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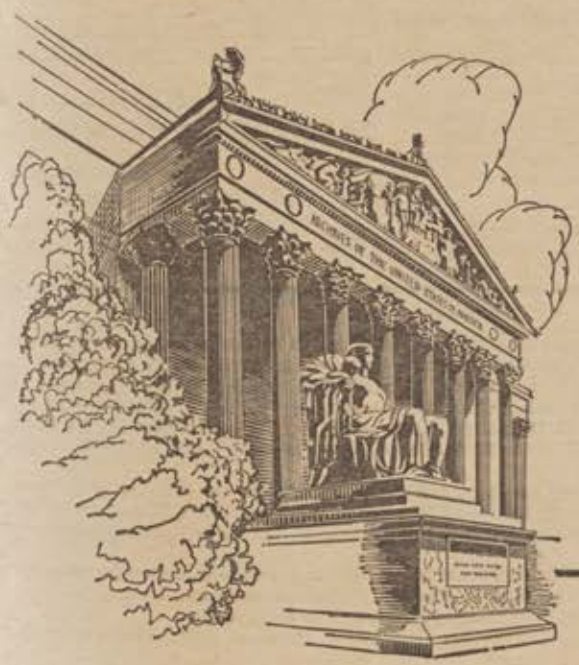
Agencies in this issue—

Detailed list of Contents appears inside.



Volume 81

UNITED STATES STATUTES AT LARGE

[90th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1967, reorganization plans, the twenty-fifth amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

7 CFR

401 1820

13 CFR

123 1820

14 CFR

97 1813
225 1819

16 CFR

13 (7 documents) 1820–1824
15 (3 documents) 1824, 1825

21 CFR

121 1826

22 CFR

42 1813

26 CFR

31 1826

33 CFR

110 1826

PROPOSED RULES:

80 1831
86 1831
126 1831
144 1831

42 CFR

57 1827

46 CFR

PROPOSED RULES:

2 1831
6 1831
20 1831
24 1831
25 1831
30 1831
31 1831
32 1831
33 1831
34 1831
35 1831
38 1831
39 1831
40 1831
45 1831
70 1831
72 1831
75 1831
78 1831
90 1831
92 1831
94 1831
96 1831
97 1831
98 1831
110 1831
111 1831
146 1831
147 1831
151 1831
160 1831
161 1831
164 1831
167 1831
175 1831
177 1831
180 1831
184 1831
188 1831
190 1831
192 1831
195 1831

49 CFR

211 1827
369 1830

PROPOSED RULES:

371 1836

Rules and Regulations

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.601]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Petitions

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is amended in accordance with revised regulations of the Immigration and Naturalization Service which limit the revocation of petitions because of inability to obtain visas within a prescribed period of time to certain third and sixth preference categories.

Section 42.43(a)(2) is amended to read as follows:

§ 42.43 Suspension or termination of action in petition cases.

(a) * * *

(2) A petition according third or sixth preference has been automatically revoked under the regulations of the Immigration and Naturalization Service due to the beneficiary's failure to obtain a visa on or prior to the expiration date or period of approval shown on the approved petition. Such a petition may be revalidated by the Immigration and Naturalization Service and is to be returned to the office of the Service which approved the petition at such time as it appears that a preference number may be available within 1 year for the issuance of an immigrant visa.

* * * * *

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

JANUARY 31, 1969.

[F.R. Doc. 69-1567; Filed, Feb. 6, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9376; Amdt. 635]

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 delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Mount Pocono, Pa.—Mount Pocono, ADF 1, Amdt. 1, 24 July 1965 (established under Subpart C).

2. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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	
San Antonio VOR	LOM	Direct	2400	T-dn*	300-1	300-1	200-½
Wetmore Int	LOM	Direct	2400	C-dn	500-1	500-1	500-1¼
Lenoya Int	LOM	Direct	2400	S-dn-3#	200-¼	200-½	200-¼
Collins Int	LOM (final)	Direct	2100	A-dn	600-2	600-2	600-2

Radar available.
Procedure turn E side of SW crs, 212° Outbnd, 032° Inbnd, 2400' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2050'—3.9 miles; at MM, 981'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb direct to SAT VOR, continue climbing to 3200' on R 353° within 20 miles of SAT VOR or, when directed by ATC, turn right and climb to 3000' on R 158° within 20 miles of SAT VOR, or climb to 3000' on NE crs of SAT ILS within 20 miles of SA LOM.
#400-¼ required when glide slope not utilized.
*RVR 2400' authorized Runway 3.
MSA within 25 miles of LOM: 000°-360°—3100'.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS Runway 3, Amdt. 2; Eff. date, 27 Feb. 69; Sup. Amdt. No. 1; Dated, 12 Aug. 67

3. 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: 2.2 miles after passing JFN VORTAC.
			Climb to 3000', right turn to JFN VORTAC and hold. Supplementary charting information: Hold W of JFN VORTAC, 1 minute, right turns, 068° Inbnd. Steel towers: 4.5 miles NW of airport, 1294', 4 miles NNW of airport, 1110'; and 4.5 miles NNE of airport, 1129'. TDZ elevation, 923'.

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 3000' within 10 miles of JFN VORTAC.
FAF, JFN VORTAC. Final approach crs, 068°. Distance FAF to MAP, 2.2 miles.
Minimum altitude over JFN VORTAC, 1800'.
MSA: 000°-090°—2600'; 090°-180°—2900'; 180°-270°—2600'; 270°-360°—2300'.
NOTE: Use ERI altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-8	1400	1	477	1400	1	477	1400	1	477	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1460	1	537	1460	1	537	1460	1½	537	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Ashtabula; State, Ohio; Airport name, Ashtabula County; Elev., 923'; Facility, JFN; Procedure No. VOR Runway 8, Amdt. Orig.; Eff. date, 27 Feb. 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	Map: 7.7 miles after passing AGC VORTAC.
			Make left-climbing turn to 3000' direct to AGC VORTAC and hold. Supplementary charting information: Hold SE, 1 minute, right turns, 309° Inbnd. TDZ elevation, 1194'.

Procedure turn S side of crs, 129° Outbnd, 309° Inbnd, 3000' within 10 miles of AGC VORTAC.
FAF, AGC VORTAC. Final approach crs, 309°. Distance FAF to MAP, 7.7 miles.
Minimum altitude over AGC VORTAC, 3000'.
MSA: 000°-090°—3100'; 090°-180°—3100'; 180°-270°—2900'; 270°-360°—3100'.
NOTES: (1) Radar vectoring. (2) Use Greater Pittsburgh altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-31	1780	1	586	1780	1	586	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1800	1	598	1800	1	598	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Bridgeville; State, Pa.; Airport name, Campbell; Elev., 1202'; Facility, AGC; Procedure No. VOR Runway 31, Amdt. Orig.; Eff. date, 27 Feb. 69

4. 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: 8.3 miles after passing ABY VOR TAC.
Brunswood Int	ABY VORTAC (NOPT)	Direct	2000	Climb to 3000' on R 157° within 15 miles.
ABY R 027° CCW	ABY R 324° (NOPT)	10-mile Arc	2000	Supplementary charting information: TDZ elevation, 195'.
ABY R 292° CW	ABY R 324° (NOPT)	10-mile Arc	2000	
10-mile Arc	ABY VORTAC (NOPT)	R 324°	2000	

Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000' within 10 miles of ABY VORTAC.
FAF, ABY VORTAC. Final approach crs, 144°. Distance FAF to MAP, 8.3 miles.
Minimum altitude over ABY VORTAC, 2000'; over 5-mile DME Fix, 780'.
MSA: 000°–270°—1600'; 270°–360°—2500'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	780	1	585	780	1	585	780	1	585	780	1¼	585
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	584	780	1	584	780	1½	584	920	2	724
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	660	1	465	660	1	465	660	1	465	660	1	465
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	660	1	464	660	1	464	660	1½	464	920	2	724
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Albany; State, Ga.; Airport name, Albany Municipal; Elev., 196'; Facility, ABY; Procedure No. VOR Runway 16, Amdt. 14; Eff. date, 27 Feb. 69; Sup. Amdt. No. 13; Dated, 21 Mar. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CVO VOR.
Marlon Int	CVO VOR	Direct	3000	Turn left, climb to 3000' on R 008° within
Alford Int	CVO VOR	Direct	3000	15 miles of CVO VOR.
Vaughn Int	CVO VOR	Direct	4200	Supplementary charting information:
CVO VOR	Fischer FM	Direct	3000	LRCO. TDZ elevation, 243'.

Procedure turn E side of crs, 008° Outbnd, 188° Inbnd, 3000' within 10 miles of Fischer FM.
Final approach crs, 188°.
Minimum altitude over Fischer FM, 1500'.
MSA: 000°–090°—4000'; 090°–180°—4200'; 180°–360°—5100'.
NOTE: Use Eugene altimeter setting when control zone not effective.
*Straight-in and circling MDA 800' when control zone not effective.
%IFR departure procedures: Runways 3, 9, and 35 turn right; Runways 17, 21, and 27 turn left. Climb on R 151° CVO VOR within 5 miles so as to cross CVO VOR at or above 900' V23W northwestbound.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-17*	660	1	417	660	1	417	660	1	417	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	700	1	454	700	1	454	700	1½	454	NA
A	Standard.#		T 2-eng. or less—Runways 27, 21, 3, 9, 400-1;% 17 and 35 standard.				T over 2-eng.—Runways 27, 21, 3, 9, 400-1;% 17 and 35 standard.			

City, Corvallis; State, Oreg.; Airport name, Corvallis Municipal; Elev., 246'; Facility, CVO; Procedure No. VOR Runway 17, Amdt. 5; Eff. date, 27 Feb. 69; Sup. Amdt. No. 4; Dated, 18 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.4 miles after passing MER VOR.
Volta Int	MER VOR	Direct	2500	Climbing left turn to 2000', direct to MER VOR and hold.
Turlock Int	MER VOR	Direct	2500	Supplementary charting information: Hold SE, 1 minute, right turns, 288° Inbnd. TDZ Elevation, 153'.

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 2500' within 10 miles of MER VOR.
FAF, MER VOR. Final approach crs, 288°. Distance FAF to MAP, 6.4 miles.
Minimum altitude over MER VOR, 2000'.
MSA: 000°-090°—5300'; 090°-180°—2500'; 180°-270°—2000'; 270°-360°—4000'.
NOTES: (1) Radar vectoring. (2) Use Castle AFB altimeter setting.
##Air carrier will not reduce landing visibility for Runway 12 to less than 1 mile due to local conditions.
$$Air carrier will not reduce takeoff visibility to less than ½ mile for Runway 30.
*Standard for operators with approved weather reporting service at airport.
CAUTION: Heavy military jet traffic operating in vicinity of Castle AFB located 5 miles NW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-30	560	1	407	560	1	407	560	1	407	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C##	640	1	487	640	1	487	640	1¼	487	NA
A	Not authorised.*		T 2-eng. or less—Standard.$$				T over 2-eng.—Standard.$$			

City, Merced; State, Calif.; Airport name, Merced Municipal; Elev., 153'; Facility, MER; Procedure No. VOR Runway 30, Amdt. 5; Eff. date, 27 Feb. 69; Sup. Amdt. No. 4; Dated, 9 Jan. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.4 miles after passing SOP VORTAC.
R 186°, SOP VORTAC CW	R 266°, SOP VORTAC	10-mile DME Arc	2200	Left turn climb to 2200' direct to SOP VORTAC and hold.
R 356°, SOP VORTAC CCW	R 266°, SOP	10-mile DME Arc	2200	Supplementary charting information: Hold W, 1 minute, right turns, 077° Inbnd. Final approach crs to center of landing area.
10-mile Arc	SOP VORTAC (NOPT)	SOP R 266°	2000	

Procedure turn S side of crs, 266° Outbnd, 086° Inbnd, 2200' within 10 miles of SOP VORTAC.
FAF, SOP VORTAC. Final approach crs, 086°. Distance FAF to MAP, 9.4 miles.
Minimum altitude over SOP VORTAC, 2000'; over 4-mile DME Fix, 1020'.
MSA: 000°-090°—1900'; 090°-180°—1800'; 180°-270°—1800'; 270°-360°—2500'.
NOTES: (1) Use FAY altimeter setting. (2) No weather reporting.
*Alternate minimums not authorized and VOR and VOR/DME minimums increased 120' all categories aircraft for operators not having approved local weather reporting service.
$Night minimums not authorized on Runways 14/32.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*$	1020	1	565	1020	1	565	1020	1¼	565	NA
	VOR/DME:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*$	860	1	405	920	1	465	920	1¼	465	NA
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Southern Pines; State, N.C.; Airport name, Pinehurst-Southern Pines; Elev., 455'; Facility, SOP; Procedure No. VOR-1, Amdt. 6; Eff. date, 27 Feb. 69; Sup. Amdt. No. 5; Dated, 26 Dec. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.9 miles after passing Railroad Int.
				Make left-climbing turn to 2600', direct to ORW VORTAC and hold. Supplementary charting information: Hold SW ORW VORTAC, 1 minute, right turns, 061° Inbnd. Final approach crs to intersection of Runways 9/27 and 6/24. Depict 13.9-mile DME Fix ORW, R 338° at missed approach point.

Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 2600' within 10 miles of ORW VORTAC.
FAF, Railroad Int/9-mile DME. Final approach crs, 338°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over ORW VORTAC, 2600'; over Railroad Int/9-mile DME, 1200'.
MSA: 000°-090°—2100'; 090°-180°—1800'; 180°-270°—2000'; 270°-360°—2100'.
NOTES: (1) Radar vectoring. (2) Use Bradley Field altimeter setting. (3) Night operations Runways 6/24 not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	960	1	716	960	1	716	980	1¼	736	NA
A	Not authorized.			T 2-eng. or less—500-1 all runways.			T over 2-eng.—500-1 all runways.			

City, Willimantic; State, Conn.; Airport name, Windham; Elev., 244'; Facility, ORW; Procedure No. VOR-1, Amdt. 3; Eff. date, 27 Feb. 69; Sup. Amdt. No. 2; Dated, 26 Dec. 68

5. 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: 4.3 miles after passing TSD NDB.
AVP VORTAC	Daleville Int	Direct	4000	Right turn, climbing to 4000' direct to TSD NDB and hold; or, when directed by ATC, right turn to heading of 230° climbing to 4000°, intercept and proceed via LHY R 188° northbound to Pocono Int and hold. Supplementary charting information: Hold N TSD NDB, 1 minute, left turns, 193° Inbnd. 2143' terrain vicinity of TSD NDB.
LHY VORTAC	Daleville Int	Direct	4000	
Daleville Int	TSD NDB (NOPT)	Direct	3200	

Procedure turn not authorized. Approach crs (profile) starts at Daleville Int.
FAF, TSD, NDB. Final approach crs, 163°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over Daleville Int., 4000'; over TSD NDB, 3200'.
MSA: 000°-180°—3500'; 180°-360°—4000'.
NOTES: (1) Radar vectoring. (2) Use Wilkes-Barre altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	2460	1	544	2460	1	544	2460	1¼	544	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Mount Pocono; State, Pa.; Airport name, Mount Pocono; Elev., 1916'; Facility, TSD; Procedure No. NDB (ADF)-1,; Amdt. 2; Eff. date, 27 Feb. 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 24 July 65

6. By amending § 97.27 of Subpart C to amend 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: PHT NDB.
DYR VORTAC	PHT NDB	Direct	2200	Climbing left turn to 2200' on 352° bearing from PHT NDB within 10 miles.
PUK VORTAC	PHT NDB	Direct	2200	
JKS VORTAC	PHT NDB	Direct	2200	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. TDZ elevation, 570'.
GHM VOR	PHT NDB	Direct	2200	

Procedure turn W side of crs, 206° Outbnd, 026° Inbnd, 2200' within 10 miles of PHT NDB.
Final approach crs, 026°.
Minimum altitude over PHT NDB, 1300'.
MSA: 000°-360°—2000'.
NOTE: Use MKL FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-1	1300	1	730	1300	1	730	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1300	1	729	1300	1	729	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Paris; State, Tenn.; Airport name, Henry County; Elev., 571'; Facility, PHT; Procedure No. NDB (ADF) Runway 1, Amdt. 1; Eff. date, 27 Feb. 69; Sup. Amdt. No. Orig.; Dated, 24 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PHT NDB.
DYR VORTAC	PHT NDB	Direct	2200	Climbing right turn to 2200' on 208° bearing from PHT NDB within 10 miles.
PUK VORTAC	PHT NDB	Direct	2200	
JKS VORTAC	PHT NDB	Direct	2200	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. TDZ elevation, 568'.
GHM VOR	PHT NDB	Direct	2200	

Procedure turn E side of crs, 349° Outbnd, 169° Inbnd, 2200' within 10 miles of PHT NDB.
Final approach crs, 169°.
Minimum altitude over PHT NDB, 1300'.
MSA: 000°-360°—2000'.
NOTE: Use MKL FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-19	1300	1	732	1300	1	732	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C-19	1300	1	729	1300	1	729	NA	NA
A	Not authorized		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Paris; State, Tenn.; Airport name, Henry County; Elev., 571'; Facility, PHT; Procedure No. NDB (ADF) Runway 19, Amdt. 1; Eff. date, 27 Feb. 69; Sup. Amdt. No. Orig.; Dated, 24 Oct. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601, 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 January 22, 1969.

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

[F.R. Doc. 69-1247; Filed, Feb. 6, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-553, Amdt. 5]

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

Modification of Trade Agreement Authorization for Local Service Carriers; Extension of Part for One Year

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

On October 7, 1968, the Civil Aeronautics Board issued a notice of proposed rule making, EDR-149, 33 F.R. 15220, proposing to amend Part 225 of its economic regulations (14 CFR Part 225) to modify the trade agreement authorization of the local service carriers and extend the part for an additional year.[1] Therein it was proposed to modify the trade agreement allowance for this class of carriers from the same amount per carrier to a variable allowance dependent upon the number of stations served: *Provided, however,* That the aggregate authority for local service carriers would not be increased beyond what it was prior to the recent mergers, i.e., $2,600,000. Thus, it was proposed to grant an aggregate authorization of about $2,602,000 a year based upon a per carrier annual allowance of $50,000 plus $4,000 for each station served.[2]

Comments were received from two trunkline carriers (Continental Air Lines, Inc., and Western Air Lines, Inc.), two local service carriers (Frontier Airlines and Piedmont Aviation, Inc.) and one intra-Alaska route carrier (Wien Consolidated Airlines, Inc.). Only Continental and Western oppose the proposed rule. Although supporting the substance of the proposed rule, Wien Consolidated asks for a 3-year extension of the part instead of a 1-year extension as proposed in the notice and seeks an increase in the trade agreement allowance for intra-Alaska route carriers.[3]

After due consideration of all of the comments, we have determined to finalize the rule as proposed. Therefore, except as modified herein, the tentative findings set forth in the explanatory statement to the proposed rule (EDR-149, supra) are incorporated herein by reference and finalized.

In opposing the rule, Western states that it seems particularly inequitable to expand the local service carriers' privilege of exchanging transportation for advertising at the very moment that the Board is permitting such carriers to engage in increased competition in markets which the trunkline carriers are authorized to serve. Continental suggests continuation of the rule essentially in its present form, with an express restriction against the application of Part 225 to subsidy ineligible carriers and subsidy ineligible portions of the systems of subsidized carriers; or, in the alternative, should the proposed rule be adopted, that the Board not permit its application on subsidy ineligible routes of the carrier.

These objections do not persuade us to modify the proposed rule. These matters were considered by the Board when it issued the proposed rule and were reflected in our tentative determination to extend the part for only 1 year, instead of 3 years as requested. In light of the present financial condition of the local service carriers and the need to reduce their dependence on subsidy, and in view of the absence of any showing that an extension for 1 year will have a significant competitive impact on the trunkline carriers, we shall finalize the proposed rule. However, we intend to explore again the considerations raised by the trunkline carriers in connection with any future request for extension of the part.

As indicated above, Wien requests modification of the trade agreement allowance for the intra-Alaska carriers, i.e., an increase from the existing allowance of $20,000 a year per carrier to an amount based on a formula which would grant the four carriers involved[4] an aggregate yearly allowance of about $135,000,[5] of which Wien's share would be $54,000 a year.[6] Since a modification of the amount of trade allowance for the intra-Alaska carriers was not placed in issue by the notice in this proceeding and no parties have had an opportunity to comment thereupon, this matter is beyond the scope of the present proceeding. However, the document filed by Wien, to the extent it seeks an increase in the trade allowance for the intra-Alaska carriers will be considered a petition for rule making and will be acted upon in a separate proceeding.

Wien requests also that the part be extended for 3 years instead of 1 year as proposed in the notice. It asserts that a 3-year extension is warranted because promotion and advertising plans must be made well in advance, especially in tourist markets where the season fluctuations are very great and where tourists are attracted from distant places. While there is merit to this contention, on balance, such considerations are outweighed by the Board's desire to review the entire trade agreement program after 1 year in the light of the modification which we are making herein as well as the changes which have taken place in the local service carrier industry, including expansion of route systems and upgrading of equipment. Hence the proposed 1-year extension will be adopted.

Inasmuch as this amendment does not impose a regulatory burden on any person and grants an exemption, the amendment may be made effective upon less than 30 days' notice.[7]

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 225 of its economic regulations (14 CFR Part 225) effective immediately (Feb. 4, 1969) as follows:

1. Amend § 225.1(a) by deleting and reserving subparagraph (2) as follows:

§ 225.1 Definitions.

For the purposes of this part:

(a) "Airline" means:

* * * * *

(2) [Reserved]

2. Amend § 225.2(a) to read as follows:

§ 225.2 Filing of notice of trade agreement and cancellation of such agreement.

(a) *Notice of trade agreement.* Any airline may at any time prior to December 18, 1969, file with the Board a notice of its intention to furnish air transportation in exchange for services or goods for advertising purposes. Every such notice shall be accompanied by an executed counterpart of a written agreement, containing all the terms of the agreement between the parties thereto, duly entered into by such air carrier with the supplier, and by an affidavit by the chief financial officer or other responsible officer of the airline having knowledge of the transaction in the form required by § 225.4. Every such notice shall be filed at least 14 days prior to the effective date specified in the trade agreement. Within the meaning of this part, air transportation shall be deemed to be furnished when the passenger is actually enplaned.

3. Amend § 225.5 by modifying paragraph (a) and deleting and reserving paragraph (1). As amended § 225.5 will read, in part, as follows:

§ 225.5 Provisions of agreement.

Each trade agreement entered into by an airline hereunder shall provide:

(a) That it shall become effective on a specified day, on or before January 1, 1970;

* * * * *

(1) [Reserved]

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[1] By the terms of the part, trade agreements to be performed during 1969 must be filed with the Board prior to Dec. 18, 1968. Therefore, since that date the carriers have been precluded from entering into any new contracts to be performed during 1969.

[2] Under this arrangement, Frontier and Air West—the local service carriers with the largest number of stations to serve—would be authorized trade agreement allowances of $438,000 and $350,000, respectively. On the other hand, Ozark, Piedmont, and Southern—the local service carriers with the smallest number of stations—would receive $246,000, $230,000, and $246,000, respectively.

[3] Sections 225.1(a)(4) and 225.6(b).

[4] These carriers are Alaska Airlines, Inc., Kodiak Airways, Inc., Western Alaska Airlines, Inc., and Wien Consolidated Airlines, Inc.

[5] Based on a formula of $15,000 per carrier and $300 per station served.

[6] Wien requests that the Board amend Part 225 to grant it an allowance of approximately $60,000 a year for the future.

[7] The Board also proposed to amend Part 225 by deleting the existing authorization for trunkline carriers on subsidy to enter into trade agreements. Since no objections to this proposed amendment were filed, it will be finalized herein.

4. Amend § 225.6 to read, in part, as follows:

§ 225.6 Limitation on total value of trade agreements.

The total value of trade agreements entered into by any single airline in accordance with the provisions of this part shall be not more than:

(a) $200,000 in the aggregate each year for those airlines identified under § 225.1(a)(3);

* * * * *

(d) $50,000 plus $4,000 per station served in the aggregate each year for those airlines identified under § 225.1(a)(1). For the purpose of this paragraph, the number of stations served by a particular carrier on January 1 of each year shall be used in computing such carrier's aggregate trade agreement authorization for such calendar year.

(Secs. 204(a), 403, 404, and 416, 72 Stat. 743, 758, 760, 771; 49 U.S.C. 1324, 1373, 1374, 1386)

By the Civil Aeronautics Board.

Vice Chairman Murphy dissented.

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

[F.R. Doc. 69-1606; Filed, Feb. 6, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Correction

In F.R. Doc. 69-342 appearing at page 376 in the issue of Friday, January 10, 1969, under the center heading "Colorado" insert "Washington" county to follow "Sedgwick".

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 5, Amdt. 4]

PART 123—DISASTER LOANS

Miscellaneous Amendments

Part 123 of the Code of Federal Regulations is hereby further amended as follows:

1. Amending section 7(b)(3) of the statutory provision in § 123.0 to read as follows:

§ 123.0 Statutory provisions.

* * * * *

(b) * * *

(3) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase of construction of other premises whether or not the borrower owned the premises occupied by the business; and

* * * * *

2. By revising subparagraph (2) of paragraph (b) of § 123.1 to read as follows:

§ 123.1 General.

* * * * *

(b) * * *

(2) To assist in reestablishing its business, continuing in business at its existing location, in purchasing a business, or in establishing a new business, if SBA determines that the concern has suffered substantial economic injury as a result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government (Displaced Business Disaster Assistance); and

* * * * *

3. Revise subparagraph (3)(i) of paragraph (c) of § 123.4 to read as follows:

§ 123.4 Purposes of loans.

* * * * *

(c) * * *

(3) Where realty is needed, no loan shall provide funds which would increase the square footage of:

(i) Land space to more than one-half greater than that owned or occupied prior to displacement: *Provided, however,* That additional space to meet the minimum requirement of a local building code for parking space may be approved;

* * * * *

Effective date. August 23, 1968, except the revision of subparagraph (c)(3)(i) of § 123.4 which is effective as of November 22, 1968.

HOWARD J. SAMUELS, *Administrator.*

[F.R. Doc. 69-1564; Filed, Feb. 6, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1474]

PART 13—PROHIBITED TRADE PRACTICES

Automation Machine Training Center, Inc., and Emmett R. Davis

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.71 *Financing;* § 13.185 *Refunds, repairs, and replacements.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1670 *Jobs and employment;* § 13.1725 *Refunds.*

(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, Automation Machine Training Center, Inc., et al., Kansas City, Mo., Docket C-1474, Jan. 6, 1969]

In the Matter of Automation Machine Training Center, Inc., a Corporation, and Emmett R. Davis, Individually and as an Officer of Said Corporation

Consent order requiring a Kansas City, Mo., data processing school to cease falsely representing the employment opportunities of its enrollees, the financial assistance and refund provisions afforded, that it operates dormitories, and that it teaches computer programing.

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

It is ordered, That respondents Automation Machine Training Center, Inc., a corporation, and its officers, and Emmett R. Davis, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study, training, or instruction in the field of electronic data processing or any other subject 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. Inquiries are solicited for the purpose of offering employment to qualified applicants when the real purpose is to secure leads to prospective purchasers of respondents' courses.

2. Upon completion of respondents' courses and by virtue thereof, graduates will obtain employment with a starting salary of $350 per month or any other specific salary or range of salaries: *Provided, however,* It shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented starting salary or salaries are typical of those obtained

by such persons; or misrepresenting, in any manner, the earnings of persons completing respondents' courses.

3. Respondents offer training in computer programing; or misrepresenting, in any manner, the subjects covered by or the nature of respondents' courses.

4. Respondents guarantee or assure the placement of graduates in jobs for which they have been trained; or graduates will be placed in jobs in the geographical area of their choice; or misrepresenting, in any manner, respondents' efforts, ability, or facilities for assisting graduates in obtaining employment.

5. After paying the initial enrollment or registration fee, a student or other party who has agreed to pay on behalf of the student the balance of the cost of respondents' courses, may defer the payment of such balance until after the student has completed the course and obtained employment; or respondents will provide part-time employment to assist students attending the resident training portion of respondents' courses in making payments on the balance of the cost of said courses; misrepresenting, in any manner, the arrangements which may be made to aid or assist students in paying the cost of respondents' courses.

6. While attending the resident training portion of respondents' courses, students will be assigned to dormitories or other residence facilities owned or supervised by respondents or that such facilities will be within easy walking distance of respondents' place of business; or misrepresenting, in any manner, the character or location of residence facilities available to respondents' students.

7. Respondents provide interest free tuition loans or that payment of the cost of respondents' courses in installments or by deferred payments will involve no interest or other costs in addition to the cash price of the course.

8. Immediate employment is available to persons upon completion of the payment of their tuition and attendance at the resident training portion of respondents' courses; or misrepresenting, in any manner, the availability of employment to persons completing respondents' courses.

9. Respondents will permit a prospective student to withdraw his or her enrollment application at any time prior to being notified in writing by respondents of the acceptance of his or her enrollment and respondents will make a full refund of money theretofore paid to respondents by or on behalf of said student: *Provided, however,* It shall be a defense in any enforcement proceedings instituted hereunder for respondents to establish that in every instance in which such a request for withdrawal of the enrollment application is made, respondents do permit such a withdrawal and do refund all money theretofore paid respondents by or on behalf of said students.

10. Respondents will cancel any training contract or make any refund when requested to do so by or on behalf of a student who is unwilling or unable to complete respondents' course: *Provided, however,* That it shall be a defense in any enforcement proceedings instituted hereunder for respondents to establish that in every instance in which a request for cancellation or refund is made, respondents cancel the student's training contract and make the refund in conformity with the representation or representations made.

B. Failing to abide by and promptly fulfill all representations made to students or prospective students with respect to cancellation of contracts and granting of refunds.

C. Failing to deliver a copy of this order to all present and future salesmen or other persons engaged in the sale of respondents' courses and failing to secure from each salesman or person a signed statement acknowledging receipt of said order.

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: January 6, 1969.

By the Commission.

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

[F.R. Doc. 69-1557; Filed, Feb. 6, 1969; 8:45 a.m.]

[Docket No. C-1473]

PART 13—PROHIBITED TRADE PRACTICES

Burlington Industries, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Burlington Industries, Inc., Greensboro, N.C., Docket C-1473, Jan. 2, 1969]

Consent order requiring the Nation's largest textile manufacturer with headquarters in Greensboro, N.C., to cease acquiring any textile mill product corporation for a period of 10 years without prior approval of the Commission.

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

I. *It is ordered,* That, for the purposes of this order, the following definitions shall apply:

(a) "Textile Mill Product Corporation" means any corporation which at any stage processes, dyes, finishes, treats, fabricates, or manufactures one or more of the following named products: (1) Yarn, (2) thread, (3) braids, (4) twine, (5) cordage, (6) broad woven fabric (fabric over 12 inches in width), (7) narrow woven fabric (fabric of 12 inches or less in width), (8) knit fabric, (9) carpet and rugs, (10) felt goods, (11) lace goods, (12) bonded fabrics, or (13) miscellaneous products manufactured from fiber by knitting, weaving, braiding, or tufting. In addition, the definition of "Textile Mill Product Corporation" shall include any corporation which buys one or more of the aforesaid products in the gray, has such products finished on contract, and sells such products to purchasers other than end-users, such type of business operations being hereinafter referred to as "converting".

(b) "Textile Mill Product Assets" means assets, rights and privileges, tangible or intangible (other than nonexclusive licenses), including, but not restricted to, properties (other than real property, the disposition of which does not affect the continuation by the seller of the business in which such real property was used), plants machinery or equipment (other than machinery or equipment, the disposition of which does not affect the continuation by the seller of the business in which such machinery or equipment was used), inventories (other than products regularly and customarily purchased and sold in the ordinary course of business), contract rights, trade-marks, trade names, or goodwill, of any person, partnership, or corporation which are located, or have been located, in the United States or which are used in the United States, or which have been used in the United States, directly or indirectly, in or in connection with the processing, dyeing, finishing, treating, fabricating, manufacturing, or "converting" of one or more of the following named products: (1) Yarn, (2) thread, (3) braids, (4) twine, (5) cordage, (6) broad woven fabric (fabric over 12 inches in width), (7) narrow woven fabric (fabric of 12 inches or less in width), (8) knit fabric, (9) carpet and rugs, (10) felt goods, (11) lace goods, (12) bonded fabrics, or (13) miscellaneous products manufactured from fiber by knitting, weaving, braiding, or tufting.

II. *It is further ordered,* That for a period of ten (10) years following the effective date of this order, Burlington Industries, Inc. shall cease and desist from acquiring directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Commission the whole or any part of the stock or other share capital of any Textile Mill Product Corporation doing business in the United States and shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Commission any Textile Mill Product Assets. As used in this Paragraph, the acquisition of Textile Mill Product Assets includes any arrangement by respondent with any other party, pursuant to which such other party discontinues manufacturing any Textile Mill Products under a brand name or label owned by such other party and thereafter distributes any of said products under any of respondent's brand names or labels.

III. *It is further ordered,* That within sixty (60) days after the effective date of this order and at such further times as the Commission may require Burlington Industries, Inc., shall submit written reports to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying, or has complied with this order.

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

Issued: January 2, 1969.

By the Commission.[1]

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

[F.R. Doc. 69-1558; Filed, Feb. 6, 1969; 8:45 a.m.]

[Docket No. C-1476]

PART 13—PROHIBITED TRADE PRACTICES

Walter Dan Cross and Delaware Valley Sewing Center

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-195 Nature; § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155-10 Bait; 13.155-40 Exaggerated as regular and customary; 13.155-78 Repossession balances. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1805 *Exaggerated as regular and customary.*

(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, Walter Dan Cross doing business as Delaware Valley Sewing Center, Broomall, Pa., Docket C-1476, Jan. 6, 1969]

In the Matter of Walter Dan Cross, an Individual, Formerly Trading as Capitol Sewing Machine Sales of Delaware Valley, and Now Doing Business as Delaware Valley Sewing Center

Consent order requiring a Broomall, Pa., retailer of new and used sewing machines to cease using bait advertisements, fictitious pricing and savings claims, and deceptive guarantees in the sale of its merchandise.

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

It is ordered, That respondent Walter Dan Cross, an individual, formerly trading as Capitol Sewing Machine Sales of Delaware Valley, and now doing business as Delaware Valley Sewing Center or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of sewing machines, sewing machine cabinets, and related products or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that sewing machines or other products have been repossessed or are being offered for sale for the unpaid balance of the original purchase price: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that said advertised products actually were repossessed and offered for sale and sold for the balance of the unpaid purchase price.

2. Representing, directly or by implication, that respondent is engaged in the business of lending money or providing credit to purchasers of merchandise or of buying, selling, or otherwise dealing in commercial paper incident to the purchase of merchandise on credit; or misrepresenting, in any manner, the nature or status of respondent's business.

3. Representing, directly or by implication, that any products are offered for sale when such offer is not a bona fide offer to sell said products on the terms and conditions stated; or using any sales plan or procedure involving the use of false, deceptive, or misleading statements to obtain leads or prospects for the sale of other merchandise.

4. Advertising or offering any product for sale, unless the product shown or demonstrated to the prospective purchaser does in all respects conform to the representations and description thereof as contained in the advertisement or offer.

5. Disparaging, in any manner, or discouraging the purchase of any products advertised or displayed to prospective purchasers.

6. Representing, directly or by implication, that purchase of the advertised sewing machine includes a cabinet: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that a cabinet was included with purchase of the advertised sewing machine whenever such representation was made.

7. Misrepresenting, in any manner, the number or kind of units or parts or items included in any offer.

8. Representing, directly or by implication, that any price for respondent's products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondent in the recent regular course of his business; or misrepresenting, in any manner, that any savings or a stated amount of savings are available to purchasers.

9. Representing, directly or by implication, that respondent's products are guaranteed unless the nature, extent, and duration of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith.

10. 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: January 6, 1969.

By the Commission.

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

[F.R. Doc. 69-1560; Filed, Feb. 6, 1969; 8:46 a.m.]

[Docket No. C-1471]

PART 13—PROHIBITED TRADE PRACTICES

Dekon Furs, 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 Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Dekon Furs, Inc., et al., New York, N.Y., Docket C-1471, Dec. 26, 1968]

In the Matter of Dekon Furs, Inc., a Corporation, and Ental Kohn, Fred Kohn, and Alex Demetriades, 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 Dekon Furs, Inc., a corporation, and its officers, and Ental Kohn, Fred Kohn, and Alex Demetriades, 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:

[1] Separate statement by Commissioner MacIntyre filed as part of the original document.

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any such 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.

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: December 26, 1968.

By the Commission.

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

[F.R. Doc. 69-1561; Filed, Feb. 6, 1969; 8:46 a.m.]

[Docket No. C-1475]

PART 13—PROHIBITED TRADE PRACTICES

William Garland Chastain and Washington Service Bureau

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards:* 13.85-35 Government indorsement; § 13.115 *Jobs and employment service:* 13.115-20 Government. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1430 *Government indorsement, sanction or sponsorship:* Misrepresenting oneself and goods—Goods: § 13.1670 *Jobs and employment.*

(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, William Garland Chastain doing business as The Washington Service Bureau, Tucson, Ariz., Docket C-1475, Jan. 6, 1969]

In the Matter of William Garland Chastain, an Individual Doing Business as The Washington Service Bureau

Consent order requiring a Tucson, Ariz., seller of correspondence courses on Civil Service preparation to cease falsely representing that Civil Service examinations will be given in any particular area, that completion of his course will enable enrollee to obtain a designated position, that he will continue to train enrollee until job placement, and that he is affiliated with U.S. Government.

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

It is ordered, That respondent William Garland Chastain, an individual doing business as The Washington Service Bureau or under any other trade 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 any materials or course of instruction, 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) Civil Service examinations for particular positions have been announced or are about to be given in or for any geographical or U.S. Civil Service area: *Provided however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that examinations actually have been announced or are about to be given in or for such area and adequate time remains for the filing of applications to participate in such examinations and to prepare to take such examinations.

(2) The completion of any series of materials or course of instruction will enable a person to pass the Civil Service examination for the position selected by such person.

(3) Persons completing said materials or course of instruction and passing a Civil Service examination are assured of or will obtain Civil Service positions.

(4) Respondent's materials or course of instruction provide training for Civil Service positions or designated Civil Service positions: *Provided however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that solely by virtue of having completed said course persons are qualified and competent to discharge the duties and responsibilities of such position.

(5) Persons solicited to purchase respondent's materials or course of instruction are examined or screened as to their qualifications for positions to be sought before they are permitted to purchase such materials or course; or that said materials or course are sold only to those who qualify for the particular Civil Service position covered thereby.

(6) Respondent will continue to train or instruct persons who have completed a purchased series of materials or course of instruction until they are appointed to a Civil Service position; or misrepresenting, in any manner, the extent or nature of instruction given to purchasers.

(7) Respondent is a part of or affiliated with the U.S. Government; or misrepresenting, in any manner, respondent's affiliation with or relation to any person or private or public corporation or organization.

B. Failing to deliver a copy of this order to all present and future salesmen or other persons engaged in the sale of respondent's course and to secure from each salesman or 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: January 6, 1969.

By the Commission.

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

[F.R. Doc. 69-1559; Filed, Feb. 6, 1969; 8:45 a.m.]

[Docket No. C-1477]

PART 13—PROHIBITED TRADE PRACTICES

Marcus Brothers Textile Corp. and Samuel A. Marcus

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act. Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Marcus Brothers Textile Corp., et al., New York City, N.Y., Docket C-1477, Jan. 8, 1969]

In the Matter of Marcus Brothers Textile Corp., a Corporation, and Samuel A. Marcus, Individually and as an Officer of Said Corporation

Consent order requiring a New York City converter of greige textile fabrics to cease misbranding its textile fiber products, misrepresenting that it has mills and factories, and failing to maintain required records.

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

It is ordered, That respondents Marcus Brothers Textile Corp., a corporation, and its officers, and Samuel A. Marcus, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for

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

A. Misbranding such products by:

1. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Using a fiber trademark in conjunction with the required information on labels affixed to said textile fiber products without the generic name of the fiber appearing on said labels in immediate conjunction therewith and in type or lettering of equal size and conspicuousness.

B. Failing to maintain and preserve records of fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Marcus Brothers Textile Corp., a corporation, and its officers, and Samuel A. Marcus, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of textile fabrics or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Directly or indirectly using the word "Mills" or any other word or term of similar import or meaning in or as a part of respondents' corporate or trade name, or representing in any other manner that respondents perform the functions of a mill or otherwise manufacture textile fabrics or other products sold by them unless and until respondents own or operate, or directly and absolutely control the mill, factory, or manufacturing plant wherein said textile fabrics or other products are manufactured.

2. Misrepresenting in any manner that respondents have mills, factories, or manufacturing plants where their products are manufactured.

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: January 8, 1969.

By the Commission.

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

[F.R. Doc. 69-1562; Filed, Feb. 6, 1969; 8:46 a.m.]

[Docket No. C-1472]

PART 13—PROHIBITED TRADE PRACTICES

Zeiger & Green, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. 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 Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Zeiger & Green, Inc., et al., New York, N.Y., Docket C-1472, Dec. 26, 1968]

In the Matter of Zeiger & Green, Inc., a Corporation, and Charles Mitnick and Jack Zeiger, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing and deceptively guaranteeing 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 Zeiger & Green, Inc., a corporation, and its officers, and Charles Mitnick and Jack Zeiger, 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 any fur product by:

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

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

B. Falsely or deceptively invoicing any fur product by:

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

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

It is further ordered, That respondents Zeiger & Green, Inc., a corporation, and its officers, and Charles Mitnick and Jack Zeiger, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

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: December 26, 1968.

By the Commission.

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

[F.R. Doc. 69-1563; Filed, Feb. 6, 1969; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Components Used in Manufacture of Firearms

§ 15.320 **Disclosure of origin of imported components used in manufacture of firearms.**

(a) The Commission rendered an advisory opinion in regard to the question of whether it is necessary to disclose the origin of certain imported components to be used in the manufacture of revolvers

and automatic pistols. If such disclosure is required, a question is raised as to the proper location of that disclosure.

(b) Specifically, the advisory opinion involved the use of components imported from both Germany and Italy, such as barrels, cylinders, and hammers. The remaining components were of domestic origin.

(c) With respect to the question of whether a disclosure of the origin of the imported components would be required, the Commission said: "In the absence of any evidence to the contrary, the Commission believes that the question of foreign origin disclosure largely depends upon the importance which prospective purchasers would attach to the fact, if known, that a substantial number of the components of the finished product are of foreign origin. It is the Commission's judgment that the imported components in both factual situations, namely, the barrels, cylinders, and hammers, represent such an integral and essential part of the finished product that prospective purchasers would in all probability manifest a deep concern over their origin and manufacture. If such is the case, then the failure to reveal the origin of the imported components would play a vital, if not decisive, role in the customers' selection or purchase. Under these circumstances, the Commission is of the opinion that the failure to reveal the country of origin of the imported components in both factual situations would likely result in deception to consumers and unfair injury to competitors."

(d) In regard to the question of whether the disclosure should be made on the product or the container, the Commission cited the well-established general rule that the disclosure should be clear and conspicuous. This means, the Commission said, that it must be placed in a location at the point of sale where it would be readily observed by prospective purchasers making a casual inspection of the merchandise prior to, not after, the purchase thereof. If the merchandise is displayed in such a manner that a disclosure on the product would not be seen prior to the purchase thereof, it would be necessary to place the disclosure on the container. On the other hand, if the merchandise is displayed in a manner which would permit purchasers to observe the disclosure on the product, it would not be necessary to make a disclosure on the container.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: February 6, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-1615; Filed, Feb. 6, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Sale of Unlabeled American Made Products

§ 15.321 Sale of unlabeled American made products.

(a) The Commission issued an advisory opinion to an American manufacturer in response to his request concerning sale of one of his products, with or without labels. He asked for the opinion because a dealer in another State has recently placed a substantial order for the product, specifying that it must be shipped in unlabeled containers. The supplier believes the dealer may intend to resell the product in export trade. The manufacturer does not enjoy a monopoly.

(b) The Commission advised the applicant that, under laws administered by the Commission,

"(1) You may legitimately refuse to sell a specific product to a customer who asks for it in an unlabeled container;

"(2) No labels are required on American made merchandise sold in export trade; however, an American exporter should determine what foreign laws govern the operations; and

"(3) Packaging and labeling of domestically sold consumer commodities are governed by the Fair Packaging and Labeling Act (Public Law 89–755) and the regulations issued thereunder. * * * The product described in correspondence, is a consumer commodity as defined in section 10(a) of the Act, therefore packaging or labeling of this product must be in accordance with the regulations. However, § 500.2(d) of the regulations which defines the term 'package' contains several exceptions which appear to apply to the facts in your situation. In addition, your attention is invited to the exception contained in § 500.2(e) wherein the term 'label' is defined. Subsection (2) excepts, from application of the regulations, written, printed, or graphic matter affixed to or appearing upon commodities sold or distributed to industrial or institutional users."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: February 6, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-1616; Filed, Feb. 6, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Supplier Advertising in an Independently Published Periodical

§ 15.322 Supplier advertising in an independently published periodical.

(a) The Federal Trade Commission was asked to express an opinion with respect to the publication and distribution of a monthly publication designed to supply wholesale and retail outlets, without cost to them, with information concerning promotional allowance programs instituted by manufacturers selling to such outlets, and with particular reference to two specific questions:

(1) Will a manufacturer who places in the publication a clear and timely description of the terms of a promotional program offer and the conditions upon which payments will be made be regarded as having notified a customer, who in fact receives the publication, of the availability of that promotional offer?

(2) In the case of a promotional offer which extends over a 6-month period, will such manufacturer be regarded as having so notified a retailer, who in fact receives the publication each month, if the description is placed therein only once, prior to or at the beginning of the 6-month period? If not, how often must the notice be republished? At 3-month intervals? In each monthly issue?

(b) The advisory opinion noted that payments by a manufacturer for the purchase of advertising space in a periodical published by a firm which is not owned nor controlled by, or in any way directly or indirectly affiliated with, any customer of that manufacturer, or group or class of such customers, do not violate section 2 (d) or (e) of the amended Clayton Act where no discriminatory benefit is conferred by such payments on a particular customer, or class or group of customers, over competitors. The periodical will be given nationwide distribution and will be supplied and otherwise made available without cost to all industry wholesalers and retailers. The periodical is not designed to be usable only by particular resellers, or classes or groups of resellers; every effort will be made to distribute the periodical as broadly as possible among industry resellers; and distribution will not be limited to any particular reseller, or group or class of industry resellers.

(c) The Commission advised that if the periodical is made available, in a practical business sense, to all competing industry resellers of a participating manufacturer's products, then no objection would be raised to payments by that manufacturer for advertising space therein.

(d) Regarding the two specific questions, the Commission advised that although a listing by a manufacturer of the details of his promotional allowance program in the publication would appear to be adequate and sufficient notification to recipients thereof that such programs are available and under what specific conditions, such listing does not, however, relieve any manufacturer-advertiser from his statutory obligation of informing those resellers who may not receive the publication regarding the availability of such program.

(e) And further, as to the second specific question, in view of the fact that the publisher will update the master mailing list every 3 months, the Commission required that notices of extended promotional offers be republished each calendar quarter. It was pointed out,

however, that the quarterly notice republication requirement was being imposed to coincide with presented facts and that notice given at less frequent intervals may be adequate in other situations. If the required notice is in fact given it is immaterial whether it is republished at any particular interval of time so long as all those entitled to promotional assistance are made aware in timely fashion of any benefits to which they may be entitled under a published program.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: February 6, 1969.

By direction of the Commission.[1]

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

[F.R. Doc. 69–1617; Filed, Feb. 6, 1969; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7001]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Treatment of Tips; Correction

FEBRUARY 4, 1969.

On January 23, 1969, T.D. 7001 was published in the FEDERAL REGISTER (34 F.R. 996). PAR. 25 of T.D. 7001 (34 F.R. 1004) which, in part, redesignated paragraph (d) of § 31.6011(a)–1 as paragraph (e) should have redesignated paragraphs (d) and (e) of § 31.6011(a)–1 as paragraphs (e) and (f). Accordingly, paragraph (e) of § 31.6011(a)–1, as in effect prior to amendment by T.D. 7001, is redesignated paragraph (f), and as so redesignated reads as follows:

§ 31.6011(a)–1 Returns under Federal Insurance Contributions Act.

* * * * *

(f) *Wages paid in nonconvertible foreign currency.* For provisions relating to returns filed by certain employers who pay wages in nonconvertible foreign currency, see § 301.6316–7 of this chapter (Regulations on Procedure and Administration).

[SEAL] JAMES F. DRING, *Director, Legislation and Regulations Division.*

[F.R. Doc. 69–1571; Filed, Feb. 6, 1969; 8:46 a.m.]

[1] Commissioner MacIntyre would have agreed with the Commission's position to advise this applicant that in the event it should utilize the proposed course of action the Commission would not initiate proceedings against such course of action. However, he does not agree with the Commission's use of the language it did use in this advice because of its indication that the Commission has made an adjudicative matter out of a nonadjudicative matter and without an adequate record for such action.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

FEED GRADE BIURET

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Dow Chemical Co., Post Office Box 512, Midland, Mich. 48641, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of feed grade biuret as a source of nonprotein nitrogen in ruminant feeds.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.328 Feed grade biuret.

The food additive feed grade biuret may be safely used in ruminant feed in accordance with the following prescribed conditions:

(a) The food additive is the product resulting from the controlled pyrolysis of urea conforming to the following specifications:

Biuret	60 minimum.
Urea	15 maximum.
Cuanuric acid and triuret	21 maximum.
Total nitrogen (equivalent to 218.75 percent crude protein).	35 minimum.

(b) It is used in ruminant feeds as a source of nonprotein nitrogen.

(c) To assure safe use of the additive:

(1) The label and labeling of the additive and that of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall contain, in addition to other information required by the Act, the following:

(i) The name of the additive.

(ii) The maximum percentage of equivalent crude protein from nonprotein nitrogen.

(iii) The statement "Do not feed to animals producing milk for human consumption."

(2) The label shall recommend that the diet be balanced to provide adequate nutrients when equivalent crude protein from all forms of nonprotein nitrogen exceed one-third of the total crude protein in the total daily ration.

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 31, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69–1551; Filed, Feb. 6, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68–159]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

SAN FRANCISCO BAY, CALIF.

1. The Commander, 12th Coast Guard District, by letter dated October 24, 1968, recommended that the seaplane restricted area as described in Anchorage 9 (general) in San Francisco Bay, be canceled. The reason for this request was the fact that the Department of the Navy has no further use for the area as a seaplane restricted area and takeoff zone. The Secretary of the Army revoked the regulations governing the use of the area as a seaplane restricted area, on August 27, 1968.

2. The purpose of this document is to delete the restricted area for seaplane operations, as described in 33 CFR 110.224(a)(9) below.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), 33 CFR Part 110 is amended as follows, to become effective on and after the date of publication of this document in the FEDERAL REGISTER:

1. Section 110.224 is amended by deleting that portion of the second sentence of paragraph (a)(9), reading as follows: "The seaplane restricted area, Naval Air Station, Alameda (described in § 207.640 (e) of this chapter)." As revised, § 110.224(a)(9) reads as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California.

(a) *San Francisco Bay.* * * *

(9) *Anchorage 9 (general).* Bounded on the north by the shore, the breakwater and turning basin at the Naval Air Station, Alameda, and a line from Air Station Channel Lighted Buoy 6 to Air Station Channel Entrance Lighted Buoy 2; bounded on the west by a line beginning at Air Station Channel Entrance Lighted Buoy 2, thence to a point bearing 17°, 4,050 yards, from Hunters Point Light, thence to a point bearing 343°30', 4,000 yards, from Hunters Point Light, and thence to a point bearing 343°30', 3,330 yards from Hunters Point Light, and thence 146°; bounded on the south by a line 1,000 yards northerly from and parallel to the Hayward-San Mateo Bridge; and bounded on the east by the shore, including all of San Leandro Bay. The following area is excluded from this anchorage: Explosive Anchorage 14 and the forbidden anchorage zone surrounding this anchorage.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: January 31, 1969.

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

[F.R. Doc. 69-1555; Filed, Feb. 6, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENTS AND SCHOLARSHIPS

Subpart H—Grants To Improve the Quality of Training Centers for Allied Health Professions

SANITARIAN AND SANITARIAN TECHNICIAN; CORRECTION

Correction to add "Sanitarian" and "Sanitarian Technician", which were inadvertently deleted from lists of eligible curriculums.

F.R. Doc. 68-15420, published at page 19820 in the issue dated Friday, December 27, 1968, is corrected by adding "(9) Sanitarian" at the end of § 57.703(a), and "(12) Sanitarian Technician" at the end of § 57.703(b) thereof.

Dated: February 3, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: January 23, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-1604; Filed, Feb. 6, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

[FRA Docket No. 1]

PART 211—RULE-MAKING PROCEDURES OF THE FEDERAL RAILROAD ADMINISTRATION

The purpose of this amendment is to add a new Part 211 "Rule-making Procedures of the Federal Railroad Administration" to Title 49 of the Code of Federal Regulations.

A notice of proposed rule making regarding this action was published in the FEDERAL REGISTER on September 21, 1968 (33 F.R. 14327). Interested persons were invited to participate by submitting such written data, views, or arguments as they may desire. Subsequently, by notice of October 16, 1968, published in the FEDERAL REGISTER on October 19, 1968 (33 F.R. 15559), an extension of time to file comments was granted to November 26, 1968.

This part was proposed as a new Part 410 of the Code of Federal Regulations. However, the Federal Railroad Administration (FRA) has now been assigned the 200 series in Title 49 of the Code of Federal Regulations and we have selected Part 211 for these rules. All references, therefore, are to Part 211 rather than 410.

These rules supersede the rule-making rules and procedures of the Interstate Commerce Commission, the Department of Commerce, and the Department of the Interior which were adopted, confirmed, and continued in effect by the Federal Railroad Administration on April 1, 1967 (32 F.R. 5612). However, all substantive rules, regulations, and instructions of the Interstate Commerce Commission under the rail safety statutes and of the Department of the Interior with respect to the Alaska Railroad, remain in full force and effect. In addition, the instructions of March 15, 1954, of the Interstate Commerce Commission governing applications under section 25 of the Interstate Commerce Act for approval of discontinuance or material modifications of installations of block signal systems, interlocking, traffic control systems, and automatic train stop, train control, or cab signal systems (section 25(b)), and the instructions of August 11, 1950, for relief from the requirements of Ex Parte 171, Rules, Standards, and Instructions for Installation, Inspection, Maintenance, and Repair of Signal Systems, Devices, and Appliances, remain in effect insofar as they are not inconsistent with these rules.

ANALYSIS OF COMMENTS

Hearings. The most comprehensive comments dealt with the use of hearings. The preamble to the proposed rules stated that none of the statutes administered by the FRA require hearings to be held on the record and that consequently sections 556 and 557 of title 5 of the United States Code (formerly sections 7 and 8 of the Administrative Procedure Act), do not apply to rule making under the proposed rules. Generally, the comments took issue with that statement but did not cite any legal basis for their opposition. Unless it were clear that Congress had intended that hearings be on the record pursuant to the above sections 556 and 557 to title 5 of the United States Code, we do not believe that it would be in the best interests of rail safety to require that the provisions of those sections apply to rule making. We will grant hearings as statutorily required and where the Administrator finds it necessary or desirable, but they will not be pursuant to sections 556 and 557 of title 5 of the United States Code.

Hearings are a most important device for the gathering of information necessary to the promulgation of meaningful safety rules. We intend to make frequent use of them. Hearings on the record, however, could, we think, hamper effective development of rail safety regulations. It is the duty of the Administrator to avail himself of the expertise within the FRA in the development of these rules. If hearings were required to be held on the record, Bureau of Railroad Safety personnel would be required to place on the record for the Administrator's use, their opinions about the development and promulgation of the particular rules. We do not believe this is the suitable way for the Administrator to avail himself of this expertise or to benefit from it. Internal communication within the agency would suffer. Most important of all, as a practical matter, it would be necessary for the Administrator either to abdicate his responsibility to direct and supervise Bureau officials with respect to their testimony or approve the testimony before it is placed on the record. He cannot do the former, and the latter would make a sham out of his use of the testimony in the promulgation of the rules. We think the more practical method and the one which is employed elsewhere throughout the Executive Branch of the Government is for the Administrator to use his internal expertise internally and that he not be required to rely solely on the record of the petitioner and the public comments developed in the promulgation of the proposed rules.

Remaining comments. The more significant of the remaining comments and

any changes made will be dealt with in separate paragraphs.

Preamble. The final sentence of the opening paragraph of the preamble stated that these rules would apply to requests for approval of the discontinuance or modification of signal systems under 49 U.S.C. 26(b) in those situations where hearings are involved. It is now our intention to apply the rules to all applications under 49 U.S.C. 26 (b) and (c). Comments had suggested that we specifically note that present procedures for the handling of RS&I applications pursuant to 49 CFR section 236.16 will be continued and that such procedures continue to provide notice by FRA and opportunity to protest. However, publication of such applications in the FEDERAL REGISTER is not now provided. An extensive mailing list is maintained and copies are mailed to all those requesting them. We intend to continue that practice since it is suited to these cases and in accord with both the APA and the proposed rules.

Section 211.1(b). This section defines the "Administrator" for purposes of the rules as including certain officers or the Railroad Safety Board to whom he has delegated authority to conduct rule-making proceedings. (It should be noted that this definition does not in and of itself constitute a delegation of authority to the named individual or the Board.) It was suggested that a hearing examiner be included as one of those to whom rule making could be delegated. The FRA Hearing Examiner is also Director of the Office of Hearings and under our existing organizational structure he is eligible to receive a delegation to conduct rule making. Consequently, we see no need to specifically include a hearing examiner in section 211.1(b).

Section 211.11(b)(4). It was suggested that section 211.11(b)(4) in its proposed form could require a petitioner to submit a good deal of unnecessary materials to support his petition. We agree, and, as suggested, we have revised the paragraph to read as follows: "(4) Contain sufficient information to support the action sought."

Section 211.13(b). This section authorizes the granting of exemptions from existing regulations on the basis of the information contained in a petition but without publication in the FEDERAL REGISTER. It is suggested that the rules should provide for opportunity to be heard in connection with such petitions for exemptions. It should be noted, however, that the subsection specifically provides that the Administrator may grant the exemption only when he determines that the petition contains adequate justification for such action. In addition, as noted above, at the present time neither BS–Ap nor RS&I requests for relief pursuant to 49 U.S.C. 26 are published in the FEDERAL REGISTER. A mailing list is maintained and copies of requests are posted and made available to all interested parties. We intend to continue this practice. In addition, section 211.29 permits the Administrator to request the participation of interested persons in any proceedings. In view of these requirements, we do not believe it is necessary to require publication of all requests for exemptions.

Petitions for a stay of a recommended report and order. Comment was also made that in connection with petitions for reconsideration there is no provision for a stay of a recommended report and order. However, under the proposed rules there would be no recommended rule and report. The rule when published would be a final rule. There would be no reason to petition for a rehearing until the final rule is out. The Administrative Procedure Act provides for a minimum of 30 days before a final rule goes into effect. Petitions for reconsideration may be filed during the period pending the effective date. This period cannot be less than 30 days (except for good cause found and published with the rule).

Section 211.13. It is suggested that a new subsection (e) be added to § 211.13 to require that petitions be granted or denied or rule-making action initiated within 90 days of filing of the petition. While we can appreciate the purpose of the proposal, we do not believe it is wise to require specific action within a 90-day period. We expect that most petitions will be acted upon within such a period. However, there may be many instances where, although the petition will not be denied, it is not considered ready for publication. In complex and controversial areas internal work on the petition, including conferences and meetings, could extend beyond 90 days. In the case of denials, former sections 6(d) of the Administrative Procedure Act (now 5 U.S.C. 555(e)) provides for prompt notice of denials of petitions. In order to conform to this spirit of promptness in the Administrative Procedure Act, and in response to the above comment, § 211.13(d), entitled "Notification", has been rewritten to provide for "prompt" notice to the petitioner of both the granting and denying of a petition.

Section 211.21. It was suggested that the section be amended to insert a requirement that whenever the Administrator finds that a notice of proposed rule making is impracticable or unnecessary or contrary to the public interest he shall incorporate the finding and a brief statement of the reasons therefor in the published rules. This is in conformity with the requirements of former section 4(a) of the Administrative Procedure Act, now 5 U.S.C. 553(b)(3). We have revised the section accordingly.

Section 211.25. It was suggested that the section be revised to permit extensions of time not only for comments but also for any other acts directed or required in connection with FRA proceedings. However, we see no need for this extension of the section. The officer (or Board) who directs these further acts will have the authority to permit extensions of time to perform them.

Section 211.33. It was suggested that the section be revised to require publication of all final actions on rules. However, many signal matters are of interest only to the carrier involved and the employee groups commenting on the case. We see no need to publish such signal matters. The policy of the FRA will be to publish all final actions on those rules which are of general applicability.

Section 211.35. It was suggested that the section be revised so that petitions for reconsideration will be considered by an administrative officer other than the person who made the initial determination. This is not an administrative necessity from a legal standpoint. It is the policy of the FRA to encourage those participating in rule-making proceedings to make their comments in a comprehensive manner. Petitions for reconsideration should not contain information that should have been provided by the petitioner at the initial rule making, unless new facts are found which were not known when the petition or comment was originally filed. However, in order to provide maximum administrative flexibility we are providing for an intermediate administrative determination of rule-making proceedings so that except in situations where the initial decision is made by the Administrator, petitions for reconsideration will be considered by someone other than the individual or Board involved in the initial decision.

All other comments suggesting changes, additions, or deletions were carefully considered. We believe that all comments that merited acceptance have been accepted.

This part applies to all rule-making activities of the FRA in existence on or after its effective date.

Since this amendment does not affect any substantive right or duty and relates to procedure and practice before the FRA, notice and public procedure thereon are unnecessary and it is effective on the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended by adding a new Part 211 as set forth below.

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

A. SCHEFFER LANG,
Federal Railroad Administrator.

Subpart A—General

Subpart B—Petitions for Rule Making or Exemptions

Subpart C—Procedures

AUTHORITY: The provisions of this Part 211 issued under secs. 6 and 9 of Public Law 89–670, 80 Stat. 937 and 944; 49 U.S.C. 1655 and 1657, and the statutes referred to in subsections 6(e) (1), (2), (3), and (6)(A) of Public Law 89–670; 49 U.S.C. 1655.

Subpart A—General

§ 211.1 Applicability.

(a) This part prescribes general rule-making procedures that apply to the issue, amendment, and repeal of rules of the Federal Railroad Administration. It does not apply to the making of rules governing the transportation of explosives and other dangerous articles under sections 831–835 of title 18, United States Code.

(b) For the purposes of this part, "Administrator" means the Federal Railroad Administrator or the Deputy Administrator, or any of the following to whom the Administrator has delegated authority to conduct rule-making:

(1) Any Office or Bureau Director,

(2) The Chief Counsel,

(3) The Railroad Safety Board.

(c) Any of these officers or the Board may redelegate that authority to the head of any office who reports to that officer or the Board, as the case may be.

(d) Records relating to rule-making proceedings are available for inspection as provided in Part 7 of this title.

§ 211.3 Initiation of rule making.

The Administrator initiates rule making on his own motion. However, in doing so, he may, in his discretion, consider the recommendations of other agencies of the United States and of other interested persons.

§ 211.5 Participation by interested persons.

Any person may participate in rule-making proceedings by submitting written information or views. The Administrator may also allow any person to participate in additional rule-making proceedings, such as informal appearances or hearings, held with respect to any rule.

§ 211.7 Regulatory docket.

(a) Records of the Federal Railroad Administration concerning rule-making actions, including notices of proposed rule making, comments received in response to those notices, petitions for rehearing or reconsideration, grants and denials of exemptions, denials of petitions for rule making, records of additional rule-making proceedings under § 211.29, and final rules are maintained in current docket form in the Office of Hearings and Proceedings.

(b) Any person may examine any docketed material at that office and may obtain a copy of any docketed material upon payment of the prescribed fee.

Subpart B—Petitions for Rule Making or Exemptions

§ 211.11 Filing of petitions.

(a) Any person may petition the Administrator to issue, amend, or repeal a rule, or for a permanent or temporary exemption from any rule.

(b) Each petition filed under this section must:

(1) Be submitted in triplicate to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Washington, D.C. 20591;

(2) Set forth the text or substance of the rule or amendment proposed, or of the rule from which the exemption is sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(3) Explain the interest of the petitioner in the action requested including, in the case of a petition for an exemption, the nature and extent of the relief sought and a description of the persons to be covered by the exemption;

(4) Contain sufficient information to support the action sought; and

(5) In the case of a petition for exemption, unless good cause is shown in that petition, be submitted at least 60 days before the proposed effective date of the exemption.

§ 211.13 Processing of petitions.

(a) *General.* Each petition received under § 211.11 is referred to the head of the office responsible for the subject matter of that petition. No public hearing, argument, or other proceeding is held directly on a petition before its disposition under this section.

(b) *Grants.* If the Administrator determines that the petition contains adequate justification, he initiates rule-making action under Subpart C of this part or grants the exemption, as the case may be.

(c) *Denials.* If the Administrator determines that the petition does not justify initiating rule-making action or granting the exemption, he denies the petition.

(d) *Notification.* Whenever the Administrator grants or denies a petition, a notice of that grant or denial will be issued promptly to the petitioner.

Subpart C—Procedures

§ 211.21 General.

(a) Unless the Administrator finds, for a good cause (and incorporates the findings and a brief statement of the reasons therefor in the rules issued) that notice is impractical, unnecessary, or contrary to the public interest, a notice of proposed rule making is issued and interested persons are invited to participate in the rule-making proceedings with respect to each substantive rule.

(b) Unless the Administrator determines that notice and public rule-making proceedings are necessary or desirable, interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice are prescribed as final without notice or other public rule-making proceedings.

(c) In his discretion, the Administrator may invite interested persons to participate in the rule-making proceedings described in § 211.29.

§ 211.23 Contents of notices.

(a) Each notice of proposed rule-making is published in the FEDERAL REGISTER, unless all persons subject to it are named and are served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or served, includes—

(1) A statement of the time, place, and nature of the proposed rule-making proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects or issues involved or the substance or terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceeding.

§ 211.25 Petitions for extension of time to comment.

(a) Any person may petition the Administrator for an extension of time to submit comments in response to a notice of proposed rule making. The petition must be submitted in triplicate not later than 3 days before expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Administrator grants the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is in the public interest. If an extension is granted, it is granted as to all persons and is published in the FEDERAL REGISTER.

§ 211.27 Consideration of comments received.

All timely comments are considered before final action is taken on a rule-making proposal. Late filed comments may be considered so far as practicable.

§ 211.29 Additional rule-making proceedings.

The Administrator may initiate any further rule-making proceedings that he finds necessary or desirable. For example, he may invite interested persons to present oral arguments, participate in conferences, appear at informal hearings, or participate in any other proceeding.

§ 211.31 Hearings.

(a) Hearings will be held if required by statute or the Administrator finds it necessary or desirable.

(b) Except for statutory hearings required to be on the record—

(1) Hearings are fact-finding proceedings, and there are no formal pleadings or adverse parties;

(2) Any rule issued in a case in which a hearing is held is not necessarily based exclusively on the record of the hearing; and

(3) Sections 556 and 557 of title 5, United States Code, do not apply to hearings held under this part.

(c) The Administrator designates a representative to conduct any hearing held under this part. The Chief Counsel designates a member of his staff to serve as legal officer at the hearing.

§ 211.33 Adoption of final rules.

If the Administrator adopts the rule, it is published in the FEDERAL REGISTER unless all persons subject to it are named and are personally served with a copy of it.

§ 211.35 Petitions for rehearing or reconsideration of a rule.

(a) Any interested person may petition the Administrator for reconsideration of any rule issued under this part. Such a petition must be transmitted, in triplicate, to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Washington, D.C. 20591, at least 10 days before the effective date of the rule. Petitions not timely filed will be considered as petitions for rule making filed under § 211.11. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not possible, is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests consideration of additional facts, he must state the reason they were not presented to the Administrator within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator specifically provides otherwise, and publishes notice thereof in the FEDERAL REGISTER, the filing of a petition under this section does not stay the effectiveness of a rule.

§ 211.37 Proceedings on petitions for reconsideration.

The Administrator may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he determines to reconsider any rule, he may issue a final decision on reconsideration without further proceedings, or he may provide such opportunity to submit comment or information and data as he deems appropriate. Whenever the Administrator determines that a petition should be granted or denied, he prepares a notice of the grant or denial of a petition for reconsideration, for issuance to the petitioner, and issues it to the petitioner. The Administrator may consolidate petitions relating to the same rule.

[F.R. Doc. 69-1618; Filed, Feb. 6, 1969; 8:49 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 20; Notice 4]

PART 369—REGROOVED TIRES

Labeling of Regroovable Tires

Correction

In F.R. Doc. 69-1006 appearing at page 1149 in the issue of Friday, January 24, 1969, the figures in the eighth line of § 369.9(a) should be corrected to read "0.38" and "0.50" respectively.

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 80, 86, 126, 144]

[46 CFR Parts 2, 6, 20, 24, 25, 30–35, 38–40, 45, 70, 72, 75, 78, 90, 92, 94, 96–98, 110, 111, 146, 147, 151, 160, 161, 164, 167, 175, 177, 180, 184, 188, 190, 192, 195]

[CGFR 68-167]

NAVIGATION AND VESSEL INSPECTION

Notice of Proposed Rule Making and Public Hearing on March 24, 1969

1. The Merchant Marine Council will hold a public hearing on Monday, March 24, 1969, commencing at 9:30 a.m. in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views and data on the proposed changes in the navigation and vessel inspection regulations as set forth in Items PH 1–69 to PH 9–69, inclusive, of the Merchant Marine Council Public Hearing Agenda (CG–249), dated March 24, 1969. This agenda contains the specific changes being proposed to the navigation and vessel inspection regulations, and for certain items the present and proposed regulations are set forth in comparison form, together with reasons for the changes.

2. This document contains general descriptions of the proposed changes in the navigation and vessel inspection regulations together with appropriate references to statutory authorities regarding such regulations. The complete text of the proposed changes and additions to the regulations is set forth in the "Merchant Marine Council Public Hearing Agenda" (CG–249), dated March 24, 1969. Copies of this agenda are mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies of the agenda will be furnished, upon request to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, so long as they are available. After the supply of extra copies is exhausted, copies will be available for reading purposes only in Room 4211, Coast Guard Headquarters, and at the offices of the various Coast Guard District Commanders.

3. Interested persons may participate in this proposed rule making and Merchant Marine Council Public Hearing by submitting written or oral comments as they may desire on or before March 24, 1969. Written comments containing constructive criticism, suggestions, or views are welcomed. However, acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel are not available to handle the necessary correspondence involved. The public hearing held by the Merchant Marine Council is informal and intended to obtain data, views, and information from those who will be directly affected by the proposals under consideration. Each oral or written comment is considered and evaluated. If it is believed the comment, view, or suggestion clarifies or improves a proposed regulation or amendment, such proposal is changed accordingly and, after adoption by the Commandant, the regulations as revised are published in the FEDERAL REGISTER. If a proposal under consideration is not accepted by the Commandant, the proposal is rejected or withdrawn.

4. Each person or organization who desires to submit written comments, data or views in connection with the proposed regulations set forth in the Merchant Marine Council Public Hearing Agenda (CG–249) should submit them in triplicate so they will be received by the Commandant (CMC), U.S. Coast Guard Headquarters, Washington, D.C. 20591, prior to March 21, 1969. Comments, views, or data may be presented orally or in writing at the public hearing before the Merchant Marine Council on March 24, 1969. In order to insure consideration of written comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations be submitted on Form CG–3287, showing the section number (if any), the subject, the proposed change, the reason or basis, and the business firm or organization (if any), and the name and address of the submitter. A small quantity of Form CG–3287 is attached to the agenda. Additional copies may be reproduced by typewriter or otherwise.

5. Each item in the agenda has been given a general title to encompass the specific proposals presented thereunder. It is urged that each item be read completely because the application of proposals to specific employment or types of vessels may be found in more than one item. This document contains only the most succinct synopses of the proposed items approved for consideration at the public hearing. The agenda must be consulted for full particulars.

STATUTORY AUTHORITIES FOR RULES AND REGULATIONS

6. The general statutory authorities for prescribing rules and regulations governing navigation and vessel inspection are in sections 632 and 633 of title 14, United States Code, sections 2, 375, 416 and 689 of title 46, United States Code, and subsection 1655(b) of title 49, United States Code. The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, to exercise certain powers and duties vested in the Secretary are in 49 CFR 1.4 (a)(2) and (f). Where applicable, at the end of each item as described in this document, there is a brief statement concerning laws specifically applicable to the proposed regulations.

ITEM PH 1–69—BULK DANGEROUS CARGOES

7. With respect to requirements for transporting bulk dangerous cargoes, it is proposed to establish a Subchapter O entitled "Certain Bulk Dangerous Cargoes" in Chapter 1 of Title 46 Code of Federal Regulations, which will eventually contain all the specific requirements governing the transportation of dangerous cargoes in bulk. For the present, however, this subchapter will be limited to unmanned barges. The proposals establish a new Part 151 for unmanned barges and proposed amendments to reflect this change are to be made in 46 CFR Parts 2 (procedures applicable to the public), 24 (uninspected vessels), 30, 31, 32, 35, 38, 39, and 40 (tank vessels), 70 (passenger vessels), 90 and 98 (cargo and miscellaneous vessels), 110 (electrical engineering), 146 (dangerous cargoes), 175 (small passenger vessels), and 188 (oceanographic vessels).

8. These proposed regulations are the first phase of a program to develop regulations for water transportation of all bulk dangerous cargoes having hazards other than, or in addition to, the conventional flammability and combustibility of petroleum products. They include basic regulations and changes to 46 CFR Parts 30 through 40 in Subchapter D (Tank Vessels), 46 CFR Parts 90 and 98 in Subchapter I (Cargo and Miscellaneous Vessels), and 46 CFR Part 146 in Subchapter N (Dangerous Cargoes) as necessary to eliminate duplications and make them consistent with the proposed new Subchapter O. The scope of the complete program includes all physical forms of such cargoes (solid, liquid, liquefied gas) transported in ships, barges, and portable tanks. However, the present proposed regulations are confined to liquids and liquefied gases carried in unmanned barges (inland and seagoing), with space being reserved within the subchapter for the yet-to-be-developed parts. Existing regulations in Subchapter O (Waivers of Navigation and Vessel Inspection Laws and Regulations) are to be transferred to Part 6 of Subchapter A (Procedures Applicable to the Public).

9. The proposed new Subchapter O regulations were developed by a joint

Industry—Coast Guard Task Group under the Chemical Transportation Advisory Panel to the Coast Guard's Merchant Marine Council, with the assistance of the Western Rivers Panel. This procedure provided extensive industry participation in draft development through constituent trade associations, such as the Manufacturing Chemists' Association (MCA), the American Petroleum Institute (API), the Compressed Gas Association (CGA), the Chlorine Institute, and the American Waterways Operators (AWO).

10. The underlying principles of the proposed new regulations are as follows:

(a) Liquids and liquefied gases to be transported in bulk are evaluated to determine if they have hazards other than, or in addition to, the conventional flammability of petroleum products. Those that do will be governed by the regulations in Subchapter O (Certain Bulk Dangerous Cargoes), without regard to their classification. Those bulk liquids and liquefied gases having primarily the hazards of conventional flammability of petroleum products will continue to be governed by Subchapter D (Tank Vessels).

(b) Cargoes in the proposals are to be identified by name rather than by classification, as in the past. Two lists of cargoes are included in the proposed regulations in Subchapter O, as well as in amendments to Subchapter D, showing which subchapter governs the shipment of each. Dangerous cargoes not appearing on either list are not authorized for transportation in bulk without specific authorization by the Commandant and/or by normal regulatory procedures. While the proposals apply initially only to unmanned barges, this classification of cargoes by name will be applicable to self-propelled vessels when requirements are developed.

(c) Only cargo carrying requirements are included in the proposed regulations. Certification as tank barges or cargo barges continues to be in accordance with the applicable requirements and procedures of Subchapter D (Tank Vessels) or Subchapter I (Cargo and Miscellaneous Vessels) in 46 CFR Chapter I.

(d) For all cargoes regulated by the proposed Subchapter O regulations, knowledge of the specific cargo properties and hazards is required for personnel in charge of cargo transfer and movement and is to be available to emergency personnel. This is accomplished by requirements for warning signs, water information cards, and special qualifications for cargo transfer personnel.

(e) As an interim measure, pending development of additional parts of the proposed Subchapter O, manned barges carrying cargoes regulated by that subchapter will be considered individually by the Commandant and may be required to meet the cargo containment and handling requirements for unmanned barges.

11. The statutory authorities for the Commandant, U.S. Coast Guard, to prescribe regulations governing dangerous cargoes in water transportation are in sections 170, 375, 391a, and 416 of title 46, United States Code, subsection 1655(b) of title 49, United States Code, and section 198 of title 50, United States Code, and Executive Order 11239 dated July 31, 1965 (3 CFR, 1965 Supp.). The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4 (a)(2) and (f).

ITEM PH 2–69—DANGEROUS CARGOES, MISCELLANEOUS CHANGES

12. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been necessitated by corresponding changes made in the regulations of the Department of Transportation governing land transportation of the same commodities. R.S. 4472, as amended, (46 U.S.C. 170) requires that the Coast Guard accept and adopt such definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification of explosives or other dangerous articles or substances to the extent as are or may be established from time to time by the Department of Transportation insofar as they apply to shippers by carriers engaged in interstate commerce by water. Therefore, amendments applying only to shippers' requirements which the Department of Transportation has promulgated in compliance with the Administrative Procedure Act are not included in this Agenda for the 1969 Merchant Marine Council Public Hearing but will be published as a separate document in the FEDERAL REGISTER. Other changes are proposed in this Agenda to clarify some portions of the regulations by rewording and rearranging the text. We recognize that in these proposals and in other portions of 46 CFR Parts 146 and 147 there is much more that could be done to achieve the desired degree of clarity and precision; nevertheless, it seems more desirable to propose these interim changes rather than delay all action until an optimal change can be developed. The more significant proposals are mentioned below.

13. The regulations applicable to the water transport of vehicles, containerized cargo, and portable tanks have been revised in this proposal to clarify their application and to reflect current terminology. The changes proposed are the minimum needed to overcome operational problems recently experienced; however, more extensive changes will be developed in the future and will be based on research recently begun. The scope of 46 CFR Subpart 146.08 has been made explicit by the adding of a new § 146.08–1 and redesignating the existing section as § 146.08–3, whereas it is now only implied.

14. The regulations for radioactive materials have been removed from 46 CFR Subpart 146.25 (Poisonous Articles) and transferred to 46 CFR Subpart 146.19. A proposal is made to amend Table 146.19–35 to reduce some of the required separation distances between radioactive materials and accommodation spaces on board the vessel. The revised figures are based on the Intergovernmental Maritime Consultative Organization (IMCO) International Maritime Dangerous Goods Code, Class 7. Because of the conservative nature of the calculations and assumptions on which the present table is based, it is not expected that any individual would approach, let alone exceed, the exposure dose limitations for the general public as established by the Federal Radiation Council.

15. In this proposal, 46 CFR 146.21–100, Table D—Flammable Liquids, has been amended to remove from the list of authorized containers ICC Specification 52 portable tanks, which are made of aluminum or magnesium. These tanks are no longer considered adequate for the water transportation of flammable liquids. Carboys made of glass will also be deleted from the list of authorized containers for one commodity in this classification since carboys will not survive even a 4-foot drop test and other containers are available and authorized.

16. A new entry is added to the classification "Flammable Solids," in 46 CFR 146.22–100, to provide for the safe packaging of coconut meal pellets with excessive moisture or oil content. Pellets with either characteristic would be expected to heat spontaneously if carried in bulk in a ship's hold. This entry can be included in 46 CFR 146.22 only if it is also incorporated in 49 CFR 170 to 190.

17. Carboys are removed from the lists of authorized containers for corrosive liquids in 46 CFR 146.29–100 since carboys will not survive even a 4-foot drop test and since other, more satisfactory containers are available.

18. Several changes are proposed in 46 CFR Subpart 146.27, concerning hazardous articles. A new 46 CFR 146.27–27 is proposed to specify conditions under which fishmeal pellets may be carried in bulk by vessels. Such shipments have been made over the past 2 years under special permits, and the experience has been satisfactory. 46 CFR 146.27–30 is extensively revised and rewritten as three sections to clarify the scope and application of these requirements for the carriage of motor vehicles on vessels. Some minor changes in content have been made, and the allowable carbon monoxide concentration in 46 CFR 146.09–15(e)(3) has been lowered as proposed in Item PH 8b, in this Agenda for spaces in which power-operated industrial trucks are operated. In 46 CFR 146.27–100 an entry for "coconut meal pellets" is proposed to specify the proper conditions for acceptance and carriage of this commodity since it has been demonstrated that, if improperly stored, handled, or stowed, it may heat by oxidation of oil or by biological decay processes.

19. In 46 CFR Subpart 146.29, the prohibition in 46 CFR 146.29–25(p) against operating any equipment which radiates electromagnetic energy is deleted, and a new 46 CFR 146.29–28 is added to provide for limited, safe operation of vessel radio and radar equipment.

20. Finally, a change is proposed for 46 CFR 147.03–9 to lengthen the life of ships' stores certifications from 1 year

to 3 years to decrease the administrative burden imposed by the annual renewal of the certifications.

21. The statutory authorities for the Commandant, U.S. Coast Guard, to prescribe regulations governing dangerous cargoes in water transportation are in sections 170, 375, 391a, and 416 of title 46, United States Code, subsection 1655(b) of title 49, United States Code, and section 198 of title 50, United States Code, and Executive Order 11239 dated July 31, 1965 (3 CFR, 1965 Supp.). The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4 (a) (2) and (f).

ITEM PH 3–69—TANK VESSELS

3a—FIREFIGHTING EQUIPMENT, DECK FOAM SYSTEMS

22. Various amendments to the tank vessel regulations in 46 CFR Part 34 are proposed. These changes are to insure that deck foam systems installed for the protection of tank vessels keep pace with the latest design trends. In the past regulations have been based on an assumption that design and manning of tank vessels would remain constant. This of course has not been the case, and the proposals are considered necessary to insure an adequate fire extinguishing system.

23. The proposed amendments to 46 CFR 34.20–1 and 34.20–90 provide the requirements governing installations of deck foam systems contracted for on or after January 1, 1970. The installations contracted for prior to January 1, 1970, will be in accordance with the requirements in 46 CFR 34.20–90. The proposed changes in 46 CFR 34.20–5 will provide reasonable fire extinguishing equipment for all tank ships, regardless of their design. The application rate will be based on the area of the largest single cargo tank as well as the total cargo tank area, which would provide effective fire protection for a reasonable area of fuel spill and/or spread. For usual petroleum products the water rate shall be at least 0.016 gallons per minute for each square foot of the cargo area or 0.24 gallons per minute for each square foot of the horizontal sectional area of the single tank having the largest such area, whichever is greater. It is also proposed to provide for polar solvent products and the water rate will depend upon the vessel's design, products to be carried, and the foam system to be used.

24. The proposed change to 46 CFR 34.20–15 requires at least 50 percent of the required rate of application shall be from mounted appliances. Hand held appliances require considerable time to place in operation because of the time necessary to uncoil hose, attach nozzles, etc. On the other hand mounted appliances have greater capacity, greater range, and can be put into operation in a much shorter time than hand held appliances.

3b—SEGREGATION OF CARGO

25. It is proposed to amend 46 CFR 32.60–10, regarding segregation of cargo, by allowing access openings from cargo tanks to innerbottoms under specified conditions. The present regulations prohibit openings from cargo tanks to other enclosed spaces. This has resulted in the use of a trunk for access openings to the innerbottoms. These trunks are often unsatisfactory for access to such spaces. It is felt that, while a manhole in a cargo tank may be troublesome, it will be less of a safety problem than the current limitations on access to enclosed spaces under cargo tanks.

3c—LOWERING OF LIFEBOATS

26. It is proposed to amend 46 CFR 35.10–5 to require the lowering of each lifeboat at least once in each 3 months with no exceptions, and to require the crew to be exercised in the use of oars and other means of propulsion. Over the past few years, during routine weight tests of lifeboats, instances have been observed on tank vessels where lifeboats could not be lowered. In some of these cases the gravity davits would not roll down the tracks due to rust and scale. In other cases the lifeboats could be lowered to the water but could not be released due to the releasing gear being frozen. On most of these vessels it was found upon reviewing the log books that the lifeboats were hardly ever lowered except at the biennial weight test. In each case, the master indicated that it was not practicable or reasonable to lower the boats.

27. Prior to 1961 only the regulations for passenger, cargo, and miscellaneous vessels required the lowering of each lifeboat to the water at least once in each 3 months and the exercising of the crew in the use of oars and other means of propulsion. However, the new regulations of the 1960 SOLAS Convention included a requirement for lowering lifeboats on all vessels; therefore, the tank vessel regulations (46 CFR 35.10–5(e)) were amended in 1961 providing for the lowering of lifeboats at least once every 3 months. In addition, unlike the passenger and cargo regulations, the term "if practicable and reasonable" was included in the tank vessel regulations. Since it is deemed necessary and considered reasonable to lower each lifeboat to the water at least once in each 3-month period, the phrase "if practicable and reasonable" in the Tank Vessel Regulations is no longer considered appropriate.

3d—INSTALLATIONS OF SACRIFICIAL ANODES

28. The proposed changes to 46 CFR 35.01–25 pertain to the use of sacrificial anodes in vessel cargo tanks and will not impose additional requirements on the marine industry. The existing regulations were enacted to prevent explosions or fires in cargo tanks due to incendive frictional sparking caused by falling aluminum and/or magnesium anodes. Test data received since the enactment of the present regulations has demonstrated that aluminum anodes installed under the conditions recommended in the proposed changes will not produce incendive friction sparks. The conditions under which aluminum anodes will be accepted and the acceptability of other materials are specified in the Navigation and Vessel Inspection Circular No. 6–64.

3e—ELECTRICAL SYSTEMS

29. It is proposed to amend 46 CFR 111.70–10(c) in the Electrical Engineering Regulations to require that explosionproof lighting fixtures in any one space shall be divided between at least two circuits and so arranged that adequate illumination exists for relamping any one deenergized lighting circuit. This proposal is intended to reduce the possible hazard of opening and relamping an energized light fixture. This proposal also advises the public of the special requirements which must be met in order to obtain the required specific approval of the Commandant for the installation of explosionproof lights in tank vessels.

30. The statutory authority to prescribe regulations generally regarding tank vessels is in sections 375, 391a, and 416 of title 46, United States Code, subsection 1655(b) of title 49, United States Code, and section 198 of title 50, United States Code. With respect to electrical engineering on inspected vessels, the provisions of section 392 of title 46, United States Code, are also applicable. For vessels on international voyages Executive Order 11239 dated July 31, 1965 (3 CFR, 1965 Supp.) may be applicable. The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4 (a) (2) and (f).

ITEM PH 4–69—SPECIFICATIONS

4a—ELECTRICAL FLOATING WATERLIGHTS

31. The waterlight covered by this item is the illuminated rescue marker used with liferafts, lifefloats, buoyant apparatus, and ring life buoys. The waterlight covered by the specification in 46 CFR 161.001 does not comply with the intensity requirement of the proposed international standard adopted by the Intergovernmental Maritime Consultative Organization's (IMCO) Maritime Safety Committee. This proposed change to Regulation 21(f) of Chapter III of the International Convention for the Safety of Life at Sea (SOLAS) requires a luminous intensity of not less than 2 candelas in all directions of the upper hemisphere.

32. In order to meet the IMCO requirement, a new specification, 46 CFR 161.010, was proposed in the March 25, 1968, Merchant Marine Council Public Hearing Agenda (CG–249) for a high intensity, stroboscopic flashing waterlight. Opposition to this proposal was made because it excluded a steady burning waterlight and because the intensity was specified in terms of candelas, a quantity not readily equated to stroboscopic flashing lights.

33. The proposed specification designated 46 CFR 161.010, consisting of §§ 161.010–1 through 161.010–7, as set forth in this item, will permit the use of steady burning and flashing incandescent lights in addition to the stroboscopic flashing light. The problem of equivalency between flashing and steady lights has been resolved by specifying the intensity requirement for each type of

light in quantities which may be easily measured and specified by manufacturers. The Blondel-Rey formula was used to calculate the equivalent intensities using a constant of 0.2 for incandescent flashing lights and a constant of 0.1 for stroboscopic flashing lights.

34. In addition to the improved light intensity characteristic, the following improvements are also contained in the proposed waterlight specification designated 46 CFR Subpart 161.010:

(a) The construction requirements are relaxed in favor of a performance specification in order to permit greater design flexibility.

(b) The battery requirement is relaxed to permit a better and more efficient power source.

(c) The flashing circuit is to be encapsulated to provide shock, tamper, and moisture resistance.

(d) The void space within the light is to be filled with a unicellular plastic foam in order to reduce moisture damage and provide positive buoyancy in case of damage.

(e) The test procedures are modified to provide a better check on the performance required of the waterlight.

35. The proposed changes to Titles 33 CFR 144.01–10 and 144.01–25 (artificial islands and fixed structures on the outer continental shelf), and 46 CFR 33.15–20 and 33.40–1 (tank vessels), 75.20–25 and 75.43–5 (passenger vessels), 94.20–25 and 94.43–5 (cargo and miscellaneous vessels), 167.35–80 (nautical schoolships), 180.15–5 and 180.30–1 (small passenger vessels), and 192.20–25, 192.20–35, and 192.43–5 (oceanographic vessels) will require that all vessels, both new and existing, as well as artificial islands and fixed structures on the outer continental shelf shall be required to have water lights in compliance with the proposed specification in 46 CFR 161.010 after December 31, 1971 as set forth in this item. Existing vessels may retain waterlights meeting current specifications in 46 CFR 160.012 or 161.001 as long as they are maintained in good condition, but all new or replacement waterlights installed after December 31, 1971, shall be of a type described by specification 46 CFR 161.010. It is proposed that the existing waterlight specifications designated 46 CFR 160.012 and 161.001 shall be canceled on December 31, 1970, including the Certificates of Approval issued to manufacturers under these specifications.

36. The statutory authorities to prescribe regulations generally about vessel inspection and certification are in sections 375, 390b, 391a, 416, 481, and 489, in title 46, United States Code, while for artificial islands and fixed structures it is in section 1333 of title 43, United States Code, and subsection 1655(b) of title 49, United States Code. The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4 (a)(2) and (f).

4b—STRUCTURAL INSULATIONS AND BULKHEAD PANELS

37. It is proposed to revise in their entirety the specification for Structural Insulations in 46 CFR Subpart 164.007, consisting of §§ 164.007–1 through 164.007–9, and the specification for Bulkhead Panels in 46 CFR Subpart 164.008, consisting of §§ 164.008–1 through 164.008–6.

38. In May 1968 the Intergovernmental Maritime Consultative Organization (IMCO) adopted recommended fire test procedures for "A" and "B" class divisions. The test procedures recommended by IMCO are very similar to those employed by the Coast Guard in its specifications in 46 CFR Subparts 164.007 and 164.008, with two exceptions:

First, the IMCO method of measuring furnace temperature and unexposed surface temperature results in a less severe test than by Coast Guard standards; and,

Second, the IMCO procedure contains many details of testing not presently in the Coast Guard specifications.

39. The IMCO procedures were adopted with the concurrence by the U.S. Delegation after lengthy discussions, during which the United States advanced numerous arguments for employing certain Coast Guard methods; i.e., temperature measurement. Less severe testing procedures will be counterbalanced by the adoption of other fire safety requirements; e.g., the fire detecting systems on passenger ships. Thus, the overall safety of passenger vessels with adoption of all IMCO standards will be equal to or slightly higher than at present. Certain other changes are also included as follows:

(a) *Retest.* The proposed specifications in 46 CFR Subparts 164.007 and 164.008 require periodic retests of the material to insure continued compliance with the various requirements of the specification. Wording of the retest section will allow testing and acceptance of foreign materials. The testing frequency for foreign materials is more frequent than for U.S. products. The reasons for the more frequent testing of products are: (1) Limited knowledge of the materials, and (2) limited personal contact with producers. Selection of samples in U.S. plants will probably be by a marine inspector. A Coast Guard designated representative will select samples from foreign manufacturers, which may include a member of an independent organization, or possibly an inspector from the National Administration.

(b) *Field identification.* The materials will be required by the proposals in 46 CFR Subparts 164.007 and 164.008 to be marked in such a manner as to be readily identifiable to a marine inspector in the field. Markings will include the use of the Coast Guard approval numbers. This marking is intended to aid the marine inspector in identifying materials covered under the proposed specifications in 46 CFR Subparts 164.007 and 164.008, and to ensure that Coast Guard approved materials are being utilized.

4c—FLOATING ORANGE SMOKE DISTRESS SIGNALS

40. With respect to the specification for floating orange smoke distress signals, it is proposed to amend 46 CFR 160.057–3, regarding materials and construction, 160.057–4, regarding qualification and operational tests, and 160.057–6, regarding preapproval samples. These proposals are intended to:

(a) Clarify the text of the specification with regard to consideration of alternate designs:

(b) Remove specific requirements which do not directly contribute to achieving the desired performance requirements and which may hamper development of other suitable signals; and

(c) Require representative testing to simulate actual use conditions and to determine capability to withstand expected use conditions.

41. The statutory authorities to prescribe regulations about vessel inspection and specifications for equipment are in sections 361, 362, 363, 366, 367, 369, 375, 390b, 391, 391a, 392, 399, 404, 405, 411, 416, 435, 481, 489, 526p, and 1333 of title 46, United States Code, subsection 1655(b) of title 49, United States Code, and section 198 of title 50, United States Code; and E.O. 11239, July 31, 1965, 3 CFR, 1965 Supp. The delegations of authority from the Secretary of Transportation to the Commandant under these laws are in 49 CFR 1.4 (a)(2) and (g).

ITEM PH 5–69—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

42. Various proposals amending 33 CFR Part 126 are intended to enhance the safety of ports, the safety of the navigable waters of the United States and vessels with their cargo navigating thereon, and to require that accidental spills and discharges of dangerous liquid commodities into the waters of the United States shall be reported to the Captain of the Port (COTP) immediately. The accidental spills or discharges of dangerous liquid commodities frequently create a potential fire hazard or toxic conditions. These reports will assist the COTP in securing the area or in taking timely action in the protection of property while cleanup operations are underway. The proposed change to 33 CFR 126.11 will limit the waiver authority to conditions on waterfront facilities. The proposed changes to 33 CFR 126.15 will prohibit hot work on vessel moored to designated waterfront facilities without permission of the COTP; will prohibit burning rubbish in an open fire on docks and piers of waterfront facilities; and will prohibit open fires or fires in drums on waterfront facilities. The proposed changes to 33 CFR 126.27 regarding general permit for handling dangerous articles and substances will extend the general permit requirements to bulk shipments of dangerous cargoes; will change the requirement for a written notice to a "prior" notice to the COTP; will require the reporting of operations handling flammable liquids in excess of 10 net tons whether in containers or bulk shipments; and will require a general permit for bulk shipments of cargo which involve a particular hazard. The proposed change to 33 CFR 126.29 regarding supervision and control of dangerous cargo will add

requirements about reporting of discharge of dangerous liquid commodities into waters of the United States, which may create a potential hazard or toxic condition in the port area. The proposed change to 33 CFR 126.31 regarding termination or suspension of a general permit will permit the District Commander instead of the Commandant to revive a terminated general permit. It allows for closer liaison and reduces correspondence between waterfront facilities and the Coast Guard.

43. The statutory authorities for handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities are in section 191 of title 50, United States Code, subsection 1655 (b) of title 49, United States Code, and E.O. 10173, as amended by E.O. 10277, and E.O. 10352 (3 CFR, 1950 Supp., 3 CFR, 1951 Supp., 3 CFR, 1952 Supp.). The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4 (a) (2) and (f).

Item PH 6-69—Load Lines

6a—Rails and guards

44. On July 21, 1968, the International Convention for Load Lines, 1966, became effective. The implementing regulations were published on July 12, 1968, as 46 CFR Part 42 and as miscellaneous amendments to 46 CFR Parts 43 to 46. With this Convention in effect various amendments now are necessary to 46 CFR Part 31 (Tank Vessels), Part 72 (Passenger Vessels), Part 92 (Cargo and Miscellaneous Vessels), and Part 175 (Small Passenger Vessels) to bring those regulations up to date, to show cross-references to the applicable load line regulations, or to describe vessels on international voyages subject to this Convention.

45. One of the provisions covered in the 1966 International Load Line Convention concerns rails and guards. Prior to this Convention no specific standard rail or bulwark height was specified for vessels on international voyages. The Coast Guard in its regulations required a basic 36-inch minimum height (18-inch maximum course spacing). The rails accessible to passengers on passenger vessels have been required to be 42 inches high. To obtain reduced freeboards under the 1966 International Load Line Convention, it is necessary, in most cases, to meet the minimum Convention rail and bulwark height of one meter (39½ inches) and a 15-inch maximum course spacing on all exposed peripheries of the freeboard and superstructure decks. This applies to existing or new vessels on international or coastwise voyages, but no changes in rail or bulwark heights are required for existing vessels retaining a previous load line assignment.

46. The rail height requirements have been "standardized" in nearly all instances at 39½ inches to comply with the Convention and to provide a standard minimum height. The 42-inch height requirement for spaces accessible to passengers on passenger vessels has been lowered to the standard 39½ inches. Although the 1966 International Load Line Convention specifically excludes Great Lakes vessels from its jurisdiction, it is proposed to have the regulations governing Great Lakes vessels to be the same as for vessels covered by the Convention with respect to determinations of rail heights. Also, provisions have been included for the relaxation of these requirements when it can be satisfactorily shown that the voyage conditions are sufficiently sheltered.

47. To accomplish these changes for rails and guards, it is proposed to amend 46 CFR 32.01-10 (Tank Vessels), 72.40-1, 72.40-5, and 72.40-90 (Passenger Vessels), 92.25-1, 92.25-5, and 92.25-90 (Cargo and Miscellaneous Vessels), 177.35-1 (Small Passenger Vessels), and 190.25-1, 190.25-5, and 190.25-90 (Oceanographic Vessels).

6b—Extended freeboard table for Great Lakes vessels

48. At present the load line regulations for Great Lakes vessels do not have a freeboard table for vessels over 750 feet. Vessels over 750 feet in length are now under construction and intended for use on the Great Lakes. As an interim measure the United States/Canadian Joint Technical Committee for Great Lakes Load Lines (sponsored jointly by the U.S. Coast Guard and Canada's Department of Transportation and composed of industry, ship operators, classification societies, and Government agencies from Canada and the United States) has recommended the adoption of a freeboard table for vessels from 750 to 1,000 feet in length. This proposal duplicates the Type B Table of the 1966 International Load Line Convention from 800 to 1,000 feet. A straight line interpolation is employed between the end of the existing Great Lakes Table at 750 feet and the 1966 Convention figure at 800 feet. To accomplish this, it is proposed to amend 46 CFR 45.10-1(b), and 45.15-97, and to add 46 CFR 45.10-105.

49. The authority to prescribe rules and regulations regarding load lines is in sections 85a and 88a of title 46, United States Code, and subsection 1655(b) of title 49, United States Code. The delegations of authority by the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4 (a) (2) and (f).

Item PH 7-69—Personnel

7a—Officers and seamen for oceanographic vessels

50. The proposed 46 CFR Part 20, regarding officers and seamen for oceanographic vessels is to implement the objectives of Public Law 89-99 (46 U.S.C. 441-445), with respect to the licensed officers and unlicensed crew members employed on board oceanographic vessels. This proposal is the personnel counterpart to the inspection and certification regulations which were written to implement the objectives of Public Law 89-99, and published in the Federal Register dated January 27, 1968.

51. Public Law 89-99 recognized that many of the provisions provided in titles 52 and 53 of the Revised Statutes might be inconsistent with the mission of an oceanographic vessel, and therefore, the statute provided means to accommodate these inconsistencies through exemption by regulation. The proposed regulations require that present procedures prescribed under 46 CFR Parts 10, 12, and 14 through 16 shall apply to all personnel serving on board oceanographic vessels except as outlined in the proposal. The specific changes to these procedures are proposed to meet the objectives of Public Law 89-99.

52. In the development of minimum standards for licensed officers, special provisions are provided to assist in providing an adequate manpool of licensed officers for the smaller oceanographic vessels and at the same time provide means for such licensed officers to have their licenses upgraded in other areas of marine activity.

53. The statutory authorities for regulations regarding officers and seamen for oceanographic vessels are in sections 375, 416, and 445 of title 46, United States Code, subsection 1655(b) of title 49, United States Code, as well as certain other provisions in sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230-234, 239, 240, 361, 362, 364, 367, 372, 381, 391, 391a, 392, 393, 399, 400, 402-414, 435, 436, 451-453, 460, 461, 462, 464, 467, 470-482, and 489-498, 643, 672, 672b, 672-1, 672-2, 689, and section 198 of title 50, United States Code. The delegations of authority of the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4 (a) (2) and (f).

7b—Manning of school ships

54. It is proposed to amend 46 CFR 167.60-15, regarding manning and persons allowed to be carried on nautical school ships, to have the Officer in Charge, Marine Inspection, specify the minimum manning in the Certificate of Inspection and to permit use of qualified students to perform appropriate duties. The Coast Guard is charged with the responsibility of specifying minimum manning requirements for all certificated vessels; and, it is felt that, irrespective of whether or not the vessel is documented, the minimum number of officers and crew necessary for the safe navigation should be stated in the vessel's Certificate of Inspection. The reason for this change is to assure continuity and adequate manning for certificated nautical school ships. It is desirable to permit senior cadets to perform the required watchstanding duties when they become qualified. When qualified cadets are not available, other qualified personnel must be provided. The determination when a cadet is qualified must, for practical reasons, be made by the Master of the vessel.

55. The statutory authorities for regulations regarding nautical school ships are in sections 375 and 416 of title 46, United States Code, and subsection 1655 (b) of title 49, United States Code, as well as certain specific provisions in sections 222, 239, 363, 367, 390b, 391, 392, 404, 411, 481, 489, 689 of title 46, United States

Code, section 198 of title 50, United States Code, section 1007 of title 33, United States Code, and E.O. 11239 dated July 31, 1965 (3 CFR, 1965 Supp.). The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4(a)(2) and (f).

ITEM PH 8–69—OPERATIONS

8a—FIREMAN'S OUTFITS

56. Annex III and portions of Annex IV of the amendments to the International Convention for the Safety of Life at Sea, 1960 (SOLAS), as adopted by the 13th Session of the Maritime Safety Committee of the Intergovernmental Maritime Consultative Organization (IMCO), apply to both new and existing tank vessels and cargo vessels on international voyages. Included in these changes is a proposal to require a minimum of two complete fireman's outfits for each cargo and tank vessel subject to the 1960 SOLAS Convention. Since the United States agrees with these amendments and accepted them as adopted by the Maritime Safety Committee, it is proposed to:

(a) Revise the Tank Vessel Regulations by amending 46 CFR 35.30–20 to require on all manned tank vessels having tanks which exceed 15 feet in depth, and all tankships of 1,000 gross tons and over to be provided with at least two emergency outfits.

(b) Revise the Cargo and Miscellaneous Vessel Regulations by amending 46 CFR 96.35–5 and 96.35–10 to require on all cargo and miscellaneous vessels on an international voyage to be provided with at least two emergency outfits.

(c) Revise the Oceanographic Vessel Regulations by amending 46 CFR 195.35–5 and 195.35–10 to require on all oceanographic vessels other than unmanned barges to be provided with at least two emergency outfits.

(d) Revise the items included in the fireman's emergency outfit by adding requirements that boots and gloves shall be of rubber or other electrically nonconducting material; the helmet shall provide effective protection against impact; and protective clothing shall be of material that will protect the skin from the heat of fire and burns from scalding steam, while the outer surface shall be water resistant.

8b—MAXIMUM CARBON MONOXIDE CONCENTRATION

57. The use of power-operated industrial trucks on board inspected vessels has been allowed under certain specific conditions as set forth in the regulations applicable to designated categories of vessels. This proposal revises the maximum acceptable carbon monoxide concentration for holds and intermediate decks where persons work. This proposal will reduce the acceptable maximum of carbon monoxide concentration from "below 100 parts per million" to "not more than 50 parts per million (0.005%) as a time-weighted average, and persons shall be removed from the area if the concentration exceeds 75 parts per million (0.0075%)." This proposal also requires the senior deck officer to see that tests of the carbon monoxide content are made in the areas in which persons are working as frequently as conditions require to insure that dangerous concentrations do not develop. To accomplish this it is proposed to have the same changes made to 46 CFR 35.70–20(d) (Tank Vessels), 78.80–15(c) (Passenger Vessels), 97.70–15(c) (Cargo and Miscellaneous Vessels), and 146.09–15(e)(3) (Dangerous Cargo Regulations).

58. The statutory authorities to prescribe regulations generally about vessel inspection and certification are in sections 375 and 416 of title 46, United States Code, and subsection 1655(b) of title 49, United States Code. The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4 (a)(2) and (f). With respect to operational requirements for inspected vessels, the provisions of sections 170 and 481 of title 46, United States Code, are applicable. The requirements for tank vessels may be prescribed under section 391a of title 46, United States Code. The requirements for seagoing motor propelled vessels of 300 gross tons and over may be prescribed under section 367 of title 46, United States Code. The requirements for small passenger vessels may be prescribed under sections 390b and 404 of title 46, United States Code. The requirements for oceanographic vessels may be prescribed under section 445 of title 46, United States Code.

ITEM PH 9–69—NAVIGATIONAL LIGHTS

9a—LIGHTS FOR BARGES TRAVERSING BOTH INTERNATIONAL AND INLAND WATERS

59. The provisions of 33 CFR 80.16b require barges which begin and terminate a trip in "Inland Waters" to exhibit the appropriate "Inland Water Lights." If during the course of the voyage such barges pass into "International Waters", then such barges must alter the lights in midvoyage to conform with the International Rules while on "International Waters." It is proposed to publish an "interpretation" as 33 CFR 86.05–10 so that barges subject to 33 CFR 80.16b which have occasion during their voyage to operate upon waters to which the International Regulations for Prevention of Collisions at Sea (33 U.S.C. 1051–1094) apply may for such voyage display the navigational lights and shapes required by the International Rule 5 (33 U.S.C. 1065) rather than the lights required by 33 CFR 80.16b.

60. The statutory authorities to prescribed regulations regarding lights for barges are in sections 157 and 178 of title 33, United States Code, sections 632 and 633 of title 14, United States Code, and subsection 1655(b) of title 49, United States Code. The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4(a)(2) and (f).

9b—NAVIGATION LIGHTS FOR MOTORBOATS, UNINSPECTED VESSELS, AND SMALL PASSENGER VESSELS

61. The performance standards for navigation lights are specified in the applicable Rules of the Road and in section 3 of the Motorboat Act of 1940, as amended. The navigation lights carried on vessels, including motorboats, shall meet these requirements. In the administration of these requirements, it was determined that light intensity standards could provide a measurable parameter for defining visibility. These "Light Intensity Standards" were published in the FEDERAL REGISTER of December 27, 1967, as additions to 46 CFR Part 25 (Uninspected Vessels), Part 113 (Electrical Engineering), and Part 184 (Small Passenger Vessels under 100 Gross Tons). This change caused a review of many existing installations on motorboats, and unfortunately in many cases it was difficult to ascertain compliance without dismantling the lights or using special equipment. Regarding applicability of performance requirements and "light intensity standards" previously published it is proposed to add to 46 CFR 25.05–15 and 184.15–5 statements of applicability for motorboats, uninspected vessels, and small passenger vessels to the effect that the light intensity standards published December 27, 1967, shall apply on and after January 1, 1971, and that new navigation lights installed and replacements of existing lights made on and after January 1, 1971, shall be of an approved type. These proposals are intended to establish a reasonable time frame for compliance by vessels, including motorboats, carrying navigation lights.

62. The statutory authorities for prescribing requirements are in sections 390b, 526b, and 526p of title 46, United States Code, and subsection 1655(b) of title 49, United States Code, for motorboats, uninspected vessels and small passenger vessels. The delegations of authority from the Secretary of Transportation to the Commandant, U.S. Coast Guard, are in 49 CFR 1.4 (a)(2) and (f).

Dated: February 3, 1969.

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

[F.R. Doc. 69–1605; Filed, Feb. 6, 1969; 8:48 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 35, Notice No. 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Reserve Front Lighting System for Passenger Cars; Multipurpose Passenger Vehicles, Trucks, and Buses of Less Than 80 Inches Overall Width

Federal Motor Vehicle Safety Standard No. 108, issued January 31, 1967 (32 F.R. 2411), as amended December 11, 1967

(32 F.R. 18033), effective January 1, 1969, specified requirements for lamps, reflective devices, and associated equipment for passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles. The Administrator of the Federal Highway Administration is considering rule making which would amend this standard to include additional requirements for a reserve, front lighting system in the event of a failure of a headlamp filament on passenger cars; and multipurpose passenger vehicles, trucks, and buses of less than 80 inches in overall width. This reserve front lighting system would provide to pedestrians and oncoming drivers a means of determining the position of the vehicle even though the reserve system may not provide illumination of the roadway equivalent to that provided by the failed headlamp.

By an advance notice published in the FEDERAL REGISTER, October 8, 1968 (33 F.R. 15028), the Administrator invited interested parties to submit comments with respect to requirements for reserve front lighting systems for passenger cars and multipurpose passenger vehicles. In recognition of the specific classifications of vehicles as reflected in Standard No. 108, and based on an analysis of the comments received in response to the advance notice, the Administrator has determined that reserve lighting for vehicles other than passenger cars and multipurpose passenger vehicles is necessary. Therefore, the proposed amendment to Standard No. 108, as set forth below, specifies reserve lighting requirements for passenger cars, multipurpose passenger vehicles, trucks, and buses of less than 80 inches overall width. Vehicles 80 inches or more in overall width are excluded since they are required to have clearance lamps and identification lamps which provide sufficient reserve front lighting for determining the configuration and position of a vehicle with a failed headlamp.

The advance notice further announced that the Administrator was specifically considering reserve lighting requirements for application to lighting equipment. In this respect, the comments indicated a number of methods that could be used to provide replacement headlamps with a reserve-lighting capability. However, in many instances, the proposed methods would be subject to failure under the same conditions that result in failure of the primary headlamp filaments. These failure conditions would include gas leakage, broken or loose connections or wiring, and voltage surge. Also, the safety advantage provided by the proposed methods suggested in the comments would decrease rapidly with the anticipated increase in the number of vehicles having parking lamps activated when the headlamps are activated. Accordingly, proposed requirements for replacement lighting equipment are not included in this rule making action.

The proposed amendment to Standard No. 108 would provide reserve front lighting on new vehicles by requiring that parking lamps be activated when the headlamps are activated. In addition, the proposed amendment would establish new minimum and maximum photometric values for the parking lamps and would specify that separately mounted parking lamps and front turn signal lamps conform to the minimum candlepower ratios now specified in Standard No. 108 for combination parking lamps and turn signal lamps. The specified photometric values for parking lamps are considered necessary for adequately illuminating the corner of a vehicle having a headlamp failure. The specified minimum candlepower ratios would permit parking lamps having higher than the specified minimum candlepower values to be used without degrading the effectiveness of the separately mounted turn signal lamps.

It is proposed that this amendment to Standard No. 108 will be effective January 1, 1970.

Interested persons are invited to participate in the making of the amendment by submitting written data, views, or arguments. It is further requested that comments be submitted which pertain to leadtime and costs directly related to compliance with the proposed requirements. These comments should contain supporting statements and data to justify all conclusions and recommendations. Comments must identify the docket number and the notice number and be submitted pursuant to the requirements of 49 CFR 353.11 et seq. (formerly 23 CFR 216.11 et seq.) (32 F.R 15819), in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street, SW., Washington, D.C. 20591.

All comments received on or before the close of business March 25, 1969, will be considered by the Administrator before taking action upon the proposed amendment. All comments will be available in the Docket Section for examination both before and after closing date for comments.

After consideration of the available data and comments, an amendment to Standard No. 108 may be issued, if appropriate.

In consideration of the foregoing, it is proposed to amend Motor Vehicle Safety Standard No. 108 to add the following two new paragraphs, S3.1.1.12 and S3.4.8:

S3.1.1.12 After December 31, 1969, the candlepower ratios of combination parking lamps and turn signal lamps, as specified in SAE Standard J592b, "Clearance, Side Marker, Identification and Parking Lamps," April 1964, shall also be applicable to separately mounted parking lamps and turn signal lamps, and the minimum and maximum candlepower requirements for parking lamps shall be as follows:

Test points (Degrees)		Minimum candlepower	Maximum candlepower
10U and 10D	10L	1	90
	5L	1	90
	V	1	90
	5R	1	90
	10R	1	90
5U and 5D	20L	1	90
	10L	2	90
	5L	3	90
	V	4	90
	5R	3	90
	10R	2	90
	20R	1	90
H	20L	1	90
	10L	2	90
	5L	5	90
	V	5	90
	5R	5	90
	10R	2	90
	20R	1	90
Anywhere			90

S3.4.8 After December 31, 1969, the parking lamps on passenger cars; and multipurpose passenger vehicles, trucks, and buses of less than 80 inches overall width, shall be activated when the headlamps are activated.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and pursuant to the delegation of authority from the Secretary of Transportation, Part I of the Regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued on February 3, 1969.

JOHN R. JAMIESON,
Deputy,
Federal Highway Administrator.

[F.R. Doc. 69-1614; Filed, Feb. 6, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 301]

CERTAIN FOREIGN PASSPORTS

Validity

Mauritius is added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of at least 6 months beyond the expiration date specified in the passport.

This notice amends Public Notice 238 of November 17, 1964 (29 F.R. 16097).

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

January 31, 1969.

[F.R. Doc. 69-1568; Filed, Feb. 6, 1969; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEPUTY SECRETARY OF DEFENSE

Delegation of Authority

The Secretary of Defense approved the following delegation of authority January 24, 1969:

References:

(a) DoD Directive 5105.2, "Delegation of Authority to Deputy Secretary of Defense," March 1, 1968 (hereby canceled).

(b) Multiple-addressee memorandum, "Matters Involving the Hewlett Packard Company," January 24, 1969.[1]

I. *Delegation of authority.* In accordance with the provisions of section 133 (d) of title 10, United States Code, I hereby delegate to Deputy Secretary of Defense David Packard full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law, except for matters covered by reference (b).

The authority delegated herein may not be redelegated.

II. *Cancellation.* Reference (a) is canceled (33 F.R. 5893).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

JANUARY 31, 1969.

[F.R. Doc. 69-1550; Filed, Feb. 6, 1969; 8:45 a.m.]

[1] Filed as part of original document.

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS

Issuance

FEBRUARY 3, 1969.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR 170, following is a list of DOT Special Permits upon which Board action was completed during January 1969. As indicated in the preamble of Docket HM-1, the Board will periodically publish a list of Special Permits. It is the Board's intention to publish such a listing monthly:

Special Permit No.	*Subject*
AA204	Issued to ASM Enterprises, Inc., for the use of a U-69 cargo tank in liquefied petroleum gas service—highway.
AA205	Issued to ASM Enterprises, Inc.—same as AA204.
5840	Issued to the Dow Chemical Co. for the shipment of specified gasses in DOT-3A and 3AA cylinders having a 10-year retest period—highway and rail.
5849	Issued to the Olin Mathieson Chemical Corp. for the shipment of dry calcium hypochlorite compounds in DOT-21C fiber drums having an inside 0.003-inch thick aluminum laminated sidewall sheet—highway and rail.
5858	Issued to the Kerr-McGee Corp. for the shipment of fissile radioactive material (enriched uranium metal or oxide) in the Model No. BE-1292 container—air, highway, and water.
5859	Issued to the Kerr-McGee Corp. for the shipment of fissile radioactive materials (enriched uranium oxide) in the Model No. BE-586 container—air, highway, and rail.
5869	Issued to Air Products and Chemicals, Inc., for the shipment of liquefied carbon monoxide in modified AAR Specification 204W tank cars—rail.
5871	Issued to the Mitsubishi International Corp. for one shipment of fissile radioactive material (unirradiated uranium-235 fuel) in the Model II-002 Saxton New Fuel Shipping Container—air and highway.
5872	Issued to the University of California for the shipment of not more than Type B quantities of nonfissile radioactive materials in a thermally shielded DOT-55 container—highway, rail, and air.
5874	Issued to the U.S. Atomic Energy Commission and its contractors and licensees, and the Department of Defense and its contractors, for the shipment of fissile and large quantity radioactive materials in the WAPD Shipping Cask—highway and rail.
5875	Issued to the U.S. Atomic Energy Commission and its contractors and licensees, and the Department of Defense and its contractors, for the shipment of fissile and large quantity radioactive material in the WAPD-39 Shipping Cask—highway and rail.
5876	Issued to the FMC Corp. for the shipment of a specified solid Class B poison (Furadan 75% WP) in DOT-44D bags, carload only between FMC plants—rail.
5878	Issued to the American Oil Co. for the shipment of authorized gases in DOT Specification 112A340W tank car tanks designed with a weld efficiency of E=1.0 under 49 CFR 179.100-6—rail.
5879	Issued to the Swift Chemical Co. for the shipment of flammable adhesives in certain aluminum portable tanks of not over 375-gallon capacity—highway.
5880	Issued to the Westinghouse Electric Corp. and to the International Chemical and Nuclear Corp. for the shipment of Type B quantities of radioactive material in the United Kingdom Model 0976/2542 shipping container—highway.
5881	Issued to the Liquid Carbonic Corp. for the shipment of carbon dioxide in DOT-105A500W tank car tanks designed with a weld efficiency of E=1.0 under S 179.100-6 of the DOT regulations—rail.
5882	Issued to the Union Carbide Corp. for the shipment of vinyl chloride in certain DOT Specification 114A340W tank car tanks—rail.
5883	Issued to the Sinclair Oil Corp. for the shipment of plant equipment type tanks containing solid poisonous residue from motor fuel antiknock compound—highway and rail.
5884	Issued to the Mallard Transportation—same as 5878 above.
5885	Issued to the U.S. Atomic Energy Commission and its contractors (upon specific registration with the Board), for the shipment of irradiated reactor fuel in the AL-L11 Depleted Uranium Shipping Cask—highway and rail.

Special Permit No.	Subject
5886	Issued to the Department of Defense for the shipment of fissile radioactive materials in PM-3A Type shipping cannisters—water and highway.
5887	Issued to the U.S. Atomic Energy Commission for the shipment of irradiated aluminum-clad bismuth slugs in the Bismuth Shipping Cask—highway.
5888	Issued to the Borg-Warner Corp. for the shipment of propylene in DOT-112A340W tank car tanks having safety relief valves set at 280.5 p.s.i.g.—rail.
5889	Issued to the American Nuclear Corp. for the shipment of not more than Type B quantities of radioactive material in special form, in the Battelle Northwest Irradiator package—highway.
5890	Issued to the Westinghouse Electric Corp., the Department of Defense, and the Nuclear Materials and Equipment Corp. for the shipment of encapsulated polonium-beryllium in the PM-4 startup Neutron Source Container—water, air, and highway.
5891	Issued to Mason and Hanger-Silas Mason Co., Inc., and the University of California, for the shipment of Class A high explosives in DOT Specification wooden boxes of up to 500 pounds gross weight—highway.
5892	Issued to Virginia Chemicals, Inc., for the shipment of sodium hydrosulfite in aluminum portable tanks of not over 74-cubic-foot capacity—highway.
5893	Issued to the Rohm and Haas Co. for the shipment of sodium hydrosulfite in aluminum portable tanks of not over 74-cubic-foot capacity—rail.
5895	Issued to Explosive Technology for the shipment of a device described as a Flexible Linear Shaped Charge in a DOT-12H fiberboard box—highway and rail.
5896	Issued to the U.S. Atomic Energy Commission and its contractors and licensees for the shipment of fissile radioactive material (unirradiated U^{233}, U^{235}, or plutonium) in the Model No. 30 shipping container—highway.
5897	Issued to Phillips Petroleum Co. Same as 5888.
5899	Issued to the General Electric Co. for the shipment of slightly irradiated fissile radioactive material in the Fission Source Plate Shipping Container—highway.
5900	Issued to Petro-Tex Chemical Corp. Same as 5878.

WILLIAM C. JENNINGS,
Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 69-1611; Filed, Feb. 6, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 7867]

MONTANA

Notice of Classification

Correction

In F.R. Doc. 69-937 appearing at page 1193 in the issue of Friday, January 24, 1969, the last line of the tabular material under the center heading "Principal Meridian, Montana" should be deleted and "Sec. 32, N½ and N½SW¼." substituted therefor.

[Utah 7545]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 30, 1969.

The Bureau of Mines, Department of the Interior, has filed application Utah 7545 for the withdrawal of the lands described below from all forms of appropriation.

The applicant desires the land for a metallurgy research center.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1-3(d)) provide that 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 area 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.

The authorized officer 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, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 1 S., R. 1 E.,
Parcel No. 4 of Tract "D".

The area described contains 34.32 acres. It was formerly in the Fort Douglas Military Reservation.

R. D. NIELSON,
State Director.

[F.R. Doc. 69-1554; Filed, Feb. 6, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. C-298]

TERENCE STEWART HORNIDGE

Notice of Loan Application

FEBRUARY 3, 1969.

Terence Stewart Hornidge, 3518 Accomac Street, San Diego, Calif. 92111, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42-foot registered length wood vessel to engage in the fishery for salmon, albacore, shrimp, rockfishes, California halibut, and sea bass.

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.

J. M. PATTON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-1603; Filed, Feb. 6, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ACETAZOLAMIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540:

1. Vetamox Tablets—100 milligrams of acetazolamide per tablet.
2. Vetamox Oblets—2.0 grams of sodium acetazolamide per oblet.
3. Vetamox Parenteral—2.5 grams of sodium acetazolamide per vial.
4. Vetamox Soluble Powder—1.0 gram acetazolamide per 4 grams of powder.

The Academy concludes that these drugs are (1) effective for mild congestive heart failure and for rapid reduction of intraocular pressure in dogs; (2) probably effective for udder edema in cattle, but more information is needed; and (3) probably not effective for traumatic edema and more documentation is needed. The Academy also concludes that more information is needed on the use of the parenteral and powder forms in swine and horses. The Food and Drug Administration concurs with the conclusions of the Academy.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

As an aid in the treatment of dogs with mild congestive heart failure and for rapid reduction of intraocular pressure.

DOSAGE AND ADMINISTRATION

5 to 15 milligrams per pound of body weight daily administered in two or more divided doses. The parenteral drug should be administered intramuscularly or intraperitoneally. Administer the tablets, oblets, and powder orally.

CONTRAINDICATIONS

Should not be used in animals with a known depletion of sodium and potassium. Not to be used in all types of suprarenal gland failure.

CAUTION: Federal law restricts this drug to sale by or on the order of a licensed veterinarian. Keep out of the reach of children.

This evaluation of the drugs is concerned only with their effectiveness and safety to the animal to which they are administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of these drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug applications for the drugs listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to those drugs or any other interested person may obtain a copy of the reports by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 31, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–1552; Filed, Feb. 6, 1969; 8:45 a.m.]

PARTEROL

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Parterol; contains 2.5 milligrams of dihydrotachysterol per cubic centimeter; marketed by the S. E. Massengill Co., Veterinary Division, Bristol, Tenn. 37622.

The Academy concludes that this drug is probably not effective to prevent relapses in uncomplicated milk fever and that more information is needed. The Food and Drug Administration concurs with this evaluation.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 31, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–1553; Filed, Feb. 6, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

OCEANIC STEAMSHIP CO.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that The Oceanic Steamship Co. has applied for approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises:

Ship	*Approximate cruise dates 1969 and itinerary*
Monterey	May 17–June 15; San Francisco, Los Angeles, Mazatlan, Galapagos, Callao, Guayaquil, Balboa, Acajutla, Acapulco, Los Angeles, San Francisco.
Monterey	June 15–June 30; Los Angeles, San Francisco, Seattle, Victoria, Juneau, Skagway, Sitka, Vancouver, Seattle, Los Angeles, San Francisco.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on February 19, 1969.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

By order of the Maritime Subsidy Board.

Dated: February 5, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-1678; Filed, Feb. 6, 1969; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Model Cities Program

The Assistant Regional Administrator for Model Cities, Region IV (Chicago), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority by the Assistant Secretary for Model Cities and Governmental Relations effective November 27, 1967 (32 F.R. 17496, Dec. 6, 1967), as amended effective April 29, 1968 (33 F.R. 11685, Aug. 16, 1968), with respect to the Model Cities Program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301–3313) except the authority to authorize waivers of contract provisions.

This redelegation supersedes the redelegation effective May 2, 1968 (33 F.R. 7851, May 29, 1968).

(Redelegations of Authority by Assistant Secretary for Model Cities and Governmental Relations effective Nov. 27, 1967 (32 F.R. 17496, Dec. 6, 1967), as amended)

Effective date. This redelegation of authority shall be effective as of December 1, 1968.

FRANCIS D. FISHER,
Regional Administrator, Region IV.

[F.R. Doc. 69-1572; Filed, Feb. 6, 1969; 8:47 a.m.]

ACTING DIRECTOR, MODEL CITIES STAFF, REGION IV (CHICAGO)

Designation

Oliver S. Taylor, Urban Development Specialist, Model Cities Staff, Region IV (Chicago), is hereby designated to serve as Acting Director, Model Cities Staff, during the absence of the Director, Model Cities Staff, Region IV (Chicago), with all the powers, functions, and duties redelegated or assigned to the Director, Model Cities Staff.

(Delegation May 4, 1962, 27 F.R. 4319; Department Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 24th day of July 1968.

FRANCIS D. FISHER,
Regional Administrator, Region IV, Chicago, Ill.

[F.R. Doc. 69-1573; Filed, Feb. 6, 1969; 8:47 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION IV (CHICAGO)

Designation

Oliver S. Taylor, Urban Development Specialist, Model Cities Staff, Region IV (Chicago), is hereby designated to serve as Acting Assistant Regional Administrator for Model Cities during the absence of the Assistant Regional Administrator for Model Cities, Region IV (Chicago), with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Model Cities.

This designation supersedes the designation effective July 24, 1968 (34 F.R. 1841, Feb. 7, 1969).

(Delegation effective May 4, 1962, 27 F.R. 4319; Department Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 1st day of December 1968.

FRANCIS D. FISHER,
Regional Administrator, Region IV, Chicago, Ill.

[F.R. Doc. 69-1574; Filed, Feb. 6, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-329, 50-330]

CONSUMERS POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

Consumers Power Co. (the applicant) 212 West Michigan Avenue, Jackson, Mich., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated January 13, 1969, for authorization to construct and operate two pressurized water nuclear reactors at the applicant's Midland site. The site is located on the right shore of the Tittabawasee River in Midland Township, Midland County, Mich., and is adjacent to the Dow Chemical Co.'s main industrial complex in the city of Midland.

The proposed reactors, designated by the applicant as the Midland Plant Units Nos. 1 and 2, are each designed for initial operation at approximately 2,452 thermal megawatts. The total net output of both plants will be approximately 1,325 megawatts, electrical, plus 4,050,000 lbs/hr of process steam.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 3d day of February 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-1556; Filed, Feb. 6, 1969; 8:45 a.m.]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Proposed Issuance of Amendment to Operating License

The Atomic Energy Commission is considering the issuance of an amendment to Provisional Operating License No. DPR-14 which authorizes the Connecticut Yankee Atomic Power Co. to operate its Haddam Neck Plant ("the reactor") located in the town of Haddam, Middlesex County, Conn. The amendment, as set forth below, would authorize Connecticut Yankee to operate the reactor at steady-state power levels up to a maximum of 1,825 megawatts thermal in accordance with the application dated August 30, 1968, and supplements thereto dated September 26, November 5, November 22, December 3, and December 26, 1968.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER the applicant may file a request for a hearing, or any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the application dated August 30, 1968, and supplements thereto, (2) the report of the Advisory Committee on Reactor Safeguards dated December 12, 1968, (3) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (4) Attachment A to Amendment No. 2, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 3d day of February 1969.

For the Atomic Energy Commission.

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

[License DPR-14, Amdt. 2]

The Atomic Energy Commission having found that:

A. The application for amendment dated August 30, 1968, as supplemented September 26, November 5, November 22, December 3, and December 26, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. There is reasonable assurance (1) that the reactor can be operated in accordance with the license, as amended, without endangering the health and safety of the public, and (2) that such activities will be conducted in compliance with the rules and regulations of the Commission; and

C. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Operating License No. DPR-14, as amended, issued to Connecticut Yankee Atomic Power Co. for operation of the Haddam Neck Plant ("the reactor") located in the town of Haddam, Middlesex County, Conn., is hereby further amended by restating subparagraphs 3.A and 3.B in their entirety to read as follows:

3.A *Maximum power level.* Connecticut Yankee is authorized to operate the facility at steady-state power levels up to a maximum of 1,825 megawatts thermal.

3.B *Technical specifications.* The Technical Specifications contained in Appendix A, as modified by Attachment A, appended hereto (designated as Change No. 7), to permit operation at power levels up to 1,825 megawatts (thermal) are hereby incorporated in this license. Connecticut Yankee shall operate the facility in accordance with the Technical Specifications and may make changes therein only when authorized by the Commission in accordance with the provisions of § 50.59 of the Commission's regulations, Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities."

This amendment is effective as of the date of issuance.

Attachment: Change No. 7.[1]

For the Atomic Energy Commission.

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

[F.R. Doc. 69-1636; Filed, Feb. 6, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16080; Order 69-2-15]

CONTAINERIZATION

Order Regarding Extension of Carrier Discussions and Agreements

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

By letter dated January 14, 1969, on behalf of American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Eastern Air Lines, Inc. (Eastern), The Flying Tiger Line Inc. (Flying Tiger), Seaboard World Airlines, Inc. (Seaboard), Trans World Airlines, Inc. (Trans World), and United Air Lines, Inc. (United), the Air Transport Association requested a 60-day extension of the containerization discussion authority.[1] On January 30, 1969, amendments were filed to the above-designated container agreements which would extend the present agreements until May 6, 1969,[2] and eliminate the present provision for an expiry date of February 6, 1969, which appears on the carriers' container tariff. The carriers have also filed a tariff revision removing the expiry date from their container tariff.

Pursuant to Order 68-7-124 of July 25, 1968, the carriers renewed their discussions on containerization standards and incentives, and meetings were held with shippers on October 1 and 2, 1968, and among the carriers on November 18-19, and December 10-11, 1968, and January 7-8, 14-15, and 21, 1969. Copies of minutes of all meetings have been or are being filed with the Board and circulated to shippers. The carriers state that there was insufficient time to permit shipper review, comment, and/or appearances with respect to proposed changes which are being developed in the container program, prior to the expiration of the previously authorized discussions on January 22, 1969, and that two shippers (The Air Freight Forwarder Association and The California Grape and Tree Fruit League) have requested to appear before the carriers prior to their final deliberations.

No protests against the requested extension of the agreements and the present discussion authority, or the elimination of the tariff expiry date, have been filed with the Board.

It appears to the Board that the container program has proven beneficial to shippers, that the carriers are developing substantial modifications to improve the program, and that shippers have not had an opportunity for review and comment prior to the current discussion expiry date of January 22, 1969. It is appropriate, therefore, that an extension of the discussion authority be granted to insure shippers this opportunity prior to the final deliberations of the carriers, and that the current agreements should be extended.

Upon consideration of the carriers' request, the Board will approve the extension of the current agreements until May 6, 1969, and will extend the carriers' authority to hold containerization discussions for an additional 60 days. The Board will also permit the tariff revision to become effective which will delete the expiry date from the carriers' container tariff.

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

It is ordered, That:

1. Agreements CAB 19981-A1 and 19982-A1 are approved until May 6, 1969, provided the parties thereto file the appropriate provisions thereof in tariffs;

2. The discussion period granted by ordering paragraph 1 of Order 68-7-124, dated July 25, 1968, is extended for an additional period of 60 days from the date of this order;

3. All other terms and conditions of Order 68-7-124, supra, authorizing discussions continue unchanged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-1607; Filed, Feb. 6, 1969; 8:48 a.m.]

[Docket No. 19192]

HOUSTON-CLEVELAND NONSTOP INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 4, 1969, at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 4, 1969.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 69-1608; Filed, Feb. 6, 1969; 8:48 a.m.]

[Docket No. 20665]

HUGHES TOOL CO. AND AIR WEST, INC.

Notice of Prehearing Conference

Joint application of Hughes Tool Co. and Air West, Inc., for approval of the acquisition of the assets of Air West, Inc., by Hughes Tool Co., and for other relief.

The prehearing conference in the above-entitled proceeding assigned for February 17, 1969, by ordering paragraph 1 of Order 69-2-9, will be held at 10 a.m. (e.s.t.) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

[1] This item was not filed with the office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[1] Order 68-7-124, dated July 25, 1968, authorized carrier discussions until Jan. 22, 1969.

[2] Agreements CAB Nos. 19981 and 19982, approved until Feb. 6, 1969 (Order E-26320, dated Feb. 6, 1968); Agreement No. 19981 covers the carrier-owned Type A igloo-container on behalf of Airlift International, Inc. (Airlift), American, Braniff, Trans World, and United; Agreement No. 19982 covers the shipper-owned Type B/C/D containers on behalf of Airlift, American, Braniff, Flying Tiger, Northwest Airlines, Inc., Trans World and United.

Dated at Washington, D.C., February 3, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-1609; Filed, Feb. 6, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 425]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 3, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) Within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

4309-C2-P-69—Southern Bell Telephone & Telegraph Co.; (KIJ353); C.P. to relocate the test transmitter antenna operating on frequency 157.89. Location: 629 West Fifth Street, Winston Salem, N.C.

4308-C2-P-69—Radio Contact Corp.; (New); C.P. for a new two-way station. Frequency: 454.15 MHz. Location: 1700 Broadway, Denver, Colo.

4342-C2-P-69—National Communications System, Inc.; (New); C.P. for a new one-way station. Frequency: 158.70 MHz. Location: Fourth and I Streets, Sacramento, Calif.

4343-C2-P-69—National Communications System, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location: 1805 Harbor Road, Stockton, Calif.

4344-C2-P-69—Radio Contact Corp.; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location: 1700 Broadway, Denver, Colo.

4345-C2-P-69—Foresthill Telephone Co.; (KMM619); C.P. to replace transmitter operating on base frequency 152.54 MHz and correct station coordinates to read lat. 39°01'16'' N., long. 120°49'02'' W., located at Gold and Harrison Streets, Foresthill, Calif.

4346-C2-P/L-69—Sidney C. Childers and Shirley Childers doing business as Communications Equipment & Service Co.; (New); C.P. and license for a new two-way station with base and repeater facilities at location No. 1: Ester Dome, Alaska. Base frequency 152.03 MHz, repeater on 72.30 MHz and at location No. 2: 535 Second Avenue, Fairbanks, Alaska, control on 75.68 MHz. (These facilities were formerly authorized to Communications Services, Inc., and Fairbanks Radio Dispatch.)

5095-C2-R-68—Alexandria Telephone Co.; (KFL953); Renewal of license expiring July 1, 1968. Term: July 1, 1968, to July 1, 1973.

4355-C2-P-69—Metro Fone Communication; (New); C.P. for a new two-way station. Frequency: 152.18 MHz. Location: 4659 Stinson Boulevard NE., Columbia Heights, Minn.

4356-C2-ML-69—R.C.S., Inc.; (KMD689); Modification of license to change frequencies at the following locations as specified below: Location No. 1: 7 miles north-northwest of San Luis Obispo, Calif., change repeater frequency from 459.05 MHz to 454.05 MHz; for control stations at location No. 2: 1224 Murray Avenue, San Luis Obispo, Calif., change frequencies from 454.05 and 454.20 MHz to 459.05 and 459.20 MHz; location No. 3: 113 South Benwiley Street, Santa Maria, Calif., change control frequencies from 454.05 and 454.20 MHz to 459.05 and 459.20 MHz; location No. 4: Tepusquet Peak, approximately 13.5 miles east-southeast of Santa Maria, Calif., change repeater frequency from 459.20 MHz to 454.20 MHz and location No. 5: 1424 Spring Street, Paso Robles, Calif., change control frequency from 454.05 MHz to 459.05 MHz.

4357-C2-P-69—LaVergne L. Bordelon doing business as LaVergne's Telephone Answering Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: ¼ mile south of Donahue Ferry Road, 4½ miles northeast of Alexandria, La.

4358-C2-TC-69—Western Valley Telephone Co.; (KOK413); Consent to transfer of control from Western Valley Telephone Co., Transferor to Continental Telephone Corp., Transferee. (Two-way station at Portland, Oreg.)

4359-C2-AL-69—OsCoTel, Inc.; (KEJ892); Consent to assignment of license from OsCoTel, Inc., Assignor to Finger Lakes Telephone Corp., Assignee. (Two-way station at Fulton, N.Y.)

4360-C2-TC-(2)-69—Valley Telephone Co.; Consent to transfer of control from Sunnyside Telephone Co., Transferor, to Continental Telephone Corp., Transferee. Stations: KFL898—Detroit, Oreg. KH2322—Mobile service.

4423-C2-P-69—May G. Evans, doing business as Evans Telephone Answering Service; (New); C.P. for a new two-way station. Base frequency: 152.09 MHz. Location: 1400 Main Street, Columbia, S.C.

4426-C2-P-69—South Central Bell Telephone Co.; (KKI456); C.P. to change base frequency from 152.63 MHz to 152.72 MHz and replace transmitter for same at its station located southeast of Franklin, La.

4427-C2-P-69—Robert B. and Ferne Swartley, doing business as Telephone Answering Service; (New); C.P. for a new two-way station. Base frequency: 152.21 MHz. Location: 120 West Michigan Avenue, Jackson, Mich.

4428-C2-P-69—Mahaffey Message Relay; (New); C.P. for a new one-way station. Frequency: 152.24 MHz. Location: 969 Madison Avenue, Memphis, Tenn.

4429-C2-P-69—Communications Electronics Center, Inc.; (New); C.P. for a new two-way station. Base frequency: 152.06 MHz. Location: Corner Smiley Street and Oak Drive, Colquitt, Ga.

CORRECTIONS

4300-C2-P-69—York Telephone & Telegraph Co.; (New); Correct file number to read 4300-C2-P-69 not 4200-C2-P-69 as previously reported on Jan. 27, 1969, Report No. 424, page 4.

4137-C2-P-69—Houston Radiophone Service; (KKA344); Correct applicant to read Houston Radiophone Service. All other particulars same as reported on page 2, Report No. 423 dated Jan. 23, 1969.

Informative: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference and/or economic competition:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

New York

Blue Circle Radio Pocket Paging Corp., New, File No. 5565-C2-P-68.
Blue Circle Radio Pocket Paging Corp., New, File No. 5566-C2-P-68.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

Connecticut

Suburban Electronics Service, New, File No. 955–C2–P–69.

New Jersey

New Jersey Mobile Telephone Co., Inc., New, File No. 2074–C2–P–69.
New Jersey Exchanges, Inc., KEC738, File No. 1907–C2–P–69.
Albert F. Broda, Jr., New, File No. 1917–C2–P–69.
Mobile Telephone Co. of New Jersey, New, File No. 3358–C2–P–69.

Ohio

Central Mobile Radio Phone Service, KQC875, File No. 1568–C2–P–69.
Central Mobile Radio Phone Service, KQA770, File No. 1908–C2–P–69.
Miami Valley Radiotelephone, KQK592, File No. 5847–C2–P–68.
Ohio Mobile Telephone Co., Inc., KQK773, File No. 1898–C2–P–69.
Ohio Mobile Telephone Co., Inc., KQK773, File No. 1899–C2–P–69.

RURAL RADIO SERVICE

4347–C1–P/L–69—Sidney C. Childers and Shirley Childers, doing business as Communications Equipment & Service Co.; (New); C.P. and license for a new rural subscriber fixed station to operate (20 units) in any temporary fixed location within the territory of the grantee. Frequency: 158.49 MHz. (These facilities were formerly authorized to Communications Service, Inc. and Fairbanks Radio Dispatch.)

4348–C1–P–69—South Central Bell Telephone Co.; (KPP66); C.P. to replace transmitter operating on frequencies 454.40 and 454.65 MHz at station located approximately 2 miles northwest of Venice, La.

4360–C1–TC–69—Valley Telephone Co.; (KPP87); Consent to transfer of control from Sunnyside Telephone Co., Transferor, to Continental Telephone Corp., Transferee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

4303–C1–P–69—General Telephone Co. of Wisconsin; (KSQ21); C.P. to change antenna location from 35 West Newton Street, Rice Lake, Wis., to 20 South Wilson Street, Rice Lake, Wis., operating on frequencies 5937.8 and 6056.4 MHz and change antenna system.

4333–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPH75); C.P. to add 5989.7 and 6137.9 MHz toward Intake, Mont., at station located at Glendive Junction, 10.3 miles east of Glendive, Mont.

4334–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPV88); C.P. to add frequencies 6256.5 and 6375.2 MHz toward Glendive, Mont., and add frequencies 6271.4 and 6390.0 MHz toward Sidney, Mont., at its station located 8 miles north-northwest of Intake, Mont., and change antenna system for same.

4335–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPV89); C.P. to add frequencies 6004.5 and 6123.1 MHz toward Intake, Mont., and 6034.2 and 6152.8 MHz toward Fairview, Mont., and change antenna system at its station located 3.6 miles south-southeast of Sidney, Mont.

4336–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPV90); C.P. to add frequencies 6286.2 and 6404.8 MHz toward Sidney, Mont., at its station located 1.6 miles west of Fairview, Mont., and change antenna system for same.

4310–C1–P–69—Indiana Bell Telephone Co.; (KSJ45); C.P. to replace transmitter; delete frequency 11,685 MHz toward Monrovia, Ind., and add frequency 11,485 MHz toward Morgantown, Ind., at station located 240 North Meridian Street, Indianapolis, Ind.

4311–C1–P–69—Indiana Bell Telephone Co.; (KTG60); C.P. to add frequency 10,835 MHz toward New Unionville, Ind., and add frequencies 10,875 and 11,035 MHz toward Indianapolis, Ind., at station located 2.3 miles north-northeast of Morgantown, Ind.

4312–C1–P–69—Indiana Bell Telephone Co.; (KTG61); C.P. to add frequency 11,485 MHz toward Bloomington, Ind., and add frequencies 11,285 and 11,605 MHz toward Morgantown, Ind., at station located 1 mile southwest of New Unionville, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

4313–C1–P–69—Indiana Bell Telephone Co.; (KSL95); C.P. to replace transmitter; delete frequency 10,755 MHz toward Hindustan, Ind.; and add frequencies 10,875 and 11,035 MHz toward New Unionville, Ind., at station located 119 East Seventh Street, Bloomington, Ind.

4338–C1–P–69—Glacier State Telephone Co.—(KWW96); C.P. to delete existing Rural Radio facilities at its Inter-Office-Fixed station and add Point-To-Point Microwave facilities to operate on frequency 2162.0 MHz at station located Homer Telephone Exchange, Homer, Alaska.

4339–C1–P–69—Glacier State Telephone Co.; (KWW97); C.P. to delete existing Rural Radio facilities at its Inter-Office-Fixed station and add Point-To-Point Microwave facilities to operate on frequency 2112.0 MHz at station located at Seldovia, Alaska.

4349–C1–P–69—Beaver Island Telephone Co.; (New); C.P. for a new fixed station. Frequency: 2113.0 MHz. Location: On Airport Road, approximately ½ mile east of Darkeytown Road, Beaver Island, Mich.

4350–C1–P/L–69—The Bell Telephone Co. of Pennsylvania; (New); C.P. and license for a new fixed developmental station. Frequency band: 3700–4200, 5925–6425 and 10,700–11,700 MHz. (One unit) operating at any temporary fixed location within the territory of the grantee.

4351–C1–P–69—The Chesapeake & Potomac Telephone Co. of Virginia; (KIW79); C.P. to increase the power output for frequencies 6278.8 and 6397.2 MHz at station located 131 East Queen Street, Hampton, Va.

4352–C1–P–69—The Chesapeake & Potomac Telephone Co. of Virginia; (KIT49); C.P. to increase the power output for frequencies 6026.7 and 6145.3 MHz, at its station located 0.5 mile southeast of Kiptopeke, Va.

4353–C1–P–69—American Telephone & Telegraph Co.; (KEE58); C.P. to add frequency 4080 MHz toward Poughkeepsie, N.Y., at its station located at Halihan Hill, 4 miles north of Kingston, N.Y.

4361–C1–P–69—American Telephone & Telegraph Co.; (KLS32); C.P. to add frequency 4010 MHz toward Encinal, Tex., at its station located 13.8 miles east-northeast of Laredo, Tex.

4362–C1–P–69—American Telephone & Telegraph Co.; (KLS31); C.P. to add frequency 3970 MHz toward Cotulla, Tex., at station located 11 miles west-southwest of Encinal, Tex.

4363–C1–P–69—American Telephone & Telegraph Co.; (KLS30); C.P. to add frequency 4010 MHz toward Hindes, Tex., at station located 3 miles southwest of Cotulla, Tex.

4364–C1–P–69—American Telephone & Telegraph Co.; (KLS29); C.P. to add 3970 MHz toward Pleasanton, Tex., at station located 4.5 miles south of Hindes, Tex.

4365–C1–P–69—American Telephone & Telegraph Co.; (KLS28); C.P. to add frequency 4010 MHz toward Floresville, Tex., at station located 5.5 miles southeast of Pleasanton, Tex.

4366–C1–P–69—American Telephone & Telegraph Co.; (KLS27); C.P. to add frequency 3870 MHz toward Seguin, Tex., at station located at 5 miles northeast of Floresville, Tex.

4367–C1–P–69—American Telephone & Telegraph Co.; (KKZ89); C.P. to add 3930 MHz toward Shiner, Tex., at station located 8 miles southeast of Seguin, Tex.

4368–C1–P–69—American Telephone & Telegraph Co.; (KLC41); C.P. to add 3890 MHz toward Weimar, Tex., at station located 5 miles west-northwest of Shiner, Tex.

4369–C1–P–69—American Telephone & Telegraph Co.; (KLC40); C.P. to add 3930 MHz toward Cat Spring, Tex., at station located 1 mile south of Weimar, Tex.

4370–C1–P–69—American Telephone & Telegraph Co.; (KLC42); C.P. to add frequency 3890 MHz toward Katy, Tex., at station located 1.75 miles northwest of Cat Spring, Tex.

4371–C1–P–69—American Telephone & Telegraph Co.; (KLC43); C.P. to add frequency 4150 MHz toward Spring, Tex., at its station located 2 miles north-northeast of Katy, Tex.

4372–C1–P–69—American Telephone & Telegraph Co.; (KLV72); C.P. to change point of communication for frequencies 3770, 3850, and 3930 MHz at station located 5.9 miles west-southwest of Dayton, Tex.

4373–C1–P–69—Pacific Northwest Bell Telephone Co.; (KPB60); C.P. to change antenna system operating on frequencies 6204.7 and 6382.6 MHz at station located at Angeles Point, 4 miles west of Port Angeles, Wash.

MAJOR AMENDMENTS

2820-C1-P-69—The Ohio Bell Telephone Co.; (KQL27); Change frequency 6041.6 to 5952.6 MHz toward Chardon, Ohio.

2821-C1-P-69—The Ohio Bell Telephone Co.; (KQN53); Change frequency 6293.6 to 6204.7 MHz toward Cleveland, and change frequency 6278.8 to 6189.8 MHz toward Shalersville, Ohio.

2822-C1-P-69—The Ohio Bell Telephone Co.; (KQM37); Change frequency 6026.7 to 5937.8 MHz toward Chardon, Ohio, and change frequency 6041.6 MHz to 5952.6 MHz toward Warren, Ohio.

2823-C1-P-69—The Ohio Bell Telephone Co.; (KQM38); Change frequency 6293.6 to 6204.7 MHz toward Shalersville, Ohio. All other particulars same as reported in public notice dated Nov. 18, 1968.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4340-C1-P-69—Transamerican Microwave, Inc.; (KTR45); C.P. to replace transmitter with Lenkurt, type 76A2 transmitters having power output of 1 watt and emission of 25400F9 at its station located 2831 Eye Street, Bakersfield, Calif.

4341-C1-P-69—Transamerican Microwave, Inc.; (KTR46); Same as above except location: Frazier Peak, 7 miles west of Gorman, Calif.

MAJOR AMENDMENTS

6683-C1-P-68—Pacific Telatronics, Inc.; (KTG38); Application amended to change frequency 6367.7 MHz to 5967.4 MHz toward Red Bluff, Calif. Other particulars same as reported in public notice dated Sept. 23, 1968.

[F.R. Doc. 69-1569; Filed, Feb. 6, 1969; 8:46 a.m.]

[Canadian List 250]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

JANUARY 15, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		690 kilocycles				
CBNA (assignment of call letters).	St. Anthony, Newfoundland.	10	DA-2	U	III	
		1140 kilocycles				
CKXL (delete proposed daytime increase. Station continuing 10 kw DA-N operation on 1140 kc as notified on List No. 122.).	Calgary, Alberta	50D/10N	DA-2	U	II	
		1340 kilocycles				
New (delete assignment).	Whitehorse, Yukon Territory.	1	ND	U	IV	
		1490 kilocycles				
CHYM (now in operation with daytime pattern notified on List 109. Nighttime operation as notified on List No. 150.).	Kitchener, Ontario	10D/5N	DA-2	U	IV	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-1570; Filed, Feb. 6, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

SEATRAIN LINES OF PUERTO RICO, INC., AND FERRY BOATS DOMINICANOS

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Edward Schmeltzer, Esquire, Morgan, Lewis and Bockius, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 9773, between Seatrain Lines of Puerto Rico, Inc. (Seatrain), and Ferry Boats Dominicanos (F.B.D.) provides that F.B.D. will carry general commercial cargo between Puerto Rico and the Dominican Republic, including cargo originating at or destined to Edgewater, N.J., handled by Seatrain under transshipment agreements with Seatrain Lines, Inc.

Seatrain will perform agency services for F.B.D. such as publishing and filing tariffs covering the movement of cargo between Puerto Rico and the Dominican Republic and concur with Seatrain Lines, Inc., in tariffs covering the movement of cargo between Edgewater, N.J., and the Dominican Republic, solicitation and booking of cargo, issuing Seatrain bills of lading, and collecting of freight monies. Seatrain will also supply trailers, chassis, pallets, and similar equipment for handling cargo in the terminals and on the vessel. F.B.D. will be responsible for any claims for loss or damage to the cargo and loss or damage to Seatrain's trailers or other cargo handling equipment.

Seatrain shall retain a sales agent fee, daily rental for each trailer and chassis used and the remaining net revenue shall be divided 50 percent to Seatrain and 50 percent to F.B.D. F.B.D. may, within 30 days of any tariff change by Seatrain, tender notice of cancellation of the agreement and cancellation will be effected 30 days from the time of tender unless it is withdrawn.

Dated: February 4, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-1612; Filed, Feb. 6, 1969; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Florida Bancorporation, Haines City, Fla., for approval of acquisition of 80 percent or more of the voting shares of Commercial Bank of Tampa, Tampa, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3)

of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Florida Bancorporation, Haines, City, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Commercial Bank of Tampa, Tampa, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking and requested his views and recommendation. The Deputy Commissioner of Banking recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 3, 1968 (33 F.R. 14799), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 30th day of January 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-1575; Filed, Feb. 6, 1969; 8:47 a.m.]

FIRST FLORIDA BANCORPORATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Florida Bancorporation, Haines City, Fla., for approval of acquisition of 80 percent or more of the voting shares of Marine Bank and Trust Co., Tampa, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Florida Bancorporation, Haines City, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Marine Bank and Trust Co., Tampa, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking and requested his views and recommendation. The Deputy Commissioner of Banking recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 3, 1968 (33 F.R. 14799), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 30th day of January 1969.

By order of the Board of Governors.[3]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secreary.

[F.R. Doc. 69-1576; Filed, Feb. 6, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

FEBRUARY 3, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 4, 1969, through February 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-1577; Filed, Feb. 6, 1969; 8:47 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

FEBRUARY 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. 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 February 4, 1969, through February 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-1578; Filed, Feb. 6, 1969; 8:47 a.m.]

[File No. 24B-1526]

EMPIRE OF CLINTON, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 3, 1969.

I. Empire of Clinton, Inc. (Empire), 58 Sterling Street, Clinton, Mass., a Delaware corporation located at 58 Sterling Street, Clinton, Mass., filed with the Commission on November 27, 1968, a notification on Form 1-A and an offering circular relating to a proposed offering of 100,000 shares of its 10 cents par value common stock at $3 per share with net proceeds to the issuer of $270,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The proposed offering is to be underwritten on a firm commitment basis by Myron A. Lomasney and Co., 67 Broad Street, New York, N.Y.

[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.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin.

[3] 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.

[4] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The offering circular omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly with respect to the following:

1. The financial statements contained in the offering circular are false and misleading by failing to reflect adequately the company's financial position, in that no disclosure is made (i) that the company's right to an interest in a trust account included as an asset with a value of $71,600 is not certain; (ii) that certain second mortgages carried as an asset on a face value basis of $79,401 had a current fair value which is significantly less than that stated; and (iii) that certain accounts receivable owed to Empire were owed by other corporations controlled by Mr. Irvin Freedman, the controlling person of Empire, and that some of these corporations are insolvent.

2. The failure to disclose the existence of significant litigation involving claims against Empire and two of its officers as guarantors for the company amounting to approximately $79,560, which materially affect the financial condition of the company and the proposed use of the proceeds of the offering.

3. The Use of Proceeds section of the offering circular is false and misleading by failing to disclose that issuer's extensive liabilities will be repaid from the proceeds of the offering and that the company will not, therefore, realize working capital as shown in the Use of Proceeds for use in expanding its business.

B. The issuer has violated the terms and conditions of the Regulation A exemption in the following respects:

1. Empire used false and misleading sales material which related, directly and indirectly, to the proposed public offering.

2. Empire used sales material, relative to its proposed offering of securities, without filing such material pursuant to Rule 258.

3. Empire offered its securities to the public by the use of false and misleading material which did not contain the information required by Schedule 1 of Form 1–A, in violation of Rule 256(a)(1).

C. The use of the offering circular would operate as a fraud and deceit upon prospective purchasers of the securities offered by Empire of Clinton, Inc., pursuant to Regulation A in violation of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[F.R. Doc. 69–1579; Filed, Feb. 6, 1969; 8:47 a.m.]

[70–4716]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Cash Capital Contributions to Subsidiary Companies

FEBRUARY 3, 1969.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to make cash capital contributions, from time to time during 1969, to its subsidiary companies named below in amounts not in excess of those shown:

Metropolitan Edison Co.	$30,000,000
Jersey Central Power & Light Co	23,000,000
New Jersey Power & Light Co.	4,500,000
Pennsylvania Electric Co.	20,000,000
Total	77,500,000

The cash capital contributions will be utilized by the companies to finance their business as public-utility companies, including construction of new facilities and an increase of working capital.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed transactions will be approximately $2,500.

Notice is further given that any interested person may, not later than February 24, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaraton, as filed or as it may be amended, may be permitted to become effective 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. 69–1580; Filed, Feb. 6, 1969; 8:47 a.m.]

[File No. 1–3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

FEBRUARY 3, 1969.

The common stock, 1 cent par value, of Mountain States Development Co. being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 4, 1969, through February 13, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69–1581; Filed, Feb. 6, 1969; 8:47 a.m.]

[70-4714]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Notice of Proposed Issue and Sale of Notes by Subsidiary Companies to Banks and/or to Holding Company and Retirement of Outstanding Notes

FEBRUARY 3, 1969.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, and certain of its public-utility subsidiary companies ("the borrowing companies"), namely, Central Massachusetts Gas Co. ("Central"), Granite State Electric Co. ("Granite"), Lawrence Gas Co. ("Lawrence"), Lynn Gas Co. ("Lynn"), Mystic Valley Gas Co. ("Mystic Valley"), The Narragansett Electric Co. ("Narragansett"), North Shore Gas Co. ("North Shore"), Northampton Gas Light Co. ("Northampton"), Norwood Gas Co. ("Norwood"), and Wachusett Gas Co. ("Wachusett"). NEES and the borrowing companies have designated sections 6(a), 7, 9(a), 10, and 12 of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The borrowing companies propose to issue, from time to time through December 31, 1969, unsecured short-term promissory notes to banks and/or to NEES in the maximum aggregate amount of $47,710,000 to be outstanding at any one time. The proceeds of the proposed borrowings are to be used by each borrowing company to pay its then outstanding notes payable to banks and/or to NEES at or prior to maturity thereof, and to provide new money for capital expenditures or reimburse its treasury therefor. At January 1, 1969, such outstanding notes of the borrowing companies aggregated approximately $39,685,000.

Each proposed note will bear interest at not in excess of the prime rate in effect at the time of issue, will mature in less than 1 year from the date of issue and in any event not later than March 31, 1970, and will be prepayable at any time, in whole or in part, without premium.

The following table shows for each borrowing company the estimated maximum amount of notes to be outstanding with banks and/or with NEES at any one time:

Borrowing companies	Estimated maximum short-term notes to be outstanding at any one time (000 omitted)	
	To banks	To banks and/or NEES
Central	[1] $2,125	
Granite		[2] $4,750
		[3] 70
Lawrence	[2] 5,325	
Lynn	[3] 4,150	
Mystic Valley	[1] 11,626	
Narragansett		[4] 6,150
		[5] 3,400
North Shore	[1] 4,225	
Northampton		[3] 1,550
Norwood		[6] 2,005
Wachusett	[1] 2,335	
	29,785	17,925

[1] First National City Bank, New York, N.Y.
[2] The First National Bank of Boston, Boston, Mass.
[3] National Bank of Lebanon, Lebanon, N.H.
[4] Industrial National Bank of Rhode Island, Providence, R.I.
[5] Rhode Island Hospital Trust Co., Providence, R.I.
[6] NEES only.

The filing states that the total amount of loans by NEES to all of its subsidiary companies to be outstanding at any one time will not exceed $35 million.

It is proposed that certain of the borrowing companies may prepay their notes to NEES, in whole or in part, with borrowings from banks, or prepay their notes to banks, in whole or in part, with borrowings from NEES. In the event of borrowings from banks at a higher interest rate to prepay notes to NEES, NEES will credit the borrowers for any excess interest from the date of issuance of the new notes to banks to the normal maturity date of the notes to NEES being prepaid. In the event of borrowing from NEES to prepay notes to banks, the interest rate of the new notes issued to NEES will be the lower of (1) the interest rate on the notes being prepaid or (2) the prime interest rate then in effect, but with respect to (1) only to the maturity date of the notes so prepaid, and thereafter at the prime interest rate in effect at the time the new notes are issued.

In the event of any permanent financing by any of the borrowing companies, the proceeds therefrom, in excess of amounts used for refunding other securities at par or the principal amount thereof, will be applied to payment of its short-term note indebtedness then outstanding, and the maximum amount of short-term note indebtedness to be outstanding at any one time proposed herein will be reduced by the amount of such payment.

It is stated that there are no fees or commissions to be paid in connection with the proposed transactions and that incidental services in connection with the proposed notes will be performed, at cost, by New England Power Service Co., an affiliated service company; such cost is estimated not to exceed $150 for each applicant-declarant, an aggregate of $1,650.

Appropriate action has been taken by the Public Utilities Commission of New Hampshire with respect to the notes proposed to be issued by Granite. It is represented that no further action by any regulatory commission, other than this Commission, is necessary with respect to the proposed transactions.

Notice is further given that any interested person may, not later than February 24, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon New England Electric System at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act 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. 69-1582; Filed, Feb. 6, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

OSHER CAPITAL CORP.

Application for License

Notice is hereby given pursuant to section 107.103 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), that the parties listed below have applied to the Small Business Administration under the name of Osher Capital Corp., Suite 700, Fox Pavillion, Jenkintown, Pa. 19046, for a license to operate in the Commonwealth of Pennsylvania as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

The company is to commence operations with $300,000 in private capital and will furnish equity capital and long-term loan funds to qualified small business concerns in diversified fields.

The Officers, Directors, and 10 percent or more beneficial owners of the common stock are:

Leonard Cantor, 8209 MacArthur Road, Philadelphia, Pa. 19118. President, treasurer, director, and 33.3 percent stockholder.

Sol Diamond, 1108 Arboretum Road, Wyncote, Pa. 19095. Vice president, director, and 6.6 percent stockholder.

Samuel Spielman, 206 Barclay Circle, Cheltenham, Pa. 19012. Secretary, director, and 6.6 percent stockholder.

Leonard Goldfine, 1424 Melrose Avenue, Cheltenham, Pa. 19012. Director and 6.6 percent stockholder.

Sol Newman, 2428 North 50th Street, Philadelphia, Pa. 19131. Director and 6.6 percent stockholder.

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing, to the Acting Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of fifteen (15) days of the date of publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in Philadelphia, Pa.

Dated: January 28, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-1565; Filed, Feb. 6, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 773]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 4, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 20729 (Sub-No. 13 TA), filed January 30, 1969. Applicant: FREDDIE AHRENSTORFF, doing business as AHRENSTORFF TRANSFER, Lake Park, Iowa 51347. Applicant's representative: William A. Landeau, Post Office Box 1634, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of shipments which originate at the facilities of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States, for 180 days. Supporting shipper: A. E. MacDonald, Manager, Distribution and Traffic, Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 31600 (Sub-No. 638 TA), filed January 30, 1969. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: John A. Roberts (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato starch*, in bulk, in tank or hopper-type vehicles, from Houlton, Maine, to Pittsburgh, Pa., for 180 days. Supporting shipper: A. E. Staley Maufacturing Co., Post Office Box 151, Decatur, Ill. 62525. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 83217 (Sub-No. 40 TA), filed January 27, 1969. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, ZIP 57104, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette (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*, from Huron, S. Dak., to points in Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912; K. O. Petrick, General Transportation Department. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 105413 (Sub-No. 36 TA), filed January 24, 1969. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway No. 275, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia;* (a) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States; (b) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Greenwood, Nebr., and destined to points in the named destination States; (c) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Conway, Kans., and destined to points in the named destination States; for 180 days. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 107515 (Sub-No. 636 TA), filed January 27, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bleached bonedry shellac*, from Memphis, Tenn., to Charlotte, N.C., for 180 days. Supporting shipper: Dap, Inc., Post Office Box 2594, Memphis, Tenn. 38102. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 108068 (Sub-No. 75 TA), filed January 27, 1969. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft ground support equipment*, from the plantsites of DeBoliac Engineering & Manufacturing Corp., Miami,

Fla., to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: DeBoliac Engineering & Manufacturing Corp., 440 Northwest 29th Street, Miami, Fla. 33127. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 109677 (Sub-No. 37 TA), filed January 29, 1969. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Surface coating, resin compound*, in solution, in bulk, in tank vehicles, from Fort Edward, N.Y., to Cumberland Mills and Westbrook, Maine, for 180 days. Supporting shipper: Scott Paper Co., Fort Edward, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 110923 (Sub-No. 6 TA), filed January 30, 1969. Applicant: ALBERT LIVEK, doing business as AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, Ill. 61443. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery;* (2) *tractors* (except those with vehicle beds, bed frames, or fifth wheels), *including lawn or garden tractors, and tractors and tractor excavating, grading, or loading attachments, combined;* (3) *attachments and accessories for, and equipment designed for use with, the foregoing articles*, and (4) *twine*, from West Chicago, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin, South Carolina, Tennessee, Vermont, Virginia, and the District of Columbia, for 180 days. Restriction: Restricted to traffic originating at the plantsites of, or storage or distribution facilities used by, International Harvester Co., at West Chicago, Ill. Supporting shipper: International Harvester Co., 401 Michigan Avenue, Chicago, Ill. 60611. Send protests to: Raymond Mauck, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 111785 (Sub-No. 38 TA), filed January 30, 1969. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydroff, Suite 930, 1120 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from points in Tucker County, W. Va., to points in North Carolina and Tennessee, for 180 days. Supporting shipper: Hinchcliff Products Co., 20784 Westwood Drive, Strongsville, Ohio 44136. Donald B. Phillips, Vice President, Sales. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 114196 (Sub-No. 71 TA), filed January 29, 1969. Applicant: MAYBELLE TRANSPORT COMPANY, 1820 South Main Street, Post Office Box 573, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Plastic flake*, dry, in bulk, in tank or hopper vehicles, from Waynesboro, Va., to Lugoff, S.C., for 120 days. Supporting shipper: E. I. duPont de Nemours & Co., Wilmington, Del. 19898. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead Street, Suite 417, B.S.R. Building, Charlotte, N.C. 28202.

No. MC 116073 (Sub-No. 92 TA), filed January 30, 1969. Applicant: BARRETT MOVILE HOME TRANSPORT, INC., 1825 Main Avenue, Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings*, complete, or in sections, from Tekamah, Nebr., to points in South Dakota, North Dakota, Iowa, and Montana, for 180 days. Supporting shipper: Shar-Lo Homes, Tekamah, Nebr. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 116099 (Sub-No. 7 TA), filed January 29, 1969. Applicant: WOODWORTH & SONS, INC., Tolono, Ill. 61880. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bags, from Greencastle, Ind., to Murdock, Ill., for 180 days. Supporting shipper: Moffat Coal Co., 208 South La Salle Street, Chicago, Ill. 60604. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 116564 (Sub-No. 20 TA), filed January 30, 1969. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. 15650. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers from Latrobe, Pa., to points in South Carolina, and *empty containers*, on return, for 150 days. Supporting shipper: Latrobe Brewing Co., Latrobe, Pa. 15650. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 119226 (Sub-No. 72 TA), filed January 29, 1969. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds* in bulk, in tank vehicles, from Indianapolis, Ind., to Denver, Colo., for 180 days. Supporting shipper: Brulin & Co., Inc., 2920 Martindale Avenue, Indianapolis, Ind. 46205. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119400 (Sub-No. 7 TA), filed January 30, 1969. Applicant: SIMANEK, INC., 150 West Seventh Street, Wahoo, Nebr. 68066. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; (b) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; and (d) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Restriction: Restricted to traffic originating at the named origin points and destined to the named destination States. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 120800 (Sub-No. 17 TA), filed January 30, 1969. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in bulk, in especially designed carrier-owned semitrailers, between Ontario, Calif., and Sandusky, Ohio, for 120 days. Supported by: NASA, Washington, D.C. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of

Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123383 (Sub-No. 39 TA), filed January 30, 1969. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, and particle board, and accessories used in the installation thereof*, from Baltimore, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, and West Virginia, for 180 days. Supporting shipper: Evans Products Co., Post Office Box 880, Corona, Calif. 91720. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 125708 (Sub-No. 105 TA), filed January 30, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer equipment, fertilizer implement parts and accessories*, from Atherton, Mo., and points in Preble County, Ohio, to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Clark Manufacturing Co., Atherton, Mo. 64050. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 127623 (Sub-No. 4 TA), filed January 30, 1969. Applicant: R & R FREIGHT TRUCKING, INC., 812 Greene Street, Cumberland, Md. 21502. Applicant's representative: Earl Edmund Manges, 120 South Liberty Street, Post Office Box 833, Cumberland, Md. 21502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Frostburg, Md., to points in Mineral and Hampshire Counties, W. Va., for 150 days. Supporting shipper: International Salt Co., Clarks Summit, Pa. 18411. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 127681 (Sub-No. 3 TA) (Correction), filed January 6, 1969, published in the FEDERAL REGISTER, issue of January 28, 1969, and as corrected, in part, this issue. Applicant: JOE JONES, JR., doing business as JOE JONES TRUCKING COMPANY, 2340 Bankhead Highway NW., Atlanta, Ga. 30318. Applicant's representative: Joe Jones, Jr. (same address as above). NOTE: The purpose of this partial republication is to correct a portion of the authority sought in Item (2) as follows: (2) *Dry chemicals*, manufactured, packaged in paper bags and drums, from suppliers of Oxford Chemical Corp., located at points in Ohio, Michigan, Pennsylvania, Massachusetts, Connecticut, New Jersey, New York, Delaware, Maryland, West Virginia, Texas, Indiana, Illinois, Missouri, and Louisiana, to the plantsite of Oxford Chemical Corp., Chamblee, Ga., and to customers of Oxford Chemical Corp., located at points in the United States (excluding Alaska and Hawaii). The rest of the application remains as previously published on January 28, 1969.

No. MC 129326 (Sub-No. 12 TA), filed January 29, 1969. Applicant: WHITNEY TANK LINES, INC., 5201 East Causeway Boulevard, Post Office Box 1091, Tampa, Fla. 33601. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk; and, (2) *contaminated, rejected, and offgrade chemicals*, in bulk, from Tampa, Fla.; to (1) points in Georgia; and (2) Charleston, W. Va., Texas City, Tex., and Taft, La., for 180 days. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 133037 (Sub-No. 1 TA), filed January 17, 1969. Applicant: MILE HI EXPRESS, INC., 3963 Walnut Street, Denver, Colo. 80205. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* and such commodities as are used by meat packers in the conduct of their business when destined to and for the use of meat packers, as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, moving in less-than truckload shipments in vehicles equipped with mechanical temperature control devices: (1) From Denver, Colo., to Pueblo, Colo.; (2) from Denver over U.S. Highway 87 to Pueblo; service is authorized to all intermediate points, including Colorado Springs, Colo.; Security, Colo.; and Fountain, Colo.; and the off-route points of U.S. Air Force Academy, Manitou Springs and Woodland Park, Colo., and the Pueblo Ammunition Depot, and to the intermediate and off-route points in the commercial zones of Denver, Pueblo, and Colorado Springs, with service to all intermediate points and off-route points within 10 miles of the above-described routes; (1) from Denver, Colo., to Canon City, Colo.; (2) from Denver over U.S. Highway 87 to Pueblo and thence over U.S. Highway 50 to Canon City; service is authorized to all intermediate points and off-route points in the Denver commercial zone; (1) from Denver, Colo., over U.S. Highway 87 to Colorado Springs, Colo., thence over Colorado Highway 115 to junction of U.S. Highway 50, thence over U.S. Highway 50 to Canon City, Colo.; (2) from Denver, Colo., to Fort Lyon, Colo.; (3) from Denver over U.S. Highway 87 to Pueblo, Colo., thence over U.S. Highway 50 to Fort Lyon, Colo.; servicing all intermediate points, including Avondale, Fowler, Manzanola, Boone, Pueblo Army Depot, Rocky Ford, La Junta, and Los Animas, Colo., and the intermediate and off-route points within 10 miles of said authorized route, including points in the Denver commercial zone, for 180 days. NOTE: Applicant states it intends to interline with other carriers at Denver, Colo. Supporting shippers: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912; Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604; The Rath Packing Co., Post Office Box 330, Waterloo, Iowa 50704; Wilson & Co., Inc., 27th and Y Street, Omaha, Nebr. 68107. Send protests to: Charles W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133065 (Sub-No. 3 TA), filed January 23, 1969. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Mead, Nebr. 68041. Applicant's representative: Acklie and Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Camper holddowns, spare tire carriers, swing-up bumper steps, truck cab steps, bounce eliminators, snowmobiles with skis or wheels, camper jacks, jack pads, camper dollies, lectro drive units, bumper steps, cab steps, brace clamps, and equipment, materials, and supplies used in the manufacture of the above items*, between Wahoo, Nebr., on the one hand, and on the other, points in North Dakota, South Dakota, Colorado, Kansas, Oregon, Washington, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, California, and Pennsylvania under contract with Hellstar Corp., Wahoo, Nebr., for 180 days. Supporting shipper: Hellstar Corp., Wahoo, Nebr. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133219 (Sub-No. 3 TA), filed January 30, 1969. Applicant: PARKS TRANSPORT, INC., Ashland, Nebr. 68003. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; (b) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; and (d) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near

Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Restriction: Restricted to traffic originating at the named origin points and destined to the named destination States. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133422 (Sub-No. 1 TA), filed January 31, 1969. Applicant: FRANCIS E. BROCKWAY, doing business as BROCKWAY TRANSPORTATION, Route No. 1, 10982 Woodbridge Road, Wheeler, Mich. 48662. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Columbus, Ohio, and South Bend, Ind., to Lansing, Mich., for 150 days. Supporting shipper: M & M Distributors, Inc., 3503 West St. Joseph Street, Lansing, Mich. 48917. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133429 TA, filed January 29, 1969. Applicant: T. G. HIRES & SON CONST. CO., Post Office Box 353, Jesup, Ga. 31545. Applicant's representative: A. M. Downey, Jr., 1021 Seaboard Coast Line Building, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation and steel doors*, from Hazlehurst, Ga., to Jesup, Ga., in shipper-owned or leased trailers moving under Plan II—1/2 piggyback, for 180 days. Supporting shippers: The Soundlock Corp., Hazlehurst, Ga. 31539; American Steel Door Co., Hazlehurst, Ga. 31539. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133430 TA, filed January 29, 1969. Applicant: NARBIG JAFARJIAN, 1120 Hyde Park Boulevard, Niagara Falls, N.Y. 14301. Applicant's representative: Clarence E. Rhoney, 55 16th Avenue, North Tonawanda, N.Y. 14120. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from North Tonawanda, N.Y., to between points in New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: The R. T. Jones Lumber Co., Inc., North Tonawanda, N.Y. 14120. Send protests to: District Supervisor Parker, Interstate Commerce Commission, Bureau of Operations, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 133431 TA, filed January 29, 1969. Applicant: WATERFRONT TRANSFER CORP., 711 Second Street, Hoboken, N.J. 07030. 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: *General commodities*, between points in the New York, N.Y., commercial zone as defined by the Commission, applicable on traffic having a subsequent movement over water carriers, for 150 days. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133434 TA, filed January 30, 1969. Applicant: CONGRESSIONAL MOVERS, INC., 8901 D'Arcy Road, Upper Marlboro, Md. 20870. Applicant's representative: John H. Blankenship (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Washington, D.C., and points in Maryland and Virginia, within a 50-mile radius thereof. Restricted: (1) To the transportation of shipments moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402(b)(2) of the Interstate Commerce Act, as amended, and having an immediately prior or an immediately subsequent out-of-State line-haul movement by motor, water, rail, or air; and (2) restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Empire Household Shipping Company of New York, Inc., 160 Broadway, New York, N.Y. 10038. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Room 2210, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 133435 TA, filed January 30, 1969. Applicant: WESTERN-PACIFIC JADE, LTD., Building No. 429, Grant County Airport, Moses Lake, Wash. 98837. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having prior or subsequent movement by air, between Seattle-Tacoma, Spokane (Wash.) and Portland (Oreg.) International Airports and points in Washington lying and being east of the Cascade Mountain Range, except area lying south and east of U.S. Highway 395, for 180 days. Supporting shippers: Farm Service, Inc., Post Office Box 100, Grandview, Wash. 98930, Butterfield Chevrolet Co., Post Office Box 639, Ellensburg, Wash. 98926; Major & Thomas, Inc., 200 North Pine Street, Ellensburg, Wash. 98926; Denny's Cycle Shop, 13th and Highway, Sunnyside, Wash. 98944; Triangle Auto Supply Co. of Ellensburg, Inc., 100 North Main Street, Ellensburg, Wash. 98926; Price Motors, Inc., Box A, Omak, Wash. 98841; Okanogan Soft Water Laundry, Okanogan, Wash. 98840; Columbia Basin Machine Co., 612 West Third Avenue, Moses Lake, Wash. 98837; W. Brotherton Seed Co., Inc., Post Office Box 906, Moses Lake, Wash. 98837; Bob's Building Supplies, Box P, Oroville, Wash. 98844; and Okanogan County Fair Board, Post Office Box 447, Okanogan, Wash. 98840. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 133438 TA, filed January 30, 1969. Applicant: ROBERT T. LETLOW, doing business as TAHOE TRUCKING, 480 National Avenue, Tahoe Vista, Calif. 95732. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, from Fernley, Nev., to points in Siskiyou, Modoc, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Yolo, Sacramento, Placer, El Dorado, Alpine, Tuloumne, Mono, and Inyo Counties, Calif., for 180 days. Supporting shipper: Nevada Cement Co., 1 East First Street, Reno, Nev. 89501. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133440 TA, filed January 31, 1969. Applicant: BRUCE FULLER, 1710 Main Street, Buhl, Idaho 83316. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*; (1) from the plantsites and storage facilities utilized by Rangen, Inc., at or near Buhl and Hagerman, Idaho, to points in Washington, Oregon, Montana, Wyoming, Colorado, Utah, Nevada, California, Arizona, New Mexico, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, and Michigan; and (2) from points in the destination States named in (1) and points in Kansas, to the plantsites and storage facilities utilized by Rangen, Inc., at or near Buhl and Hagerman, Idaho, for 150 days. Supporting shipper: Rangen, Inc., Post Office Box 706, Buhl, Idaho 83316. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

By the Commission.

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

[F.R. Doc. 69-1583; Filed, Feb. 6, 1969; 8:48 a.m.]

[Notice 289]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 4, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may filed 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–70936. By order of January 29, 1969, the Motor Carrier Board approved the transfer to Lyle B. Wagner, doing business as Wagner Trucking Co., 10640 Bennington Road, Durand, Mich. 48429, of the operating rights in No. MC–120434 (Sub-No. 1), issued by the Commission June 2, 1964, to Wagner Trucking Co., 10640 Bennington Road, Durand, Mich. 48429, authorizing the transportation of granite and marble monuments, from Durand, Mich., to points in Michigan.

No. MC–FC–71033. By order of January 27, 1969, the Motor Carrier Board approved the transfer to A & W Trucking Co., Inc., Mosinee, Wis., of the operating rights in certificate No. MC–701 issued January 24, 1967, to Idamae Sweeney, doing business as Sweeney Truck Line, Dubuque, Iowa, authorizing the transportation of: Various commodities, of a general commodity nature, between points in Illinois, Iowa, Wisconsin. Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402, attorney for applicants.

No. MC–FC–71048. By order of January 27, 1969, the Motor Carrier Board approved the transfer to A & W Trucking Co., Inc., Route 2, Box 370, Mosinee, Wis. 54455, of the operating rights in certificate No. MC–69230 issued October 16, 1961, to Kenneth L. Olson, doing business as K. L. Olson Trucking, Box 42, Ettrick, Wis. 54627, authorizing the transportation of: General commodities, with the usual exceptions, between points in Wisconsin and Minnesota.

No. MC–FC–71062. By order of January 24, 1969, the Motor Carrier Board approved the transfer to Dowda Motor Freight, Inc., Centre, Ala. of the certificate in No. MC–128319 issued January 24, 1968, to Ralph Dowda, doing business as Dowda Motor Freight, Centre, Ala., authorizing the transportation of general commodities, with the usual exceptions, between Centre, Ala., and Rome, Ga., over regular routes, serving all intermediate points. Al Shumaker, 190 East Main Street, Centre, Ala., attorney for applicants.

No. MC–FC–71063. By order of January 24, 1969, the Motor Carrier Board approved the transfer to Solar Trucking Co., Inc., Springfield, Mass., of the certificate of registration in No. MC–97836 (Sub-No. 2) issued August 27, 1964, to Robert L. Breveglieri, doing business as Solar Trucking Co., Springfield, Mass., authorizing the transportation of named commodities between points within a radius of 100 miles of the city hall, Lowell, Mass. William L. Mobley, 1694 Main Street, Springfield, Mass. 01103, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–1584; Filed, Feb. 6, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 4, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41555—*Liquid caustic soda from St. Gabriel, La.* Filed by O. W. South, Jr., agent (No. A6080), for interested rail carriers. Rates on sodium (soda), caustic, in tank carloads, as described in the application, from St. Gabriel, La., to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 84 to Southern Freight Association, agent, tariff ICC S–699.

FSA No. 41556—*Class and commodity rates from and to Robertson and North Talladega, Ala., and East Moss Point, Miss.* Filed by O. W. South, Jr., agent (No. A6079), for interested rail carriers. Rates on property moving on class and commodity rates, between points in Robertson and North Talladega, Ala., and East Moss Point, Miss., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 41557—*Iron or steel pipe from Minnequa and Pueblo, Colo.* Filed by Southwestern Freight Bureau, agent (No. B–9), for interested rail carriers. Rates on pipe, iron or steel, as described in the application, in carloads, from Minnequa and Pueblo, Colo., to Navasota and Somerville, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 114 to Southwestern Freight Bureau, agent, tariff ICC 4620.

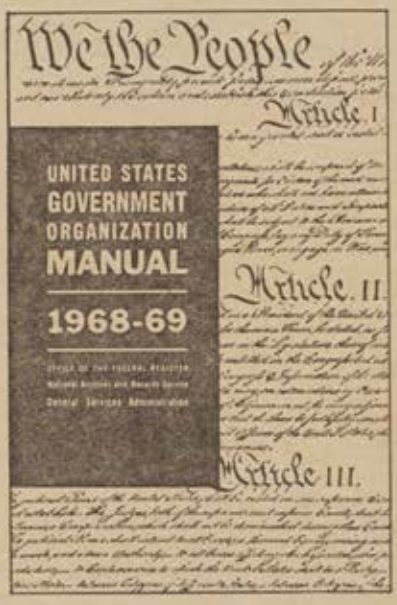
By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–1585; Filed, Feb. 6, 1969; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February



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