the undertakings of the applicant to interconnect and coordinate its generation and transmission facilities with those of others for purposes of sales, purchases, or exchanges of various types of capacity, energy, transmission, or other servicing including, but not necessarily limited to, all requirements service, partial requirements service, hydrostorage and hydrothermal pumped back operations, economy energy transactions, equipment maintenance scheduling, reserve sharing, frequency control and point to point or displacement deliveries of electric power and energy.

The exhibit shall inter alia state the following: (1) Nature and extent of the applicant's consultation with other electric systems, power pools, or power planning groups in formulating its plan for development and utilization of the optimum output of the project, including the disposition of excess power and energy from the project to others than the applicant and the terms of any such disposition; (2) the nature and extent of applicant's activities in correlating the generating and transmission capability of the project with the needs and resources of its system and of other interconnected systems. Such statements shall set forth full details of the load, generation, and time periods employed. With respect to information on dependable capacity required in Exhibit I, applicants shall furnish a summer and winter load curve either on a weekly or monthly basis, showing the contribution that the project would make to the dependable capacity on the applicant's system as well as the regional system load on which it would or could be used and indicating any change in dependable capacity of the project with load growth at appropriate intervals from and after the date of the application or initial operation.

3. Section 4.50 is amended to provide an exception to the requirement of Exhibits T and U with respect to applications for certain constructed projects by adding the following paragraph to § 4.50:

§ 4.50 Contents.

* * * * *

Exhibits T and U. These exhibits shall not be required for applications for original licenses on constructed projects.

4. Section 4.31 is amended to read as follows:

§ 4.31 Acceptance for filing or rejection of applications.

(a) When an application which conforms to the requirements of § 1.15 of this chapter is received, it will be given a filing number. Notice of receipt thereof and filing number given thereto will be furnished applicant and notices will be given in accordance with the requirements of section 4 of the Act (49 Stat. 839; 16 U.S.C. 797), § 1.37 of this chapter, and the Fish and Wildlife Coordination Act, 48 Stat. 401, as amended 16 U.S.C. 611 et seq. Notice will also be given to the appropriate office of the Department of the Interior as to the public lands affected, if any, so that withdrawals from entry may be recorded, unless such action has been taken in connection with a preliminary permit. An application in order to be acceptable for processing must contain the information required pursuant to §§ 4.40 through 4.51, inclusive, as well as, any additional information required, as appropriate, except that: (a) Exhibit A may be incorporated in an application by reference where an applicant files applications for several projects one of

which already contains an Exhibit A or in any case where applicant has filed an Exhibit A within 10 years preceding the filing of the application, and (b) for unconstructed projects, final Exhibits F and K may be filed subsequent to the issuance of the license as prescribed therein.

(b) An applicant may be required to furnish additional information required pursuant to these sections at such time as the Secretary directs. Failure to furnish the required information will constitute grounds for rejection of the application by the Secretary as provided by § 1.14 of this chapter. The Commission may require as a condition of license that the licensee furnish additional or revised exhibits by a specified time. Failure to furnish such information within the time specified, or an extension thereof granted by the Commission, shall constitute a violation of the license and cause for action under section 26 of the Federal Power Act.

(D) These amendments shall become effective September 2, 1969.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 69-8686; Filed, July 24, 1969; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

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

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Subpart P—Certification and Recertification; Requests for Payment

PROGRAMS FOR HOSPITAL INSURANCE BENEFITS AND SUPPLEMENTARY MEDICAL INSURANCE BENEFITS FOR AGED

On January 25, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1254) a notice of proposed rule making with a proposed amendment to Subpart P of Regulations No. 5. The proposed amendment would add new sections to the subpart to set forth policies and procedures for requesting payment under the programs for hospital insurance benefits and supplementary medical insurance benefits for the aged pursuant to title XVIII of the Social Security Act. Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed new sections. The 30-day period has passed and no comments have been received. Accordingly, the amendment is, as proposed, adopted, subject to the following changes:

1. Paragraphs (a) and (b) of § 405.1667 have been clarified with respect to where providers of services shall file claims and requests for payment.

2. Paragraph (a) of § 405.1672 has been changed to set forth more specifically the circumstances under which payment for a nonparticipating hospital's reasonable charges for covered emergency hospital services may be made directly to the entitled individual.

3. Paragraph (a)(2) and Example 2 of § 405.1675 have been modified to reflect that an enrolled individual may assign a claim for a supplementary medical insurance benefit to the person or organization furnishing the services even if the enrolled individual has paid part of the bill amounting to as much as or more than the full reasonable charge to such person or organization. The assignment, upon acceptance by the physician or supplier, is deemed valid and the reasonable charge shall be the full charge.

(Secs. 1102, 1814, 1815, 1833, 1835, 1842, 1871, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 297, 79 Stat. 302, 303, 309, 331, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 1302, 1395 et seq.)

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

Dated: July 3, 1969.

ROBERT M. BALL, *Commissioner of Social Security.*

Approved: July 17, 1969.

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

Subpart P of Regulations No. 5 (20 CFR 405.1601 et seq.) is amended by revising the heading and adding §§ 405.1660–405.1694 to read as set forth below.

Subpart P—Certification and Recertification; Requests for Payment

* * * * *

Sec.
- 405.1660 Payment on behalf of the individual; general.
- 405.1662 Form used for claiming payment.
- 405.1663 Individual's request for payment.
- 405.1664 Persons authorized to request payment.
- 405.1665 Evidence of authority to execute a request for payment.
- 405.1666 Signature by representative of the participating provider or hospital.
- 405.1667 Submitting claim for payment and request for payment.
- 405.1672 Individual's request for direct payment; general.
- 405.1674 Individual's request for direct payment; evidence describing services.
- 405.1675 Assignment of right to receive payment under the supplementary medical insurance benefits plan.
- 405.1678 Direct payment or assignment of payment; prescribed form.
- 405.1679 Execution of claim for payment.
- 405.1680 Payment pursuant to physician's authorization to accept assignment and receive payment on his behalf.
- 405.1683 Payment on the basis of a paid bill; individual dies before receiving direct payment.
- 405.1684 Payment on the basis of an unpaid bill; individual dies before receiving direct payment or assigning payment.
- 405.1685 Payment to qualified organizations that pay bills on behalf of enrollees.
- 405.1686 Organizations qualified to receive payment for benefits on behalf of enrollee.
- 405.1692 Time limitation for claiming payment.
- 405.1693 Definition of claim for purposes of time limitation.
- 405.1694 Extension of time limitation.

§ 405.1660 Payment on behalf of the individual; general.

(a) *Hospital insurance benefits.* Where an individual is entitled to hospital insurance benefits, payment based on reasonable cost is made on his behalf to a participating provider of services (or in some cases to a nonparticipating hospital for emergency services) for covered inpatient hospital services (see §§ 405.116, 405.152, and 405.153), post-hospital extended care services (see § 405.125), post-hospital home health services (see § 405.131), and outpatient hospital diagnostic services furnished before April 1968 (see §§ 405.145 and 405.152). Effective with respect to services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is included as "medical and other health services" under the supplementary medical insurance benefits plan.

(b) *Supplementary medical insurance benefits.* Where an individual is entitled to supplementary medical insurance benefits, payment based on reasonable cost is made on his behalf to a participating provider of services (or to a hospital which has elected to claim payment for emergency services) for covered home health services (see § 405.233 et seq.) and medical and other health services (see §§ 405.231 and 405.249) furnished by, or under arrangements made by, such provider of services or hospital. (See § 405.1680 relating to billing for services furnished by a physician.)

(c) *Claim for payment.* A claim for payment for services described in paragraph (a) or (b) of this section must be submitted by the participating provider or the hospital which has elected to claim payment for emergency services, and the individual or an authorized person acting on his behalf must request, in writing, that such payment be made (see §§ 405.1663 and 405.1667).

§ 405.1662 Form used for claiming payment.

A claim for payment under the hospital insurance benefits program or the supplementary medical insurance plan shall be submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services on a form designated by the Social Security Administration and executed in accordance with such instructions as are prescribed by the Administration (see § 422.510 of Part 422 of this chapter).

§ 405.1663 Individual's request for payment.

Except as provided in paragraph (a), (b), or (c) of this section or § 405.1664, before payment may be made on behalf of an individual, a written request for payment must be executed by the individual or an authorized person acting on his behalf. The individual or the authorized person may do this by signing the request for payment statement on the form designated by the Social Security Administration (see § 405.1662) or any statement which evidences an intent to claim payment for authorized services. A participating provider of services, or the hospital which has elected to claim payment for emergency services, shall have the individual or an authorized person sign the request for payment before the claim is submitted for payment (see § 405.1667).

(a) In the case of inpatient hospital services (see §§ 405.116 and 405.152) a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services (or hospital claiming payment for emergency services) during the same continuous period of inpatient hospital services.

(b) In the case of home health services (see §§ 405.131 and 405.236), a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services under the same home care plan (see §§ 405.131 and 405.236).

(c) In the case of post-hospital extended care services (see § 405.125), a request for payment is not required for the second or subsequent claims submitted on behalf of such individual by the same participating provider of services during the same continuous period of extended care services.

§ 405.1664 Persons authorized to request payment.

The Social Security Administration determines who is a proper party to execute a request for payment, as described in § 405.1663, for services furnished to an individual by a participating provider of services, or a hospital which has elected to claim payment for emergency services, under the following rules:

(a) If the individual is mentally and physically capable, he shall execute the request for payment.

(b) If it is impracticable for the individual to execute a request for payment because his physical or mental condition is such that he should not be asked to transact business, the request for payment may be executed by one of the following, without any order of priority: his legal guardian, a relative or other person receiving social security or other governmental benefits on behalf of the individual, a relative or other person who arranged for his admission, a representative of an institution (other than the institution providing the services) furnishing him care, or a representative of a governmental entity providing him welfare assistance.

(c) Where an individual is deceased, the request for payment may be executed by one of the following, without any order of priority: The legal representative of his estate, a relative or other person who had been receiving social security or other governmental benefits on behalf of the individual, a relative or other person who arranged for his admission, a representative of an institution (other than the institution providing the services) which had been furnishing him care, or a representative of a governmental entity which had been providing him welfare assistance.

(d) Where the participating provider of services, or the hospital which has elected to claim payment for emergency services is unable to have a request for payment executed in accordance with paragraph (a), (b), or (c) of this section, an official of the provider or hospital (e.g., a hospital administrator) may execute a request for payment at the time the claim is forwarded for payment (see § 405.1667). The provider or hospital should not, except as provided in paragraph (e) of this section, routinely sign the request for payment on behalf of any individual. (See § 405.1665 for information regarding explanatory statement required.)

(e) Where the individual does not visit the institution providing the services (e.g., in connection with an outpatient diagnostic blood test), the provider or hospital may execute the request for payment but the absence of the individual's signature must be explained (e.g., "Patient not physically present for tests").

(f) For good cause shown the Social Security Administration may accept a request for payment executed by a person other than one described in paragraph (a), (b), (c), (d), or (e) of this section.

§ 405.1665 Evidence of authority to execute a request for payment.

Where a person other than the individual (see § 405.1664) executes a written statement requesting payment to be made to a participating provider of services or to a hospital claiming payment for emergency services on behalf of the individual, such person shall submit a brief statement (to be forwarded by the provider or hospital with the claim for payment except where the individual's request is retained in accordance with the provisions of § 405.1667(b)) that:

(a) Describes the relationship of such person to the individual; and

(b) Explains the circumstances that make it impracticable for the individual to execute a request for payment.

§ 405.1666 Signature by representative of the participating provider or hospital.

A claim form (see § 405.1662) submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services, for the purpose of claiming payment under the hospital insurance benefits program or the supplementary medical insurance benefits plan for covered items and services furnished to an individual, must be signed by an authorized representative of such provider or hospital.

§ 405.1667 Submitting claim for payment and request for payment.

(a) *Submitting a claim.* A participating provider of services, or a hospital which has elected to claim payment for emergency services, shall forward claims for payment under the hospital insurance plan and the supplementary medical insurance plan to its designated intermediary or carrier or to the Social Security Administration, as appropriate.

(b) *Filing request for payment.* A participating provider of services, or a hospital which has elected to claim payment for emergency services, shall file an individual's request for payment (see § 405.1663) with its intermediary or carrier or with the Social Security Administration, as appropriate, prior to, or in connection with, the forwarding of a claim for payment for services furnished to the individual; except that, the provider or hospital that has entered into an arrangement to do so with its intermediary or carrier or with the Social Security Administration may retain an individual's request for payment as part of its files.

§ 405.1672 Individual's request for direct payment; general.

(a) *Hospital insurance benefits.* Payment under the hospital insurance benefits program, on the basis of an itemized bill, may be made to the entitled individual in accordance with section 142 of the Social Security Amendments of 1967 (Public Law 90–248) and § 405.156 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered inpatient hospital services which are furnished by, or under arrangements made by, such nonparticipating hospital. This provision applies only with respect to admissions before 1968 where the nonparticipating hospital is not entitled to receive payment for such services under the hospital insurance benefits program and where a claim for payment is made before January 1969. Payment under the hospital insurance benefits program on the basis of an itemized bill, may also be made to the entitled individual in accordance with section 1814(d) of the Act, as amended by section 143 of the Social Security Amendments of 1967, and in accordance with § 405.157 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered emergency inpatient hospital services furnished with respect to admissions after 1967 and for covered emergency outpatient hospital diagnostic services furnished after 1967 and before April 1, 1968, by, or under arrangements made by, such nonparticipating hospital where the hospital has not elected to receive payment for such services under the hospital insurance benefits program. Effective with respect to services furnished on or after April 1, 1968, outpatient hospital diagnostic services are included as

"medical and other health services" under the supplementary medical insurance benefits plan (see section 1861(s)(2)(C) of the Act) and not included as covered services under the hospital insurance benefits program.

(b) *Supplementary medical insurance benefits.* Payment under the supplementary medical insurance benefits plan (excluding payment for services furnished by, or under arrangements made by, a participating provider of services or a hospital which has elected to claim payment for emergency services—see § 405.1660), on the basis of reasonable charges, may be made to the entitled individual for covered "medical and other health services" discussed in § 405.231, and for services which would constitute emergency outpatient services, if payment cannot be made under the provisions of § 405.249 solely because the nonparticipating hospital furnishing such services has not elected to claim such payment.

(c) *Payment on the basis of an itemized bill.* Payment due on the basis of an itemized bill for items and services described in paragraph (a) or (b) of this section may be made to the entitled individual after he (or his authorized representative) submits a claim (see § 405.1678) and evidence adequately describing the services (see § 405.1674). (For assignment of the right to supplementary medical insurance benefits payment, see § 405.1675; for payment to organizations that pay bills on behalf of enrollees, see § 405.1685.)

(d) *Payment to legal representative.* Pursuant to section 1872 of the Act, when it appears that the interest of an entitled individual may be served thereby, payment under paragraphs (a), (b), and (c) of this section may be made on behalf of the entitled individual to his legal guardian, committee, or other legal representative, or to the representative payee of such individual selected under the provisions of §§ 404.1601–404.1610 of Part 404 of this chapter.

§ 405.1674 Individual's request for direct payment; evidence describing services.

Before payment may be made to an individual under the hospital insurance benefits program or the supplementary medical insurance benefits plan for covered items and services furnished him (see § 405.1672 (a) or (b)), the individual (or his authorized representative (see § 405.1679)) shall, in addition to filing a claim form as described in § 405.1678, meet the requirements of either paragraph (a) or (b) of this section.

(a) The individual must submit an itemized bill substantially in accordance with the following:

(1) The name and address of the person or organization furnishing the covered items or services (if provided in an independent laboratory, its name and address must be shown—if the items or services are not furnished by a physician, the name and address of the physician who prescribed the items or services must be shown);

(2) The name and address of the individual receiving the items or services;

(3) The place the items or services are provided (home, office, independent laboratory, hospital, etc.);

(4) The date(s) the items or services were furnished;

(5) An itemization of the items or services sufficient to permit determination of the reasonable charge (if the bill is for ambulance service, it must show the pickup and delivery points);

(6) The charges for each service or item supplied.

(b) In lieu of submitting an itemized bill as described in paragraph (a) of this section, the individual may, with respect to a claim for payment under the supplementary medical insurance benefits plan, have the person or organization providing the covered items or services, complete the "Report of Services" portion of the appropriate claim form (using a separate form for each such person or organization) in accordance with such instructions as are prescribed by the Social Security Administration.

§ 405.1675 Assignment of right to receive payment under the supplementary medical insurance benefits plan.

(a)(1) When an individual is furnished covered medical or other health services for which he may receive direct payment on the basis of reasonable charges (see § 405.1672(b)), excluding payment for services which would constitute emergency outpatient services, he may assign the right to receive the supplementary medical insurance benefit payment for such services to the person or organization that furnished the services if such person or organization agrees to the assignment. The claim for such payment should be completed in accordance with the instructions prescribed by the Social Security Administration (see § 405.1678). In accepting an assignment, such person or organization agrees that the reasonable charge, as determined by the carrier or the Social Security Administration, as appropriate, shall be the full charge and such person or organization shall not charge the individual any amount in excess of the applicable unmet deductible (see §§ 405.245 and 405.246) applied to the reasonable charge and 20 percent of the remaining reasonable charge. Where, however, a physician has executed a written authorization enabling a qualified person or organization (such as a hospital where he furnished his services) to accept assignment and receive payment on his behalf, payment under the supplementary medical insurance benefits plan is made to such person or organization (see § 405.1680).

(2) The enrolled individual may assign a claim for supplementary medical insurance benefits even though he has paid part of the bill to the person or organization furnishing the services. In such cases, the person or organization submitting the assigned claim will be paid whichever of the following is less: (i) the reasonable charge minus the amount of the bill already paid; or (ii) the full supplementary medical insurance benefit due for the services furnished. Any amount of the supplementary medical insurance benefit which, on this basis, is not payable to the person or organization submitting the assigned claim will be paid to the individual.

Example 1: An assigned bill of $300 on which partial payment of $100 has been paid is submitted to the carrier. The carrier determines that $300 is the reasonable charge for the services furnished, and $25 of the supplementary medical insurance benefits deductible (see § 405.245) has previously been met. Total payment due is 80 percent of $275 ($300 minus the remaining $25 of the deductible), or $220. Of this amount, $200 will be paid to the person or organization that furnished the services (the difference between the $100 partial payment which the person or organization has already received, and the $300 amount of the reasonable charge). The $20 will be paid to the enrolled individual.

Example 2: An assigned bill of $325 on which partial payment of $250 has been paid is submitted to the carrier. The carrier determines that $250 is the reasonable charge for the services furnished, and no part of the supplementary medical insurance benefits deductible has been previously met. Total payment due is 80 percent of $200 ($250 reasonable charge minus the $50 deductible), or $160. The $160 is payable to the enrolled individual since any payment to the person or organization when added to the amount of the partial payment, will exceed the reasonable charge for the services furnished.

(b) A separate claim is required for each person or organization accepting an assignment unless physicians' services are billed in accordance with the provisions of § 405.1680.

§ 405.1678 Direct payment or assignment of payment; prescribed form.

Before payment may be made for services described in §§ 405.1672 and 405.1675, a claim for such payment shall be filed on a form prescribed by the Social Security Administration and in accordance with the instructions as are prescribed by the Administration (see § 422.510 of Part 422 of this chapter). With respect to the time limitation for claiming payment, see § 405.1692.

§ 405.1679 Execution of claim for payment.

A claim as described in § 405.1678 for payment on the basis of an itemized bill or an assignment shall be executed by the individual receiving the services or by a proper party on his behalf under the following rules:

(a) If the individual is mentally and physically capable of executing the statement, he shall execute the claim.

(b) If it is impracticable for the individual to execute a claim because his physical or mental condition is such that he should not be asked to transact business, the claim may be executed by one of the following, without any order of priority: his legal guardian, a relative or a person receiving social security or other governmental benefits on behalf of the individual; the person who arranged for his treatment; a representative of an institution furnishing him

care; or a representative of a governmental entity providing him welfare assistance.

(c) If the individual is deceased, the claim for payment may be executed by a person filing under the provisions of § 405.1683 or § 405.1684.

(d) For good cause shown, the Social Security Administration may authorize a person other than one described in paragraph (a) or (b) of this section to execute a claim for payment.

§ 405.1680 Payment pursuant to physician's authorization to accept assignment and receive payment on his behalf.

(a) Payment due under an assignment of the right to receive payment (see § 405.1675) for covered physician services furnished under the supplementary medical insurance program on the basis of reasonable charges may be made on behalf of a physician to an organization or institution, if:

(1) The organization or institution has on file and in effect such physician's written authorization, enabling the organization or institution or a duly authorized representative of such organization or institution (e.g., a hospital administrator or medical clinic representative), (i) to accept on his behalf any assignment made by any individual who receives medical treatment from him of the amount payable to such individual under Part B of title XVIII of the Social Security Act and (ii) to receive, subject to the provisions of § 405.1675(a), any payment which could be made to him pursuant to such assignment;

(2) The organization or institution establishes to the satisfaction of the Administration, the Part A intermediary, or the Part B carrier (as appropriate) that it is qualified to receive such payment; and

(3) The organization agrees to submit such information as the Administration, the Part A intermediary, or the Part B carrier (as appropriate) may require in order to apply the requirements for payment of supplementary medical insurance benefits.

(b) For purposes of this section, the types of organizations and institutions qualified to receive such payment include, but are not limited to, the following:

(1) A hospital, extended care facility, or home health agency (whether or not such institution or agency is qualified to enter into an agreement, pursuant to § 1866 of the Act, to participate in the health insurance program), for services for which the physician is paid salary or other non-fee-for-service remuneration by the agency or institution;

(2) An organized medical clinic, for services performed by the physician as an employee, partner, or as proprietor of the clinic;

(3) A hospital, for services of an attending physician in a teaching setting in such hospital;

(4) A medical, osteopathic, or dental school, for services of an attending physician in a teaching setting, if the physician is a member of the faculty of such school.

§ 405.1683 Payment on the basis of a paid bill; individual dies before receiving direct payment.

(a) *Persons to whom payment can be made.* If an individual who received covered services for which he may receive direct payment (see § 405.1672 (a) and (b)) dies before any payment due him under title XVIII of the Act and this Part 405 has been completed, and such services have been paid for, payment of the amount due (including the amount of any unnegotiated check(s) issued for purposes of making direct payment to the individual) shall, subject to the provisions of paragraph (b) of this section, be made as follows:

(1) If the services were paid for (before or after such individual's death) by a person other than the deceased individual, payment will be made to the person or persons who, without a legal obligation to do so, paid for such services. (If such person is himself deceased, see subparagraph (2) of this paragraph (a).) If the services were paid for by the deceased individual before his death or from funds of his estate, payment will be made to the legal representative of the estate (including a representative under a small estate statute) of such deceased individual.

(2) If the deceased individual or his estate paid for the services and no legal representative of the estate has been appointed or, if the person(s) who paid for the services is other than the deceased individual and is himself deceased, payment will be made in the following order of priority:

(i) To the person, if any, who is found by the Administration to be the surviving spouse of the deceased individual, if such spouse was either living in the same household with the deceased at the time of his death, or was, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as the deceased individual;

(ii) To the child or children, if any, of the deceased individual who were, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one such child, in equal parts to each such child);

(iii) To the parent or parents, if any, of the deceased individual who were, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one such parent, in equal parts to each such parent);

(iv) To the person, if any, determined by the Administration to be the surviving spouse of the deceased individual who was neither living in the same household with the deceased individual at the time of his death nor was, for the month in which the deceased individual died, entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as the deceased individual;

(v) To the person or persons, if any, determined by the Administration to be the child or children of the deceased individual who were not entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one child, in equal parts to each such child);

(vi) To the parent or parents, if any, of the deceased individual who were not entitled to monthly social security or railroad retirement benefits on the basis of the same wages and self-employment income as was the deceased individual (and, in case there is more than one such parent, in equal parts to each such parent).

(3) If the services were paid for by someone other than the deceased individual and that person died before the payment to him was completed, payment will not be made to such person's estate. Nor does the right to payment pass directly to the legal representative of the deceased individual's estate. In such a case, payment will be made to a surviving relative of the deceased individual in accordance with the priorities in subparagraph (2) of this paragraph (a). If none of such relatives survive, payment will then be made to the legal representative, if any, of the deceased individual's estate.

(b) *Claiming payment.* Payment due under paragraph (a) of this section shall be made to the person(s) qualified to receive such payment provided the conditions in subparagraphs (1) and (2) of this paragraph (b) are met.

(1) Such person submits a signed and properly completed request for payment (see § 405.1678) and evidence (i) that the services have been paid for and (ii) as to who paid for such services. If a claim form was submitted by the deceased individual prior to his death, the claimant need not submit another claim form; in such a situation, any written request for the payment will suffice. Evidence of payment may consist of:

(*a*) A receipted bill (or a properly completed "Report of Services" portion of a claim form (see § 405.1674)) showing who paid the bill;

(*b*) A canceled check;

(*c*) A written statement from the physician or authorized member of his staff; or

(*d*) Other probative evidence.

(2) There is evidence that the items or services were rendered.

§ 405.1684 Payment on the basis of an unpaid bill; individual dies before receiving direct payment or assigning payment.

If an individual, who received covered medical and other health services for which he may either receive direct payment (see § 405.1672(b)) or assign the right to receive payment (see § 405.1675), dies before receiving such direct payment

and (a) no assignment of the right to payment was made by such individual before his death, and (b) payment for such services has not been made, payment for such services shall be made to the physician or other person who provided such services. However, payment shall be made only in such amount and subject to such conditions as would have been applicable (under title XVIII of the Act and this Part 405) if the individual who received the services had not died, and only if the person or persons who furnished the services files a claim for such payment (see § 405.1678) and agrees that the reasonable charge shall be the full charge for such services. The physician or other person shall, upon the request of the Social Security Administration or the carrier, furnish corroborating evidence of rendition of the services for which reimbursement is being claimed.

§ 405.1685 Payment to organizations that pay bills on behalf of enrollees.

(a) Notwithstanding the provisions set forth in §§ 405.1672 and 405.1675, payment may be made to an organization to reimburse it for its payment for services covered by the supplementary medical insurance program furnished an enrollee (excluding services furnished by, or under arrangements made by, a participating provider of services or a hospital which has elected to claim payment for emergency services (see § 405.1660)), if:

(1) The organization has paid in full the amount of the charges for the services for which payment is being claimed (see § 405.1678);

(2) The organization has the enrollee's (or his authorized representative's) written authorization to receive reimbursement on the basis of bills paid in full on his behalf by the organization for such services;

(3) The organization relieves the enrollee of liability for payment for the services specified in the claim, and will not seek any reimbursement from him or his survivors or estate for such services, if payment for such services is made to the organization on the claim;

(4) The organization establishes to the satisfaction of the Social Security Administration or Part B carrier that it meets the requirements of § 405.1686; and

(5) The organization submits such other information as the Social Security Administration or the Part B carrier may request in order to apply the requirements for payment for such services.

(b) An organization is not required to pay and claim reimbursement for all bills for services furnished an enrollee under the supplementary medical insurance program. The organization may establish criteria for determining at its discretion what bills it will pay on the enrollee's behalf.

§ 405.1686 Organizations qualified to receive payment on behalf of enrollee.

For the purpose of § 405.1685, the types of organizations which can qualify to receive payment for supplementary medical insurance benefits include, but are not limited to, employer, union, employer-employee, or other organizations which:

(a) Pay physicians' bills for employees (active and retired) or their dependents, either directly or utilizing the services of an insurer (an insurer that provides complementary insurance protection and pays bills for such an organization may act on behalf of the organization to claim and receive payment for supplementary medical insurance benefits under the conditions discussed in § 405.1680 with respect to such employees and their dependents); or

(b) Administer group practice prepayment plans with respect to medical bills for services which are provided to members by other than plan physicians or by physicians with whom arrangements have not been made under the plan for providing services (e.g., emergency physician services to a member when he is outside the service area of the plan).

§ 405.1692 Time limitation for claiming payment.

Effective with respect to claims submitted after April 1, 1968, a claim for payment under the supplementary medical insurance benefits plan submitted by, or on behalf of, any person(s) for the purpose of claiming payment, on a reasonable charge basis, for covered items and services furnished an individual entitled under such plan, must be filed with the Social Security Administration, a carrier, or an intermediary on or before December 31 of the calendar year following the calendar year in which such items and services were furnished. However, the time limitation on filing claims for such items and services furnished in the last 3 months of a calendar year (i.e., October through December), is December 31 of the second calendar year following the year in which the items and services were furnished.

Example: An individual received surgery in August 1968. He (or the physician performing the surgery, if the right to claim payment has been assigned), must file a claim for payment for such services on or before December 31, 1969. If the surgery had been performed in November 1968, the claim must be filed on or before December 31, 1970.

§ 405.1693 Definition of claim for purposes of time limitation.

For purposes of § 405.1692, a claim is any writing submitted by, or on behalf of, any person(s) which indicates the person's intent to claim payment under the supplementary medical insurance benefits plan in connection with specified covered services furnished to an identified individual. It is not necessary that such writing be on a form prescribed by the Social Security Administration, that the services be itemized, or that the information be complete (e.g., a claim could be filed by a note from the individual's spouse, a physician's bill, or an incomplete prescribed claim form). If a claim, as defined herein, is mailed or delivered to the Administration, a carrier, or an intermediary within the applicable time limitation, the claim is filed timely even though a prescribed claim form or additional required information is supplied or obtained after such time limitation.

§ 405.1694 Extension of time limitation.

Notwithstanding the provisions of § 405.1692, where the last day of the time limitation falls on a nonworkday (Saturday, Sunday, legal holiday, or a day all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order) a claim for payment will be considered filed timely if deposited in the U.S. postal system or received by the Social Security Administration, a carrier, or an intermediary on the first workday thereafter.

[F.R. Doc. 69-8754; Filed, July 24, 1969; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Provolone Cheese; Confirmation of Effective Date of Order Amending Standard

In the matter of amending the definition and standard of identity for provolone cheese, pasta filata cheese (21 CFR 19.590) to permit the use of liquid smoke product as an optional ingredient:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 251). Accordingly, the amendments promulgated by that order became effective March 9, 1969.

Dated: July 15, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8706; Filed, July 24, 1969; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Doxycycline Hyclate Diagnostic Sensitivity Powder

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 147 to provide for certification of the subject powder:

§ 147.7 Doxycycline hyclate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate diagnostic sensitivity powder is crystalline doxycycline hyclate, with or without one or more suitable buffers and diluents, packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of micro-organisms to doxycycline. Each vial contains doxycycline hyclate equivalent to 20 milligrams of doxycycline. The potency of each immediate container is satisfactory if it contains not less than 90 percent and not more than 115 percent of its labeled content. It is sterile. Its moisture content is not more than 4 percent. When reconstituted as directed in the labeling, its pH is not less than 2.0 and not more than 3.5. The doxycycline hyclate used conforms to the standards prescribed by § 148z.1(a)(1) (i), (iii), (iv), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statement "For laboratory diagnostic use only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of milligrams of doxycycline in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline hyclate used in making the batch for potency, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(*a*) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(5) *Fees.* $1 for each container in the sample submitted in accordance with subparagraph (4)(ii)(*b*)(*1*) of this paragraph; $4 for each package in the sample submitted in accordance with subparagraph (4)(ii)(*a*) of this paragraph; $12 for all containers in the sample submitted in accordance with subparagraph (4)(ii)(*b*)(2) of this paragraph, and $24 for all containers in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Transfer a 10-milliliter aliquot to a 100-milliliter volumetric flask and dilute to volume with 0.1*N* hydrochloric acid. Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.1 microgram of doxycycline per milliliter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

Data supplied by the manufacturer concerning the subject diagnostic sensitivity powder have been evaluated. Since the conditions prerequisite to providing for certification have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 16, 1969.

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

[F.R. Doc. 69-8705; Filed, July 24, 1969; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

San Carlos Indian Irrigation Project, Ariz.

On page 9620 of the FEDERAL REGISTER of June 19, 1969, there was published a notice of intention to amend § 221.63 of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the irrigable lands of the San Carlos Irrigation Project, Ariz. The purpose of the amendment is to establish the assessment rate for the joint works in the San Carlos Indian Irrigation Project, Ariz.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Section 221.63 is amended to read as follows:

§ 221.63 Assessments, joint works.

(a) Pursuant to the Act of Congress approved June 7, 1924 (43 Stat. 476), and supplementary acts, the repayment contract of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 221.69a–221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1971 is estimated to be $230,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order, is hereby fixed at $2.30 for each acre of land.

W. WADE HEAD,
Area Director.

[F.R. Doc. 69-8760; Filed, July 24, 1969; 8:50 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 420-69]

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURES

Subpart A—Equal Employment Opportunity Within the Department of Justice

Establishing the equal employment opportunity policy for the Department of Justice and designating the Director of Equal Employment Opportunity and the Complaint Adjudication Officer.

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and in conformity with the regulations of the Civil Service Commission issued pursuant thereto (5 CFR Part 713), Subpart A of Part 42 of Title 28 of the Code of Federal Regulations is hereby revised to read as follows:

Subpart A—Equal Employment Opportunity Within the Department of Justice

Sec.
42.1 Policy.
42.2 Designation of Director of Equal Employment Opportunity and Complaint Adjudication Officer.

AUTHORITY: The provisions of this Subpart A issued under 5 U.S.C. 301, 28 U.S.C. 509, 510, E.O. 11246, 3 CFR, 1964–1965 Comp., E.O. 11375, 3 CFR, 1967 Comp.

§ 42.1 Policy.

In conformity with the policy expressed in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, I hereby declare it to be the policy of the Department of Justice to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to provide equal employment opportunity in each organizational element of the Department. Management will seek out and eliminate any personnel management policy, procedure or practice which denies equality of opportunity to any group or individual on the basis of race, color, religion, sex, or national origin, and will take appropriate action to more fully utilize the abilities of all employees.

§ 42.2 Designation of Director of Equal Employment Opportunity and Complaint Adjudication Officer.

(a) In compliance with the regulations of the Civil Service Commission (5 CFR Part 713), the Assistant Attorney General for Administration is hereby designated as Director of Equal Employment Opportunity for the Department of Justice with responsibilities for administration of the Equal Employment Opportunity Program within the Department. The Director of Equal Employment Opportunity shall publish and implement the Department of Justice regulations, which shall include a positive action program to eliminate causes of discrimination and shall include procedures for processing complaints of discrimination within the Department.

(b) The Assistant Attorney General in charge of the Civil Rights Division shall appoint a Complaint Adjudication Officer, who shall render decisions for the Department of Justice on complaints from employees and applicants for employment within the Department which allege discrimination because of race, color, religion, sex, or national origin.

Order Nos. 358–66 of April 19, 1966, and 366–66 of July 26, 1966, are hereby superseded.

Dated: July 17, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69–8720; Filed, July 24, 1969; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 85–C for the leather, leather goods and related products industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 83–C are hereby published, to be effective August 9, 1969, in this order amending § 602.2 of Title 29, Code of Federal Regulations. As amended, § 602.2 reads as follows:

§ 602.2 Wage rates.

* * * * *

(a) *Pre-1961 coverage classifications.* The classifications in this paragraph (a) apply to all activities of employees in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Belt classification.* (i) The minimum wage for this classification is $1.55 an hour.

(ii) This classification is defined as the manufacture of apparel belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials (except fabric).

(2) *Baseball and softball classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of baseballs and softballs covered with leather, artificial leather, fabric, plastics, or similar materials.

(3) *Sporting and athletic goods classification.* (i) The minimum wage for this classification is $1.30 an hour.

(ii) This classification is defined as the manufacture of sporting and athletic goods other than baseballs and softballs.

(4) *General classification.* (i) The minimum wage for this classification is $1.225.

(ii) This classification is defined as the manufacture of all products and activities not included in any other pre-1961 coverage classification in the industry.

(b) *1961 Coverage classification.* (1) The minimum wage for this classification is $1.225 an hour.

(2) This classification is defined as all activities in the industry which were brought within the purview of section 6 of the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1961.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 16th day of July 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F.R. Doc. 69–8723; Filed, July 24, 1969; 8:48 a.m.]

PART 603—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 83–A for the fabric and leather glove industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 83–A are hereby published, to be effective August 9, 1969, in this order amending § 603.2 of Title 29, Code of Federal Regulations. As amended, § 603.2 reads as follows:

§ 605.2 Wage rates.

* * * * *

(a) *Pre-1961 coverage classifications.* The classifications in this paragraph (a) apply to all activities of employees in the fabric and leather glove industry in Puerto Rico to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Hand-sewing on fabric gloves classification.* (i) The minimum wage for this classification is 47 cents an hour.

* * * * *

(2) *Hand-sewing on leather gloves classification.* (i) The minimum wage for this classification is 76 cents an hour.

* * * * *

(3) *Other operations classification.* (i) The minimum wage for this classification is $1.45 an hour.

(ii) This classification is defined as all operations except those included in the hand-sewing on fabric gloves classification and hand-sewing on leather gloves classification.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour.

(2) This classification is defined as all activities which were brought within the purview of section 6 of the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1961.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 16th day of July 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F.R. Doc. 69-8721; Filed, July 24, 1969; 8:47 a.m.]

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 83-B for the hosiery industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 83-B are hereby published, to be effective August 9, 1969, in this order amending § 687.2 of Title 29, Code of Federal Regulations. As amended, § 687.2 reads as follows:

§ 687.2 Wage rates.

* * * * *

(a) *Pre-1966 coverage classifications.* The classifications in this paragraph (a) apply to all activities of employees in the hosiery industry in Puerto Rico to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(1) *Women's hosiery classification.* (i) The minimum wage for this classification is $1.25 an hour.

* * * * *

(2) *All other hosiery classification.* (i) The minimum wage for this classification is $1.20 an hour.

* * * * *

(b) [Revoked]

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 16th day of July 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F.R. Doc. 69-8722; Filed, July 24, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-3; Amdt. Nos. 174-3, 177-5, 178-3]

MISCELLANEOUS AMENDMENTS TO CHAPTER; CORRECTION

On May 1, 1969, the Hazardous Materials Regulations Board published several amendments to the Department's Hazardous Materials Regulations (49 CFR Parts 170-189; 34 F.R. 7158). On May 6, 1969, portions of Amendment No. 178-3 were republished in the FEDERAL REGISTER (34 F.R. 7332) to correct errors in printing. Since that time, three omissions have been brought to the Board's attention, and this action corrects those omissions.

Amendments 174-3 and 177-5. In §§ 174.538(a) and 177.848(a) (loading and storage charts) the amendments did not specify the addition of the footnote "f" reference at the intersection of horizontal column 15 with vertical columns a through g respectively as was intended.

Amendment 178-3. As stated in item 16 of the preamble, it was intended to provide for rephosphorized steels by addition of a new footnote 6 to Table I of Appendix A to Part 178. This provision was unintentionally omitted when the amendment was published. The addition of a phosphorus limit of 0.045 for grade 3 steel without the footnote authorization had the effect of excluding the use of rephosphorized steel. This change was not intended.

In consideration of the foregoing, Amendments 174-3, 177-5, and 178-3 are hereby corrected as set forth below.

PART 174—CARRIERS BY RAIL FREIGHT

I. In Amendment 174-3, the amendment to § 174.538 item IV (A) is corrected to read as follows:

(A) In § 174.538(a) the Chart is amended by adding the following new footnote f and adding a footnote "f" reference at the intersection of vertical column 15 with horizontal columns, a, b, c, d, e, f, and g, respectively, and at the intersection of horizontal column 15 with vertical columns a, b, c, d, e, f, and g, respectively.

§ 174.538 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

[f] Normal uranium, depleted uranium, and thorium metal in solid form may also be loaded and transported with articles named in vertical and horizontal columns a, b, c, d, e, f, and g.

* * * * *

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

II. In Amendment 177-5 the amendment to § 177.848(a) item V (A) is corrected to read as follows:

(A) In § 177.848(a) the chart is amended by adding the following new footnote f and adding a footnote "f" reference at the intersection of vertical column 15 with horizontal columns, a, b, c, d, e, f, and g, respectively, and at the intersection of horizontal column 15 with vertical columns, a, b, c, d, e, f, and g, respectively.

§ 177.848 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

[f] Normal uranium, depleted uranium, and thorium metal in solid form may also be loaded and transported with articles named in vertical and horizontal columns a, b, c, d, e, f, and g.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

III. In Amendment 178-3 "Appendix A—Specifications For Steel" to Part 178 is corrected to read as follows:

APPENDIX A—SPECIFICATIONS FOR STEEL

TABLE 1

Open-hearth, basic oxygen, or electric steel of uniform quality. The following chemical composition limits are based on ladle analysis:

Designation	Chemical composition, percent-ladle analysis		
	Grade 1 [1]	Grade 2 [1 2]	Grade 3 [2 4]
Carbon	0.10/0.20	0.24 maximum	0.22 maximum.
Manganese	1.10/1.60	0.50/1.00	1.25 maximum.
Phosphorus, maximum	0.04	0.04	0.045.[5]
Sulfur, maximum	0.05	0.05	0.05.
Silicon	0.15/0.30	0.30 maximum	
Copper, maximum	0.40		
Columbium		0.01/0.04	
Heat treatment authorized	[3]	[3]	[3].
Maximum stress (p.s.i.)	35,000	35,000	35,000.

[1] Addition of other elements to obtain alloying effect is not authorized.
[2] Ferritic grain size 6 or finer according to ASTM E112-63.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Other alloying elements may be added and shall be reported.
[5] For compositions with a maximum carbon content of 0.15 percent on ladle analysis, the maximum limit for manganese on ladle analysis may be 1.40 percent.
[6] Rephosphorized Grade 3 steels containing no more than 0.15 percent phosphorus are permitted if carbon content does not exceed 0.15 percent and manganese does not exceed 1 percent.

CHECK ANALYSIS TOLERANCES

A heat of steel made under any of the above grades, the ladle analysis of which is slightly out of the specified range, is acceptable if the check analysis is within the following variations:

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 inclusive	0.02	0.03
	Over 0.15 to 0.40 inclusive	0.03	0.04
Manganese	To 0.60 inclusive	0.03	0.03
	Over 0.60 to 1.15 inclusive	0.04	0.04
	Over 1.15 to 2.50 inclusive	0.05	0.05
Phosphorus [7]	All ranges		0.01
Sulfur	All ranges		0.01
Silicon	To 0.30 inclusive	0.02	0.03
	Over 0.30 to 1.00 inclusive	0.05	0.05
Copper	To 1.00 inclusive	0.03	0.03
	Over 1.00 to 2.00 inclusive	0.05	0.05
Nickel	To 1.00 inclusive	0.03	0.03
	Over 1.00 to 2.00 inclusive	0.05	0.05
Chromium	To 0.90 inclusive	0.03	0.03
	Over 0.90 to 2.10 inclusive	0.05	0.05
Molybdenum	To 0.20 inclusive	0.01	0.01
	Over 0.20 to 0.40 inclusive	0.02	0.02
Zirconium	All ranges	0.01	0.05
Columbium	To 0.04 inclusive	0.005	0.01
Aluminum	Over 0.10 to 0.20 inclusive	0.04	0.04
	Over 0.20 to 0.30 inclusive	0.05	0.05

[7] Rephosphorized steels not subject to check analysis for phosphorus.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); Title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h)))

Issued in Washington, D.C., on July 18, 1969.

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

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

F. C. TURNER,
Federal Highway Administrator.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

[F.R. Doc. 69-8660; Filed, July 24, 1969; 8:45 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Appendix A—Interpretations

MOTOR VEHICLE SAFETY STANDARD NO. 211; WHEEL NUTS, WHEEL DISCS, AND HUB CAPS—PASSENGER CARS AND MULTIPURPOSE PASSENGER VEHICLES

A clarification of the term "wheel nuts" as used in the requirements section S3 of Standard No. 211 has been requested. This section states that "wheel nuts, hub caps, and wheel discs for use on passenger cars and multipurpose passenger vehicles shall not incorporate winged projections." A "wheel nut" is an exposed nut that is mounted at the center or hub of a wheel, and not the ordinary small hexagonal nut, one of several which secures a wheel to an axle, and which is normally covered by a hub cap or wheel disc.

Issued on July 22, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-8761; Filed, July 24, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

ST. VINCENT NATIONAL WILDLIFE REFUGE, FLA.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.21 by the addition of St. Vincent National Wildlife Refuge, Fla., to the list of areas open to the hunting of upland game, as legislatively permitted.

It has been determined that regulated hunting of upland game may be permitted as designated on the St. Vincent National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

§ 32.21 List of open areas; upland game.

* * * * *

FLORIDA

* * * * *

St. Vincent National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 18, 1969.

[F.R. Doc. 69-8718; Filed, July 24, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO-226-A20]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Seattle, Wash., on April 29, 1969, pursuant to notice thereof issued on April 16, 1969 (34 F.R. 6697).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on June 20, 1969 (34 F.R. 9808; F.R. Doc. 69-7487) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 9808; F.R. Doc. 69-7487) are hereby approved and adopted and are set forth in full herein.

The material issue on the record of hearing relates to the extension of the Class I base provisions of the order through December 31, 1970.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I base plan provisions of the order should be extended through December 31, 1970, the expiration date of the enabling legislation. The Class I base plan is now effective through December 31, 1969.

Amendments to the Agricultural Marketing Agreement Act by Public Law 89-321 (Food and Agriculture Act of 1965) authorized Class I base plans for Federal milk orders through December 1969. The Congress has since extended that authorization through December 1970 by Public Law 90-559.

The extension of the Class I base plan was widely supported by producer groups, including the cooperative associations representing a major portion of the producers supplying the market. The only opposition testimony to the extension was from spokesmen representing possibly as many as 90 "new producers." A new producer is a producer under the order who does not hold a base. Some of the opposition testimony was that the new producers had relied on the termination date of December 31, 1969, and should have the opportunity of making new bases if the plan is extended.

In December 1968, 357 of the 1,866 producers supplying the market were new producers. Of these, 252[1] had taken on new producer status by selling the bases originally assigned to them. Since the inception of the Class I base plan in September 1967, the monetary return realized from the sale of Class I bases by 776 dairy farmers who sold them was about $7 million.

The decision providing for the Puget Sound Class I base plan specified December 31, 1969, as the termination date, the same termination date first provided by the Congress for the enabling legislation. Such authority was later extended by the Congress to December 31, 1970. A spokesman for new producers acknowledged that from the inception of the base plan in the market there was the possibility that the Congress might extend the enabling legislation. Such action, of course, would make possible consideration of an extension of the Puget Sound base plan. Whether a producer has held or sold his base was a personal decision based upon his own estimate as to whether the legislative authority for Class I base plans and the Puget Sound Class I base plan would be extended beyond December 31, 1969.

A Class I base plan assigns each producer a share of the Class I market in proportion to his deliveries to the market during a representative period. A production history base was computed for each producer on the market in May 1967 who delivered milk to a Puget Sound handler 120 days or more in August-December 1966. The production history base computed was the highest of such producer's average daily delivery in August-December 1964, 1965 or 1966 in which he delivered producer milk under the order on 120 days or more.

From his production history base a Class I base was computed for each producer. Such base represented his pro rata share of 120 percent of the average daily pounds of producer milk classified as Class I in 1966. Deliveries within the Class I base receive the base price and deliveries in excess receive the lower excess milk price. Neither the production history base nor the Class I base is adjusted because of changes in producer deliveries or in Class I sales.

As provided in the enabling legislation and specified in the order, any increase in Class I base resulting from enlarged or increased consumption and any producer Class I bases forfeited or surrendered must be made available first to new producers and to the alleviation of hardship and inequity among producers. Total Class I base available to new producers is prorated among them on the basis of their deliveries during the month. The Class I base assigned new producers in September 1967 through March 1969 averaged 32 percent of their deliveries, ranging between 18 percent and 50 percent in the 19-month period.

New producers opposed to the extension contended also that the Class I base plan should not be extended unless the provisions for allowing new producers to participate in the plan are

[1] Official notice is taken of Marketing Service Information for the Puget Sound Marketing Area, Vol. 19, No. 3, for March 1969, issued by the Market Administrator.

amended to provide a larger share of the Class I market for such producers. A request presented at the hearing by a new producer spokesman would defer action on the proposal to extend the Class I base plan until consideration had been given at a hearing on a proposal to assign more Class I base to new producers than is now provided in the order.

The order provisions for assigning Class I base to new producers are in accord with the enabling legislation. The legislation, which has been extended through December 31, 1970, provides no authority for changing the basis for assigning Class I base to new producers. Under the law, Class I base may be assigned to new producers only as it becomes available through increased Class I sales and from forfeited and surrendered bases. For these reasons the request to continue the hearing is denied.

Of the 1,252 million pounds of milk pooled under the Puget Sound order in 1968, the 613 million pounds in the surplus utilizations (Class II and Class III) were 49 percent of producer deliveries. This approximates the utilization of producer milk in the surplus classes under the Puget Sound order in recent years. It is the type of surplus situation which the plan was designed by the Congress to remedy.

The market thus continues to show a large proportion of producer milk above Class I needs. Moreover, no change in marketing conditions since the inception of the Class I base plan which might justify early termination of the plan was cited on the record. The findings and conclusions of the decision issued by the Assistant Secretary on July 17, 1967, continue to be applicable to marketing conditions for producers and justify extension of the Class I base plan as proposed by the large majority of producers. Official notice is taken of the findings of that decision (32 F.R. 10742) and they are adopted as if set forth herein.

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

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

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

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

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

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum in which each individual producer has one vote be conducted to determine whether the extension of the Class I base plan of payment to producers, as specified in the attached order, as amended, regulating the handling of milk in the Puget Sound, Wash., marketing area is separately approved or favored by the producers, as defined under the terms of the order, as amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1969 is hereby determined to be the representative period for the conduct of such referendum. Nicholas L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

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

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk

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

in the Puget Sound, Wash., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 20, 1969, and published in the FEDERAL REGISTER on June 25, 1969 (34 F.R. 9808; F.R. Doc. 69-7487), shall be and are the terms and provisions of this order, and are set forth in full herein.

The following order provisions, which are effective through December 31, 1969, are hereby made effective through December 31, 1970: §§ 1125.22(k)(2), 1125.110, 1125.111, 1125.120, 1125.121, 1125.122, 1125.123, and 1125.124.

[F.R. Doc. 69-8751; Filed, July 24, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 141]

TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Anhydrotetracycline and 4-Epianhydrotetracycline

It is proposed to amend the antibiotic drug regulations to include a maximum limit for 4-epianhydrotetracycline in tetracycline, tetracycline hydrochloride, and tetracycline phosphate complex bulks, and all oral and injectable dosage forms containing these tetracyclines. The maximum limit for 4-epianhydrotetracycline will be 2 percent for bulks, 3 percent for injectables, oral powders, tablets, and capsules, and 5 percent for oral suspensions. In the case of bulks, injectables, tablets, and capsules, if the results of the test for total anhydrotetracyclines content are within the required limits, these results may be submitted in lieu of the results of the test for 4-epianhydrotetracycline and that test need not be performed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the following section be added to Part 141:

§ 141.580 Anhydrotetracycline and 4-epianhydrotetracycline.

Determination of 4-epianhydrotetracycline and anhydrotetracyclines in tetracycline, tetracycline hydrochloride, tetracycline phosphate, and in dosage forms thereof is as follows:

(a) *Screening procedure for total anhydrotetracyclines content*—(1) *Sample solution preparation*—(i) *Bulk packaged for repacking or for use in the manufacture of another drug.* Accurately weigh approximately 50 milligrams of the sample into a 50-milliliter volumetric flask and add 10 milliliters of 0.1*N* hydrochloric acid. Shake until sample is completely dissolved, and then dilute to volume with water.

(ii) *Sterile dispensing containers.* Transfer a quantity of sample equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask, dilute to volume with 0.02*N* hydrochloric acid, and mix well.

(iii) *Capsules.* Transfer a representative quantity of capsule contents equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask. Add 50 milliliters of 0.1*N* hydrochloric acid and shake on a mechanical shaker for 5 minutes. Dilute to volume with water and filter through a fluted filter paper. Discard the first 20 milliliters of filtrate and collect the next 20 milliliters.

(iv) *Tablets.* Grind a representative number of tablets to a fine powder. Transfer an amount of the powder equivalent to 250 milligrams of tetracycline hydrochloride to a 250-milliliter volumetric flask. Add 50 milliliters of 0.1*N* hydrochloric acid and shake on a mechanical shaker for 5 minutes. Dilute to volume with water and filter through a fluted filter paper. Discard the first 20 milliliters of filtrate and collect the next 20 milliliters.

(v) *Oral powders and suspensions.* Proceed as described in paragraph (b) of this section.

(2) *Test procedure.* Using a suitable spectrophotometer, determine the absorbance of the sample solution prepared as directed in subparagraph (1) of this paragraph at 430 millimicrons using 0.02*N* hydrochloric acid as a blank. Then accurately dilute 1.0 milliliter of the sample solution to 100 milliliters with 0.02*N* hydrochloric acid and determine the absorbance of this solution at 356 millimicrons, using 0.02*N* hydrochloric acid as a blank.

(3) *Calculations.*

$$\text{Percent anhydrotetracycline} = \frac{[{}^{a}430 - ({}^{a}356 \times 0.0019)] \times 100}{180}$$

where:

${}^{a}430$ = Absorptivity (1%, 1 cm.) of sample at 430 millimicrons;

For bulk, $\text{absorptivity} = \frac{\text{Absorbance} \times 50 \times 10}{\text{Milligrams of sample}}$;

For sterile dispensing containers, capsules, and tablets; absorptivity = Absorbance × 10;

${}^{a}356$ = Absorptivity (1%, 1 cm.) of sample at 356 millimicrons;

For bulk, $\text{absorptivity} = \frac{\text{Absorbance} \times 50 \times 1000}{\text{Milligrams of sample}}$;

For sterile dispensing containers, capsules, and tablets; absorptivity = Absorbance × 1,000;

0.0019 = Absorbance ratio (${}^{a}430/{}^{a}356$) observed with tetracycline;

180 = Absorptivity (1%, 1 cm.) of anhydrotetracycline hydrochloride at 430 millimicrons.

(4) *Evaluation.* If the total anhydrotetracyclines content exceeds the limit set for 4-epianhydrotetracycline for the specific products, perform the determination for anhydrotetracycline and 4-epianhydrotetracycline described in paragraph (b) of this section.

(b) *Determination of anhydrotetracyclines content and 4-epianhydrotetracycline content*—(1) *Apparatus and reagents.* (i) Chromatographic tube (15 millimeters ID x 150 millimeters long).

(ii) Diatomaceous earth, acid-washed (Celite 545 or equivalent).

(iii) EDTA solution: 0.1*M* ethylenediamine tetraacetic acid disodium salt adjusted to pH 7.8 with ammonium hydroxide (reagent grade).

(iv) Chloroform.

(v) Ammonium hydroxide solution (1+9).

(2) *Column preparation.* Add 5 milliliters of EDTA solution to 10 grams of dry diatomaceous earth and mix until the diatomaceous earth is uniformly moistened. Place a small round piece of filter paper at the junction of the barrel and exit tube of the chromatographic tube. Add about 80 percent of the diatomaceous earth mixture to the tube and pack tightly with a tamper to a height of 9–10 centimeters.

(3) *Sample preparation.* Place an amount of sample equivalent to 250 milligrams of tetracycline hydrochloride in a 50-milliliter volumetric flask. Add 30 milliliters EDTA solution, shake the flask for about 10 minutes on a mechanical shaker, and dilute to volume with EDTA solution. In the case of oral powders and suspensions or pediatric drops, dilute an amount of sample equivalent to 125 milligrams of tetracycline hydrochloride to 10 milliliters with EDTA solution. Adjust the solution to pH 7.8 with ammonium hydroxide solution, dilute to 25 milliliters with EDTA solution, and mix well. Add 1.0 milliliter of this solution to 1 gram of dry diatomaceous earth and mix thoroughly with a small glass stirring rod. Pack this sample-diatomaceous earth mixture on the column, and then on top of it pack the remaining 20 percent of the EDTA-moistened diatomaceous earth remaining from the column preparation described in subparagraph (2) of this paragraph.

(4) *Procedure.* Elute the column with chloroform, collecting portions of 5 milliliters, 5 milliliters, 10 milliliters, 10 milliliters, and 5 milliliters in separate volumetric flasks. Determine the absorbance of each fraction at 430 millimicrons using a suitable spectrophotometer and chloroform as the blank.

(5) *Calculations.* Calculate the anhydrotetracyclines content from the first 5-milliliter portion collected and the 4-epianhydrotetracycline content from the second through fifth portions collected using the following formulas:

$$\text{Percent anhydrotetracyclines} = \frac{\text{Absorbance} \times 1{,}000}{175.5}$$

Fractional percent of 4-epianhydrotetracycline in each 5-milliliter fraction =

$$\frac{\text{Absorbance} \times 1{,}000}{162}$$

Fractional percent of 4-epianhydrotetracycline in each 10-milliliter fraction =

$$\frac{\text{Absorbance} \times 2{,}000}{162}$$

where:
175.5 = Absorptivity (1%, 1 cm.) of anhydrotetracyclines at 430 millimicrons;
162 = Absorptivity (1%, 1 cm.) of 4-epianhydrotetracycline at 430 millimicrons.

Total the fractional percentages of 4-epianhydrotetracycline in portions 2 through 5, to obtain the total percentage of 4-epianhydrotetracycline with respect to the weight of bulk powder or the labeled quantity of tetracycline hydrochloride in sterile dispensing containers, capsules, tablets, or oral powders and suspensions.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 16, 1969.

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

[F.R. Doc. 69-8708; Filed, July 24, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 9724; Notice No. 69-29]

AIRBORNE ATC TRANSPONDER EQUIPMENT

Technical Standard Order

The Federal Aviation Administration is considering amending § 37.180 of the Federal Aviation Regulations by revising the Technical Standard Order (TSO-74a) to update the standards for airborne ATC transponder equipment.

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 the 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 October 23, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in 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.

The current TSO does not reflect either the U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System (ATCRBS) Characteristics as revised on October 10, 1968, or the International Standards and Recommended Practices, Aeronautical Telecommunications Annex 10, adopted by the Council of the International Civil Aviation Organization (ICAO) on December 11, 1967, and set forth in Amendment No. 47. The U.S. National Standard for ATCRBS specifies the performance required of each component to meet the overall operations requirements of the common civil/military system. It specifies the technical parameters, tolerances, and techniques to the extent required to ensure proper operation and compatibility between elements of the ATCRBS. In addition to the foregoing, at the FAA's request the Radio Technical Commission for Aeronautics (RTCA) has developed new environmental test standards for airborne electronic/electrical equipment and instruments.

The FAA proposes to amend § 37.180 to conform to the recent revisions of the U.S. National Standard for the ATCRBS characteristics and the recent amendments to ICAO, Annex 10, and to require compliance with the RTCA Document DO-138, entitled "Environment Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments."

A number of technical changes to the TSO would be made in accomplishing the foregoing. Transponders would be required to automatically reply to Mode C interrogations, independently of other modes and codes manually selected. The transponder would be required to have a means of removing the information pulses from the Mode C reply when requested by Air Traffic Control. An upper amplitude limit for pulse P_3 would be established to which the transponder must reply, and the received signal amplitude range over which the transponder must be suppressed would be relaxed to make the requirement easier to meet without degrading the system appreciably. All references to megacycles as the unit of frequency in the standards would be changed to megahertz.

In consideration of the foregoing, it is proposed to amend § 37.180 Airborne ATC Transponder Equipment—TSO-C74b of the Federal Aviation Regulations as follows:

1. By amending paragraphs (a), (b), (c), and (d) to read as follows:

(a) *Applicability.* This technical standard order prescribes the minimum performance standards that ATC transponder equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after (the effective date of this section), must meet the requirements of the "Federal Aviation Administration Standard, Airborne ATC Transponder Equipment," set forth at the end of this section, and Radio Technical Commission for Aeronautics Document No. DO-138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968. RTCA document No. DO-138 is incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 of the Federal Aviation Regulations, and is available as indicated in § 37.23. Additionally, RTCA document No. DO-138 may be examined at any FAA Regional Office and may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 20th and K Streets NW., Washington, D.C. 20006, at a cost of $4 per copy.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment must be marked to indicate the environmental extremes over which it has been designed to operate. There are 12 environmental test procedures outlined in the RTCA document which have categories established. These must be identified on the nameplate by the words "Environmental Categories" or, as abbreviated, "Env. Cat." followed by 12 letters which identify the categories designated. Reading from left to right, the category designations must appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude category;
(ii) Humidity category;
(iii) Vibration category;
(iv) Audio frequency magnetic field susceptibility category;
(v) Radio frequency susceptibility category;
(vi) Emission of spurious radio frequency energy category;
(vii) Explosion category;
(viii) Waterproofness category;
(ix) Hydraulic fluid category;
(x) Sand and dust category;
(xi) Fungus resistance category;
(xii) Salt spray category.

(2) Equipment intended for installation in aircraft that operate at altitudes above 15,000 feet must be identified on the nameplate as Class I equipment.

(3) Equipment intended for installation in aircraft that operate at altitudes not exceeding 15,000 feet must be identified on the nameplate as Class II equipment.

(4) Where a manufacturer desires to substantiate his equipment in dual categories for one environment, the nameplate must be marked with both categories in the space designated for that

category by placing one letter above the other in the following manner:

Env. Cat. $^{A}_{D}$ AJAAAXWHDFS Class I

(5) Each separate component of equipment (antenna, power supply, etc.) must be identified with at least the name of the manufacturer, the TSO number and the environmental categories over which the equipment component is designed to operate. Where an environmental test procedure is not applicable to that component and the test is not conducted, an X should be placed in the space assigned for that category.

(c) *Data requirements.* In accordance with § 37.5 the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(1) One copy of the operating instructions and equipment limitations of the manufacturer.

(2) One copy of the installation procedures with applicable schematic drawings, wiring diagram, and specifications, and a listing of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. Indicate any limitations, restrictions, or other conditions pertinent to the installation.

(3) One copy of the test report of the manufacturer.

(d) *Previously approved equipment.* Airborne ATC transponder equipment approved prior to (the effective date of this section) may continue to be manufactured under the provisions of its original approval.

2. By amending the "Federal Aviation Standard for Airborne ATC Transponder Equipment" as follows:

(a) By amending paragraph 1.2c to read as follows:

1.2 *Operating controls.*

* * * * *

c. Selection of Modes 3/A and C combined. manually selected, the transponder must automatically reply to Mode C interrogation.

(b) By amending paragraph 2.1 by striking out the word "Megacycle" wherever it appears, and inserting the word "Megahertz" in place thereof.

(c) By amending paragraph 2.2 to read as follows:

2.2 *Receiver sensitivity and dynamic range.* a. The minimum triggering level (MTL) of the transponder must be such that replies are generated to 90 percent of the interrogation signals when—

1. The two pulses P_1 and P_3 constituting an interrogation are of equal amplitude and P_2 is not detected; and

2. The amplitude of these signals received at the antenna end of the transmission line of the transponder is nominally 71 db below 1 milliwatt with limits between 69 and 77 db below 1 milliwatt.

b. With the transponder adjusted to comply with paragraph a, the random triggering rate (squitter) must not be greater than five reply pulse groups or suppressions per second averaged over a period of at least 30 seconds.

c. The variation of the minimum triggering level between modes must not exceed 1 db for nominal pulse spacings and pulse widths.

d. The reply characteristics apply over a received signal amplitude range between minimum triggering level and 50 db above that level.

e. The standards of this section assume a transmission line loss of 3 db and an antenna performance equivalent to that of a simple quarter wave antenna. In the event that these assumed conditions do not apply, the equipment must be adjusted as necessary to provide a sensitivity equivalent to that specified.

(d) By amending paragraph 2.6a(2) to read as follows:

2.6 *Decoding performance.* a. * * *

(2) The received amplitude of P_2 is in excess of a level 1 db below the received amplitude of P_1 but no greater than 3 db above the received amplitude of P_1.

(e) By amending paragraph 2.6c to read as follows:

2.6 *Decoding performance.*

* * * * *

c. *Side-lobe suppression.* The transponder must be suppressed for a period of 35 ±10 microseconds following receipt of a pulse pair of proper spacing and amplitude indicative of side-lobe interrogation. This suppression action must be capable of being reinitiated for the full duration within 2 microseconds after the end of any suppression period. The transponder must be suppressed with a 99 percent efficiency over a received signal amplitude range between 3 db above minimum triggering level and 50 db above that level and upon receipt of properly spaced interrogations when the received amplitude of P_2 is equal to or in excess of the received amplitude of P_1 and spaced 2.0 ± 0.15 microsecond from P_1.

(f) By amending paragraph 2.7d to read as follows:

2.7 *Transponder discrimination and desensitization.*

* * * * *

d. *Reply rate control.* A sensitivity-reduction type reply rate control must be provided. The range of this control must permit adjustment of the reply rate to any value between 500 replies per second and the maximum rate of which the transponder is capable, or 2,000 replies per second, whichever is the lesser, without regard to the number of pulses in each reply. Sensitivity reduction in excess of 3 db must not take effect until 90 percent of the selected reply rate is exceeded. The sensitivity must be reduced by at least 30 db when the rate exceeds the selected value by 50 percent. The reply rate limit must be set at 1,200 replies per second, or the maximum value below 1,200 replies per second of which the transponder is capable.

(g) By amending paragraph 2.10 by striking out the word "Megacycles" and inserting the word "Megahertz" in place thereof.

(h) By amending paragraph 2.11 to read as follows:

2.11 *Transmitter power output.* a. For equipment intended for installation in aircraft which operate at altitudes above 15,000 feet (Class I), the peak pulse power available at the antenna end of the transmission line of the transponder must be at least 21 db and not more than 27 db above 1 watt at any reply rate up to 1,200 per second for a 15-pulse coded reply.

b. For equipment intended for installation in aircraft which operate at altitudes not exceeding 15,000 feet (Class II), the peak pulse power available at the antenna end of the transmission line of the transponder must be at least 18.5 db and not more than 27 db above 1 watt at any reply rate up to 1,200 per second for a 15-pulse coded reply.

c. The standards of this section assume a transmission line loss of 3 db and an antenna performance equivalent to that of a simple quarter wave antenna. In the event that these assumed conditions do not apply, the equipment must be adjusted as necessary to provide a transmitter power output equivalent to that sepcified.

(i) By amending paragraph 2.14 to read as follows:

2.14 *Pressure-altitude transmission.* The equipment must have the capability for automatic pressure-altitude transmission in 100-foot increments on Mode C when operated in conjunction with a pressure-altitude encoder (digitizer). The equipment must be capable of automatic reply to Mode C interrogations with combinations of information pulses coded in binary form in 100-foot increments necessary for the equipment to operate up to design maximum altitude. The transponder must be provided with a means to remove the information pulses from the Mode C reply when requested by Air Traffic Control. The transponder must continue transmitting the framing pulses on Mode C when the information pulses have been removed or are not provided. Automatic pressure altitude transmission codes pulse position assignment are set forth in figure 2.

(j) By amending paragraph 2.15 to read as follows:

2.15 *Self test and monitor.* If a self test feature or monitor is provided, the devices that radiate test interrogation signals, or prevent transponder reply to proper interrogation during the test period, must be limited to intermittent use which is no longer than that required to determine the transponder status. The test interrogation rate must not exceed 450 per second and the interrogation signal level at the antenna end of the transmission line must not exceed a level of −70 dbm.

(k) By striking out paragraph 2.16, by redesignating present paragraphs 2.17 and 2.18 as paragraphs 2.16 and 2.17, and by adding a new paragraph 2.18 to read as follows:

2.18 *Emission of spurious radiofrequency energy.* The levels of conducted and radiated spurious radiofrequency energy emitted by the equipment must not exceed those levels specified in Appendix A of RTCA Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated June 27, 1968.

(l) By amending section 3 to read as follows:

3.0 *Minimum performance standards under environmental conditions.* Unless otherwise specified, the test procedures applicable to a determination of the performance of airborne ATC transponder equipment under environmental conditions are set forth in RTCA Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated June 27, 1968.

3.1 *Temperature-Altitude*—a. *Low temperature.* (1) When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2, except that at temperatures below −15° C., the sensitivity must not be less than −69 dbm and the variation of sensitivity of the receiver between any mode on which it is

capable of operating must be less than 2 db; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12, except that at temperatures below −15° C. the delay variation between modes on which the transponder is capable of replying must be less than 0.4 microsecond; 2.13c; 2.13d; and 2.13e.

(2) Following the low temperature test, the requirements of paragraph 2.16 must be met.

b. *High temperature.* (1) When the equipment is subjected to the high short-time operating temperature test, the equipment must operate electrically and mechanically.

(2) When the equipment is subjected to the high operating temperature test, the standards of the following paragraphs must be met: 2.1a; 2.2, except that at temperatures above +40° C., the sensitivity must not be less than −69 dbm and the variation of sensitivity of the receiver between any mode on which it is capable of operating must be less than 2 db; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12, except that at temperatures above +40° C. the delay variation between modes on which the transponder is capable of replying must be less than 0.4 microsecond; 2.13c; 2.13d; and 2.13e.

(3) Following the high temperature test, the requirements of paragraph 2.16 must be met.

c. *Altitude.* (1) When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1 a and b; 2.10; 2.11; and 2.13d.

(2) Following the altitude test, the requirements of paragraph 2.16 must be met.

d. *Decompression (when required).* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.10; 2.11; and 2.13a must be met.

e. *Overpressure (when required).* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.10; 2.11; and 2.13a must be met.

3.2 *Humidity.* After being subjected to this test, the equipment must meet the following:

a. Within 15 minutes from the time primary power is applied, the receiver sensitivity must be within 3 db of that specified in paragraph 2.2, the transmitter power output must be within 3 db of that specified in paragraph 2.11, and the requirements of 2.1a; 2.1b; and 2.10 must be met.

b. Within 4 hours from the time primary power is applied the standards of paragraphs 2.1 a and b; 2.2; 2.10; 2.11; and 2.16 must be met.

3.3 *Shock.* a. Following the application of the 6G shocks, the standards of the following paragraphs must be met: 2.1a; 2.2; 2.6a (1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12; 2.13c; 2.13d; 2.13e; and 2.16.

b. Following the application of the 15G shocks, the equipment must have remained in its mounting and no parts of the equipment or its mounting become detached and free of the shock test equipment. The application of the 15G shock test may result in damage to the equipment. Therefore, this test may be conducted after the other tests are completed.

3.4 *Vibration.* a. When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.13c; 2.13d; and 2.13e.

b. Following the vibration test, the requirements of paragraph 2.16 must be met.

3.5 *Temperature variation.* a. When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2, except that at temperatures below −15° C. and above +40° C., the sensitivity must be not less than −69 dbm and the variation of sensitivity of the receiver between any mode on which it is capable of operating must be less than 2 db; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12, except that at temperatures below −15° C. and above +40° C., the delay variation between modes on which the transponder is capable of replying must be less than 0.4 microsecond; 2.13c; 2.13d; and 2.13e.

b. Following the temperature variation test, the requirement of paragraph 2.16 must be met.

3.6 *Power input variation.* When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12; 2.13c; 2.13d; and 2.13e.

3.7 *Low voltage.* a. When the primary power voltage(s) of DC operated equipment is 80 percent and when that of AC operated equipment is 87½ percent of design voltage(s), the equipment must operate electrically and mechanically.

b. DC operated equipment must meet the standards of paragraphs 2.1 a and b; 2.2; 2.10; and 2.11 within two (2) minutes upon returning the primary power voltage(s) to design voltage, after the gradual reduction of the primary voltage(s) from 80 percent to 50 percent of design voltage(s).

c. The gradual reduction of the primary power voltage(s) of DC operated equipment from 50 percent to 0 percent of design voltage(s) must produce no evidence of the presence of fire or smoke. Paragraph 1.2 does not apply.

3.8 *Conducted voltage transient.* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.2; 2.10; and 2.11 must be met.

3.9 *Conducted audiofrequency susceptibility.* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.2; 2.10; and 2.11 must be met.

3.10 *Audiofrequency magnetic field susceptibility.* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.2; 2.10; and 2.11 must be met.

3.11 *Radiofrequency susceptibility (radiated and conducted).* When the equipment is subjected to this test, the standards of paragraphs 2.1 a and b; 2.2b; 2.10; and 2.11 must be met.

3.12 *Explosion (when required).* When the equipment is subjected to this test, the equipment must cause no detonation of the explosive mixture within the test chamber.

3.13 *Waterproofness (drip proof) test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

3.14 *Hydraulic fluid test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

3.15 *Sand and dust test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

3.16 *Fungus resistance test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

3.17 *Salt spray test (when required).* After subjection to this test, the standards of paragraphs 2.1; 2.2; 2.10; 2.11; and 2.13a must be met.

(m) By amending paragraph 1.0b of Appendix A by striking out the letters "Cps" and inserting the word "Hertz" in place thereof.

(n) By amending paragraph 1.0h of Appendix A by striking out the letters "mc" and inserting the letters "MHz" in place thereof.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 18, 1969.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-8741; Filed, July 24, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-79]

CONTROL ZONES 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 Brunswick, Ga. (Malcolm-McKinnon Airport and NAS Glynco), control zones and the Brunswick, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlantic Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, 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, 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 Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Brunswick (Malcolm-McKinnon Airport and NAS Glynco) control zones described in § 71.171 (34 F.R. 4557) and the Brunswick transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

BRUNSWICK, GA. (MALCOLM-MCKINNON AIRPORT)

Within a 5-mile radius of Malcolm-McKinnon Airport (lat. 31°09'05" N., long. 81°-23'20" W.); within 1.5 miles each side of the Brunswick VORTAC 023° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion within a 1.5-mile radius of Brunswick Municipal Airport (lat. 31°11'10" N., long. 81°28'50" W.) and the portion within the Brunswick (NAS Glynco) control zone.

BRUNSWICK, GA. (NAS GLYNCO)

Within a 5-mile radius of NAS Glynco (lat. 31°15'30" N., long. 81°28'00" W.); within 1.5 miles each side of the Glynco TACAN 055° radial, extending from the 5-mile radius zone to 5 miles northeast of the

TACAN; within 2 miles each side of the Glynco TACAN 250° radial, extending from the 5-mile radius zone to 6.5 miles west of the TACAN, excluding the portion that is within a 1.5-mile radius of Brunswick Municipal Airport (lat. 31°11'10" N., long. 81°28'50" W.) south of a line 3.5 miles south of and parallel to NAS Glynco Runway 7 centerline extended.

BRUNSWICK, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of NAS Glynco (lat. 31°15'30" N., long. 81°28'50" W.); within an 8.5-mile radius of Malcolm-McKinnon Airport (lat. 31°09'05" N., long. 81°23'20" W.); within a 5-mile radius of Jekyll Island Airport; within 3 miles each side of Brunswick VORTAC 203° radial, extending from the Malcolm-McKinnon Airport 8.5-mile and Jekyll Island Airport 5-mile radius areas to 8.5 miles south of the VORTAC; within 3 miles each side of the 268° bearing from Glynco RBN, extending from the NAS Glynco 8.5-mile radius area to 8.5 miles west of the RBN; excluding the portion outside of the continental limits of the United States.

Since the last alteration of controlled airspace in the Brunswick terminal area, turbojet aircraft have begun utilizing the Malcolm-McKinnon Airport and NAS Glynco. The criteria for designating controlled airspace for the protection of IFR aircraft has been revised.

The application of Terminal Instrument Procedures (TERPs) and current controlled airspace designation criteria, appropriate to the Brunswick terminal area and associated instrument approach procedures, requires increases and decreases in the width and length of control zone and transition area extensions, an increase in the NAS Glynco transition area basic radius circle, and the designation of an 8.5-mile transition area basic radius circle at Malcolm-McKinnon Airport.

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 July 16, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8742; Filed, July 24, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-49]

TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate, alter, revoke and redescribe controlled airspace in the Houston, 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 expand the 700-foot portion of the Houston, Tex., transition area to encompass five surrounding transition areas which would be revoked. Additional controlled airspace would be designated to provide airspace sufficient to satisfy the needs of users and air traffic control and to conform with recently revised criteria. Included in this additional airspace would be that airspace which is required to provide controlled airspace protection for aircraft executing approach/departure procedures proposed for the Humphrey Airport, Baytown, Tex.

The resultant simplified chart depiction of the proposed 700-foot transition area would be of benefit to the public because it would be more readily discernible due to the deletion of a considerable amount of clutter from the charts. This would provide a clearer display of critical data.

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 § 71.181 (34 F.R. 4702, 6280) the Houston, Tex., transition area 700-foot portion is amended to read:

HOUSTON, TEX.

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at lat. 30°35'00" N., long. 95°28'00" W., thence to lat. 29°45'00" N., long. 94°44'00" W., thence to the intersection of the arc of a 5-mile radius circle centered on Scholes Field, Galveston, Tex. (lat. 29°15'55" N., long. 94°51'35" W.), and lat. 29°16'00" N. at a point east of Scholes Field, thence clockwise along the arc of the 5-mile radius circle to lat. 29°16'00" N. at a point west of Scholes Field, thence to lat. 29°30'00" N., long. 95°54'00" W., to lat. 30°26'00" N., long. 95°42'00" W., to point of beginning.

(2) In § 71.181 (34 F.R. 4640) the Alief, Tex., transition area is revoked.

(3) In § 71.181 (34 F.R. 4668) the Conroe, Tex., transition area is revoked.

(4) In § 71.181 (34 F.R. 4690) the Galveston, Tex., transition area is revoked.

(5) In § 71.181 (34 F.R. 4772) the Sugar Land, Tex., transition area is revoked.

(6) In § 71.181 (34 F.R. 4775) the Tomball, Tex., transition area is revoked.

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 July 15, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8743; Filed, July 24, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-55]

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 Sheldon, Iowa.

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 Sheldon, Iowa, Municipal Airport, utilizing a city-owned radio beacon located 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 Sheldon, Iowa. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis, Minn., Air Route Traffic Control Center will control IFR air

traffic into and out of the Sheldon Municipal Airport.

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

SHELDON, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Sheldon Muncipal Airport (latitude 43°12'30" N., longitude 95°50'00" W.); and within 3 miles each side of the 163° bearing from Sheldon Municipal Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° and 343° bearings from Sheldon Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 343° bearing from Sheldon Municipal Airport, extending from the airport to 12 miles north 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 July 9, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-8744; Filed, July 24, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-74]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Starkville, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, 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 Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Starkville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of George M. Bryan Field; within 9.5 miles north and 4.5 miles south of Columbus, Miss., VORTAC 260° radial, extending from 23 miles to 42 miles west of the VORTAC, excluding the portion within Columbus, Miss., transition area.

The proposed transition area is required for the protection of IFR operations 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 George M. Bryan Field, utilizing the Columbus VORTAC, is proposed in conjunction with the designation of this transition area.

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 July 17, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-8745; Filed, July 24, 1969; 8:49 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173]

[Docket No. HM-29; Notice No. 69-21]

CARBON MONOXIDE IN MANIFOLDED CYLINDERS

Authorization of Shipments and Increased Filling Limitation

The Hazardous Materials Regulations Board is considering amending §§ 172.5, 173.301, 173.302, and 173.304 of the Department's Hazardous Materials Regulations to authorize shipments of carbon monoxide in manifolded cylinders, and to extend the filling limitation for carbon monoxide cylinders under specified conditions.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before September 30, 1969 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Shipments of carbon monoxide in manifolded clyinders complying with specifications 3A, and 3AA, and having minimum service pressure of 2,400 p.s.i.g. have been made under the provisions of special permits for several years. Under these permits the pressure in the cylinder is limited to not over 1,000 pounds per square inch gauge at 70° F. except that cylinders are permitted to be charged up to 1,500 p.s.i.g. with dry and sulfur free gas. The regulations currently authorize shipments of carbon monoxide in these specification cylinders but do not permit charging of cylinders over 1,000 p.s.i.g. at 70° F., nor do they permit such cylinders to be manifolded. Increased pressure has been permitted on the basis that the corroding characteristics of the gas are mitigated when the gas is dry and sulfur free. There have been no reports of adverse experience registered with the Department in connection with shipments made under the terms of the permits.

This proposal would relocate the packing requirements for carbon monoxide from § 173.304 to § 173.302(f) because this gas is not transported as a liquefied compressed gas as defined in § 173.301 (d). The manifolding provisions are set forth in § 173.301(d)(2). Changes to §§ 172.5 and 173.304 are made to coincide therewith.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172 and 173 as follows:

I. Part 172 would be amended as follows:

(A) In § 172.5 paragraph (a), Commodity List, would be amended to read as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Carbon monoxide.	F.G.....	173.306, 173.302	Red gas.	150 pounds.

II. Part 173 would be amended as follows:

(A) In § 173.301 paragraph (d)(2) would be amended to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.[1]

* * * * *

(d) * * *

(2) Manifolding is authorized for cylinders of the following nonliquefied gases: Boron trifluoride, carbon monoxide, ethylene, hydrogen, hydrocarbon gases, and methane, provided individual cylinders are equipped with approved safety relief devices as required by § 173.34(d) or § 173.315(i), and further provided that each cylinder is equipped with individual shutoff valve, or valves, which must be tightly closed while in transit. Manifold branch lines to these individual shutoff valves must be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted

in one cylinder of a manifolded installation in place of the shutoff valve. Manifolded cylinders for carbon monoxide must have a minimum service pressure of 2,400 p.s.i.g., and the pressure of this gas in the cylinder must not exceed 1,500 p.s.i.g. at 70° F.

* * * * *

(B) In § 173.302 paragraph (f) would be added to read as follows:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

* * * * *

(f) *Carbon monoxide.* Carbon monoxide must be shipped in spec. 3A, 3AA, 3, or 3E (§§ 178.36, 178.37, 178.42 of this chapter) cylinders having minimum service pressure of 1,800 p.s.i.g. The pressure in the cylinder must not exceed 1,000 pounds per square inch gauge at 70° F. except that if the gas is dry and sulfur free then cylinders may be charged up to 1,500 p.s.i.g.

(C) In § 173.304 paragraph (a)(2) the table would be amended as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Kind of gas	Maximum permitted filling density (see note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(j) (see notes following table)
Cancel		
Carbon monoxide.	.....	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; The pressure in the cylinder must not exceed 1,000 pounds per square inch at 70° F.

* * * * *

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on July 22, 1969.

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

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

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

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 69-8762; Filed, July 24, 1969; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of the Comptroller of the Currency

[Delegation Order 12]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.
(2) Thomas G. DeShazo, Deputy Comptroller of the Curency.
(3) David C. Motter, Deputy Comptroller of the Currency.
(4) John D. Gwin, Deputy Comptroller of the Currency.
(5) John Nicoll, Administrative Assistant to the Comptroller of the Currency.
(6) Frank H. Ellis, Chief National Bank Examiner.
(7) Dean E. Miller, Deputy Comptroller of the Currency.
(8) Richard J. Blanchard, Deputy Comptroller of the Currency.
(9) Albert J. Faulstich, Deputy Comptroller of the Currency.
(10) Regional Administrator of National Banks at Richmond, Va.
(11) Regional Administrator of National Banks at Philadelphia, Pa.
(12) Regional Administrator of National Banks at New York City, N.Y.
(13) Regional Administrator of National Banks at Cleveland, Ohio.
(14) Regional Administrator of National Banks at Atlanta, Ga.
(15) Regional Administrator of National Banks at Boston, Mass.
(16) Regional Administrator of National Banks at Chicago, Ill.
(17) Regional Administrator of National Banks at Memphis, Tenn.
(18) Regional Administrator of National Banks at Kansas City, Mo.
(19) Regional Administrator of National Banks at Minneapolis, Minn.
(20) Regional Administrator of National Banks at Dallas, Tex.
(21) Regional Administrator of National Banks at Denver, Colo.
(22) Regional Administrator of National Banks at San Francisco, Calif.
(23) Regional Administrator of National Banks at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respecitve officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 11 is hereby repealed.

Dated: July 18, 1969.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 69-8763; Filed, July 24, 1969; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 8880]

COLORADO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 17, 1969.

Notice of a Forest Service, U.S. Department of Agriculture application, Colorado 8880, for withdrawal and reservation of lands for the Chimney Rock Archeological Area, was published as F.R. Doc. 68-6847, on pages 9221 and 9222 of the issue for Wednesday, June 11, 1969. The applicant agency has cancelled its application insofar as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN
SAN JUAN NATIONAL FOREST

T. 34 N., R. 4 W., South of Ute Line,
Sec. 20, W½NE¼, NW¼SE¼, containing 120 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m., on August 22, 1969, will be relieved of the segregative effect of the above-mentioned application.

J. ELLIOTT HALL,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-8757; Filed, July 24, 1969; 8:50 a.m.]

[Serial No. N-2710]

NEVADA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

JULY 3, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for transfer out of Federal ownership under one of the following statutes: Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); section 8 of the Taylor Grazing Act (43 U.S.C. 315g); Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869–1, to 869–4). Publication of this notice has the effect of segregating the described lands from all forms of disposal under the public land laws, including the mining laws, except as to the forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than the mining laws. Those lands described in paragraph 3a are further segregated from the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Following publication of a notice of proposed classification (33 F.R. 207), and the public hearing at Winnemucca, Nev., which was held November 12, 1968, objection was raised to the withdrawal of land in sec. 26, T. 36 N., R. 37 E., from mineral entry due to its mineral potential. Further investigation of the land in sec. 26 revealed the objection to segregation from mineral entry was based on sound geologic information. Therefore, the lands in question, the N½NE¼ and the NW¼ sec. 26, T. 36 N., R. 37 E., are hereby deleted from the classification, and the segregation effected by the notice of proposed classification is hereby terminated. Further objection was raised to the proposed classification as it concerned disposal of lands containing sand dunes. However, in further discussion with the objecting parties, it was shown that areas containing sand dunes of higher recreation value and covering considerably larger areas are being retained in Federal ownership. Two of the three conservation groups who objected to the proposed classification withdrew their opposition. The third made no further comment after the proposal was more fully explained. The record showing the comments received and other information is on file and can be examined in the Winnemucca District Office, Winnemucca, Nev. The public lands affected by this classification are shown on maps on file and available for inspection in the Winnemucca District Office and the Nevada Land Office, Bureau of Land Management, 300 Booth

Street, Room 3104 Federal Building, Reno, Nev.

3. The lands are located in Humboldt County, Nev., and are described as follows:

a. The following lands are classified for disposal under the Public Land Sale Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1421–1427):

MOUNT DIABLO MERIDIAN

HUMBOLDT COUNTY

T. 35 N., R. 37 E.,
Sec. 4, lots 1, 2, 3, 4, SW¼NW¼;
Sec. 6, all;
Sec. 10, S½S½;
Sec. 12, all;
Sec. 30, lots 3, 4, E½SW¼, N½SE¼, SW¼SE¼.
T. 36 N., R. 37 E.,
Sec. 34, NE¼, NW¼, NW¼SE¼.
T. 35 N., R. 38 E.,
Sec. 18, all;
Sec 30, E½.
T 36 N., R. 38 E.,
Sec. 1, lots 5–14 inclusive, S½SW¼.
(The notice of proposed classification contained an error in the description of public lands in sec. 1, T. 36 N., R. 38 E. The notice of proposed classification described the land in question as the S½, whereas the correct description is lots 5–14 inclusive, and the S½SW¼.)

The public land described above aggregate approximately 3,466.26 acres.

b. The following described lands are classified for exchange under section 8(b) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272, 49 Stat. 1976; 43 U.S.C. 315g; 43 CFR Subpart 2244):

MOUNT DIABLO MERIDIAN

HUMBOLDT COUNTY

T. 37 N., R. 38 E.,
Sec. 2, all except S½NE¼;
Sec. 3, all;
Sec. 10, all;
Sec. 11, SW¼;
Sec. 12, all;
Sec. 14, all;
Sec. 15, NE¼;
Sec. 16, E½NE¼, SE¼;
Sec. 22, E½NE¼, NW¼NE¼, NE¼NW¼, SW¼NW¼, SW¼, NE¼SE¼, SW¼SE¼, SE¼SE¼;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all except W½SE¼;
Sec. 28, NE¼, E½SE¼NW¼, SW¼;
Sec. 33, all except S½SE¼;
Sec. 34, W½NW¼;
Sec. 36, N½NW¼, SW¼NW¼.
T. 38 N., R. 38 E.,
Sec. 15, E½NE¼, E½SE¼;
Sec. 22, E½;
Sec. 27, E½;
Sec. 34, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 36, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, SE¼SE¼.
T. 37 N., R. 39 E.,
Sec. 4, all;
Sec. 6, all;
Sec. 8, all;
Sec. 16, all;
Sec. 17, SE¼;
Sec. 18, all;
Sec. 19, SE¼;
Sec. 20, all;
Sec. 21, NW¼;
Sec. 24, all except SW¼SW¼;
Sec. 26, all except NE¼NE¼;
Sec. 28, all except NW¼NW¼;
Sec. 29, NW¼;
Sec. 30, all;
Sec. 36, all.
T. 38 N., R. 39 E,
Sec 36, all.
T 36 N., R. 40 E,
Sec. 6, all except NE¼NE¼.

The public lands described above aggregate approximately 19,945.71 acres.

c. The following described lands are classified for disposal under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869–1 to 869–4):

MOUNT DIABLO MERIDIAN

HUMBOLDT COUNTY

T. 36 N., R. 38 E.,
Sec. 28, SE¼SE¼.

The public lands described above aggregate approximately 40 acres.

4. Applications for exchange will not be accepted until such time as prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR 2244.1–2(b)(1).

5. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

ROLLA E. CHANDLER,
Acting State Director, Nevada.

[FR. Doc. 69–8714; Filed, July 24, 1969; 8:47 a.m.]

[OR 4189]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

APRIL 10, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–1418) and to the regulations in 43 CFR Parts 2410 and 2411, all of the public lands within the areas described in paragraph 3 are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of the notice of proposed classification (33 F.R. 20057) or at the public hearing held at Vale, Oreg., on January 30, 1969. The record showing the comments received and other information is on file and can be examined in the Vale District Office, Vale, Oreg. The December 31, 1968, notice of proposed classification (33 F.R. 20057) contained in error certain lands which are within the Malheur National Forest. These lands are not included in this notice, but are listed in a separate notice of termination. No other changes have been made in the list of lands in this classification.

3. The public lands affected by this classification are located within the following described areas and are shown on maps designated OR 4189, 2411.2: 36–030, December 1968, on file in the Vale District Office, Bureau of Land Management, Vale, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg.

WILLAMETTE MERIDIAN

MALHEUR COUNTY

T. 14 S., R. 41 E.,
Sec. 24.
T. 14 S., R. 42 E.,
Secs. 19 to 26, inclusive, secs. 28 and 34.
T. 14 S., R. 43 E.,
Sec. 30.
T. 15 S., R. 37 E.,
Sec. 14, S½;
Secs. 24 and 26.
T. 15 S., R. 38 E.,
Secs. 6 to 8, inclusive, and secs. 17 to 20, inclusive.
T. 15 S., R. 42 E.,
Secs. 2, 10, 12, 14, 22, 23, 26, 27, and 35.
T. 15 S., R. 43 E.,
Secs. 2 to 4, inclusive, secs. 8, 10, 11, 13, 14, secs. 16 to 18, inclusive, secs. 20, 22, 28, and 32.
T. 15 S., R. 44 E.,
Sec. 30.
T. 16 S., R. 42 E.,
Secs. 1 to 3, inclusive, and secs. 11 to 15, inclusive.
T. 16 S., R. 43 E.,
Sec. 28.
T. 16 S., R. 46 E.,
Sec. 19.
T. 18 S., R. 37 E.,
Sec. 29.
T. 18 S., R. 43 E.,
Secs. 2, 26, and 34.
T. 19 S., R. 42 E.,
Secs. 24, 26, and 28.
T. 20 S., R. 41 E.,
Sec. 12.
T. 20 S., R. 45 E.,
Secs. 14 and 15, and secs. 17 to 22, inclusive.
T. 21 S., R. 37 E.,
Secs. 13 to 15, inclusive, secs. 18, 21, and 24
T. 21 S., R. 38 E.,
Secs. 18, 19, and 29.
T. 24 S., R. 37 E.,
Sec. 31.
T. 24 S., R. 41 E.,
Secs. 5, 8, and 17.
T. 25 S., R. 37 E.,
Secs. 18, 20, 28, 30, 32, and 34.
T. 26 S., R. 38 E.,
Secs. 26 and 35.
T. 26 S., R. 39 E.,
Secs. 14, 22, and 34.
T. 26 S., R. 40 E.,
Secs. 18 to 20, inclusive, and secs. 28 to 31, inclusive.
T. 26 S., R. 42 E.,
Secs. 13, 21, 24, 31, and 32.
T. 26 S., R. 45 E.,
Secs. 28 to 33, inclusive.
T. 27 S., R. 38 E.,
Secs. 23, 33, and 35.
T. 27 S., R. 39 E.,
Secs. 3, 17, 18, 21, and 22.
T. 27 S., R. 40 E.,
Secs. 6 and 7.
T. 28 S., R. 44 E.,
Secs. 10 and 15.
T. 28 S., R. 46 E.,
Secs. 13 to 15, inclusive, secs. 18, 27, 29, and 30.

T. 29 S., R. 46 E.,
Sec. 35.
T. 30 S., R. 40½ E.,
Sec. 1.
T. 30 S., R. 42 E.,
Secs. 28 and 33.
T. 30 S., R. 44 E.,
Sec. 5.
T. 30 S., R. 45 E.,
Secs. 16, 20, and 30.
T. 30 S., R. 46 E.,
Sec. 2.
T. 31 S., R. 40 E.,
Sec. 35.
T. 31 S., R. 41 E.,
Sec. 30.
T. 31 S., R. 42 E.,
Sec. 4.
T. 32 S., R. 40 E.,
Secs. 2, 14, and 24.
T. 32 S., R. 41 E.,
Secs. 1, 6, and 11.
T. 32 S., R. 46 E.,
Sec. 33.
T. 33 S., R. 40 E.,
Sec. 2.
T. 33 S., R. 46 E.,
Secs. 7 to 9, inclusive.
T. 34 S., R. 46 E.,
Sec. 36.
T. 35 S., R. 37 E.,
Secs. 4, 11, 13, 30, and 31.
T. 35 S., R. 45 E.,
Secs. 14 and 33.
T. 35 S., R. 46 E.,
Sec. 2.
T. 40 S., R. 44 E.,
Secs. 26 and 29.
T. 41 S., R. 42 E.,
Secs. 2, 4, 9, 11, 13, and 14.
T. 41 S., R. 44 E.,
Secs. 12, 13, and 24.

GRANT COUNTY

T. 16 S., R. 36 E.,
Sec. 25, E½ sec. 26, and sec. 35.
T. 17 S., R. 36 E.,
Secs. 10, 15, SE¼ sec. 21, and sec. 22.

The public lands in the areas described aggregate approximately 56,770 acres.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2 (c). Interested parties may submit comments to the Secretary of the Interior, LLM 721, Washington, D.C. 20240, for a period of 30 days following publication of this notice.

DANIEL P. BAKER,
Acting State Director.

[F.R. Doc. 69-8715; Filed, July 24, 1969; 8:47 a.m.]

[OR 4189]

OREGON

Notice of Termination of Proposed Classification of Public Lands

APRIL 10, 1969.

Notice of a proposed classification of public lands for multiple-use management was published as F.R. Doc. 68-15513 on pages 20057 and 20058 of the issue for December 31, 1968. The proposed classification has been canceled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2411.2(e)(2)(ii), such lands will be at 10 a.m. August 15, 1969, relieved of any segregative effect the above mentioned proposed classification may have had.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

MALHEUR COUNTY

T. 15 S., R. 37 E.,
Sec. 14, N½.

GRANT COUNTY

T. 16 S., R. 36 E.,
Sec. 26, W½.
T. 17 S., R. 36 E.,
Sec. 21, N½, SW¼.

DANIEL P. BAKER,
Acting State Director.

[F.R. Doc. 69-8716; Filed, July 24, 1969; 8:47 a.m.]

[OR 5051]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 16, 1969.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 5051, for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires the lands for the Yellowjacket Campground and Administrative Site and the Joaquin Miller Administrative Site in connection with the administration of the Malheur National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the areas to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

MALHEUR NATIONAL FOREST

Yellowjacket Campground and Administrative Site

T. 19 S., R. 29 E.,
Sec. 32, W½SW¼NE¼, W½SW¼NW¼ NW¼, SW¼NW¼, W½SW¼SE¼NW¼, E½E½SE¼NW¼, W½W½NE¼SW¼, W½SW¼, S½NE¼SE¼SW¼, W½SE¼ SW¼, SE¼SE¼SW¼, and W½W½SE¼.

Joaquin Miller Administrative Site

T. 20 S., R. 31 E.,
Sec. 23, E½NE¼NW¼.

The areas described aggerate 265 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-8758; Filed, July 24, 1969; 8:50 a.m.]

[Wyoming 16495]

WYOMING

Notice of Classification of Public Lands for Multiple-Use Management

JULY 18, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for multiple-use management. Publication of this notice segregates the land from all forms of appropriation under the public land laws, including the mining laws. The lands will remain open to mineral leasing. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended.

2. Notice of proposed classification was issued to interested parties December 16, 1968. Newspaper and radio coverage was run concurrently. No adverse response has been received. Written endorsement of the proposal is contained in the case file at the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo.

3. Public lands affected by this publication are:

SIXTH PRINCIPAL MERIDIAN

CARBON COUNTY, WYO.

T. 15 N., R 82 W.,
Sec. 14, SW¼NW¼, S½SE¼NW¼, SW¼, SW¼NW¼SE¼, and S½SE¼;
Sec. 15, N½NE¼, NE¼SW¼NE¼, SE¼NE¼, N½NW¼, N½SW¼NW¼, SW¼SW¼NW¼, and E½E½SE¼;
Sec. 23, N½NE¼, N½S½NE¼, N½NW¼, and N½SE¼NW¼.

The land described aggregates 810 acres and is referred to as the Bennett Peak Recreation Area.

The lands are shown on maps and status plats on file in the Rawlins District, Bureau of Land Management, Rawlins, Wyo., and the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo.

4. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

ED PIERSON,
State Director.

[F.R. Doc. 69-8717; Filed, July 24, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. S-471]

B & H FISHERIES, INC.

Notice of Loan Application

JULY 17, 1969.

B & H Fisheries, Inc., Route 2, Box 74-24, Ruddell Road, Olympia, Wash. 98500, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 72-foot length overall steel vessel to engage in the fishery for Dungeness crab, king crab, Tanner crab, salmon, shrimp, and albacore tuna.

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

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-8719; Filed, July 24, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(67)-34]

STEINEMANN BEADON, LTD., AND D. V. BEADON

Order Denying Export Privileges for Indefinite Period

In the matter of Steinemann Beadon, Ltd., and D. V. Beadon, Hodford House, 17/27 High Street, Hounslow, Middlesex, England, respondents; File No. 23(67)-34. The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows the following: The respondent firm Steinemann Beadon Ltd., is a private limited liability company with a place of business in Hounslow, Middlesex, England; the company carries on business as coating engineers and consultants; the respondent D. V. Beadon is a director of said firm and participated in the transactions hereinafter mentioned; the respondents ordered strategic U.S.-origin electronic equipment from a United Kingdom subsidiary of a U.S. firm and certain said equipment was delivered to respondents.

The said Investigations Division is conducting an investigation into the facts and circumstances regarding the ordering of said equipment, the intended disposition thereof, and the disposition of the equipment that respondents received.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 388.15 of the Export Control Regulations. The respondents have failed to furnish answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export priviliges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly; (a) apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of

International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on July 21, 1969.

Dated: July 11, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 69-8746; Filed, July 24, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0851) has been filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of tolerances (21 CFR 120.207) for negligible residues of the herbicide trifluralin in or on the raw agricultural commodities wheat grain and wheat straw at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure.

Dated: July 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8709; Filed, July 24, 1969; 8:47 a.m.]

HERCULES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2432) has been filed by Hercules, Inc., Wilmington, Del. 19899, proposing that § 121.1160 *Hydroxypropyl cellulose* (21 CFR 121.1160) be amended to change the minimum viscosity specification for hydroxypropyl cellulose from 75 centipoises for 5 percent by weight aqueous solution at 25° C. to 145 centipoises for 10 percent by weight aqueous solution at 25° C.

Dated: July 14, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8710; Filed, July 24, 1969; 8:47 a.m.]

MOBAY CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2430) has been filed by Mobay Chemical Co., Penn Lincoln Parkway West, Pittsburgh, Pa. 15205, on behalf of Farbenfabriken Bayer A.G., Leverkusen, Federal Republic of Germany, proposing that § 121.2574 *Polycarbonate resins* (21 CFR 121.2574) be amended to provide for the safe use of 2,6-bis(2'-hydroxy-5'-methylbenzyl)-4-methylphenol in the production of polycarbonate resins intended for food-contact use.

Dated: July 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8711; Filed, July 24, 1969; 8:47 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0852) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances (21 CFR 120.241) for negligible residues of the herbicide *S*-(*O,O*-diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide including its oxygen analog *S*-(*O,O*-diisopropyl phosphorothioate) of *N*-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodity groups fruiting vegetables and leafy vegetables at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its oxygen analog is a gas chromatographic procedure using a phosphorus-sensitive thermionic detector. Liquid chromatography on a silica gel column separates the herbicide from its oxygen analog, and the two are then determined separately by the gas chromatographic procedure.

Dated: July 16, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8712; Filed, July 24, 1969; 8:47 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2431) has been filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611, proposing that § 121.2511 *Plasticizers in polymeric substances* (21 CFR 121.2511) be amended to provide for the safe use of triethylene glycol dibenzoate as a plasticizer in polymeric substances intended for use in contact with food.

Dated: July 14, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8713; Filed, July 24, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69-7-76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

JULY 16, 1969.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to cargo rates.

An agreement has 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 the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted at meetings held in Athens in April and May of 1969 and is intended to be effective for a 2-year period from October 1, 1969.

The subject agreement, which encompasses a portion of the cargo resolutions adopted at Athens, relates solely to resolutions establishing or amending charges for nontransportation services and to resolutions involving administrative, procedural, or technical provisions which do not affect rate levels.

In general, the agreement revalidates, in some instances with amendments, a number of resolutions previously approved by the Board. The more substantive amendments are made in resolutions governing charges for ancillary services.

With respect to charges for the collection of disbursements made by carriers and to charges for C.O.D. services, the basic charge of one percent of the amount collectable would be retained, but the minimum charge for these services would be increased from $2 to $3.60. The resolution which governs terminal charges at airports (Resolution 512b) is amended so as to eliminate, in the United States and in certain other geographical areas, a provision which permits carriers, by local agreement, to extend or reduce the free storage of inbound shipments beyond 48 hours after 8 a.m. of the day following arrival at the airport of destination prior to Customs clearance. The elimination of local carrier flexibility has the effect of reducing the allowance for shipments arriving at U.S. airports from an existing three to two free storage days.

A new resolution provides that a charge of $3 be assessed by carriers for the amendment of an air waybill at the request of a shipper or his agent after the dispatch of a consignment from the airport of departure, if the amendment is at variance with or in addition to original instructions.

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 No.	Title	Application
21046:			
R-1	001e	Cargo Tie-In Resolution (New)	1/2; 2/3; 3/1; 1/2/3.
R-2	001l	Mid and South Atlantic Container Escape (New)	1/2.
R-3	001j	2 Year Effectiveness Escape—Cargo Revalidating and Amending.	Worldwide.
R-4	002	Standard Revalidation Resolution insofar as it relates to the following resolutions:	
		014b—Construction Rule for Cargo Rates (as amended)	1.
		018—Proration of Involuntary Rerouted Consignments (as amended).	1.
		021a—Conversion of Cargo Rates and Charges (as amended)	1.
		045a—Cargo Charters	1.
		045c—Involuntary Change of Routing of Cargo from Chartered Aircraft to Scheduled Service.	1.
		115—Meeting Rates and Practices—Cargo (as amended)	1.
		503a—Proration of Valuation Charges (as amended)	1.
		590a—Application/Substantiation Form for Specific Commodity Rates.	1.
		600f—Use of Experimental Air Waybills	1.
R-7	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		014b—Construction Rule for Cargo Rates (as amended)	1/2.
		018—Proration of Involuntary Rerouted Consignments (as amended).	1/2.
		045a—Cargo Charters	1/2.
		045c—Involuntary Change of Routing of Cargo from Chartered Aircraft to Scheduled Service.	1/2.
		503a—Proration of Valuation Charges (as amended)	1/2.
		521b—Packaging Service	1/2.
		590a—Application/Substantiation Form for Specific Commodity Rates.	1/2.
		594—Assembly or Disassembly of Aircraft	1/2.
R-9	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		014b—Construction Rule for Cargo Agents	3/1.
		014x—Special Joint 3/1 and Joint 1/2/3 Cargo Construction Rule.	3/1.
		018—Proration of Involuntary Rerouted Consignments (as amended).	3/1.
		045a—Cargo Charters	3/1.
		045c—Involuntary Change of Routing of Cargo from Chartered Aircraft to Scheduled Service.	3/1.
		503a—Proration of Valuation Charges (as amended)	3/1.
		590a—Application/Substantiation Form for Specific Commodity Rates.	3/1.
R-10	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		014b—Construction Rule for Cargo Rates (as amended)	1/2/3.
		014w—Special Joint 2/3 and Joint 1/2/3 Cargo Construction Rule.	1/2/3.
		014x—Special Joint 3/1 and Joint 1/2/3 Cargo Construction Rule.	1/2/3.
		018—Proration of Involuntary Rerouted Consignments (as amended).	1/2/3.
		014a—Cargo Charters	1/2/3.
		045c—Involuntary Change of Routing of Cargo from Chartered Aircraft to Scheduled Service.	1/2/3.
		503a—Proration of Valuation Charges (as amended)	1/2/3.
		590a—Application/Substantiation Form for Specific Commodity Rates.	1/2/3.
R-11	014z	Computer Constructed Rates—Revalidating and Amending	Worldwide.
R-12	023b	Rounding-Off Cargo Rates—Amending	Worldwide.
R-13	115i (115d)	Meeting Non-IATA Cargo Competition—Revalidating and Amending.	3.
R-25	507b	Use of Surface Transportation—Revalidating and Amending	Worldwide.
R-28	509	Charges for Disbursements—Revalidating and Amending	Worldwide.
R-30	512a	C.O.D. Procedures—Revalidating and Amending	Worldwide.
R-31	512b	Air Cargo Rates—Airport to Airport Revalidating and Amending.	Worldwide.
R-33	512d	Charge for Amendment of Air Waybill (New)	Worldwide.
R-36	517	Telecommunications Charges—Amending	Worldwide.

Accordingly, it is ordered, That:

Action on those portions of Agreement CAB 21046 described above 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 15 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] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8759; Filed, July 24, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18517, 18518; FCC 69R-303]

GREAT SOUTHERN BROADCASTING CO. AND HENDERSONVILLE BROADCASTING CORP., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of William O. Barry, trading as Great Southern Broadcasting Co., Donelson, Tenn., Docket No. 18517, File No. BPH-6010; Hendersonville Broadcasting Corp., Inc., Hendersonville, Tenn., Docket No. 18518, File No. BPH-6296; for construction permits.

1. This proceeding involves the mutually exclusive applications of Great Southern Broadcasting Co. (Great Southern) and Hendersonville Broadcasting Corp., Inc. (Hendersonville), for construction permits to establish new FM broadcast stations at Donelson and Hendersonville, Tenn., respectively. The applications were designated for hearing by order, FCC 69-327 (corrected), released April 11, 1969, on various issues, including a financial issue (availability of funds) as to the Hendersonville application, a section 307(b) issue and a contingent comparative issue. Presently before the Review Board is a petition to enlarge issues, filed April 28, 1969, by Great Southern.[1]

2. In its petition, to enlarge issues Great Southern contends that Hendersonville has failed to make a full disclosure in its application regarding the other business and financial interests of its principals as required by Table II of section II of the application form; that the application form fails to disclose that John M. Steinhauer, Jr., Hendersonville's president, director and 20 percent stockholder, was the president and treasurer and a member of the Board of Directors of Sterling Opticians, Inc., during 1965; and that the files of the U.S. District Court for the Middle District of Tennessee show that Sterling Opticians, Inc., was adjudged a bankrupt corporation during 1965.[2] Petitioner argues that Hendersonville's failure to disclose that its chief executive officer and one of its principal stockholders had a substantial

[1] Also before the Review Board are: (a) Opposition of Hendersonville, filed May 20, 1969; (b) Broadcast Bureau's comments, filed May 22, 1969; and (c) reply of Great Southern, filed June 2, 1969.

[2] In support of its factual allegations, Great Southern attaches a copy of an affidavit of the Secretary of State of Tennessee, attesting to the fact of Steinhauer's participation in Sterling Opticians, Inc., in 1965; also attached is an excerpt from the files of the U.S. District Court, indicating a 1965 bankruptcy proceeding involving Sterling Opticians, Inc.

interest in this bankrupt corporation becomes significant in light of the fact that Hendersonville's financial proposal is a very thin one which prompted the Commission, on its own motion, to add a financial issue against Hendersonville. On this basis, Great Southern urges enlargement of the issues in this proceeding as follows:

To determine whether the failure of Hendersonville Broadcasting Corp., Inc., to disclose in the application that its president, director and 20 percent stockholder, John M. Steinhauer, Jr., was an officer and a director of Sterling Opticians, Inc., a bankrupt corporation, within the 5-year period immediately preceding the filing of the Hendersonville application reflects adversely upon the qualifications of Hendersonville Broadcasting Corp., Inc., and its principals to be a licensee of this Commission.

3. In opposition, Hendersonville concedes that the salient facts alleged by Great Southern are accurate, but disagrees with the conclusions drawn by the petitioner. The applicant contends that Steinhauer had no intention of concealing his connection with Sterling Opticians and that his failure to disclose this fact was the result of oversight and misapprehension of Commission requirements. In an affidavit attached to the opposition pleading, Steinhauer explains his association with Sterling Opticians and his attempt to salvage the company from financial difficulties and underscores his belief that the application form only called for information concerning personal bankruptcies. Hendersonville argues that, in any event, Great Southern has made no showing with respect to the relationship between the corporate bankruptcy and Steinhauer's personal financial situation insofar as it may affect his commitments to Hendersonville.[2] The applicant notes that the very nature of a corporation insulates its individual stockholders from personal liability. It is Hendersonville's ultimate position that the petitioner has failed to allege facts sufficiently specific to meet the requirements of § 1.229 of the Commission's rules. In its comments on petitioner's request, the Broadcast Bureau states that Steinhauer's association with Sterling Opticians should have been reported in Table II of section II of the application form which requires information concerning the occupation, business, and financial interests, at present and during the past 5 years, of the applicant and each party thereto. The Bureau also asserts that the bankruptcy of Sterling Opticians should have been reported by Hendersonville and Steinhauer in response to Question 10(f) of section II, and that the fact of incorporation should not be permitted to shield Steinhauer from the obligation of reporting that fact. It is the Bureau's position, however, that, in light of the applicant's explanation of these omissions, their significance should not be considered as a disqualifying issue, but rather should be considered under the contingent comparative issue.[4]

4. In reply, Great Southern argues that Steinhauer's explanation concerning his failure to understand the application form's instructions is inadequate since Steinhauer apparently disclosed all of his other business interests in Table II. The petitioner notes the fact that Steinhauer was one of the principal stockholders in the bankrupt corporation as well as its principal executive officer and that as official court records indicate (attached to petitioner's reply), he participated in every stage of the bankruptcy proceedings. Great Southern also take issue with Hendersonville's claim that Steinhauer's interest in the bankrupt corporation has no bearing on the applicant's financial qualifications. In support of this point, petitioner notes that the Hendersonville application failed to establish that Steinhauer has sufficient funds to meet his financial commitment to the applicant and that the applicant's proposed bank loan requires the endorsement and guarantee of the individual stockholders. Under these circumstances, therefore, the petitioner argues that the fact that the chief officer and one of the principal stockholders of the applicant was recently involved in a bankrupt corporation becomes important here under the financial qualifications issue; and that Hendersonville should not be heard to argue that Steinhauer's personal financial situation is somehow insulated from and irrelevant to the fact that he was a prime mover in a bankrupt corporation. According to the petitioner, the failure to disclose Steinhauer's association with Sterling Opticians was a serious withholding of essential information in the context of this hearing, and the applicant's response of inadvertent omission is unreasonable in light of the clear instructions of Table II of the application form.

5. Petitioner's request seeks the addition of an issue to determine whether Hendersonville's failure to disclose Steinhauer's association with Sterling Opticians, a bankrupt corporation, reflects adversely upon the applicant's qualifications to be a Commission licensee. Great Southern alleges that such omission assumes significance since it may affect Steinhauer's ability to meet his commitments to the applicant in the form of a capital stock subscription and a loan endorsement and, as a result, the applicant's financial qualifications. While we agree that the disclosure of Steinhauer's association with Sterling Opticians should have been made in section II of the application, we do not agree that the circumstances surrounding the nondisclosure warrant the addition of a disqualifying issue to this proceeding. In spite of the petitioner's contentions, we fail to see how the omission has any bearing on Steinhauer's ability to meet his commitment to Hendersonville or that applicant's financial qualifications; and we, therefore, have no reason to suspect the veracity of Steinhauer's sworn statement concerning the inadvertent nature of the omission. However, despite our rejection of petitioner's approach, we are faced with Hendersonville's conceded failure to submit complete and accurate information to the Commission. Under such circumstances, we agree with the Broadcast Bureau that, while a disqualifying issue would be inappropriate here, an issue inquiring into the nondisclosure and its effect on the applicant's comparative qualifications is appropriate and will be specified. Cf. Kittyhawk Broadcasting Corporation, 17 FCC 2d 602, 16 RR 2d 73 (1969); Minshall Broadcasting Company, Inc., 10 FCC 2d 647, 11 RR 2d 754 (1967); Adirondack Television Corporation, 6 FCC 2d 156, 8 RR 2d 1311 (1966).[5]

6. *Accordingly, it is ordered*, That the petition to enlarge issues, filed April 28, 1969, by William O. Barry, trading as Great Southern Broadcasting Co., is granted to the extent that the issues in this proceeding are enlarged by the addition of the following issue and is denied in all other respects: To determine whether Hendersonville Broadcasting Corp., Inc. (or its principals), failed to submit accurate and complete information in its pending application, as required by section II, FCC Form 301; and, if so, whether such failure reflects adversely on the comparative qualifications of the applicant under the contingent comparative issue specified in the Commission's designation order.

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added herein will be on William O. Barry, trading as Great Southern Broadcasting Co., and the burden of proof will be on Hendersonville Broadcasting Corp., Inc.

Adopted: July 14, 1969.

Released: July 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8765; Filed, July 24, 1969; 8:51 a.m.]

[2] Steinhauer has subscribed for 612½ shares of the capital stock of Hendersonville Broadcasting Corp., Inc., at $20 per share. He has also agreed to act as a guarantor of a proposed $40,000 bank loan to the applicant.

[4] The Bureau states that the attachments to Great Southern's petition, noted above, are sufficient to comply with the requirements of § 1.229(c) of the Commission's rules. The Bureau also notes that the affidavit of the Secretary of State of Tennessee refers to one "John N. Steinhauer, Jr." rather than to John M. Steinhauer, Jr., the applicant's president. The Board, as the Bureau does in its comments, assumes that the difference in the middle initial is the result of a typographical error.

[5] Hendersonville's admission of petitioner's factual allegations in its responsive pleading does not relieve the applicant of its duty to maintain an accurate and complete application under the provisions of § 1.65 of the rules. Even though there may have been some confusion about the requirements of the application form at the time of the preparation of the Hendersonville application, our discussion here should be sufficient indication that an amendment to the application is appropriate.

[6] Review Board Member Pincock absent and Board Member Berkemeyer dissenting and voting to add a disqualifying issue.

FEDERAL POWER COMMISSION

[Docket No. RI70-16]

ATLANTIC RICHFIELD CO.

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

JULY 17, 1969.

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

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

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

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 11, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Atlantic has previously filed a general undertaking, as provided in Order No. 377, which has been accepted. Consequently, it will not be necessary for Atlantic to file an agreement and undertaking herein. In these circumstances Atlantic's proposed rate will become effective, subject to refund, as of the expiration of the suspension period without any further action by Atlantic.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-16	Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	433	9	H. L. Hunt et al [1] (North Lansing Field, Harrison County, Tex.) (RR. District No. 6).	$1,212	6-17-69	[2] 7-18-69	[4] 7-19-69	[7] 15.5	[5 7] 16.1	RI66-77.

[1] H. L. Hunt et al. resells the gas under its FPC Gas Rate Schedule No. 4 to Texas Eastern Transmission Corp., at an effective rate of 16.6 cents subject to refund in Docket No. RI69-160.
[2] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] Three-step periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a 0.75 cent per Mcf deduction by buyer for compression.

Atlantic Richfield Co. (Atlantic) requests waiver of the statutory notice to permit an effective date of June 17, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Atlantic's rate filing and such request is denied.

Atlantic proposes a three-step periodic rate increase, from 15.5 cents to 16.1 cents per Mcf, for a sale of gas to H. L. Hunt et al. (Hunt), from the North Lansing Field, Harrison County, Tex. (Railroad District No. 6). The area increased rate ceiling is 14 cents per Mcf. Hunt processes the gas and resells the residue gas to Texas Eastern Transmission Corp. at a rate of 16.6 cents which is effective subject to refund in Docket No. RI69-160. Atlantic's proposed rate is directly related to Hunt's presently effective rate. The proposed rate exceeds the area increased rate ceiling for Texas Railroad District No. 6 as announced in the Commission's Statement of General Policy No. 61-1, as amended. Since Hunt's rate is in effect subject to refund, we conclude that Atlantic's rate increase should be suspended for 1 day from July 18, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-8682; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. RP69-39]

CITIES SERVICE GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JULY 18, 1969.

Cities Service Gas Co. (Cities) on June 20, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1.[1] The proposed changes would increase jurisdictional revenues by an estimated $16,090,776 annually, based on sales for the year ending February 28, 1969, as adjusted. The changes are proposed to become effective July 23, 1969.

Cities states that the proposed change is required by an increased jurisdictional cost of service reflecting the general inflationary conditions in the country and in the natural gas transmission industry in particular. The proposed rates include a claimed rate of return of 8⅝ percent. Cities also states that the increased rates reflect an amount for amortizing (1) a judgment entered against Cities in a suit by Western Natural Gas Co. and, (2) a contested claim by Mobil Oil Corp. under a contract provision relating to payment for volumes not taken in the Kansas-Hugoton Field.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. Those issues include, but are not limited to: Rate of return; rate base and the reserve for depreciation; purchased gas costs including the Mobil claim; Federal income tax including the surcharge; classification and allocation of costs between jurisdictional and nonjurisdictional customers; and amortization of the judgment resulting from the suit by Western Natural Gas Co.

The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Proposed revised Tariff Sheets: First Revised Sheet Nos. 17A and 17B; Third Revised Sheet No. 24E; 12th Revised Sheet Nos. 4, 5, 7, 8, 10, and 19; 13th Revised Sheet No. 12; 14th Revised Sheet No. 14; and 15th Revised Sheet No. 16.

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

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Cities' FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

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

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing July 31, 1969, at 10 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classications and services contained in Cities' FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, Cities' proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until December 23, 1969, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on July 31, 1969, Cities' prepared testimony (Statement P) filed and served on July 3, 1969 together with its entire rate filing as submitted and served on June 20, 1969, shall be admitted to the record as Cities' complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike this or other evidence.

(D) Following admission of Cities' complete case-in-chief the parties shall present their views and the Presiding Examiner in the exercise of his discretion shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and intervenor's evidence and Cities' rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) Presiding Examiner Walter T. Southworth, or any other designated for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

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

[F.R. Doc. 69-8687; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP67-58]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Petition To Amend

JULY 16, 1969.

Take notice that on July 14, 1969, Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67-58 a petition pursuant to section 7(c) of the Natural Gas Act to amend the certificate of public convenience and necessity issued on December 13, 1966, to authorize an increase of its peak day deliveries of natural gas to four industrial customers from 1,015 Mcf per day to 1,500 Mcf per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has already been approached by Air Reduction Co., Inc., for an increase in delivery and anticipates other requests in the immediate future, and therefor proposes one increase to cover all expected requests.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[8688; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP70-8]

MICHIGAN WISCONSIN PIPELINE CO.

Notice of Application

JULY 18, 1969.

Take notice that on July 15, 1969, Michigan Wisconsin Pipeline Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-8 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 1 mile of 2-inch lateral and a sales measuring station to provide an additional delivery point for Wisconsin Public Service Corp. so that it might sell and deliver natural gas to Lincoln Boys School, in the town of Birch, Lincoln County, Wis., which is being constructed by the State of Wisconsin. Third year peak day and annual natural gas requirements are estimated at 450 Mcf and 35,000 Mcf, respectively.

Total estimated cost of the proposed facilities is $35,820, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-8689; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP67-52]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Petition To Amend

JULY 16, 1969.

Take notice that on July 10, 1969, Mississippi River Transmission Corp. (Petitioner) 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP67-52 a petition to amend the order of the Commission issued in said docket on December 16, 1966, as amended on November 15, 1967, and October 14, 1968, which order authorized Petitioner, inter alia, to render priority interruptible service to its resale customers for a yearly period ending October 31, 1967. By the aforementioned amendments, the date of termination of such service was extended to October 31, 1968 and 1969, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner herein requests that the Commission's aforesaid order be further amended to allow this service to continue from November 1, 1969, on a permanent basis. Petitioner states that several resale customers have requested continuation of such service on a permanent basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8690; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP70-7]

SOUTHERN NATURAL GAS CO.

Notice of Application

JULY 17, 1969.

Take notice that on July 15, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP70-7 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 facilities for the sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to:

(1) Increase the design daily delivery capacity of Applicant's main line system by approximately 182,000 Mcf from 2,065,000 Mcf to 2,247,000 Mcf to meet the peak day requirements of Applicant's present customers through the winter of 1971-72;

(2) Reinforce the existing Thomaston-Griffin and Griffin-South Atlanta branchlines to meet the increasing requirements of Atlanta Gas Light Co. in the Atlanta area and of other customers serviced from Applicant's main North Line;

(3) Provide for the transportation through Applicant's South Louisiana Supply System of increased volumes of gas from presently certificated sources; and

(4) Deliver natural gas on a firm and interruptible basis to a new customer, American Can Co., for use in a pulp and paper mill near Butler, Ala.

Estimated total cost of the proposed facilities is $45 million to be financed initially by bank loans.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest and therefore any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8691; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP69-222]

TENNESSEE GAS PIPELINE CO.

Notice of Amendment to Application

JULY 17, 1969.

Take notice that on July 15, 1969, Tennessee Gas Pipeline Co. (Applicant), Tennessee Building, Houston, Tex. 77002, a division of Tenneco Inc., filed in Docket No. CP69-222 its amendment to its application for a certificate of public convenience and necessity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On February 18, 1969, Applicant filed its application seeking authority to construct and operate facilities therein described and also requesting authorization to render the additional natural gas service as proposed therein. The application was noticed by the Federal Power Commission and several interventions were filed. Three intervenors, Pennsylvania Gas and Water Co., Connecticut Natural Gas Corp., and the New York Public Service Commission, requested that a hearing be held on Applicant's application, but indicated that they were not opposed to the consideration of the application in two phases, Phase I being the construction and operation of the facilities proposed and Phase II being the additional natural gas service proposed. By its order issued June 10, 1969, the Commission divided the subject application into two phases and authorized Phase I, the construction and operation of the proposed facilities. By its order of June 13, 1969, the Commission directed Applicant to serve its direct testimony concerning Phase II on or before July 11, 1969, and provided for cross-examination of that testimony to commence on July 21, 1969.

By motion dated July 1, 1969, Applicant requested that the hearings and filings of testimony be postponed pending the filing by Applicant of an amended application implementing an agreement reached by Applicant, its customers and Commission Staff. By its order of July 7, 1969, the Commission granted the request for postponement. By its amended application Applicant seeks authorization to render, in addition to the services proposed in its original application, the following additional services:

Customer	Type of service	Mcf daily at 14.73 p.s.i.a.
Central Hudson Gas and Electric Corp.	Storage service (one year).	8,160
Consolidated Edison Company of New York.	do	25,500
Manufacturers Light and Heat Co.	do	10,200
Orange and Rockland Utilities, Inc.	do	7,200
Pennsylvania Gas and Water Co.	(long term)	5,814
Connecticut Natural Gas Corp.	Contracted demand (one year).	1,428
Consolidated Gas Supply Corp.	Interruptible (one year).	40,800
Iroquois Gas Corp.	do	30,600

No additional facilities are requested.

In this instance it appears that a shorter notice period is reasonable and

consistent with the public interest, and therefore any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8692; Filed, July 24, 1969; 8:45 a.m.]

[Docket No. CP70-9]

WEST TENNESSEE PUBLIC UTILITY DISTRICT OF WEAKLEY, CARROLL, AND BENTON COUNTIES, TENN., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 18, 1969.

Take notice that on July 15, 1969, the West Tennessee Public Utility District of Weakley, Carroll, and Benton Counties, Tenn. (Applicant), Gleason, Tenn., filed in Docket No. CP70-9 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for distribution and resale in the service area of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states that it is presently taking natural gas from Tennessee Gas Pipeline Co. and that additional volumes are required to meet the present growth rate. Applicant further states that to purchase the additional natural gas requirements from Tennessee Gas Pipeline Co. would require an expenditure of $1,250,000 for 42 miles of 10-inch pipeline whereas Respondent has a high pressure transmission main 1¼ miles northwest of one of the communities to be served. Applicants' peak day and annual requirements from Respondent are as follows:

Year of operation	Peak day (Mcf)	Annual (Mcf)
First	2041	204,000
Second	2161	214,000
Third	2281	224,000

The total estimated cost of the proposed facilities is $45,000, which will be financed from operating funds.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-8693; Filed, July 24, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

AFFILIATED BANKSHARES OF COLORADO, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Affiliated Bankshares of Colorado, Inc., Denver, Colo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 67 percent or more of the voting shares of the following banks in Colorado: Arapahoe National Bank of Boulder, Boulder, Colo.; Bank of Manitou, Manitou Springs, Colo.; Cache National Bank of Greeley, Greeley, Colo.; The Farmers National Bank of Ault, Ault, Colo.; First National Bank in Boulder, Boulder, Colo.; First National Bank of Colorado Springs, Colorado Springs, Colo.; First National Bank of Lafayette, Lafayette, Colo.; First National Bank of Louisville, Louisville, Colo.; First National Bank in Loveland, Loveland, Colo.; Fort Carson National Bank, Fort Carson, Colo.; The Greeley National Bank, Greeley, Colo.; West Greeley National Bank, Greeley, Colo.; and Westlake First National Bank, Loveland, Colo.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 17th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8696; Filed, July 24, 1969; 8:46 a.m.]

BARNETT NATIONAL SECURITIES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett National Securities Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Anastasia Bank, St. Augustine, Fla., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors of the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 16th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8697; Filed, July 24, 1969; 8:46 a.m.]

JEFFERSON BANCORP, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Jefferson Bancrop, Inc., Miami Beach, Fla., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Jefferson National Bank of Miami Beach, Miami Beach, Fla., and 80 percent or more of the voting shares of Jefferson National Bank at Sunny Isles, Sunny Isles, Fla.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 16th day of July 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8698; Filed, July 24, 1969; 8:46 a.m.]

CITIZENS AND SOUTHERN HOLDING CO. AND CITIZENS AND SOUTHERN NATIONAL BANK

Order Making Determinations Under Bank Holding Company Act

In the matter of the applications, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, by the Citizens and Southern Holding Co., and the Citizens and Southern National Bank, both of Atlanta, Ga., for determination as to American Southern Life Insurance Co. and the Citizens and Southern Agency, Inc., proposed nonbank subsidiaries (Dockets Nos. BHC-90, BHC-91).

The Citizens and Southern Holding Co. and the Citizens and Southern National Bank, both of Atlanta, Ga., both of which are bank holding companies within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. sec. 1841(a)), have filed requests for determinations by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by two proposed nonbank subsidiaries (American Southern Life Insurance Co., and the Citizens and Southern Agency, Inc.) are of the kind described in section 4(c)(8) of the Act (12 U.S.C. sec. 1843(c)(8)) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)) so as to make it unnecessary for the prohibitions of section 4(a) of the Act, respecting ownership of shares in nonbanking companies, to apply in order to carry out the purpose of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act, and in accordance with the provisions of §§ 222.4(a) and 222.5(a) of Regulation Y (12 CFR 222.4(a) and 222.5(a)), a hearing was held on these matters on January 30, 1969. The hearing examiner filed his report and recommended decision[1] wherein he recommended that the Board make the requested determinations; Applicants nevertheless filed an exception to the examiner's recommended order. For the reasons set forth in a statement[1] of this date, and on the basis of the entire record:

It is hereby ordered, That the activities planned to be undertaken by each of the proposed subsidiaries named hereinabove are determined to be so closely related to the business of banking and of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act: *Provided, however*, That the determination with respect to each such subsidiary is subject to revocation by the Board if the facts upon which it is based change in any material respect.

Dated at Washington, D.C., this 17th day of July 1969.

By order of the General Counsel of the Board of Governors, acting on behalf of the Board pursuant to delegated authority (12 CFR 265.2(b)(2)).

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8699; Filed, July 24, 1969; 8:46 a.m.]

FIRST SECURITY CORP.

Order Making Determinations Under Bank Holding Company Act

In the matter of the applications, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, by First Security Corp., Salt Lake City, Utah, for determinations as to First Security Life Insurance Co. (or Firsco Life Insurance Co.) and First Security Agency, Inc., proposed nonbank subsidaries (Dockets Nos. BHC-88, BHC-89).

First Security Corp., Salt Lake City, Utah, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. sec. 1841(a)), has filed requests for determinations by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by two proposed nonbank subsidiaries, First Security Life Insurance Co. (or Firsco Life Insurance Co.) and First Security Agency, Inc., are of the kind described in

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

section 4(c)(8) of the Act (12 U.S.C. sec. 1843(c)(8)) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)) so as to make it unnecessary for the prohibitions of section 4(a) of the Act, respecting ownership of shares of nonbanking companies, to apply in order to carry out the purposes of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act, and in accordance with the provisions of §§ 222.4(a) and 222.5(a) of Regulation Y (12 CFR 222.4(a) and 222.5(a)), a hearing was held on these matters on January 16, 1969. The hearing examiner filed his report and recommended decision[1] wherein he recommended that the Board make the requested determinations. For the reasons set forth in a statement[1] of this date, and on the basis of the entire record:

It is hereby ordered, That the activities planned to be undertaken by each of the proposed subsidiaries named hereinabove are determined to be so closely related to the business of banking and of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act: *Provided, however*, That the determination with respect to each such subsidiary is subject to revocation by the Board if the facts upon which it is based change in any material respect.

Dated at Washington, D.C., this 17th day of July 1969.

By order of the General Counsel of the Board of Governors, acting on behalf of the Board pursuant to delegated authority (12 CFR 265.2(b)(2)).

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-8700; Filed, July 24, 1969; 8:46 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 69-1]

EXTRATERRESTRIAL EXPOSURE

Establishment of Quarantine Period

Pursuant to the authority vested in me, and in accordance with 14 CFR 1211.104(a)(1), I hereby determine that with respect to the Apollo 11 space mission:

a. The beginning of the quarantine period for extraterrestrial exposure is July 21, 1969.

b. The duration of the quarantine period for extraterrestrially exposed persons shall terminate on August 11, 1969, unless modified prior to that date.

c. The duration of the quarantine period for extraterrestrially exposed property, animals, or other form of life (other than persons) or matter whatever shall continue until successful completion of safety tests and/or decontamination.

FRANK A. BOGART,
Acting Associate Administrator, Office of Manned Space Flight.

JULY 23, 1969.

[F.R. Doc. 69-8856; Filed, July 24, 1969; 11:22 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JULY 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 20, 1969, through July 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8730; Filed, July 24, 1969; 8:48 a.m.]

[31-698]

CONTINENTAL TELEPHONE CORP.

Notice of Filing of Application for Exemption

JULY 18, 1969.

Notice is hereby given that Continental Telephone Corp. ("Continental"), 222 South Central, St. Louis, Mo. 63105, a Delaware corporation and a nonutility company, has filed an application with this Commission pursuant to section 3(a)(5) of the Public Utility Holding Company Act of 1935 ("Act"), requesting an exemption from all provisions of the Act upon the consummation of its proposed acquisition of 90 percent or more of the capital stock of Andros Transmission and Telephone Co. Ltd. ("Andros"), a Bahamian electric utility company. All interested persons are referred to the application, which is summarized below.

Continental, organized in 1960, is a telephone holding company which currently neither directly nor indirectly owns any voting securities of a public-utility company, as defined in section 2(a)(5) of the Act. As of December 31, 1968, Continental served approximately 1,300,000 telephones in 40 States, Canada and four Caribbean countries, had consolidated operating revenues and sales of $220 million and consolidated net income of $25 million. Total consolidated assets as of December 31, 1968, amounted to $856,285,000.

Continental has entered in an agreement with Andros and the representative of holders of more than 80 percent of Andros capital stock, whereby Continental has agreed to acquire through a tender offer, subject to prior exemption from the Act, at least 90 percent of Andros capital stock, which stock is the only voting security of Andros.

Andros furnishes both telephone and electric service in the Bahamas. During 1968, Andros' total operating revenues were $72,208, of which $60,053 were electric revenues and $4,900 were telephone revenues. Total assets, less valuation reserves, as of December 31, 1968 were $426,882, of which $249,668 was net electric plant and $87,857, net telephone plant. Continental states that it is entitled to an exemption pursuant to section 3(a)(5), because Andros conducts its business entirely outside the United States, and Continental as a holding company will not derive any part of its income, directly or indirectly, from a public-utility subsidiary company within the United States.

Notice is further given that any interested person may, not later than August 14, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-8729; Filed, July 24, 1969; 8:48 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 21, 1969, through July 30, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-8731; Filed, July 24, 1969; 8:48 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JULY 18, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 19, 1969, through July 28, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-8732; Filed, July 24, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

CAPITAL FOR TECHNICAL INDUSTRIES, INC.

Notice of Surrender of License

Notice is hereby given that Capital for Technical Industries, Inc. (Capital) has, pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326; 13 CFR Part 107) surrendered its license to operate as a small business investment company (SBIC).

Capital was incorporated on July 21, 1960, under the laws of the State of California to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license number 12-0014 by the Small Business Administration on June 12, 1961.

Under the authority vested by the Act, and the Regulations promulgated thereunder, the surrender of the license of Capital is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

Dated: July 10, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-8724; Filed, July 24, 1969; 8:48 a.m.]

WOODROCK BUSINESS CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that the Small Business Administration (SBA) accepted, on July 9, 1969, the surrender of the license issued to Woodrock Business Capital Corp. (Licensee), New York, N.Y. (incorporated in New York).

SBA published a notice in the FEDERAL REGISTER on June 25, 1969, inviting comments regarding the request of the Licensee to surrender its license. SBA received no comments. The Licensee repaid its debt to SBA and satisfied all other conditions for the surrender of its license.

The corporation no longer is licensed to operate as a small business investment company.

Dated: July 10, 1969.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 69-8725; Filed, July 24, 1969; 8:48 a.m.]

[Delegation of Authority No. 30 (Los Angeles) Disaster 1]

MANAGER, DISASTER BRANCH OFFICE, LOS ANGELES, CALIF.

Rescission of Delegation of Authority

Notice is hereby given that Delegation of Authority No. 30, Disaster 1 (34 F.R. 7100 and 34 F.R. 7627) is hereby rescinded in its entirety.

Effective date: June 13, 1969.

ALVIN P. MEYERS, *Regional Director, Los Angeles, Calif.*

[F.R. Doc. 69-8726; Filed, July 24, 1969; 8:48 a.m.]

[Declaration of Disaster Loan Area 720]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Marshall and Tama Counties, Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 8, 1969.

OFFICE

Small Business Administration Regional Office, 210 Walnut Street, Des Moines, Iowa 50309.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1970.

Dated: July 15, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69-8727; Filed, July 24, 1969; 8:48 a.m.]

[Declaration of Disaster Loan Area 719]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas consitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in all areas affected or to be affected in the

State of Ohio, suffered damage or destruction resulting from winds and floods occurring on July 4, 1969.

OFFICES

Small Business Administration Regional Office, 1240 East Ninth Street, Cleveland, Ohio 44199.

Small Business Administration Regional Office, 50 West Gay Street, Columbus, Ohio 43215.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1970.

Dated: July 11, 1969.

HILARY SANDOVAL, Jr.
Administrator.

[F.R. Doc. 69-8728; Filed, July 24, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1315]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 18, 1969.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR, 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 § 1.247(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 § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(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 2860 (Sub-No. 58), filed June 18, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and not frozen; *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in straight and mixed shipments, between Vineland, N.J., on the one hand, and, on the other, points in the United States west of Interstate Highway 75 (except points in Alaska and Hawaii). NOTE: Applicant states it will tack at Vineland, N.J., to and from points in the eastern United States. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 11592 (Sub-No. 6), filed June 27, 1969. Applicant: BEST REFRIGERATED EXPRESS, INC., 1001 West South Omaha Bridge Road, Council Bluffs, Iowa 51501. 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: *Meats, meat products, and meat byproducts* and *articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and except hides, from points in Omaha, Nebr.-Council Bluffs, Iowa, commercial zone, to points in Illinois, Wisconsin, Indiana, Ohio, and Michigan. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 18088 (Sub-No. 49) (amendment), filed March 21, 1969, published in the FEDERAL REGISTER issue of April 10, 1969, amended and republished this issue. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Gavin W. O'Brien, 2800 L Street NW., Suite 815, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, including tire cord, fiber and synthetic fiber yarn, synthetic stable fiber, synthetic fiber, and synthetic plastic and containers* used for transportation of such commodities, *poylester, textiles, and textile products, textile machinery and parts, chemicals, chemical products, and containers, materials, and supplies* used or consumed in production by a textile factory and *empty beams* (except commodities in bulk, in vehicles, and except commodities which, because of size or weight, require special equipment), between Pensacola and Gonzales, Fla.; Decatur and Huntsville, Ala.; on the one hand, and, on the other, Bowling Green, Ky.; and the site of the Firestone Synthetic Fibers & Textiles Co., Division of the Firestone Tire & Rubber Co. located north of Bowling Green, Ky.; and (2) *tire fabrics*, from Bowling Green, Ky., and points within a radius of 10 miles thereof, to Memphis, Tenn., and Albany, Ga., and points within 10 miles of each. NOTE: The purpose of this republication is to amend both the commodities description and the points of service to comport with the needs for service established by the supporting shippers. Applicant states it intends to tack the authority requested in this application with points common to its certificated authority, wherein it conducts operations in Alabama, Tennessee, South Carolina, and Georgia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga. Special notice: The publication hereinabove set forth reflects the scope of the application as filed by applicant, and may include descriptions which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the application 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 20793 (Sub-No. 42), filed June 27, 1969. Applicant: WAGNER TRUCKING CO., INC., Jobstown, N.J. 08041. Applicant's representative: G. Donald Bullock, 128 Greenwood Avenue, Wyncote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

vehicle, over irregular routes, transporting: *Limestone*, from the Baltimore, Md., commercial zone as defined by the Commission, to points in New Jersey and those in Pennsylvania on and east of U.S. Highway 15. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 29079 (Sub-No. 55), filed July 6, 1969. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk), between points in Hancock County, Ky., on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, South Carolina, Tennessee, and West Virginia and points in Carroll County, Ga. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 277), filed May 29, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. 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 and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Maine, Maryland, Massachusetts, New Hampshire, New York, Vermont, Pennsylvania, Rhode Island, New Jersey, and Connecticut, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 41870 (Sub-No. 8), filed June 23, 1969. Applicant: VICTOR L. LANGE, doing business as LANGE TRUCK LINE, 1008 Oaklawn, Post Office Box 28, Pleasanton, Tex. 78064. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Poth and Kenedy, Tex., over U.S. Highway 181 to Kenedy and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 42261 (Sub-No. 102), filed June 30, 1969. Applicant: LANGER TRANSPORT CORP., Route 1 and Danforth Avenue, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed*, in bulk, from Albany, N.Y., and Manheim, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 724), filed June 30, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. 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, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Mountainville, N.Y., as an off-route point in connection with carrier's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 48221 (Sub-No. 2) (Amendment), filed April 10, 1969, published in FEDERAL REGISTER issue of May 1, 1969, amended July 7, 1969, and republished, as amended, this issue. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 2501 O Street, Omaha, Nebr. 68107. Applicant's representative: Gerald C. Morehouse (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, from the plant and warehouse facilities of Swift & Co., at or near Glenwood, Iowa, to points in Colorado, Illinois, Michigan, Nebraska, and to points in Kansas City, Kans.-Mo., commercial zone, restricted to traffic origination at the named facilities and destined to the above-named destinations. NOTE: the purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 55898 (Sub-No. 39), filed June 16, 1969. Applicant: HARRY A. DECATO, doing business as DECATO BROS. TRUCKING CO., Heater Road, Lebanon, N.H. 03766. Applicant's representative: Arthur J. Barbeau, 795 Elm Street, Room 510, Manchester, N.H. 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, and (2) *wood and forest products*, between points in New Hampshire and Vermont. NOTE: Applicant states it intends to tack at any point where service would be authorized in New Hampshire and Vermont. Applicant further states that this application is filed for the purpose of permitting applicant to conduct operations between all points in New Hampshire and Vermont in direct service, without having to combine or tack various segments of its present authority. Applicant holds authority under MC 111735, as a contract carrier, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 57941 (Sub-No. 4), filed May 19, 1969. Applicant: CITY TRANSFER COMPANY, a corporation, 2045 West Buckeye Road, Phoenix, Ariz. 85009. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value and household goods as defined by the Commission, between points in the encompassed territory in Maricopa, Pinal, and Pima Counties, Ariz., as described; beginning at Cartaro, Ariz., on Interstate Highway 10, north and east on a line to Oracle Junction, Ariz., on U.S. Highways 80 and 89, north on a line to Kearny, Ariz., on Arizona Highway 177, north and west on Arizona Highway 177 to Superior, Ariz., west on U.S. Highways 80 and 89 to Apache Junction, Ariz., north and east on Arizona Highway 88 to Tortilla Flats, Ariz., west on a line from Tortilla Flats, Ariz., to Cactus, Ariz., west on Cactus Road to 59th Avenue, south on 59th Avenue to Glendale, Ariz., west on Glendale Avenue to 99th Avenue, south of 99th Avenue to Tolleson, Ariz., west of U.S. Highway 80 to Goodyear, Ariz., south and west on a line from Goodyear, Ariz., to a point on Arizona Highway 84, 3 miles east of Gila Bend Ariz., south and east on a line from Arizona Highway 84, 3 miles east of Gila Bend, Ariz., to Vaya Chin, Ariz., on the Papago Indian Reservation, east and south on a line from Vaya Chin, Ariz., to Schuchk, Ariz., on the Papago Indian Reservation, east and north on a line to the beginning point of Cartaro, Ariz., on Interstate Highway 10.

(2) *Dried and liquid fertilizer and dried and liquid insecticides* within the State of Arizona. (3) *Boxes, fiberboard*, corrugated or not corrugated, *pulpboard*, corrugated or not corrugated, and *paper*, for use in the manufacturing of corrugated containers, between points in Arizona, Imperial County, and that portion of Riverside and San Bernardino Counties, Calif., east of a north south

line beginning at the Nevada-California State line directly north of Nipton, Calif., and extending south through Nipton and Desert Center, Calif., to the northern boundary of Imperial County, Calif., Delta, Montezuma, Mesa Counties, Colo., Dona Ana, Lincoln, Luna, San Juan, and Torrence Counties, N. Mex., El Paso and Deaf Smith Counties, Tex. NOTE: Applicant states it is seeking multi-State authority, and proposed to convert in part certificate of registration MC 57941 Sub 3, to a Certificate of Public Convenience and Necessity. Applicant requests should instant application be granted that the certificate of registration be canceled. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 59150 (Sub-No. 42), filed July 2, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, 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: *Composition board and parts, materials, supplies, and accessories* used in the installation of composition board, from the plantsite of The Celotex Corp. at Marrero, La., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 60117 (Sub-No. 2), filed June 16, 1969. Applicant: RAYMOND H. WILSON, doing business as WILSON TRANSFER COMPANY, Post Office Box 248, Quinton, Okla. 74561. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Kinta and Spiro, Okla., over Oklahoma Highway 31, to Junction U.S. Highway 271, to Spiro, Okla., and return over the same route, serving the intermediate points of Lequire, Kerr McHehee Mining, Inc., located in Milton, McCurtain, and Bokoshe, Okla.; and (2) between Quinton, Okla., and Eufaula Dam over Oklahoma Highway 71, and return over the same route, serving Enterprise, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, or Tulsa, Okla.

No. MC 79065 (Sub-No. 1) (Correction), filed June 19, 1969, published FEDERAL REGISTER issue of July 18, 1969, corrected and republished as corrected, this issue. Applicant: THE D. C. McCURDY COMPANY, a corporation, Post Office Box 160, Martins Ferry, Ohio 43925. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. NOTE: The purpose of this partial republication is to show correct name of commodity description as "*Such bulk commodities*", as are transported in dump trucks, in lieu of "general commodities", as are transported in dump trucks shown erroneously in previous publication. The rest of the application remains the same.

No. MC 79999 (Sub-No. 5), filed June 26, 1969. Applicant: E. JACK WALTON TRUCKING COMPANY, a corporation, 13020 Sarah Lane, Post Office Box 9776, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Commodities which because of their size or weight require the use of special equipment or special handling, and (2) *ammunitions and explosives*, when moving on U.S. Government bills of lading, (a) between military installations or Defense Department establishments in the United States, and (b) between points in (a) above, on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, New Mexico, and Louisiana. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 58), filed June 30, 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. 68102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Irrigation systems and parts for irrigation systems*, from points in Douglas County, Nebr., to points in North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Maine, Illinois, Colorado, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 256), filed June 25, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft ground support units, and aircraft cargo and passenger handling equipment, and machinery, attachments, parts, and accessories* used in connection therewith, from Houston, Tex., to points in the United States (except Hawaii and Texas). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 85465 (Sub-No. 17) (Correction), filed March 20, 1969, published FEDERAL REGISTER, issues of May 1, 1969, and July 3, 1969, amended June 12, 1969, and republished as corrected this issue. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives, but excepting livestock, household goods, commodities which because of size or weight require the use of special equipment, articles of unusual value, and commodities in bulk, between points in Nebraska, on the one hand, and, on the other, points in the United States, except Alaska and Hawaii, restricted to traffic moving from, to, or between military installations or Defense Department establishments. NOTE: The purpose of this republication is to redescribe the territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C

No. MC 88082 (Sub-No. 8), filed June 25, 1969. Applicant: ST. MARYS TRUCKING CO., INC., 1417 Hart Street, Post Office Box 765, Vincennes, Ind. 47591. Applicant's Earl J. Thomas, 5850 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry (other than in bulk), between the plantsite of Diamond Shamrock Chemical Corp., Painesville, Ohio, and Terre Haute, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 89723 (Sub-No. 53), filed June 15, 1969. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis, 2008 Missouri Building, St. Louis, Mo. 63103. In No. MC 89723 (Sub-No. 53) applicant holds extensive regular-route common carrier authority authorizing the transportation of express matter, moving on express receipt of Railway Express Agency, Inc., and general commodities, except livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over specified regular routes in the States of Arkansas, Tennessee, and Missouri, subject to certain restrictions, among which is the following: No shipments shall be transported by said carrier as a common carrier by motor vehicle, between any of the following points, or through, to, or from more than one of said points with hyphenated points considered as a single key point: Memphis, Tenn.; Alexandria, La.; Newport, Little Rock-North Little Rock, Fort

Smith-Van Buren, Eldorado, and Texarkana, Ark.; Poplar Bluff, Mo., except as to shipments to St. Louis, Mo.-East St. Louis, Ill., and to and from Wynne and Newport, Ark. By this application, applicant seeks to remove Fort Smith-Van Buren, Ark., as a keypoint. If this authority is granted the keypoint restrictions appearing above would be amended to read: Memphis, Tenn.; Alexandria, La.; Newport, Little Rock-North Little Rock, Eldorado, and Texarkana, Ark.; Poplar Bluff, Mo., except as to shipments to St. Louis, Mo.-East St. Louis, Ill., and to and from Wynne and Newport, Ark. No other restrictions would be altered and the service would remain auxiliary to, and supplemental of, rail service of Missouri Pacific Railroad Co. Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 90373 (Sub-No. 30), filed June 30, 1969. Applicant: C. & R. TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. 07001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured, warehoused by, and shipped between the facilities of Inmont Corp. at Winslow, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Orange, Rockland and Westchester Counties, N.Y., points in Connecticut and points in Pennsylvania east of the Susquehanna River, Delaware and Maryland, under contract with Inmont Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 94876 (Sub-No. 6), filed June 20, 1969. Applicant: RICHARD ACERRA, INC., 43-09 Vernon Boulevard, Long Island City, New York, N.Y. 11101. Applicant's representative: J. Aiden Connors, Suite 454, 527 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and products*, in containers, *bakery product containers and stale bakery products*, between New York, N.Y., and Wayne (Passaic County), N.Y., under contract with Borden, Inc., Foods Division, Drake Bakeries. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 103993 (Sub-No. 430), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (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, in truckaway service, from points in Columbus County, N.C., to points in the United States excluding Alaska and Hawaii. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 103993 (Sub-No. 434), filed July 2, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp coaches, truck campers, and trailers* designed to be drawn by passenger automobiles in initial movements, from points in Natrona County, Wyo., to points in the United States east of the Mississippi River. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo.

No. MC 106623 (Sub-No. 11), filed June 26, 1969. Applicant: SOUTHWEST OILFIELD TRANSPORTATION CO., a corporation, 602 Service Street, Post Office Box 7427, Houston, Tex. 77008. Applicant's representative: Joe G. Fender, 802 Houston First Saving Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities* which because of their size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading; (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 98), filed June 25, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30321. Applicant's representative: K. Edward Wolcott (same address as applicant). 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 Connecticut, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 107002 (Sub-No. 374), filed June 27, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Memphis, Tenn., to points in South Carolina and Virginia. NOTE: Applicant states that while tacking is not contemplated, the authority sought could be combined with other authorities in MC 107002 and subs thereto to perform service from points in Arkansas. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107496 (Sub-No. 736), filed July 2, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Chicago, Des Plaines, and Lemont, Ill., to points in Wisconsin, Indiana, and Illinois. NOTE: Applicant asserts there is a possibility of tacking, but there is no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 108068 (Sub-No. 82), filed June 16, 1969. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aircraft and aircraft parts*, and (2) *equipment, parts, materials*, machinery and supplies used in the assembling, maintenance, servicing, repairing and operation of aircraft, between (a) points in Tennessee, Arkansas, Texas, Colorado, Kansas, Nebraska, Oregon, Washington, Illinois, Minnesota, Iowa, Louisiana, Georgia, Florida, Oklahoma, Missouri, New York, California, Virginia, and the District of Columbia, and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to terminals and facilities of Braniff International. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 108185 (Sub-No. 43), filed June 5, 1969. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and William O.

Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. 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, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Atlanta, Ga., and Nashville, Tenn., from Atlanta over U.S. Highway 41 to Adairsville, Ga., thence over U.S. Highway 41 (also Interstate Highway 75) to junction Interstate Highway 24 at or near Chattanooga, Tenn., thence over U.S. Highway 41 (also Interstate Highway 24) to Nashville, and return over the same route, serving no intermediate points, and serving Nashville for purpose of joinder only, and (2) between Atlanta, Ga., and Cincinnati, Ohio, from Atlanta over U.S. Highway 41 to Cartersville, Ga., thence over U.S. Highway 411 to junction U.S. Highway 129, thence over U.S. Highway 129 to Knoxville, Tenn., thence over U.S. Highway 25W (also Interstate Highway 75) to Corbin, Ky., thence over U.S. Highway 25W (also Interstate Highway 75) to Cincinnati and return over the same route serving no intermediate points, and serving Cincinnati for purposes of joinder only; as alternate routes for operating convenience only in connection with (1) and (2) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Phoenix, Ariz.

No. MC 108207 (Sub-No. 264), filed June 23, 1969. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, (1) from Memphis, Tenn., to Los Angeles, Calif., and Kankakee, Ill.; and (2) from St. Louis, Mo., to Kankakee, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 108676 (Sub-No. 31), filed June 30, 1969. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: J. G. Dall, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require the use of special equipment by reason of size or weight, (a) between military installation or Defense Department establishments in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Aplicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 594), filed July 7, 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: *Chocolate, chocolate and cocoa bean products, coating and flavoring compounds, and liquid cocoa butter*, in bulk, from Burlington, Wis., to points in Alabama, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, and Virginia. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 111231 (Sub-No. 165) filed May 12, 1969, published FEDERAL REGISTER June 5, 1969, and republished as clarified this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduits or pipe and fittings and accessories* necessary to the installation thereof; *plastic pipe, fittings, and accessories* necessary to the intallation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Nebraska, Oklahoma, Tennessee, and Texas. NOTE: The purpose of this republication is to clarify the commodity description, which was shown erroneously in previous publication with a comma after "cement". Applicant indicates tacking possibilities with portions of its authority in MC 111231 and subs thereto wherein as here pertinent it conducts operations in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 111729 (Sub-No. 285), filed June 19, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representatives: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith;* (a) between Minneapolis, Minn., on the one hand, and, on the other, points in North Dakota, South Dakota, and points in Ashland, Barron, Chippewa, Douglas, Eau Claire, La Crosse, Langlade, Marathon, Oneida, Rusk, Washburn, and Wood Counties, Wis.; (b) between Des Moines and Cedar Rapids, Iowa, on the one hand, and, on the other, points in Iowa, on traffic having an immediately prior or subsequent movement by air; (c) between Milwaukee, Wis., on the one hand, and, on the other, points in Columbia, Grant, Monroe, Portage, Richland, Sauk, Vernon, and Wood Counties, Wis., on traffic having an immediately prior or subsequent movement by air; (d) between Long Island City, N.Y., on the one hand, and, on the other, points in Essex and Middlesex Counties, N.J., and points in New Haven and Hartford Counties, Conn.; (e) between Jamestown, N.Y., and Erie, Pa.; (f) between points in California, having an immediately prior or subsequent movement by air; (2) *whole human blood*, between St. Louis, Mo., on the one hand, and, on the other, points on and south of Highway 40 in Indiana; and Louisville and Lexington, Ky.; (3) *cut flowers and decorative greens*, having an immediately prior or subsequent movement by motor vehicle; (a) between points in Illinois; (b) between points in Indiana; (c) between points in Iowa; (d) between points in Kentucky; (e) between points in Michigan; (f) between points in Missouri; (g) between points in Ohio; (h) between points in Tennessee; (i) between points in Virginia; and (4) *repair and replacement pump and pipe parts*, consisting of shafts, impellers, bushings, housings, casings, nipples, collars, and flanges, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, having an immediately prior or subsequent movement by air, between points in California. NOTE: Applicant states it intends to tack with its common carrier authority. Applicant is also authorized to operate as a contract carrier under MC 112750 and related subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 382), filed June 18, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building Omaha, Nebr. 68102, and R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides) from Buhl, Idaho, to points in Washington, Oregon, Illinois, Minnesota, Wisconsin, Nebraska, Colorado, Iowa, Michigan, Indiana, Kansas, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Denver, Colo.

No. MC 113362 (Sub-No. 163), filed June 27, 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: *Edible processed nuts* in packages or containers, from the plantsite and storage facilities of The Kelling Nut Co., at Paterson, N.J., to Chicago, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113535 (Sub-No. 10), filed June 30, 1969. Applicant: A & W TRUCKING CO., INC., Box 370, Rural Route 2, Mosinee, Wis. 54455. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and fiberboard products*, from Rockford, Ill., to points in Iowa on or east of U.S. Highway 61 and points in Wisconsin on or south or west of a line from La Crosse, Wis., along Wisconsin Highway 33 to the junction of Wisconsin Highway 33 and U.S. Highway 12, and thence along U.S. Highway 12 to the Wisconsin-Illinois boundary. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., Milwaukee or Madison, Wis., or Rockford, Ill.

No. MC 113678 (Sub-No. 358), filed July 7, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma*, from Denver, Colo., to Berkeley, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 114273 (Sub-No. 44), filed June 25, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski (same address as applicant). 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, in tank vehicles), from Glenwood, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Glenwood, Iowa, from plantsite and/or storage facilities of Swift & Co. to named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 194), filed July 7, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606, and Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Audit media and other business records*, between Elk Grove Village, Ill., on the one hand, and, on the other, Detroit, Mich.; and (2) *specifications and drawings*, between Topeka, Kans., on the one hand, and, on the other, St. Louis, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115273 (Sub-No. 9), filed June 30, 1969. Applicant: ACME CARRIERS, INC., 216 Third Street, Brooklyn, N.Y. 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: *Chemicals* (except in bulk), from points in the New York, N.Y., commercial zone, as defined by the Commission; Sewaren, N.J., to Chicago, North Chicago, Elgin, Waukegan, and Rockford, Ill., and St. Louis, Mo. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115491 (Sub-No. 117), filed June 16, 1969. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, between points in Hillsborough County, Fla., on the one hand, and, on the other, points in Alabama, Florida, and Georgia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa or Orlando, Fla.

No. MC 115523 (Sub-No. 152), filed June 26, 1969. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 North Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Halard E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* in bulk, from Twin Falls, Idaho, and 10 miles thereof, and Rupert, Idaho, and 10 miles thereof, to points in Utah. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicating authority is held nor is it sought herein. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Ogden, Utah.

No. MC 115841 (Sub-No. 355), filed June 23, 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 applicant), and 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: *Bananas, plantains, coconuts, pineapples, and agricultural commodities*, exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Commission Act, when transported at the same time in the same vehicle with commodities subject to economic regulation (as otherwise authorized), from Wilmington, Del., to points in the United States east of New Mexico, Colorado, Wyoming, and Montana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla.

No. MC 117686 (Sub-No. 101) (Correction), filed June 18, 1969, published in the FEDERAL REGISTER, issue of July 17, 1969, and republished in part, as corrected, this issue. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. NOTE: The purpose of this partial republication is to include the State of Nebraska in the destination territory which was inadvertently omitted from the previous publication. The rest of the application remains the same.

No. MC 117686 (Sub-No. 102), filed June 30, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats fresh and meats frozen*, from the plantsite and/or cold storage facilities utilized by Wilson and Co., Inc., at or near Hereford, Tex., to points in Alabama, Arkansas, Georgia, and Tennessee (except Memphis), restricted to the transportation of traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117686 (Sub-No. 103), filed June 30, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). 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, in tank vehicles), from Glenwood, Iowa, to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Georgia, and Texas, restricted to the transportation of traffic originating at the plantsite and storage facilities of Swift & Co. at or near Glenwood, Iowa, and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 117788 (Sub-No. 7), filed June 27, 1969. Applicant: DETROIT REFRIGERATED TRUCKING, INC., 249 Schweizer, Detroit, Mich. 48226. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. 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 appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, New Jersey, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 118282 (Sub-No. 25), filed June 23, 1969. Applicant: JOHNNY BROWN'S INC., 6801 Northwest 74th Avenue, Miami, Fla. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as *common carrier*, by motor vehicle, over irregular 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, frozen foods, meats, meat products and meat byproducts, as defined by the Commission), between points in Florida, on the one hand, and, on the other, points in Dallas and Tarrant Counties, Tex. NOTE: Applicant holds contract carrier authority under Docket No. MC 125811 and Sub 5, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., with additional hearing in Miami and Orlando, Fla.

No. MC 119623 (Sub-No. 4), filed June 5, 1969. Applicant: LAWRENCE SUNDERMYER, Box 352, Pipestone, Minn. 56164. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and cresote and penta treated posts and poles*, from points in Yell County, Ark., on and east of Arkansas Highway 27 to points in Kansas, Nebraska, and South Dakota; and points in Iowa, on and west of U.S. Highway 69; points in Minnesota, on and west of Minnesota Highway 15; and on and south of U.S. Highway 12, with no transportation for compensation on return except as otherwise authorized. NOTE: Applicant states it intends to tack with its presently held authority at Panama, Okla. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 123048 (Sub-No. 156), filed July 3, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, lawn and garden equipment, and turf maintenance equipment;* (2) *parts* of the commodities in (1) above and (3) *attachments* for commodities in (1) above, from Racine, Wis., to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at chicago, Ill., or Milwaukee, Wis.

No. MC 12421 (Sub-No. 130), filed June 20, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Box "H", Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (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 hides and commodities in bulk, in tank vehicles, from the plantsite and/or storage facilities of Swift & Co., at or near Glenwood, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Wisconsin, and Wyoming. Restrictions: The authority sought herein is restricted (1) to the transportation of traffic originating at the above-named origins and destined to the above-named destination States; and (2) to the extent the authority sought herein duplicates any authority held by carrier shall not be construed as conferring more than a single operating right. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124692 (Sub-No. 61), filed June 24, 1969. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Richard Bebel, 2814 North Cleveland Avenue, St. Paul, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp. at Hennepin, Ill., to points in Colorado, Wyoming, Montana, Idaho, Washington, Utah, and Oregon. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 124952 (Sub-No. 5), filed June 30, 1969. Applicant: RUSSELL HASINBILLER, doing business as R & H TRANSPORT, Box 28, Craigville, Ind. 46731. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, preserves, jellies, baking dairy, ice cream, and soda fountain supplies and ingredients*, between the plantsites and warehouses of Bessire & Co., Inc., located at Richmond, Va., Charlotte, N.C., Pittsburgh, Pa., Columbus, Ohio, Grand Rapids, Mich., Indianapolis, Ind., Cincinnati, Ohio, Louisville, Ky., Memphis, Tenn., and Birmingham, Ala., under a continuing contract with Bessire & Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125628 (Sub-No. 1) (Amendment), filed June 4, 1969, published FEDERAL REGISTER, issue of June 26, 1969, amended June 27, 1969, and republished as amended this issue. Applicant: S. S. BAIRD & SONS, LIMITED, 437 Aberdeen Street, Fredericton, New Brunswick, Canada. 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: *Precast concrete beams, joints and tees, lumber, flooring and fuel blocks, steel, structural steel and steel articles and materials and supplies* used in the installation of the described commodities, from the ports of entry on the international boundary line between the United States and Canada, located at or near Calias, Houlton, and Vanceboro, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. NOTE: The purpose of this republication is to add flooring, and fuel blocks, to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 127304 (Sub-No. 4) (Amendment), filed May 28, 1969, published FEDERAL REGISTER, issue of June 19, 1969, amended July 1, 1969, and republished as amended this issue. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West Street, Valley Center, Kans. 67147. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dichlorodifluoromethane and monochlorodifluoromethane*, in containers and cylinders, and *plastic and plastic articles*, from Colwich, Kans., to points in the United States (except Alaska and Hawaii), and (2) *empty containers and cylinders*, from Philadelphia, Pa., and Columbus, Ohio, to Colwich, Kans., under contract with International Plastics, Inc. NOTE: The purpose of this republication is to add (2) above. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 128495 (Sub-No. 2), filed June 18, 1969. Applicant: AARID VAN LINES, INC., 1329–1337 South Hanover Street, Baltimore, Md. 21230. Applicant's representative: Anthony C. Vance, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Baltimore City, Md.; U.S. Naval training Center, Bainbridge, Md.; Army Chemical Center, Edgewood, Md., Aberdeen Proving Ground, Aberdeen, Md., and points in Lancaster and Chester Counties, Pa., and New Castle County, Del., and Kent County, Md., 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 it intends to tack with its present authority at Baltimore, Md., and the military installations cited. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 128692 (Sub-No. 2), filed June 25, 1969. Applicant: HOWARD L. FRY, 2823 C Street, McKeesport, Pa. 15130. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing*, between Butler and the Borough of Springdale, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Ohio, and Wisconsin. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Keystone Pipe & Supply Co., of Butler, Pa.; Tubular Service Division and Keystone Pipe & Supply Co., of Springdale, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 129657 (Sub-No. 2), filed June 25, 1969. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, Wis. 53588. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and carbonated beverages*, from St. Louis, Mo., to Sturgeon Bay, Wis. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 129913 (Sub-No. 2), filed June 20, 1969. Applicant: W. C. DEAN, SR. TRUCKING, INC., 495 South Road, Poughkeepsie, N.Y. 12601. Applicant's representative: Albert Frederick, 62 Market Street, Poughkeepsie, N.Y. 12601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Wappingers Falls, N.Y., on the one hand, and, on the other, points in Dutchess, Orange, and Ulster Counties, N.Y., under contract with Western Electric Co., Inc., restricted to traffic having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 133199 (Sub-No. 1) (Correction), filed June 16, 1969, published FEDERAL REGISTER issue of July 10, 1969, corrected and republished as corrected, this issue. Applicant: RAYMOND BARTLESON, doing business as COLORADO CONTRACT CARRIER, 1230 Seventh Street, Post Office Box 5703, Denver, Colo. 80217. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickles and peppers*, in containers; (a) from Denver and Fort Collins, Colo., to points in Oklahoma, Kansas, Texas, and New Mexico; and (b) from Albuquerque, N. Mex., to Denver, Colo.; (2) *salt*, from Lyons and Hutchinson, Kans., to Fort Collins and Denver, Colo.; (3) *sugar*, from Hereford and Amarillo, Tex., to Denver and Fort Collins, Colo.; and (4) *glass jars*, from Ada, Muskogee, Sand Springs, Okmulgee, Okla., and Waco, Tex., to Denver and Fort Collins, Colo.; all under contract with Dreher Pickle Co., Denver, Colo. NOTE: The purpose of this republication is to reflect the correct docket number as MC 133199 (Sub-No. 1) in lieu of MC 133179 (Sub-No. 1) which was erroneously shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133382 (Sub-No. 2), filed June 23, 1969. Applicant: JACQUES POULIOT, doing business as POULIOT TRANSPORT, St. Camille, Bellechasse County, Quebec, Canada. Applicant's representatives: Frank H. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184, and Donald J. Bourassa, 116 State Street, Augusta, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood shingles, and wood laths*, from ports of entry on the international boundary line between the United States and Canada, located at or near Jackman, Maine; Derby Line, Beecher Falls, Highgate Springs, and Norton Mills, Vt.; and Rouses Point, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Delaware, under a contract or continuing contracts with Clermont Pelletier, Longueuil, Chambly County, Quebec, Canada, restricted to traffic originating at points in Montmagny and L'Islet Counties, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, or Boston, Mass.

No. MC 133579 (Sub-No. 1), filed July 7, 1969. Applicant: BENNETT FORD, a corporation, 47 West Sixth South, Salt Lake City, Utah 84101. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, damaged, stolen, repossessed, and abandoned vehicles, and replacements thereof*, together with *parts and cargo* related to such vehicles by use of wrecker equipment, between points in Utah, on the one hand, and on the other, points in Wyoming, Nevada, Utah, Idaho, California, and Colorado. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133706 (Sub-No. 1), filed June 30, 1969. Applicant: ROBERT L. HARROLD, 420 East Park Street, Taylorville, Ill. 62568. Applicant's representative: Melvin N. Routman, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Farm implements, grain drying and storage equipment, and component parts thereof*, from Taylorville, Ill., to points in Georgia, Iowa, Missouri, Minnesota, North Dakota, South Carolina, and Tennessee, for the account of Baughman-Oster, Inc., of Taylorville, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 133843 (Sub-No. 1), filed June 26, 1969. Applicant: ZENITH TRANSPORTATION CORPORATION, 5321 West State Street, Milwaukee, Wis. 53208. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Des Plaines and Rockford, Ill., to points in Rock, Green, Jefferson, Dane, Walworth, Racine, and Kenosha Counties, Wis., under contract with Consolidated Petroleum Corp. of Oshkosh, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 133845, filed June 23, 1969. Applicant: ANTHONY COLANGELO, doing business as COLE TRUCKING COMPANY, 200 West 16th Street, New York N.Y. 10015. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods;* (1) from piers located in the New York, N.Y., commercial zone as defined by the Commission and piers located in Port Newark and Port Elizabeth, N.J., to Paterson and Carstadt, N.J., restricted to shipments having a prior movement by water; and (2) from New York, N.Y., to Paterson and Carstadt, N.J., under contract with P. Kaufmann, Inc. NOTE: If a hearing is deemed necessary, applicant requests it held at New York, N.Y.

No. MC 133853 (Sub-No. 1), filed June 30, 1969. Applicant: COLUMBIA LEASE & RENTAL, INC., West 1527 Second Avenue, Spokane, Wash. 99204. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from points in Spokane County, Wash., to points in Kootenai and Shoshone Counties, Idaho (with no transportation on return except for returned or rejected items) under contract with Spokane Dry Goods Co., doing business as "The Crescent", a department store. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 133874, filed July 1, 1969. Applicant: C. H. DAVENPORT, Rural Delivery No. 2, Catawissa, Pa. 17820. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Christmas trees*, balled and burlapped, or cut; *boughs, laurel roping, greens, and all products, natural or artificial* usually grown, manufactured, or sold by wholesale or retail nurserymen and florists; and *materials, supplies, or equipment* used in connection with or incidental to the growing, manufacturing, or selling of said products, when originating at or destined to such nurserymen, florists, or their dealers, manufacturers, or distributors, between points in Pennsylvania, on the one hand, and, on the other, points in the United States (including Alaska). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

APPLICATION OF WATER CARRIER

No. W-104 (Sub-No. 23) UNION BARGE LINE CORP., Extension—Upper Mississippi River Application, filed July 7, 1969. Applicant: UNION BARGE LINE CORPORATION, 1 Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: Peter A. Greene, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006. Application of Union Barge Line Corp., filed July 10, 1969, subject to Part III of the Interstate Commerce Act, for a revised certificate authorizing extension of its operations to include operations as a *common carrier* by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage between ports and points along the Arkansas River and its tributaries, the Arkansas Post Canal, and the White River from the Arkansas Post Canal to its confluence with the Mississippi River, on the one hand, and, on the other, (1) Tampa, Fla., and (2) ports and points along (a) the Mississippi River, from its confluence with the Missouri River to and including Minneapolis, Minn., (b) the Minnesota River below and including Shakopee, Minn., (c) the St. Croix River below and including Stillwater, Minn., (d) the Illinois Waterway and connecting canals and waterways including points along Lake Michigan between Waukegan, Ill., and Michigan City, Ind., (e) the Cumberland River and its tributaries below and including Old Hickory, Tenn., and (f) the Tennessee River and its tributaries below and including Knoxville, Tenn.

APPLICATION OF FREIGHT FORWARDER

No. FF-374 (Correction), AUTOMOBILE RAIL FORWARDING CO., Freight Forwarder Application, filed May 26, 1969, published FEDERAL REGISTER, issue of June 12, 1969, and republished as corrected this issue. Applicant: AUTOMOBILE RAIL FORWARDING CO., a division of NORTHSHORE & CENTRAL ILLINOIS FREIGHT CO., a corporation, 6150 South East Avenue, Hodgkins, Ill. 60527. Applicant's representative: Edward P. Byrnes, Jr. (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit, authorizing applicant to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carrier by railroad and/or motor vehicle in the transportation of *motor vehicles* (automobiles), between points in Florida and Illinois. NOTE: The purpose of this republication is to show applicant's correct name, Automobile Rail Forwarding Co., in lieu of Auto Rail Forwarding Co.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 415), filed June 20, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip special operations, during the authorized racing season at the specified race tracks, beginning and ending at Irvington, N.J., and extending to Roosevelt Raceway, Westbury, N.Y., and Yonkers Raceway, Yonkers, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction again tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 108204 (Sub-No. 3), filed June 26, 1969. Applicant: VANCOUVER TOURS AND TRANSIT LIMITED, doing business as VANCOUVER TOURS & TRANSIT LTD., 629 Derman Street, Vancouver 5, British Columbia, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between the ports of entry on the international boundary line between the United States and Canada located at Blaine, Lynden, Customs, and Oroville, Wash., on the one hand, and, on the other, points in Oregon, California, Nevada, Arizona, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133858 (Sub-No. 1), filed July 1, 1969. Applicant: THE COTTER GARAGE CORPORATION, 8 Jewell Court, Hartford, Conn. 06105. Applicant's representative: Richard Goodman, Bailey and Wechsler, 266 Pearl Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter service in nonscheduled door-to-door service limited to the transportation of not more than six passengers in any one vehicle (not including driver), between points in Litchfield, Hartford, and Tolland Counties, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 42487 (Sub-No. 725), filed July 2, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: R. C. Stetson (same address as applicant). 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, commodities requiring special equipment, livestock, commodities injurious or contaminating to other lading, and household goods as defined by the Commission), between Liberal, Kans., and Flagstaff, Ariz., from Liberal over U.S. Highway 54 to Santa Rose, N. Mex., thence over U.S. Highway 66 to Flagstaff, and return over the same route, as an alternate route in connection with applicant's presently authorized regular route operations between Bucklin, Kans., and Phoenix, Tucson, and Douglas, Ariz., serving no intermediate points.

No. MC 129384 (Clarification), filed June 2, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and republished as clarified this issue. Applicant: BETHANY EXPRESS, INC., 616 South 22d Street, Bethany, Mo. 64424. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) between the junction of U.S. Highway 69 and Missouri Highway 6 and Bethany, Mo., serving all intermediate points and the junction of U.S. Highway 69 and Missouri Highway 6 as a point of joinder with carrier's otherwise authorized routes, without restriction, from the junction of U.S. Highway 69 and Missouri Highway 6, thence over Missouri Highway 6 to its junction with Missouri Highway 13, thence over Missouri Highway 13 to its junction with U.S. Highway 136, thence over U.S. Highway 136 to Bethany, Mo., and return over the same route; (B) between Bethany, Mo., and Yorktown, Iowa, serving all intermediate points and the off-route points of Corydon, Iowa; and Cainsville and Saline, Mo., from Bethany, Mo., over U.S. Highway 136 to Princeton, Mo., thence over U.S. Highway 65 to its junction with Iowa Highway 2, thence over Iowa Highway 2 to its junction with unnumbered highway, thence over unnumbered highway to Yorktown, Iowa, and return over the same route;

(C) Between Eagleville, Mo., and Leon, Iowa, serving all intermediate points and the off-route points of Saline and Cainville, Mo., serving Leon, Iowa, as a point of joinder with carrier's otherwise authorized routes, without restriction, from Eagleville, Mo., over U.S. Highway 69 to Leon, Iowa, and return over the same route; (D) between the junction of U.S. Highway 136 and U.S. Highway 169 and Mount Ayr, Iowa, serving all intermediate points and the off-route points of Worth and Denver, Mo., and serving the junction of U.S. Highway 136 and U.S. Highway 169 and Mount Ayr, Iowa, as points of joinder with carrier's otherwise authorized routes without restriction, from the junction of U.S. Highway 136 and U.S. Highway 169, over U.S. Highway 169, to Mount Ayr, Iowa, and return over the same route; (E) between Stanberry, Mo., and the junction of Missouri Highway 246 and Missouri Highway 46 serving all intermediate points and the off-route points of Conception and Conception Junction, Mo., and the junction of Missouri Highway 246 and Missouri Highway 46 as a point to joinder with carrier's otherwise authorized routes, without restriction, from Stanberry, Mo., over U.S. Highway 136 to its junction with Missouri Highway 46, thence over Missouri Highway 46 to its junction with Missouri Highway 246 and return over the same route; (F) between the junction of U.S. Highway 71 and Missouri Highway 27, and Bedford, Iowa, serving all intermediate points, and the junction of U.S. Highway 71 and Missouri Highway 27, and Bedford, Iowa, as points of joinder with carrier's otherwise authorized routes, without restriction, from the junction of U.S. Highway 71 and Missouri Highway 27 over Missouri Highway 27 to Iowa State line, thence over Iowa Highway 148 to Bedford, Iowa, and return over the same route;

(G) Between Hopkins, Mo., and the junction of Missouri Highway 46 and U.S. Highway 69 serving all intermediate points and the off-route points of Worth and Denver, Mo., and Athelston and Blockton, Iowa, and serving (a) Hopkins, Mo., (b) the junction of Missouri Highways 46 and 246; (c) Grant City, Mo.; and (d) the junction of Missouri Highway 46 and U.S. Highway 69 as points of joinder with carrier's otherwise authorized routes, without restriction, from Hopkins, Mo., over Missouri Highway 27 to its junction with Missouri Highway 246, thence easterly over Missouri Highway 246 to Grant City, Mo., thence over Missouri Highway 46 to its junction with U.S. Highway 69 and return over the same route; and (H) between points and places in the Kansas City, Mo.-Kans., commercial zone and Clarinda, Iowa, serving the intermediate point of St. Joseph, Mo. (restricted against service between the Kansas City, Mo.-Kans., commercial zone and St. Joseph, Mo.) and also serving Clarinda, Iowa, as a point of joinder with carrier's otherwise authorized routes, without restriction, from points and places in Kansas City, Mo., over Interstate Highway 29, to St. Joseph, Mo., thence over U.S. Highway 71 to Clarinda, Iowa, and return over the same route. NOTE: The purpose of this republication is to more clearly set forth the territorial scope of the application.

MC 26451 (Sub-No. 14), filed June 30, 1969. Applicant: INTERMOUNTAIN TRANSPORTATION COMPANY, a corporation, Nos. 7-9 Main Street, Anaconda, Mont. 59711. Applicant's representative: John L. McKeon, 124 Oak Street, Anaconda, Mont. 59711. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between Great Falls and Billings, Mont.: From Great Falls over U.S. Highway 87 to Billings and return over the same route, serving all intermediate points. NOTE: Applicant states it intends to tack the sought authority with its presently held authority at Great Falls, Mont., to serve points in Montana and Idaho.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.
Acting Secretary.

[F.R. Doc. 69-8662; Filed, July 24, 1969; 8:45 a.m.]

[Notice 382]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 22, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. 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-71412. By order of July 14, 1969, the Motor Carrier Board approved the transfer to Robert Lukenbill, doing business as J & L Co., Spokane, Wash., of the operating rights in permit No. MC-124315 issued July 23, 1964, to Robert Lukenbill and Dwight Johnson, a partnership, doing business as J & L Co., Spokane, Wash., authorizing the transportation of bakery products, from Spokane, Wash., to Newport, Pullman, and Colville, Wash., and Wallace, Lewiston, Moscow, Plummer, Coeur d'Alene, Sandpoint, and Kellogg, Idaho; and returned and stale bakery products, from the specified destination points in Washington and Idaho to Spokane, Wash., Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash. 99201, attorney for applicants.

No. MC-FC-71465. By order of July 10, 1969, the Motor Carrier Board approved the transfer to Dover Moving & Storage, Inc., Dover, Del., of the certificate in No. MC-11168, issued November 30, 1961, to C. F. Schwartz, Inc., authorizing the transportation of general commodities and specified commodities from, to and between named points and areas in Maryland, Virginia, Pennsylvania, New

Jersey, North Carolina, Georgia, Delaware, New York, and the District of Columbia. Wilmer A. Hill, 529 Transportation Building, Washington, D.C. 20006, attorney for applicants.

No. MC-FC-71481. By order of July 14, 1969, the Motor Carrier Board approved the transfer to L. E. Boling, Inc., Kewanee, Ill., of certificates Nos. MC-119583 and MC-119583 (Sub-No. 1) issued July 27, 1960, and March 6, 1962, respectively, to L. E. Boling, Kewanee, Ill., authorizing the transportation of cereal beverages, malt beverages, compressed gas, carbide, fresh and canned vegetables, canning machinery and equipment, roofing and building materials, and low-bed trailers, in initial movements, in truckaway service, and axles and brakes used in the manufacture of low-bed trailers, between and from and to, from various points in the United States, except Alaska and Hawaii. Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-71488. By order of July 10, 1969, the Motor Carrier Board approved the transfer to Osborne Trucking Co., Inc., Riverton, Wyo., of the operating rights in permit No. MC-127964 (Sub-No. 1) issued May 26, 1967, to John H. Osborne, doing business as Osborne Trucking Co., Riverton, Wyo., authorizing the transportation of cement, in bulk, from Montana City, Mont., and Devil's Slide, Utah, to Riverton, Wyo.; concrete pipe and precast concrete products, from Riverton, Wyo., to points in Colorado, Idaho, and Utah; and reinforcing steel mesh, reinforcing steel bars angle iron, steel bars, and steel channels, from Pueblo, Colo., to Riverton, Wyo. Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001, attorney for applicants.

No. MC-FC-71502. By order of July 10, 1969, the Motor Carrier Board approved the transfer to McConnell Van Lines, Inc., Hershey, Nebr., of a portion of certificate No. MC-18352, issued June 13, 1941, to Howard McConnell, Hershey, Nebr., authorizing the transportation of: Household goods, over irregular routes, between Hershey, Nebr., and points in Nebraska within 55 miles of Hershey, on the one hand, and, on the other, points in Colorado and Wyoming. Robert E. Roeder, Post Office Box 908, North Platte, Nebr. 69101, attorney for applicants.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8766; Filed, July 24, 1969; 8:51 a.m.]

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