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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

F.R. Doc. 69-2030 in the issue for February 14, 1969, on page 2198, is corrected to show that the additional position shown to be excepted by that document is titled Assistant Director for Executive Management. As corrected, subparagraph (1) of paragraph (a) of § 213.3303 is amended and a new subparagraph (5) is added as set out below.

§ 213.3303 Executive Office of the President.

(a) *Bureau of the Budget.* (1) Three Assistant Directors.

* * * * *

(5) One Assistant Director for Executive Management.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-3198; Filed, Mar. 17, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to show that all executive agencies are authorized to appoint under Schedule A each summer finalists in national science contests under programs approved by the Civil Service Commission. Appointees will serve in positions as grade GS–2 and below as assistants to scientific, professional, and technical employees. Effective on publication in the FEDERAL REGISTER, paragraph (y) is added to § 213.3102 as set out below.

§ 213.3102 Entire Executive Civil Service.

* * * * *

(y) Positions at grade GS–2 and below for summer employment, as defined in § 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests under hiring programs approved by the Commission.

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

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

[F.R. Doc. 69-3264; Filed, Mar. 17, 1969; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Confidential Assistant to the Administrator is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (a) of § 213.3337 as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *

(6) One Confidential Assistant to the Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

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

[F.R. Doc. 69-3330; Filed, Mar. 17, 1969; 10:25 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

1. Paragraph (d) of § 204.1 is amended to read as follows:

§ 204.1 Petition.

* * * * *

(d) *Petitions under section 203(a)(6) of the Act*—(1) *Filing petition.* A person, firm, or organization desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6) of the Act shall file a petition on Form I-140 in the office of the Service having jurisdiction over the place of intended employment. A separate form must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $10. Before it may be accepted and considered properly filed, the petition must be accompanied by executed Forms ES–575A and ES–575B to which the certification under section 212(a)(14) of the Act has been affixed by the Secretary of Labor or his designated representative, except that Forms ES–575B and such certification shall be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in Schedule A or Schedule C—Precertification List (29 CFR Part 60) or the beneficiary is qualified as a member of the professions or has exceptional ability in the sciences or arts and will be engaged therein. The district director may request the Secretary of Labor or his designated representative to furnish an advisory opinion of the alien's occupational qualifications in any specific case.

(2) *Certification under section 212(a)(14).* An alien whose occupation is currently listed in Schedule A (29 CFR Part 60) will be considered as having obtained a certification under section 212(a)(14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation. In the case of an alien whose occupation is currently listed in Schedule B, the Secretary of Labor has announced that the determination and certification required by section 212(a)(14) of the Act cannot now be made (29 CFR Part 60). An alien whose occupation is currently listed in Schedule C—Precertification List will be considered as having obtained a certification under section 212(a)(14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation and that the alien will not reside in an area excluded from precertification by the Secretary of Labor. In the case of a beneficiary who the district director determines is a member of the professions or a person with exceptional ability in the sciences or arts, but who is not included in Schedule A (29 CFR Part 60), the district director will refer Form ES–575A to the Administrator, Bureau of Employment Security, U.S. Department of Labor, for a determination as to whether an individual labor certification will be issued. In the case of any other alien, his employer or prospective employer may apply for certification under section 212(a)(14) of the Act by submitting properly executed Forms ES–575A and ES–575B, together with the documentary evidence required by the instructions for completion of the forms, to the local office of the State Employment Service serving the area of intended employment. Information concerning the categories of employment listed in Labor Department Schedules (29 CFR Part 60) may be obtained from principal offices of the Service, from State Employment Service offices and from U.S. consular offices.

(3) *Sixth preference petition for member of professions or person having exceptional ability in sciences or arts.* Nothing contained in this part shall preclude an employer who desires and intends to employ an alien who is a member of the professions or a person with exceptional

ability in the sciences or the arts from filing a petition for sixth preference classification; however, any such petition shall be subject to the requirements of this paragraph and § 204.2(f).

(4) *Interview and decision.* The beneficiary and the petitioner may be required to appear in person before an immigration officer prior to the adjudication of the petition and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying the petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

2. Paragraph (f) of § 204.2 is amended to read as follows:

§ 204.2 **Documents.**

* * * * *

(f) *Evidence required to accompany petition for skilled or unskilled labor.* Forms ES–575A or Forms ES–575A and B, as specified in § 204.1(d), properly executed in accordance with the instructions for completion of those forms and accompanied by the documentary evidence specified in the instructions attached to the visa petition, shall be submitted with each visa petition on Form I–140 to accord an alien classification under section 203(a)(6) of the Act. In addition, when the qualifications of an alien are based in whole or in part on attendance at a school, the evidence must include a certified copy of his school record. The record must show the period of attendance, the major field of study, and the certificates, diplomas, or degrees awarded. If the alien's eligibility is based on training or experience, documentary evidence thereof, such as affidavits, must be submitted by the petitioner. Affidavits must be made by the alien's present and former employers or by other persons familiar with the alien's work. Each such affidavit must set forth the name and address of the affiant and state how he acquired his knowledge of the alien's qualifications, state the place where and the dates during which the alien gained his training or experience, and must describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. The district director may request the Secretary of Labor or his designated representative to furnish an advisory opinion concerning the beneficiary's qualifications.

§ 204.4 [Amended]

3. The second sentence of § 204.4 *Validity of approved petitions* is amended to read as follows: "The approval of a petition to classify an alien as a preference immigrant under section 203(a)(6) of the Act shall remain valid for a period of 1 year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act; if a blanket certification pursuant to Schedule A, 29 CFR 60, has been issued covering the alien's occupation, or the alien is within Schedule C—Precertification List, 29 CFR 60, the approval shall remain valid for a period of 1 year from the date of approval."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.8 [Amended]

Paragraph (c) *Department of Labor certifications in connection with visa petitions and applications for adjustment of status* of § 212.8 *Certification requirement of section 212(a)(14)* is deleted.

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. Paragraph (e) of § 245.1 is amended to read as follows:

§ 245.1 [Amended]

(e) *Nonpreference aliens.* An applicant who is a nonpreference alien seeking adjustment of status for the purpose of engaging in gainful employment in the United States, and who is not exempted under § 212.8(b) of this chapter from the labor certification requirement of section 212(a)(14) of the Act, is ineligible for the benefits of section 245 of the Act unless an individual labor certification is issued by the Secretary of Labor or his designated representative, or unless the applicant establishes that he is within Schedules A or C—Precertification List, 29 CFR Part 60.

2. Item (2) of the fourth sentence of paragraph (g) *Availability of immigrant visas under section 245* of § 245.1 *Eligibility* is amended to read as follows: "(2) the date on which application Form I–485 is filed, if the applicant establishes that the provisions of section 212(a)(14) of the Act do not apply to him or that he is within the Department of Labor's Schedules A or C—Precertification List (29 CFR Part 60);"

3. Paragraph (b) of § 245.2 is amended to read as follows:

§ 245.2 **Application.**

* * * * *

(b) *Application by nonpreference alien seeking adjustment of status for purpose of engaging in gainful employment—(1) Alien whose occupation is included in Schedule A or C—Precertification List, 29 CFR Part 60, or who is a member of the professions or has exceptional ability in the sciences or arts.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act must submit Forms ES–575A with his application, if he is qualified for and will be engaged in an occupation currently listed in Schedule A or C—Precertification List, 29 CFR Part 60, or if he is a member of the professions or has exceptional ability in the sciences or the arts. The Forms ES–575A must be executed in accordance with the instructions for completion of that form, and must be accompanied by the evidence of the applicant's qualifications specified in the instructions attached to the application for adjustment of status. The other documents specified in § 245.2(a) must also be submitted in support of the application for adjustment of status. Determination concerning certification under section 212(a)(14) of the Act will be made in accordance with the pertinent provisions of § 204.1(d)(2) of this chapter.

(2) *Other nonpreference aliens who will engage in gainful employment.* If the applicant for adjustment as a nonpreference alien under section 245 of the Act is not a member of a profession, is not a person with exceptional ability in the sciences or the arts, and is unqualified for a category of employment currently listed in Schedule A or C—Precertification List, 29 CFR Part 60, he must submit with his application a certification of the Secretary of Labor issued under section 212(a)(14) of the Act. The applicant's employer or prospective employer may apply for the certification to the local State Employment Service.

* * * * *

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

§ 248.2 [Amended]

Section 248.2 *Application* is amended by deleting the third sentence.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments to §§ 204.1(d), 204.2(f), 204.4, 212.8(c), 245.1(e), 245.1(g), and 245.2(b) were made to conform to the Department of Labor regulations published 34 F.R. 1018. The amendment to § 248.2 confers a benefit upon persons affected thereby.

Dated: March 12, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-3177; Filed, Mar. 17, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Miscellaneous Amendments

The document adopting a new part entitled "Truth in Lending" (F.R. Doc. 69–548) of Chapter II of Title 12 of the Code of Federal Regulations, published in Part II of the FEDERAL REGISTER on February 11, 1969, is corrected as follows:

(a) In § 226.2(d) by changing "(d)(4) of § 226.8" to read "(d)(1) of § 226.8";
(b) In § 226.2(k) by deleting in the first sentence the comma between "which" and "either";
(c) In § 226.7(b)(3) by deleting "total" and changing " 'payment,' " to " 'payments,' ";
(d) In § 226.8(e)(2)(iii) by adding "and" at the end thereof; and
(e) In § 226.9(b) by deleting the colon before the blank line for the name of the creditor.

Dated at Washington, D.C., the 11th day of March 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3228; Filed, Mar. 17, 1969; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2]

PART 106—LEASE GUARANTEE

Miscellanous Amendments

Part 106 of Chapter 1 of Title 13 of the Code of Federal Regulations is hereby amended:

1. Section 106.6(g)(1)(i) is revised to read as follows:

(1) Minimizing the risk:

(i) Upon the effective date of the policy of rental insurance, the lessee shall either: (a) Pay an amount not to exceed one quarter of the average minimum guaranteed annual rental required under the lease, which amount shall be held by the Administrator or, in the case of participation, by the participant in an escrow interest-bearing account and shall be available (1) for forfeiture to the guarantor for application on rental charges accruing in any month in which the lessee is in default; or (2) if no default occurs during the term of the lease, for application (with simple interest accrued at the rate of four (4) percent per annum) toward payments of final rental charges under the lease; or (b) The lessor shall agree that one quarter of the average minimum guaranteed annual rental required under the lease shall be borne by the lessor as coinsurance. If, prior to expiration, the lease term is terminated by mutual consent of the lessor and the lessee, the total funds held in escrow with accumulated interest shall be paid to the lessee upon written notice to the escrowee, signed by both the lessor and the lessee, of the termination of the lease and payment by the lessee of all rents due and payable in accordance with the guarantee to the date of termination of the lease.

2. By deleting the word "qualified" in line nine (9) of (b) of § 106.6(g)(1)(ii).

3. By deleting subdivision (VII) of § 106.6(g)(1).

Effective date: March 5, 1969.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69-3232; Filed, Mar. 17, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-EA-16, Amdt. 39-734]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 by publishing an airworthiness directive which will require an inspection and replacement where necessary of the contacts in the wing flap system motor relay of the Fairchild Hiller F-27 type airplane and eventual rewiring of the flap drive circuit.

There have been reports of instances in which F-27 airplanes incorporating a Cutler Hammer relay in the flap drive circuit have had malfunctions of the wing flap as a result of the flaps being driven off the end of the screw jacks. The cause is attributed to welded contacts in the flap system motor relay. Since this condition is likely to exist or develop in other airplanes of the same type design, this airworthiness directive is being issued.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 [31 F.R. 13697], § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

FAIRCHILD. Applies to Type F-27 Airplanes Serial Numbers 1 through 124 inclusive. Incorporating Cutler Hammer P/N 6046 H46 Relay in Flap Control System.

Compliance required as follows:

To prevent hazards associated with flap drive system failure whereby the flaps are driven off the drive screw jacks, accomplish the following:

(a) Within the next 200 hours time in service after the effective date of this AD, and thereafter at 200 hour intervals from the date of the last inspection, open cover of wing flap system motor relay and visually inspect all contacts. Any finding of contact pitting or discoloration of contacts requires replacement of the relay with an unused part. The inspection may be terminated upon completion of the requirement of paragraph (b) of this AD.

(b) Within the next 500 hours time in service after the effective date of the AD, unless already accomplished, rewire the flap drive circuit in accordance with Fairchild Hiller F-27 Service Bulletin F-27-27-67 dated February 1, 1969, for F-27 aircraft, or later revisions approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or perform an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon request with substantiating data submitted through an FAA Maintenance Inspector, compliance time may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective March 26, 1969.

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

Issued in Jamaica, N.Y. on March 10, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-3182; Filed, Mar. 17, 1969; 8:45 a.m.]

[Docket No. 69-EA-21, Amdt. 39-735]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to require an inspection and replacement where necessary of first stop turbine discs of the General Electric J85 type aircraft engine.

A recent noncontained failure of a stage one turbine disc in a General Electric J85 engine in military service has been found to be the result of cracking originating at an undersized radius—0.002 instead of 0.015 minimum—on the forward face of the disc. Since the same disc is used in the civil version of the J85, the CJ610, as well as the turbo fan CF700, an immediate inspection of all discs to check for the proper radius is required. As this condition can exist in other engines of the same type design an airworthiness directive is being issued.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 [31 F.R. 13697], § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL ELECTRIC. Applies to Models CJ610-1, -4, -5, -6, and J85-GE-17B Turbojet and CF700-2C Turbofan Engines.

Compliance required as indicated.

(a) Unless already accomplished, inspect in accordance with the following schedule first stage turbine discs P/N 634E583 and 841B690 for a minimum radius of 0.015 inch in the rabbet at the outer rotating air seal location using the procedure outlined in General Electric Alert Service Bulletin No. CJ610 A72-76 or CF700 A72-73 or later FAA-approved revision or equivalent inspection approved by the Chief, Engineering and

Manufacturing Branch, Eastern Region, Federal Aviation Administration.

1. Inspect first stage turbine discs with 2,760 or more cycles on the effective date of this AD within the next 10 cycles.

2. Inspect first stage turbine discs with 2,451 or more cycles on the effective date of this AD within the next 50 cycles or at 2,770 cycles whichever occurs first.

3. Inspect first stage turbine discs with 2,450 or less cycles on the effective date of this AD at first overhaul or at 2,500 cycles whichever occurs first.

(b) For the purposes of this AD, a cycle is defined as that set forth in the subject Alert Service Bulletins.

(c) Discs with less than the required radius are to be replaced with like parts with minimum 0.015 inch radius.

This amendment is effective March 26, 1969.

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

Issued in Jamaica, N.Y. on March 10, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-3183; Filed, Mar. 17, 1969; 8:45 a.m.]

[Airspace Docket No. 68-EA-120]

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

Alteration of Transition Area

On page 18628 of the FEDERAL REGISTER for December 17, 1968, the Federal Aviation Administration published a proposed regulation which would alter the 700-foot Taunton, Mass., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. An objection was received from Chester W. Lewis, owner of North Middleboro Air Park, and some 30 pilots concurring in his objections. At an informal meeting on January 20, 1969, with Mr. Lewis and representatives of the pilots, the objections were withdrawn. No other objections were received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a) Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 6, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

Amend §71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Taunton, Mass., transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 41°52'35" N., 71°01'00" W., of Taunton Municipal Airport, Taunton Mass.; within 2 miles each side of the Whitman Mass., VORTAC 187° radial, extending from the 6-mile radius area to the Whitman VOR TAC and within 2 miles each side of the 118° bearing from the Taunton, Mass., RBN, 41°-52'35" N., 71°01'03" W., extending from the 6-mile radius area to 8 miles southeast of the Taunton RBN.

[F.R. Doc. 69-3184; Filed, Mar. 17, 1969; 8:45 a.m.]

[Airspace Docket No. 68-EA-121]

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

Revocation, Alteration, and Designation of Control Zones and Transition Area

On page 18199 of the FEDERAL REGISTER for December 6, 1968, the Federal Aviation Administration published a proposed regulation which would revoke the Louisville, Ky., control zone; designate a Louisville, Ky. (Bowman Field), and Louisville, Ky. (Standiford Field), control zone; alter the Louisville, Ky., transition area.

Interested parties were given 30 days in which to submit written data or views and the Air Transport Association submitted objections to the notice. They felt that the notice of proposed rule making failed to state a case of hardship on Bowman Field as a result of being within the restrictions of the Louisville, Ky., control zone; that special VFR operations at Bowman Field might affect Standiford Field traffic; and if the proposed rule is justified that detailed operating procedures for such special VFR traffic are required.

Bowman Field during fiscal year 1968 completed 287,454 operations of which only 7,900 were IFR. It is clear that the VFR character of Bowman Field is manifest and thus the impact on their operations due to the elimination of the special VFR clearance would pose a severe hardship. It is opined that the remaining two objections can be answered by the fact that there are presently existing detailed arrangements between the towers at both fields which assures a safe operation.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 1, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 6, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by revoking the Louisville, Ky., control zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by designating a Louisville, Ky. (Bowman Field), and Louisville, Ky. (Standiford Field), control zone described as follows:

LOUISVILLE, KY. (BOWMAN FIELD)

Within a 5-mile radius of the center, 38°-13'40" N., 85°39'45" W. of Bowman Field, Louisville, Ky., excluding the portion west of a line 2 miles east and parallel to the Standiford Field, Ky., localizer north course and excluding the portion south of a line 2 miles north and parallel to the Standiford Field, Ky., localizer east course.

LOUISVILLE, KY. (STANDIFORD FIELD)

Within a 5-mile radius of the center 38°-10'33" N., 85°44'12" W. of Standiford Field, Louisville, Ky.; within 2 miles each side of the Standiford Field localizer north course, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the intersection of the Standiford Field localizer north course and the Louisville, Ky., VORTAC 328° radial; within 2 miles each side of the Standiford Field localizer south course, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the OM; within 2 miles each side of the Louisville, Ky., VOR TAC 301° radial, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the Louisville, Ky., VORTAC; within 2 miles each side of the Louisville, Ky., VOR TAC 331° radial, extending from the Louisville, Ky. (Bowman Field), control zone and the Louisville, Ky. (Standiford Field), 5-mile radius zone to the Louisville, Ky., VOR TAC and within 2 miles each side of the Standiford Field localizer west course, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the intersection of the Standiford Field localizer west course and the Nabb, Indiana VOR 206° radial, excluding the portion within the Louisville, Ky. (Bowman Field), control zone.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Louisville, Ky., transition area by inserting in the description of the 700-foot floor transition area, following the phrase "12 miles south of the OM"; the following, "within 2 miles each side of the Standiford Field localizer west course, extending from the 12-mile radius area to 8 miles west of the intersection of the Standiford Field localizer west course and the Nabb, Indiana VOR 206° radial; within 5 miles south and 8 miles north of the Standiford Field localizer east course, extending from the 12-mile radius area to 12 miles east of the LOM".

[F.R. Doc. 69-3185; Filed, Mar. 17, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as hereinafter stated.

PART 124—NONMAILABLE MATTER

The following changes are made in § 124.5 to reflect Public Law 90-590 which amended section 4005 of title 39, United States Code, relating to false representation sent through the mails. (See also amendment to Part 151 herein.)

1. The section caption and paragraph (c) of § 124.5 are amended to read as follows:

§ 124.5 Lotteries, false representations, libelous matter, and solicitations in the guise of bills or statements of account.

* * * * *

(c) *False representations.* Anything mailed in pursuance of any scheme for obtaining money or property of any kind through the mail, by means of false representations.

* * * * *

NOTE: The corresponding Postal Manual section is 124.53.

PART 125—MATTER MAILABLE UNDER SPECIAL RULES

Section 125.3(f)(4) is amended to show new disposition of Form 3583, relating to mail shipments of meat or meat-food products.

§ 125.3 Perishable matter.

* * * * *

(f) *Meat and meat products.* * * *

(4) *Disposition of Form 3583.* Copies of Form 3583 with certificates 1, 2, or 3 completed shall be mailed in a post office penalty envelope to Director, Compliance and Evaluation Staff, Consumer Protection Programs, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

* * * * *

NOTE: The corresponding Postal Manual section is 125.364.

PART 134—THIRD CLASS

Section 134.1(b) is amended as follows to include instructions for applying the new minimum per piece rates for bulk third-class mailings which will become effective July 1, 1969.

In § 134.1 *Rates*, insert the following immediately after paragraph (b)(3) and before paragraph (c) thereof:

NOTE: Effective July 1, 1969, paragraph (b) of this section will read as follows:

§ 134.1 Rates.

* * * * *

(b) *Bulk rates.* (See §§ 134.2(b)(2) and 134.4(b)).

	Authorized nonprofit organizations only (see § 134.5)	All other mailers
(1) Books and catalogs having 24 or more bound pages with at least 22 printed, seeds, cuttings, bulbs, roots, scions, and plants (see § 134.3(a)).	8 cents per pound or fraction.	16 cents per pound or fraction.
Minimum rate per piece beginning:		
July 1, 1969—		
First 250,000 pieces mailed July 1 to December 31, 1969.	1.6	3.8.
Pieces in excess of 250,000 mailed during this period.	1.6	4.0.
January 1, 1970—		
First 250,000 pieces mailed during calendar year.	1.6	3.8.
Pieces in excess of 250,000 mailed during calendar year. (See subparagraph (4) below.)	1.6	4.0.
(2) All matter, except the items in subparagraph (1), not included in the first- or second-class (see 134.3(a) for weight limit).	11 cents per pound or fraction.	22 cents per pound or fraction.
Minimum rate per piece beginning:		
July 1, 1969—		
First 250,000 pieces mailed July 1 to December 31, 1969.	1.6	3.8.
Pieces in excess of 250,000 mailed during this period.	1.6	4.0.
January 1, 1970—		
First 250,000 pieces mailed during calendar year.	1.6	3.8.
Pieces in excess of 250,000 mailed during calendar year. (See subparagraph (4) below.)	1.6	4.0.

(3) If the total postage computed at the pound rates does not amount to the minimum rate per piece or more, postage must be computed at the minimum charge per piece. (See § 134.2(b)(2)(i).)

(4) When mailings are made at the minimum per piece rates of 3.8 cents provided by subparagraphs (1) and (2) above, the mailer or his agent must show on each Form 3602, Statement of Mailing Matter with Permit Imprints, or Form 3602-PC, Bulk Rate Mailing Statement—Third Class Mail, that his total mailings, including all those made at bulk pound rates and at minimum per piece rates, at all post offices, under any name, for each current calendar year (last 6 months of 1969), have not exceeded 250,000 pieces. It is the responsibility of the mailer or his agent to make available upon request of postal officials whatever information is necessary to show the payment of correct minimum per piece rates on all mailings made during each calendar year. Postmasters must regularly review the records of mailings being made at the bulk third-class pound and piece rates for the purpose of determining from the identity of the mailer, the number of pieces mailed, the character of the mailing pieces, or any other facts, whether the correct minimum per piece rate is being paid. If any postmaster is in doubt as to whether the 250,000 limitation has been exceeded in a particular case, he shall submit all the facts to the Classification and Special Services Division, Bureau of Operations.

* * * * *

NOTE: The corresponding Postal Manual section is 134.12.

PART 141—STAMPS, ENVELOPES, AND POSTAL CARDS

Section 141.1 is amended as follows to show that the $1 airlift stamp may be used for paying postage or fees for special services on air mail articles.

§ 141.1 [Amended]

In § 141.1 *Stamps (adhesive)*, make the following changes:

1. In the tabular data in paragraph (a) insert "$1 airlift" opposite Airmail postage, single or sheet, and under the column headed denominations and pieces.

2. Under paragraph (b) add new subparagraph (6) reading as follows:

(6) The $1 airlift stamp may be used to pay the airlift fee on PAL parcels (see § 127.1(e)(1)(iv) of this chapter), or it may be applied as payment, in whole or in part, of the amount of the postage charges or fees for special services on airmail articles.

NOTE: The corresponding Postal Manual section is 141.126.

PART 151—SERVICE IN POST OFFICES

§ 151.3 [Amended]

In § 151.3 *Post office boxes*, strike out the word "fraudulent" appearing in the first sentence of paragraph (h)(4).

NOTE: The corresponding Postal Manual section is 151.384.

(5 U.S.C. 301, 39 U.S.C. 501, 4005, 4451-4453, 4560)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-3260; Filed, Mar. 17, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Notification of Vehicle Defects

Part 101-26 is amended to continue in effect the provisions of FPMR Temporary Regulation E-11, dated March 21, 1968, which established procedures for providing manufacturers with information needed to furnish agencies with defect notices concerning vehicles of their manufacture.

The table of contents for Part 101-26 is amended by adding § 101-26.501-8 to read as follows:

Subpart 101-26.5—GSA Procurement Programs

Section 101-26.501-8 is added to read as follows:

§ 101-26.501-8 Notification of vehicle defects.

Section 113 of the National Traffic and and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402) requires every manufacturer of motor vehicles to furnish notification of any defect in any motor vehicle or equipment produced by such manufacturer which he determines, in good faith, relates to motor vehicle safety. The notification is sent by certified mail directly to the purchaser (where known to the manufacturer) of such motor vehicle or motor vehicle equipment, within a reasonable time after such manufacturer has discovered such defect.

(a) It is to the advantage of the Government to be in a position to receive promptly and take corrective action on motor vehicle defect notices thus avoiding the possibility of accidents and loss of life which could result from failure to receive safety defect notices. Timely receipt of, and action on, defect notices can also result in avoidance of costly repairs and nonavailability of vehicles because of such repairs. Accordingly, agency heads or their authorized designees shall notify manufacturers of the exact address to which motor vehicle defect notices are to be sent. This notification shall be made on all 1966 or later model vehicles received, whether by purchase, donation, seizure, or transfer. In the interest of uniformity, agencies shall use the following format for this purpose.

FORMAT

To: (Vehicle manufacturer.) *

Information on the motor vehicles listed is submitted to enable you to comply with section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402).

Address to which motor vehicle defect notices are to be sent:

Year	*Model*	*Complete manufacturer's vehicle identification serial number*

GSA contract number if available (GSA contract number shown on inspection label on instrument panel—GSA Form 1398)

Other identifying information

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*Addresses of manufacturers.

American Motors Corp., Fleet Sales Department, 14250 Plymouth Road, Detroit, Mich. 48232.

Owner card Coordinator, Ford Division, Ford Motor Co., Post Office Box 428, Dearborn, Mich. 48121.

International Harvester Co., Suite 900, 1707 L Street NW., Washington, D.C. 20036.

Field Service and Engineering, Chrysler Motors Corp., Government Sales Department, Post Office Box 857, Detroit, Mich. 48231.

Chevrolet Motor Division, Chevrolet Service Department, Argonaut A Building, 485 West Milwaukee Avenue, Detroit, Mich. 48202.

Kaiser Jeep Corp., 940 North Cove Boulevard, Toledo, Ohio 43601.

(b) Agencies shall keep the General Services Administration, Federal Supply Service, Procurement Operations Division—FPNM, Washington, D.C. 20406, informed of the current address locations of motor vehicles manufactured by concerns other than those listed in this section, including those manufactured by the General Motors Corp. other than the Chevrolet Motor Division.

(c) To preclude receipt of future defect notices on vehicles reported to GSA for sale, the reporting installation shall notify the manufacturer, or GSA with respect to vehicles manufactured by a concern other than those listed in this section, that the vehicle is being removed from Government service and that the address location for such vehicles should be discontinued.

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

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

Dated: March 12, 1969.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 69-3221; Filed, Mar. 17, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

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

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

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., is permitted from January 1 through December 31, 1969, inclusive, in all waters of that portion of the refuge open for recreational uses by the general public. These open waters, comprising 550 acres of lakes and 1 mile of intermittent stream, are delineated on maps available at refuge headquarters, Cache, Okla. 73527, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing will be with closely attended pole and line only, including rod and reel. Trotlines, throw lines, and multiple set lines are not permitted.

(2) The use of outboard motors and boats is permitted only on Lake Elmer Thomas where the provisions of Part 28.10 of this title and those of the Oklahoma Boat and Water Safety Act, as amended, govern. The use of boats or other floating devices on all other refuge lakes is prohibited except the use of one-man inner tube type "fishing floaters"; inner tubes and similar safety floats commonly used by swimmers are not considered floating devices for purposes of this regulation.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

MARCH 1, 1969.

[F.R. Doc. 69-3230; Filed, Mar. 17, 1969; 8:49 a.m.]

PART 33—SPORT FISHING

Washita National Wildlife Refuge, Okla.

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

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

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing on the Washita National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 15, 1969, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) The use of boats and motors is permitted only south of State Highway 33, provided that boats may not exceed speeds of 10 miles per hour.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1969.

LEMOYNE B. MARLATT,
Refuge Manager, Washita National Wildlife Refuge, Butler, Okla.

MARCH 5, 1969.

[F.R. Doc. 69-3231; Filed, Mar. 17, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

SHELLED PECANS

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering a revision of the U.S. Standards for Grades of Shelled Pecans (7 CFR 51.1430–51.1453). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than April 15, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27 (b)).

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Shelled Pecans were last revised in 1952, and a minor amendment made in March of 1968. Since that time, gradual changes have occurred in both pecan production and shelling techniques. The shelling industry has been able very materially to improve the quality of the product marketed, and the standards are no longer in line with the higher qualities available. In 1966 the National Pecan Shellers' and Processors' Association formally requested the Department to take action toward revision and up-dating of the standards.

A detailed analysis of samples from commercial lots of shelled pecans during the winter of 1967–68 produced abundant evidence of the need for a grade revision. Generally speaking, the present standards permit levels of quality considerably below those which are being offered to the buyers. Also, the survey drew attention to a number of provisions of the standards which could be improved upon.

Based upon the information obtained from the sample analyses and recommendations made by the industry, the standards for shelled pecans were changed considerably and are being presented as a proposed revision for consideration by interested parties. The revised specifications are believed to be readily adaptable to the qualities and sizes of pecan kernels being offered for sale.

A change in the format of the grades is proposed with the intent of making them more concise and easier to read. The more important specific changes proposed are as follows:

Two new grades would be added. They are "U.S. No. 1 Halves and Pieces" and "U.S. Commercial Halves and Pieces." It was observed during the survey that some lots of pecan kernels consisting predominantly of halves could not qualify for the "Halves" grade because of the presence of large percentage of pieces. The "Halves and Pieces" grades are proposed as classifications to more accurately describe pecans of this size range.

The size classifications for halves grades would be changed by deletion of the two classes, "Large Amber" and "Regular Amber," which descriptions can be expressed by the terms "Commercial Extra Large" and "Commercial Large" respectively. A class called "Midget" would be added to describe lots of very small seedling halves counting in excess of 750 per pound.

The size classifications for pieces grades would be changed extensively on the basis of current practices and capabilities of the industry. A "Mammoth Pieces" class would be added to describe the largest sizes being marketed. Also, a class called "Granules" would be added to describe the smallest sizes being marketed. The two classes, "Regular Amber" and "Small Amber" would be deleted, which descriptions can be expressed by the terms "Commercial Medium Size" and "Commercial Small" respectively.

The range in size of pieces in the "Extra Large," "Medium," "Small," and "Midget" classes would be changed by lowering the minimum diameter requirement slightly. These changes are based on numerous observations of the size range of pieces in commercial lots. The problem of "override" on the screens, due to the elongated and irregular shape of many pecan pieces, usually results in large percentages of pieces in a lot which fail to pass through the screen intended to remove the undersize. The new size ranges would compensate for this problem of screening, although it is assumed that shellers would use screens with slightly larger openings than those specified, in order to maintain the approximate size ranges presently being made. The change in the minimum diameter for "Midget" pieces, from five sixty-fourths to one-sixteenth inch was made at the request of the industry. It returns this requirement to that in effect prior to the March 1968 amendment of the standards which also was requested by the industry.

The pecan grading chart presently attached to the standards would be discontinued. Supplies are nearly exhausted, and the quality of the chart is not deemed worthy of reproduction. The grading chart would be replaced by Figure 1 illustrating grade requirements for kernel development, and by reference to models illustrating the intensity of color intended for each of four color classifications. Definitions of these four color classifications would be added.

Some changes in definitions would be made, notably the addition of definitions of degrees of development and intensities of skin color. The definitions of "damage" and "serious damage" caused by adhering material would be made more liberal, in keeping with the nature of the defect in comparison with other defects.

A "Metric Conversion Table" would be added to enable persons to translate into millimeters those grade requirements which are specified in terms of fractional parts of inches.

The proposed standards as revised are as follows:

GRADES

Sec.
51.1430 U.S. No. 1 Halves.
51.1431 U.S. No. 1 Halves and Pieces.
51.1432 U.S. No. 1 Pieces.
51.1433 U.S. Commercial Halves.
51.1434 U.S. Commercial Halves and Pieces.
51.1435 U.S. Commercial Pieces.

COLOR CLASSIFICATIONS

51.1436 Color classifications.

SIZE CLASSIFICATIONS

51.1437 Size classifications for halves.
51.1438 Size requirements for pieces.

TOLERANCES FOR DEFECTS

51.1439 Tolerances for defects.

APPLICATION OF STANDARDS

51.1440 Application of standards.

DEFINITIONS

51.1441 Half-kernel.
51.1442 Piece.
51.1443 Particles and dust.
51.1444 Well dried.
51.1445 Fairly well developed.
51.1446 Poorly developed.
51.1447 Fairly uniform in color.
51.1448 Fairly uniform in size.
51.1449 Damage.
51.1450 Serious damage.

METRIC CONVERSION TABLE

51.1451 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 60 Stat. 1087, as amended; 1090 as amended; 7 U.S.C. 1622, 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

§ 51.1430 U.S. No. 1 Halves.

"U.S. No. 1 Halves" consists of pecan half-kernels which meet the following requirements:

(a) For quality:

(1) Well dried;

(2) Fairly well developed;

(3) Fairly uniform in color;

(4) Not darker than "amber" skin color;

(5) Free from damage or serious damage by any cause;

(6) Free from pieces of shell, center wall and foreign material; and,

(7) Comply with tolerances for defects (see § 51.1439); and,

(b) For size:

(1) Halves are fairly uniform in size;

(2) Halves conform to size classification or count specified; and,

(3) Comply with tolerances for pieces, particles, and dust (see § 51.1437).

§ 51.1431 U.S. No. 1 Halves and Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Halves except:

(a) For size:

(1) At least 50 percent, by weight, are half-kernels;

(2) Both halves and pieces will not pass through a 5/16-inch round opening; and,

(3) Comply with tolerances for undersize. (See Table III.)

§ 51.1432 U.S. No. 1 Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Halves except:

(a) For quality:

(1) No requirement for uniformity of color; and,

(b) For size:

(1) No requirement for percentage of half-kernels;

(2) Conform to any size classification or other size description specified; and,

(3) Comply with applicable tolerances for off-size. (See Table III.)

§ 51.1433 U.S. Commercial Halves.

The requirements for this grade are the same as those for U.S. No. 1 Halves except:

(a) For quality:

(1) No requirement for uniformity of color; and,

(2) Increased tolerances for defects (see § 51.1439); and,

(b) For size:

(1) No requirement for uniformity of size.

§ 51.1434 U.S. Commercial Halves and Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Halves and Pieces except:

(a) For quality:

(1) No requirement for uniformity of color; and,

(2) Increased tolerances for defects. (See § 51.1439.)

§ 51.1435 U.S. Commercial Pieces.

The requirements for this grade are the same as those for U.S. No. 1 Pieces except for:

(a) Increased tolerances for defects. (See § 51.1439.)

COLOR CLASSIFICATIONS

§ 51.1436 Color classifications.

(a) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(1) "Light" means that the kernel is mostly golden color or lighter, with not more than 25 percent of the surface darker than golden, and none of the surface darker than light brown.

(2) "Light amber" means that the kernel has more than 25 percent of its surface light brown, but not more than 25 percent of the surface darker than light brown, and none of the surface darker than medium brown.

(3) "Amber" means that the kernel has more than 25 percent of the surface medium brown, but not more than 25 percent of the surface darker than medium brown, and none of the surface darker than dark brown (very dark-brown or blackish-brown discoloration).

(4) "Dark amber" means that the kernel has more than 25 percent of the surface dark brown, but not more than 25 percent of the surface darker than dark brown (very dark-brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, PEC–MC–1, consisting of plastic models of pecan kernels, illustrate the color intensities implied by the terms "golden," "light brown," "medium brown," and "dark brown" referred to in paragraph (a) of this section. These color standards may be examined in the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such Service. Duplicates of the color standards may be purchased from NASCO, Fort Atkinson, Wis. 53538.

SIZE CLASSIFICATIONS

§ 51.1437 Size classifications for halves.

The size of pecan halves in a lot may be specified in accordance with one of the size classifications shown in Table I:

TABLE I

Size classifications for halves	*Number of halves per pound*
Mammoth	250 or less.
Junior mammoth	251–300.
Jumbo	301–350.
Extra large	351–450.
Large	451–550.
Medium	551–650.
Small (topper)	651–750.
Midget	751 or more.

(a) The number of halves per pound shall be based upon the weight of half-kernels after all pieces, particles and dust, shell, center wall, and foreign material have been removed.

(b) In lieu of the size classifications in Table I, the size of pecan halves in a lot may be specified in terms of the number of halves or a range of numbers of halves per pound. For example, "400" or "600–700".

(c) Tolerance for count per pound: In order to allow for variations incident to proper sizing, a tolerance shall be permitted as follows:

(1) When an exact number of halves per pound is specified, the actual count per pound may vary not more than 5 percent from the specified number; and,

(2) When any size classification shown in Table I or a range in count per pound is specified, no tolerance shall be allowed for counts outside of the specified range.

(1) *Tolerances for pieces, particles, and dust.* In order to allow for variations incident to proper sizing and handling, not more than 15 percent, by weight, of any lot may consist of pieces, particles, and dust: *Provided*, That not more than one-third of this amount, or 5 percent, shall be allowed for portions less than one-half of a complete half-kernel, including not more than 1 percent for particles and dust.

§ 51.1438 Size requirements for pieces.

The size of pecan pieces in a lot may be specified in accordance with one of the size classifications shown in Table II.

TABLE II

Size classification	Maximum diameter (will pass through round opening of following diameter)	Minimum diameter (will not pass through round opening of following diameter)
		Inch
Mammoth pieces	No limitation	8/64
Extra large pieces	9/64 inch	7/64
Halves and pieces	No limitation	5/64
Large pieces	8/64 inch	4/64
Medium pieces	7/64 inch	3/64
Small pieces	5/64 inch	2/64
Midget pieces	3/64 inch	1/64
Granules	2/64 inch	

(a) In lieu of the size classifications in Table II, the size of pieces in a lot may be specified in terms of minimum diameter, or as a range described in terms of minimum and maximum diameters expressed in sixteenths or sixty-fourths of an inch.

(b) Tolerances for size of pieces: In order to allow for variations incident to proper sizing, tolerances are provided for pieces in a lot which fail to meet the requirements of any size specified. The tolerances, by weight, are shown in Table III.

TABLE III

Size classification	Total tolerance for offsize pieces	Tolerance (included in total tolerance) for pieces smaller than	
		3/16 inch	1/8 inch
	Percent	*Percent*	*Percent*
Mammoth pieces	15	1	
Extra large pieces	15	1	
Halves and pieces	15	1	
Large pieces	15	1	
Medium pieces	15	2	
Small pieces	15	2	
Midget pieces	15		2
Granules	15		5
Other specified size	15	1	

TOLERANCES FOR DEFECTS

§ 51.1439 Tolerances for defects.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) U.S. No. 1 Halves, U.S. No. 1 Halves and Pieces, and U.S. No. 1 Pieces grades:

(1) 0.05 percent for shell, center wall, and foreign material;

(2) 3 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification but which are not otherwise defective; and,

(3) 3 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 0.50 percent for defects causing serious damage: *Provided*, That any unused portion of this tolerance may be applied to increase the tolerance for kernels which are "dark amber" or darker color, or darker than any specified lighter color classification.

(b) U.S. Commercial Halves, U.S. Commercial Halves and Pieces, and U.S. Commercial Pieces grades:

(1) 0.15 percent for shell, center wall, and foreign material;

(2) 25 percent for portions of kernels which are "dark amber" or darker color, or darker than any specified lighter color classification, but which are not otherwise defective; and,

(3) 8 percent for portions of kernels which fail to meet the remaining requirements of the grade, including therein not more than 1 percent for defects causing serious damage.

APPLICATION OF STANDARDS

§ 51.1440 Application of standards.

The grade of a lot of shelled pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable container or number of containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.1441 Half-kernel.

"Half-kernel" means one of the separated halves of an entire pecan kernel with not more than one-eighth of its original volume missing, exclusive of the portion which formerly connected the two halves of the kernel.

§ 51.1442 Piece.

"Piece" means a portion of a kernel which is less than seven-eighths of a half-kernel, but which will not pass through a round opening two-sixteenths inch in diameter.

§ 51.1443 Particles and dust.

"Particles and dust" means, for all size designations except "midget pieces" and "granules," fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.

§ 51.1444 Well dried.

"Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

§ 51.1445 Fairly well developed.

"Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. (See Figure I.)

§ 51.1446 Poorly developed.

"Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length. (See Figure I.)

§ 51.1447 Fairly uniform in color.

"Fairly uniform in color" means that 90 percent or more of the kernels in the lot have skin color within the range of one or two color classifications.

§ 51.1448 Fairly uniform in size.

"Fairly uniform in size" means that, in a representative sample of 100 halves, the 10 smallest halves weigh not less than one-half as much as the 10 largest halves.

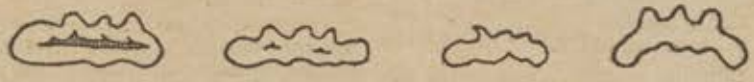
§ 51.1449 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual portion of the kernel or of the lot as a whole. The following defects should be considered as damage:

(a) Adhering material from inside the shell when attached to more than one-fourth of the surface on one side of the half-kernel or piece;

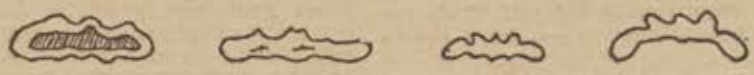
Figure 1

CROSS SECTION ILLUSTRATION



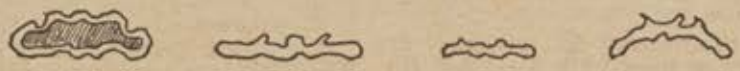
1. WELL DEVELOPED

Lower limit. Kernels having less meat content than these are not considered well developed.



2. FAIRLY WELL DEVELOPED

Lower limit for U. S. No. 1 grade. Kernels having less meat content than these are not considered fairly well developed and are classed as damaged.



3. POORLY DEVELOPED

Lower limit, damaged but not seriously damaged. Kernels having less meat content than these are considered undeveloped and are classed as seriously damaged.

(b) Dust or dirt adhering to the kernel when conspicuous;

(c) Kernel which is not well dried;

(d) Kernel which is "dark amber" or darker color;

(e) Kernel having more than one dark kernel spot, or one dark kernel spot more than one-eighth inch in greatest dimension;

(f) Shriveling when the surface of the kernel is very conspicuously wrinkled;

(g) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth the length of the half-kernel or piece, or lesser areas of dark discoloration affecting the appearance to an equal or greater extent; and,

(h) Poorly developed kernel. (See Figure I.)

§ 51.1450 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual portion of kernel or of the lot as a whole. The following defects shall be considered as serious damage:

(a) Any plainly visible mold;

(b) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity;

(c) Decay affecting any portion of the kernel;

(d) Insects, web, or frass or any distinct evidence of insect feeding on the kernel;

(e) Internal discoloration which is dark gray, dark brown, or black and extends more than one-third the length of the half-kernel or piece;

(f) Adhering material from inside the shell when attached to more than one-half of the surface on one side of the half-kernel or piece;

(g) Dark kernel spots when more than three are on the kernel, or when any dark kernel spot or the aggregate of two or more spots affect an area of more than 10 percent of the surface of the half-kernel or piece;

(h) Dark skin discoloration, darker than "dark brown," when covering more than one-fourth of the surface of the half-kernel or piece; and,

(i) Undeveloped kernel. (See Figure I.)

METRIC CONVERSION TABLE

§ 51.1451 Metric conversion table.

Inches	Millimeters (mm)
1/2	12.7
7/16	11.1
9/16	9.5
5/16	7.9
1/4	6.4
3/16	4.8
3/32	3.2
7/64	2.4
5/64	2.0
1/16	1.6

Dated: March 11, 1969.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 69-3151; Filed, Mar. 17, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1138]

[Docket No. AO-335-A13]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Rio Grande Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Albuquerque, N. Mex., on June 3-4, 1968, pursuant to notice thereof which was issued May 22, 1968 (33 F.R. 7761).

The material issues on the record of the hearing related to:

1. Continuation of credits for specified Class II uses beyond August 1968;
2. Point of pricing diverted milk;
3. Pooling provisions for cooperative association "standby plants";
4. Deletion or modification of the supply-demand adjustor to the Class I price;
5. Changing marketwide pooling provisions to individual-handler pooling;
6. Changing the assignment with respect to receipts of packaged milk at a pool plant from a producer-handler; and
7. Deletion of the present exemption from pricing and pooling for larger producer-handlers.

By decisions issued August 6, 1968 (33 F.R. 11409) and August 26, 1968 (33 F.R. 12254) and amendatory action effective September 1, 1968 (33 F.R. 12302) proceedings have been concluded with respect to Issues 1-5 inclusive. This decision is concerned only with Issues 6 and 7.

Findings and conclusions. The following findings and conclusions on material Issues 6 and 7 are based on evidence presented at the hearing and the record thereof:

6. *Assignment of receipts of packaged milk received at a pool plant from a producer-handler.* No change should be made in order provisions with respect to assignment of packaged milk received at a pool plant from a producer-handler.

It was proposed that any packaged fluid milk product received from a producer-handler at a regulated plant be assigned to the Class I sales of the receiving plant.

The order presently assigns to the Class I sales of a regulated plant packaged certified fluid milk products received at such plant from a producer-handler and disposed of in the form in which received. A producer of certified milk who processes and packages his own production, but disposes of it through a pool plant instead of on his own route, is included under the definition of producer-handler.

These provisions have been in the order since it was first issued in 1962. They recognize a marketing practice prevailing before the order. The rules of Medical Milk Commissions under which milk may be disposed of as certified milk require the producer of certified milk to use only his own production and to process and package it himself under specified conditions of handling. The only producer of certified milk in the area was accorded producer-handler status because these rules and local marketing conditions provided no supplementary source of certified milk to be available either to him or the pool plant through which his milk is marketed. Under the order provisions the sales of this certified milk are virtually free from regulation as though disposed of on the producer's own routes.

In support of his proposal, proponent claimed that under the present order provisions packaged milk received at a pool plant from any source other than noncertified milk of producer-handlers was accorded more favorable treatment than bulk milk from the same source. In fact, however, receipts from unregulated plants are treated the same, whether in packaged or bulk form. Also, there was no showing that the special circumstances applying to certified milk apply with respect to operations of other producer-handlers. The proposal, therefore, is denied.

7. *Deletion of the present exemption from pricing and pooling for larger producer-handlers.* No action should be taken on the basis of this record to regulate producer-handlers disposing of more than a specified quantity of their own production on routes in the marketing area, or to otherwise alter the provisions affecting producer-handlers.

The order provides that persons who process and package milk of their own production and dispose of such milk on routes in the marketing area shall, under specified circumstances, be accorded producer-handler status and be exempt from payment obligations that fully regulated handlers normally incur under the order. To be eligible for this exemption, a person must not receive milk from other dairy farmers, and can receive a limited quantity of fluid milk products (11,000 pounds per month) only from pool plants; in addition, he must estab-

lish that production of milk and its processing and distribution are each his personal enterprise and at his personal risk.

Two handlers operating fully regulated plants at El Paso, Tex., proposed in the notice of hearing that the producer-handler definition apply only to those whose distribution of milk of their own production on routes in the marketing area does not exceed 30,000 pounds per month. At the hearing they modified their proposal to substitute for the 30,000-pound limit one of 129,000 pounds per month. A producer-handler proposed a further modification that would place the limit at 250,000 pounds per month. This further modification was accepted by proponents in their brief and at the hearing and by brief by a cooperative association which supported regulation of producer-handlers.

Twenty-one producer-handlers now distribute milk in the Rio Grande Valley marketing area. Their total Class I sales for the first 4 months of 1968 averaged more than 3.5 million pounds per month. This represents 12.97 percent of the combined total Class I sales for regulated handlers and producer-handlers for this period. For the years 1966 and 1967 producer-handler sales were 12.58 and 12.77 percent, respectively, of total sales.

The record contains no data concerning the number of producer-handlers in periods other than at the time of the hearing.

In June 1965 a fully regulated handler became a producer-handler. When that occurred, producer-handler sales increased by more than 1.2 million pounds from the preceding month. Percentagewise they increased from 6.38 percent of total sales in May 1965 to 12.09 percent in June of that year.

This producer-handler is now producing about 2 million pounds of milk monthly. He testified that for the years 1966–67, 19.4 percent of his production was used as Class II milk. Prior to increasing his own production to a point sufficient for his Class I sales, he purchased milk from 11 producers. He then had a Class I utilization of 96 to 98 percent of all receipts.

The proponents of regulation maintained that producer-handlers have a competitive advantage over fully regulated handlers. They put this advantage per hundredweight at the difference between the Class I price handlers pay for milk sold in fluid form and the uniform or blend price producers receive for all their milk. They pointed out that a regulated handler who sells all milk he receives as Class I milk is required to pay his producers the uniform price and also to pay into the marketwide pool the difference between the uniform price and the Class I price in order that other producers may receive the uniform price.

They pointed out also, in contrast, that a producer-handler who sells all his production as Class I milk may retain the full Class I value, either to enhance his returns as a producer, or to widen his margin as a handler. Such widened margin would be available for use as a price incentive to maintain or increase fluid sales. This recognizes that the uniform price of the order is the alternative return that a producer-handler might expect for his milk if he were to cease being a handler to become a producer only.

The difference between the Class I and the uniform price has increased in recent years. For 1966 it averaged 52 cents per hundredweight, for 1967 the average difference was 66 cents, and for 1968 it was 95 cents. (Official notice is hereby taken of the prices announced for the months of May through December 1968.) During this entire period the producer-handler proportion of market sales has increased by less than 1 percent. Thus, the widened difference in Class I and blend prices has not affected greatly the relative proportions of sales in the market of producer-handlers and regulated handlers.

As a group, producer-handlers in the Rio Grande Valley have marketed a higher percentage of their own production as Class I milk than the percentage of producer milk marketed as Class I milk by regulated handlers. For each year of 1964 through 1967, producer-handlers marketed from 92 to 96 percent of their production as Class I milk. Producer milk used in Class I ranged from 77 to 83 percent during these years.

As stated above, the producer-handler with the largest volume of sales in the market testified that his Class I usage averages 80.6 percent over a 2-year period. Another, with production of more than 14,000 pounds daily, is disposing of about one-third of his production as surplus milk to a pool plant for Class II use. A third, with disposition in excess of 129,000 pounds but less than 250,000 pounds monthly, testified that his Class I use is about 98 percent of his production.

The 250,000 pound monthly limit supported by proponents and a producer organization apparently would affect only two of the above three producer-handlers. These two have Class I utilizations more nearly comparable to the market average than the average of producer-handlers as a whole. In fact, if they became fully regulated, one of them might draw funds from the pool on the use he makes of his own production.

There are a number of fully regulated handlers in the Rio Grande Valley market with either own farm production or with production units operated by affiliates. The representative of one handler for whom an affiliate supplies more than one-fourth of the milk supply, testified that more than half of the 18 fully regulated handlers had wholly owned or affiliated production units. Farms owned by handlers furnish about 10 percent of the producer milk supply of the market, or about 2.5 million pounds monthly. Total production of affiliated units was not shown in detail on the record, but may be even greater than that of own farm production.

The present percentage of total sales made by producer-handlers could be increased significantly if certain presently regulated handlers converted to producer-handler status. However, if producer-handler activity in the market increases, singly or in the aggregate, it may be necessary to give further consideration in hearing to whether additional regulation of producer-handlers is required for market stability.

As previously indicated, the proportion of market sales of producer-handlers since June 1965 has been relatively stable. In a 3-year period the producer-handler share of market sales has increased by less than 1 percent. There is no evidence at the present time that producer-handler sales are causing disruption of, or instability in this market. In view of these considerations, it is concluded that no action should be taken on this record to regulate producer-handlers on the basis of Class I disposition in excess of a specified monthly quantity.

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

Signed at Washington, D.C., on March 13, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-3200; Filed, Mar. 17, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-WA-16]

CONTROL AREA AND REPORTING POINTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter Control Area No. 1310 and associated reporting points.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonace with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation fa-

cilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due degard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The Federal Aviation Administration proposes the following airspace actions:

1. Redesignate Control Area 1310 segment from Middleton Island, Alaska, radio beacon 16 miles each side of a line direct to the Sandspit, British Columbia, Canada, radio range, including the airspace between lines diverging at 5° angles from the centerline, extending southeast from the Middleton Island radio beacon and northwest from the Sandspit radio range, and which terminate at the intersecting points midway between Middleton Island and Sandspit, excluding the portion within Canada, and the airspace below 2,000 feet MSL outside the United States.

2. Redesignate low altitude reporting points as follows:

a. Carp Intersection—Intersection of the Sandspit radio range 314° T (288° M) bearing and the southwest course Sitka, Alaska, radio range.

b. Shrimp Intersection—Intersection of the Middleton Island radio beacon 122° T (096° M) bearing and the southwest course Gustavus, Alaska, radio range.

c. Porpoise Intersection—Intersection of the Middleton Island radio beacon 122° T (096° M) bearing and the southwest course Yakutat, Alaska, radio range.

d. Halibut Intersection—Intersection of the Sandspit radio range 314° T (288° M) bearing and the southwest course Annette Island, Alaska, radio range.

3. Redesignate high altitude reporting points as follows:

a. Carp Intersection—Intersection of the Sandspit radio range 314° T (288° M) bearing and the Biorka Island, Alaska, VORTAC 207° T (179° M) radial.

b. Porpoise Intersection—Intersection of the Middleton Island radio beacon 122° T (096° M) bearing and Yakutat VORTAC 215° T (186° M) radial.

The realignment of Control Area 1310 by use of the Middleton Island radio beacon will permit the retention of a lower minimum en route altitude. The redesignation of the low and high altitude reporting points will adjust them to the proposed centerline of Control 1310.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on March 10, 1969.

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

[F.R. Doc. 69-3186; Filed, Mar. 17, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-21]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, Ga. (Lawson AAF), control zone and the Columbus, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Columbus (Lawson AAF) control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 2 miles each side of the 213° bearing from the Lawson RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the Lawson VOR 339° radial, extending from the 5-mile radius zone to 1 mile south of the Columbus LOM, excluding the portion within R-3002A.

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

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscogee County Airport (lat. 32°30'55" N., long. 84°56'25" W.); within a 9-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 8 miles southwest and 5 miles northeast of the Lawson ILS localizer southeast course, extending from the 9-mile radius area to 12 miles southeast of the Louvale RBN; within 8 miles southwest and 5 miles northeast of the Columbus VORTAC 149° and 329° radials, extending from the 8-mile and 9-mile radius areas to 12 miles northwest of the VORTAC, excluding the portion within R-3002A.

Since the last alteration of controlled airspace in the Columbus terminal complex, turbojet aircraft have begun utilizing Muscogee County Airport. Criteria appropriate to this airport requires an increase in the 700-foot transition area basic radius circle from 7 to 8 miles. Additionally, application of Terminal Instrument Procedures (TERPs) and alterations to the instrument approach procedures to airports in the Columbus terminal area require alterations of the control zone and transition area. The proposed alterations will provide adequate controlled airspace protection for aircraft during climb to 1,200 feet above the surface and during descent below 1,500 feet above the surface.

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

Issued in East Point, Ga., on March 7, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-3187; Filed, Mar. 17, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-7]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Graham, Tex. The proposed transition area is identical to the Graham, Tex., transition area which was designated in 1968 and was later revoked when the sponsor elected to operate the non-Federal RBN as a VFR aid only.

Interested persons may submit such written data, views, or arguments as they may desire. Communication should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

GRAHAM, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Graham Municipal Airport (lat. 33°06'20" N., long. 98°33'10" W.), and within 2 miles each side of the 014° bearing from the Graham RBN (lat. 33°07'48" N, long. 98°32'59" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Graham Municipal Airport, Graham, Tex. The proposed transition area extension is based on the 014° true (005° magnetic) bearing from the Graham RBN.

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

Issued in Fort Worth, Tex., on March 6, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-3188; Filed, Mar. 17, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Nacogdoches, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

NACOGDOCHES, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Del Rentzel Airport (lat. 31°34'35" N., long. 94°42'25" W.), within 2 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 2 miles each side of the 343° bearing from the Nacogdoches RBN (lat. 31°38'01" N., long. 94°44'01" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Del Rentzel Airport, Nacogdoches, Tex. The southerly extension to the proposed transition area is based on the Lufkin VORTAC 001° true (353° magnetic) radial; the northerly extension is based on the 343° true (335° magnetic) bearing from the proposed Nacogdoches RBN.

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

Issued in Fort Worth, Tex., on March 6, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-3189; Filed, March 17, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-24]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Marion, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Marion transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marion County Airport; within 2 miles each side of the Florence VORTAC 100° radial, extending from the 6-mile radius area to the Florence 8-mile radius area.

The proposed transition area is required for the protection of IFR operations at Marion County Airport. A prescribed instrument approach procedure to this airport, utilizing the Florence VORTAC, is proposed in conjunction

with the designation of this transition area.

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

Issued in East Point, Ga., on March 7, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-3190; Filed, Mar. 17, 1969; 8:46 a.m.]

FEDERAL RAILROAD ADMINISTRATION

[49 CFR Part 232]

[Docket No. FRA-PB-1, etc.]

POWER OR TRAIN BRAKES SAFETY APPLIANCE ACT OF 1958

Notice of Proposed Rule Making

By notices published in the FEDERAL REGISTER on February 11, 1969 (34 F.R. 1957 and 1958) the Federal Railroad Administration announced that it currently had under study the rules, standards, and instructions adopted and prescribed by the Interstate Commerce Commission to become effective on August 9, 1958, pursuant to the Power or Train Brake Safety Appliance Act of 1958. The notices stated that only §§ 232.11 and 232.12 of Part 232 would be considered in the proposed rule-making proceedings.

By letter of February 28, 1969, the Association of American Railroads requested that the two proceedings be consolidated, that an extension of time to comment be granted, and that the combined proceedings be enlarged to embrace a general revision of Part 232 of Title 49 entitled, "Railroad Power Brakes and Drawbars."

We believe that the Association's request has considerable merit. However, Docket No. FRA-PB-2, proposing two amendments to § 232.11, addresses itself to a clarification of existing requirements rather than a major change and, accordingly, can be allowed to proceed without consolidation. However, the time to file comments with respect to the proposal is extended to May 14, 1969, and the oral hearing is rescheduled for May 26, 1969, at 9:30 a.m. at the address shown in Notice No. 2.

With respect to Docket No. FRA-PB-1, it is not clear at this time that this proceeding should be consolidated with the general revision of Part 232 (Docket No. FRA-PB-3). However, the time for filing comments is extended to July 11, 1969. Written data, views, or arguments are invited on the proposal to develop a general revision of Part 232 (Docket No. FRA-PB-3), and they should be received before July 11, 1969.

After these written comments have been received and evaluated, it will then be determined if Docket No. FRA-PB-1 will be consolidated with Docket No. FRA-PB-3. If consolidation is feasible, a proposed rule encompassing a general revision will be prepared and published for comment. As required by statute, provision will also be made for an oral hearing.

If consolidation is not feasible, a series of rule-making proceedings dealing with various provisions of Part 232, as well as Docket No. FRA-PB-1, will be published for comment. As required by statute, hearings will be held.

Written submissions and the submissions made at the hearings will be considered in determining what, if any, changes should be made in Part 232. All submissions, including those made at the hearings, will be available for examination by interested persons at any time within normal working hours in the Office of Public Affairs, Room 206, Federal Railroad Administration, 400 Sixth Street SW., Washington, D.C. 20591.

This rule-making proceeding is instituted under the authority of 45 United States Code, section 9.

Issued in Washington, D.C., on March 11, 1969.

JAMES H. MACANANNY,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 69-3196; Filed, Mar. 17, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 22,636]

FEDERAL SAVINGS AND LOAN SYSTEM

Unsecured Loans

MARCH 6, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System for the purpose of implementing an amendment to section 5(c) of the House Owners' Loan Act of 1933, as amended, contained in Public Law 90-448, 82 Stat. 476, approved August 1, 1968, to authorize Federal savings and loan associations to invest in unsecured loans for the construction of new structures related to the residential use of property and for equipping any real property. Accordingly, it is proposed to amend § 545.8 of said Part 545 (12 CFR 545.8) to read as follows:

§ 545.8 Unsecured loans.

Any Federal association that has amended Charter K by the addition thereto of § 14.1 and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon adoption of such a loan plan by its board of directors, make or purchase:

(a) Any unsecured loans at least 20 percent of which is guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended;

(b) Simple-interest, discount, or gross-charge loans for the repair, alteration, or improvement, of any real property, including the construction thereon of new structures related to the residential use of the property, or equipping of any real property, without the security of a lien upon such property: *Provided*, That:

(1) The net proceeds of any such loan do not exceed $5,000;

(2) The property is located in such association's regular lending area as defined in § 545.6-6;

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 20 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 8 years; *And provided further*, That any such loan that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended, may be made for such amount and repayable upon such terms and within such periods as are acceptable to the insuring or guaranteeing agency: *Provided*, That no Federal association may make any loan under this section to a director, officer, or employee of the association, or to any person, firm, or member of any firm regularly serving the association in the capacity of attorney at law, except for the alteration, repair, improvement, or equipping of a home or combination of home and business property owned and occupied, or to be owned and occupied, as a home by the borrowing director, officer, employee, attorney, or member or for the construction of new structures related to the residential use of property owned and occupied, or to be owned and occupied, as a home by such director, officer, employee, attorney, or member.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by April 18, 1969, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be

made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-3217; Filed, Mar. 17, 1969; 8:47 a.m.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS AND RULES

Calling-in Points; Correction

In F.R. Doc. 69-2835, published at pages 5025-5027 in the issue dated March 8, 1969, the reference to "22½ miles" in the location of calling-in point No. 15, appearing in the fifth line of § 401.103-7 (calling-in points table) is incorrect and is hereby corrected to read "2½ miles".

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN, *Administrator.*

[F.R. Doc. 69-3202; Filed, Mar. 17, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 271]

[Rel. Nos. 33-4953, IC-5634]

PREPARATION OF FORMS S-4 AND S-5 INCLUDING PROSPECTUS FOR MANAGEMENT INVESTMENT COMPANY

Proposed Guidelines

On December 9, 1968, the Commission published in Securities Act Release No. 4936 [33 F.R. 18617] Guides for Preparation and Filing of Registration Statements under the Securities Act of 1933.[1] As stated in that release, those guides do not specifically relate to the prospectus for a management investment company under the Securities Act of 1933. Accordingly, consistent with the Commission's practice of publishing the views of the staff to assist issuers, their counsel, accountants, and others concerned, this release sets forth guidelines [2] proposed by the Division of Corporate Regulations for the preparation of Forms S-4 and S-5.[3] The guidelines are not specifically intended for variable annuity companies, which in certain respects present different disclosure problems under the Act. However, to the extent that the Form S-5 calls for disclosures which are appropriate for variable annuity companies, the guidelines are applicable.

The Commission is today also publishing (Investment Company Act Release No. 5633 infra),[4] proposed guidelines for the preparation and filing of registration statements for management investment companies on Form N-8B-1 [5] under the Investment Company Act of 1940.

These guidelines implement, in part, a recommendation of the Special Study of Securities Markets. In Subchapter XI-B (Report of the Special Study of Securities Markets, House Doc. No. 95 Pt. 4, 88th Cong., first sess.), it was recommended, among other things, that the prospectus requirements applicable to open-end investment companies be refined to assure that basic information is brought more clearly and conspicuously to the attention of the prospective investor. In the Commission's transmittal letter to Congress of August 8, 1963, the Commission indicated its intention to examine various ways to achieve such further refinement.

It should be noted that the suggestions discussed in this guide are subject to change as experience or unique factual situations require. There is, of course, the basic requirement that the information contained in the prospectus be adequate to provide an understanding of the security, its issuer and the nature of the distribution, as well as any other features that may be particularly relevant, and that it not be incomplete or misleading within the meaning of the provisions of the statute and the relevant rules and forms. It is also emphasized that particular language examples need not be slavishly followed but are only illustrative. Their value is only in their precision of expression. Each registrant should seek its own precision and is encouraged to achieve even greater readability for investors.

The Commission requests the cooperation of all concerned in improving the disclosure in prospectuses for securities registered on forms S-4 and S-5. Every effort should be made to make such prospectuses more readable and understandable. The purpose of a prospectus is not fully realized if it is written in language or in a manner that confuses the prospective investors for whom it is intended.

These suggestions are not meant to be a complete guide for the preparation of Forms S-4 and S-5, and it is contemplated that additional or revised suggestions will be published from time to time as may be warranted. The suggestions may have only limited applicability to certain types of companies such as, for example, investment companies which have highly speculative investment policies or other companies where special or different kinds of disclosures may be necessary.

In publishing these guidelines of the Division of Corporate Regulation, the Commission wishes to emphasize that the ultimate responsibility for complete and accurate disclosure lies with the issuer and those persons required to sign the registration statement on Forms S-4 and S-5 under the Securities Act.

Some prospectuses in current use do not, in all respects, meet these guidelines. Accordingly, prospectuses now being used should be reassessed in order to consider what revisions may be appropriate in future post-effective amendments to such prospectuses. Prospective registrants, therefore, should not rely upon existing prospectuses for examples of acceptable disclosures.

While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the Division of Corporate Regulation, the public is cautioned that the opinions expressed in this release are not, and do not purport to be, an official expression of the Commission's views.

The terms used in these suggestions have the same meaning as prescribed in the Investment Company Act of 1940 and the rules thereunder.

Many of the Investment Company Act Releases cited in these guidelines may be found in the "Compilation of Releases, Commission Opinions, and other material dealing with matters frequently arising under the Investment Company Act of 1940," (October 1967), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—price 55 cents.

The staff desires the views and suggestions of all interested persons before the guidelines are published in definitive form in order that they may be as helpful as possible to persons preparing registration statements on Form S-4 and Form S-5. Any such comments or suggestions should contain a reference to "Guidelines for Form S-4 and S-5" and be addressed to the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C. 20549, on or before April 15, 1969.

(Sec. 19(a), 48 Stat. 85, 15 U.S.C. 77s; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37)

By the Commission.

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

MARCH 11, 1969.

[F.R. Doc. 69-3204; Filed, Mar. 17, 1969; 8:49 a.m.]

[17 CFR Part 271]

[Rel. No. IC-5633]

PREPARATION OF FORM N-8B-1

Proposed Guidelines

Consistent with the Commission's practice of publishing the views of the staff to assist issuers, their counsel, accountants, and others concerned in complying with the provisions of the Federal Securities Laws, this release sets forth

[1] That release represents a revision and expansion of guidelines previously published in Securities Act Release No. 4666 (Feb. 7, 1964), [29 F.R. 2490].

[2] Filed as part of the original document. Copies may be obtained from the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C.

[3] [17 CFR 239.11 and 239.15].

[4] [34 F.R. *infra*].

[5] [17 CFR 274.11].

guidelines[1] proposed by the Division of Corporate Regulation for use in preparation and filing of registration statements for both open-end and closed-end management investment companies on Form N–8B–1 under the Investment Company Act of 1940 (17 CFR 274.11).

The Commission is today also publishing (Investment Company Act Release No. 5634, Securities Act Release No. 4953) proposed guidelines for the preparation of Form S–5 for open-end management investment companies (34 F.R. ------ supra).

The guidelines are not specifically intended for variable annuity companies, which in certain respects present different registration problems under the Act. However, to the extent that individual items of Form N–8B–1 call for responses which are also appropriate for variable annuity companies, the guidelines are applicable.

It is anticipated that adherence to these guidelines will also substantially expedite the examination by the Division's staff of registration statements on Form N–8B–1. The policies embodied in these guidelines will be changed should experience or altered factual situations require or should the Form N–8B–1 itself be changed. These proposals are not meant to be a complete guide for the preparation of Form N–8B–1, and it is contemplated that additional guidelines will be published from time to time as may be warranted. The guidelines cover only those items of Form N–8B–1 which the staff believes require further explanation at this time. Registrants are advised that while acceptable responses set forth in these guidelines may be proper for Form N–8B–1, additional information or less technical language may be desirable in the prospectus. Further, the Commission wishes to caution that these guidelines may have only limited applicability to unusual companies. For example, registrants with highly speculative investment policies may require special responses to various items of the form.

The responses now being submitted to Form N–8B–1 by some registrants may not in all respects meet these guidelines. Accordingly, prospective registrants should not rely upon replies in existing registrations for examples of acceptable responses.

These guidelines are not rules of the Commission although some may later be incorporated in various rules and forms as experience and need suggest.

While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the Division of Corporate Regulation, the public is cautioned that the opinions expressed in this release are not, and do not purport to be, an official expression of the Commission's views.

The terms used in these guidelines have the same meaning as prescribed in the Investment Company Act of 1940 and the rules thereunder.

The guidelines should be read in conjunction with the Investment Company Act Releases cited herein in the "Compilation of Releases, Commission Opinions, and other material dealing with matters frequently arising under the Investment Company Act of 1940." (October 1967), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—price 55 cents.

The Commission believes it desirable that the staff receive the benefit of comments and suggestions of interested persons before the guidelines are published in definitive form. Any such comments or suggestions should contain a reference to "Guidelines to Form N–8B–1" and be addressed to the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C. 20549, on or before April 15, 1969.

(Sec. 38, 54 Stat. 841, 15 U.S.C. 802–37)

By the Commission.

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

MARCH 11, 1969.

[F.R. Doc. 69–3203; Filed, Mar. 17, 1969; 8:49 a.m.]

[1] Filed as part of the original document. Copies may be obtained from the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 86 (Rev. 3)]

DISTRICT DIRECTORS ET AL.

Authority To Permit Inspection of Certain Returns by Certain Applicants

Pursuant to authority vested in the Commissioner of Internal Revenue, authority is hereby delegated to District Directors, Service Center Directors, and the Director of International Operations, to permit inspection of returns in their custody, inspection of which may be authorized by the Commissioner of Internal Revenue pursuant to 26 CFR 301.9000–1, to the same persons and subject to the same conditions as prescribed for such persons in 26 CFR 301.6103(a)–1(c).

The authority delegated herein is limited to returns as filed by or on behalf of the taxpayer, including any schedule, lists, and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

Whenever it is determined that a return or related document as defined above is available for disclosure in a particular case, a copy or certified copy may be furnished the party requesting the same.

The authority delegated herein may be redelegated, but not lower than to Division Chiefs except that the Director of International Operations may redelegate to the Director's Representative in Puerto Rico.

This order supersedes Delegation Order No. 86 (Rev. 2), issued May 13, 1966.

Date of issuance: March 11, 1969.

Effective date: March 11, 1969.

[SEAL] WILLIAM D. SMITH,
Acting Commissioner.

[F.R. Doc. 69-3225; Filed, Mar. 17, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

INDIAN TRIBES PERFORMING LAW AND ORDER FUNCTIONS

Notice of Determination

Section 601(d), title I, of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90–351, places a responsibility on the Secretary of the Interior to determine those Indian tribes which perform law and order functions. The listing below identifies only those Indian tribes where tribal jurisdiction and responsibility for law and order is clearly established. Determination by the Secretary concerning Indian tribes not listed below will be made on an individual basis upon application by such tribes under provisions of the act to the Law Enforcement Assistance Administration of the Department of Justice.

The following Indian tribes have been determined by the Secretary of the Interior to be performing law and order functions.

Arizona:
- Ak-Chin Indian Community.
- Cocopah Tribe.
- Colorado River Indian Tribes.
- Fort McDowell Mohave Apache Community.
- Gila River Indian Community.
- Havasupai Tribe.
- Hopi Tribe.
- Hualapai Tribe.
- Kaibab Band of Paiute Indians.
- Navajo Tribe (Arizona, New Mexico, Colorado, and Utah).
- Papago Tribe.
- Salt River Pima-Maricopa Indian Community.
- San Carlos Apache Tribe.
- White Mountain Apache Tribe.
- Yavapai-Apache Band of Indians.

Colorado:
- Southern Ute Tribe.
- Ute Mountain Ute Tribe.

Idaho:
- Coeur d'Alene Tribe.
- Kootenai Tribe.
- Nez Perce Tribe.
- Shoshone-Bannock Tribes.

Minnesota:
- Red Lake Band of Chippewa Indians.

Mississippi:
- Mississippi Band of Choctaw Indians.

Montana:
- Assiniboine and Sioux.
- Blackfeet.
- Chippewa Cree.
- Crow.
- Gros Ventre and Assiniboine.
- Northern Cheyenne.
- Salish and Kootenai.

Nevada:
- Campbell Ranch Paiute Tribe.
- Confederated Tribes of the Goshute Reservation.
- Las Vegas Indian Colony.
- Paiute-Shoshone Tribes of the Fallon Reservation.
- Moapa Band of Paiute Indians.
- Paiute-Shoshone Tribe of the Fort McDermitt Reservation.
- Pyramid Lake Paiute Tribe.
- Shoshone-Paiute Tribes of the Duck Valley Reservation.
- Summit Lake Paiute Tribe.
- Walker River Paiute Tribe.
- Yerington Paiute Tribe.

New Mexico:
- Pueblo of Acoma Tribe.
- Pueblo of Cochiti Tribe.
- Pueblo of Isleta Tribe.
- Pueblo of Jemez Tribe.
- Pueblo of Laguna Tribe.
- Pueblo of Nambe Tribe.
- Pueblo of Picuris Tribe.
- Pueblo of Pojoaque Tribe.
- Pueblo of Sandia Tribe.
- Pueblo of San Felipe Tribe.
- Pueblo of San Ildefonso Tribe.

New Mexico—Continued
- Pueblo of San Juan Tribe.
- Pueblo of Santa Ana Tribe.
- Pueblo of Santa Clara Tribe.
- Pueblo of Santo Domingo Tribe.
- Pueblo of Taos Tribe.
- Pueblo of Tesuque Tribe.
- Pueblo of Zia.
- Pueblo of Zuni Tribe.
- Jicarilla Apache Tribe.
- Mescalero Apache Tribe.

North Dakota:
- Devils Lake Sioux Tribe.
- Standing Rock Sioux Tribe.
- Three Affiliated Tribes of Fort Berthold Reservation.
- Turtle Mountain Band of Chippewas.

Oregon:
- Confederated Tribes of Warm Springs Reservation.

South Dakota:
- Cheyenne River Sioux Tribe.
- Oglala Sioux Tribe.
- Lower Brule Sioux Tribe.
- Ogala Sioux Tribe.
- Rosebud Sioux Tribe.
- Standing Rock Sioux Tribe.

Utah:
- Ute Indian Tribe of the Uintah and Ouray Reservation.

Washington:
- Kalispel Indian Community.
- Lower Elwha Tribe.
- Lummi Tribe.
- Makah Indian Tribe.
- Port Gamble Band of Clallam Indians.
- Quinault Tribe.
- Spokane Tribe.
- Yakima Tribe.

Wyoming:
- Shoshone and Arapahoe Tribes.

RUSSELL E. TRAIN,
Under Secretary of the Interior.

MARCH 12, 1969.

[F.R. Doc. 69-3176; Filed, Mar. 17, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of title 13, United States Code, sections 181, 224, and 225, to conduct a First Quarter 1969 Survey of Selected Multiunit Companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1969 report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other

Federal agencies will be required to report in this survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from non-governmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing within 30 days after the date of this publication will receive consideration.

Dated: March 6, 1969.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 69-3174; Filed, Mar. 17, 1969; 8:45 a.m.]

Business and Defense Services Administration

AMERICAN MEDICAL ASSOCIATION ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No.: 69-00426-33-46500. Applicant: American Medical Association, Education and Research Foundation, 535 North Dearborn Street, Chicago, Ill. 60610. Article: Ultramicrotome, LKB 8800, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for nervous tissue. In the nervous tissue, the primary study is synaptology. Because the continuity between nervous tissue elements is of primary concern, there is a need for extremely thin sections to determine the specific relationship between these synapsing structures. Therefore, it is mandatory that we cut long series of equal thickness serial section. These sections should be easily varied by the operator between the values of 50Å to 2 microns and it should be possible to easily and rapidly change the serial sectioning thickness. Application received by commissioner of customs: February 17, 1969.

Docket No. 69-00427-00-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Anti-contamination device for a JEM-7 Electron microscope. Manufacturer: Japan electron Optics Laboratory Co., Japan. Intended use of article: The article will be used as an accessory to an existing electron microscope to observe specimens for long periods of time. Application received by Commissioner of Customs: February 17, 1969.

Docket No. 69-00428-00-46040. Applicant: Brown University, Wilson Laboratory, Providence, R.I. 02912, Article: Decontamination device for Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. The article will be used as an accessory to an existing electron microscope to eliminate object contamination. Application received by Commissioner of Customs: February 17, 1969.

Docket No. 69-00429-33-46500. Applicant: The Hospital of the Good Samaritan, Medical Center, 1212 Shatto Street, Los Angeles, Calif. 90017. Article: Ultramicrotome, LKB 8800A Ultrotome III and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning human biopsy material from virtually all organs including lung, kidney, breast, liver, stomach, intestine, pancreas and bone for diagnostic evaluation in the electron microscope. In this application, sections are needed from 50A to 2 microns thick for alternate evaluation in light and electron microscope. For the detection of small intracellular changes due to pathologic conditions, the thinnest possible sections must be cut. Application received by Commissioner of Customs: February 17, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-3173; Filed, Mar. 17, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DONALD M. ALSTRUP, FEDERAL INSURANCE ADMINISTRATION

Redelegation of Authority With Respect to National Insurance Development Program

Donald M. Alstrup, Federal Insurance Administration, is hereby authorized to execute standard reinsurance contracts under title XII of the National Housing Act (as added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21) during the present vacancy in the position of Assistant Administrator for Insurance Operations, Federal Insurance Administration.

(Secretary's delegation of authority published at 34 F.R. 2680, Feb. 27, 1969)

Effective date. This redelegation of authority shall be effective as of March 18, 1969.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-3224; Filed, Mar. 17, 1969; 8:48 a.m.]

ASSISTANT ADMINISTRATOR FOR INSURANCE OPERATIONS, FEDERAL INSURANCE ADMINISTRATION

Redelegation of Authority With Respect to National Insurance Development Program

The Assistant Administrator for Insurance Operations, Federal Insurance Administration, is hereby authorized to execute standard reinsurance contracts under title XII of the National Housing Act (as added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21).

(Secretary's delegation of authority published at 34 F.R. 2680, Feb. 27, 1969)

Effective date. This redelegation of authority shall be effective as of March 18, 1969.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-3223; Filed, Mar. 17, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

KLOT STAINLESS

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: Klot Stainless; contains 7.0 percent n-butyl alcohol volume-to-volume per 60-cubic centimeter vial; marketed by Warren Teed Pharmaceuticals, Inc., Subsidiary of Rohm & Haas Co., 582 West Goodale Street, Columbus, Ohio 43215.

The Academy concludes that based on available evidence this drug is not effective for accelerating the formation of a clot to prevent or minimize loss of blood components. The Food and Drug Administration concurs with the conclusions of the Academy.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for this drug and any others of similar composition and labeling.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for such drug and any interested person who may be adversely affected by removal of this drug from the market, to submit any pertinent data bearing on the proposal within 30 days from the date of the publication of this announcement in the FEDERAL REGISTER. Submissions should be addressed to the Bureau of Veterinary Medicine, Special Assistant for Drug Efficacy Study Implementation, 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 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 (21 CFR 2.120).

Dated: March 12, 1969.

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

[F.R. Doc. 69-3175; Filed, Mar. 17, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

KETCHIKAN FLIGHT SERVICE STATION AT KETCHIKAN, ALASKA

Notice of Opening

Notice is hereby given that on or about March 11, 1969, a part-time staffed Flight Service Station will be opened in Room 1209, 119 Austin, Ketchikan, Alaska 99901. This information will be reflected in the FAA, Alaskan Region, organization statement the next time it is reissued.

(Sec. 313(a), 72 stat. 752; 49 U.S.C. 1354)

Issued in Anchorage, Alaska, on March 7, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-3191; Filed, Mar. 17, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Issuance of Operating License Amendment

No request for a hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2 to Operating License No. DPR-14. The amendment authorizes the Connecticut Yankee Atomic Power Co. to operate its Haddam Neck Plant at power levels up to a maximum of 1825 megawatts (thermal).

The amendment was issued in the form published in the Notice of Proposed Issuance of Amendment to Operating License in the FEDERAL REGISTER on February 7, 1969, 34 F.R. 1841.

Dated at Bethesda, Md., this 11th day of March 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-3179; Filed, Mar. 17, 1969; 8:45 a.m.]

[Docket No. 50-172]

LOCKHEED AIRCRAFT CORP.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 9, as set forth below, to Facility License No. R-86. The license, which authorizes the Lockheed Aircraft Corp. to operate a heterogeneous pressurized water-type nuclear reactor in Dawson County, Ga., expires on April 4, 1969. The licensee has requested a 5-year extension; all other conditions of the license will remain the same. Accordingly, Amendment No. 9 extends the expiration date of the license to April 4, 1974.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for hearing and petitions to intervene shall be filed in accordance with the provisions of 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 amendment, see the licensee's application for license renewal dated February 20, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 11th day of March 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-86, Amdt. No. 9]

AMENDMENT TO FACILITY LICENSE

The Atomic Energy Commission has found that:

1. The Lockheed Aircraft Corp. application for license renewal dated February 20, 1969, 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;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required, since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-86, as amended, is hereby further amended by revising paragraph number 6 thereof in its entirety to read as follows:

6. This amendment is effective as of the date of issuance and shall expire on April 4, 1974.

Date of issuance: March 11, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-3180; Filed, Mar. 17, 1969; 8:45 a.m.]

[Docket No. 27-44]

NUCLEAR DIAGNOSTIC LABORATORIES, INC.

Notice of Issuance of Amendment to Byproduct and Source Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to License No. 31-12000-1, as set forth below. This license amendment renews the license for a period of 5 years. The condition relating to transportation of radioactive materials has been amended to reflect recent changes in Department of Transportation regulations. The license provides for receipt and possession of packaged radioactive waste materials in any state subject to the regulatory authority of the Atomic Energy Commission.

The Commission has found that the application for license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and

Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that Act. The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve any hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Any request for a hearing by the applicant and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice" (10 CFR Part 2). If a request for a hearing by the applicant 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. Petitions to intervene or requests for public hearings may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., March 12, 1969.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 31-12000-1; Amdt. No. 1]

BYPRODUCT AND SOURCE MATERIAL LICENSE

Byproduct and Source Material License No. 31-12000-1 is amended as follows:

Condition 6 is amended to read:

6. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations in 49 CFR Parts 173-179 are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.389-173.399, 173.402, 173.414, 173.427, 49 CFR Part 173, "Shippers," and §§ 177.823, 177.842, 177.843, 177.861, 49 CFR Part 177, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

This license shall expire five years from the last day of the month in which this amendment is issued.

Date of issuance: March 12, 1969.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 69-3181; Filed, Mar. 17, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20812; Order 69-3-43]

HOUSEHOLD GOODS AIRFREIGHT FORWARDER INVESTIGATION

Order Instituting Investigation and Consolidating Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1969.

The Board has decided to undertake an investigation of the airfreight forwarding of household goods. This investigation is necessitated by the forthcoming expiration of the existing authority of household goods forwarders and by the desirability of considering the authorization of new forwarders and of reexamining certain of the Board's policies in this area.

The forwarders currently authorized to forward household goods were awarded their authorizations in a number of different proceedings. The first authorizations were made in the Airfreight Forwarder Authority Case, 40 CAB 673 (1964), in which the Board granted operating authorizations to six motor carriers[1] holding ICC certificates as long-haul household goods movers. The authorizations were issued for a 5-year experimental period which will terminate on July 9, 1969. Subsequent to the 1964 Airfreight Forwarder decision, several more ICC-licensed household goods movers were granted similar authority, with identical expiration dates. In all instances the Board's definition of household goods is less comprehensive than that of the Interstate Commerce Commission.[2]

The Board has also granted several freight forwarders operating authorizations which are limited to the forwarding of "used household goods," and which also expire on July 9, 1969.[3] The recipients are companies which hold no authority from the ICC; they engage in surface forwarding of used household goods pursuant to a statutory exemption provided in section 402(b) of the Interstate Commerce Act, 49 U.S.C. 1002(b).

In addition to the household goods companies now holding airfreight forwarder authority, there are 47 such companies with applications on file with the Board seeking authority to forward household goods by air.[4] Although the operating authorizations which have been granted to date have involved only the movement of household goods, new and used, 15 of the above applicants for household goods airfreight forwarder authority also seek authority for the airfreight forwarding of general commodities.

We have decided to process the renewal of the existing household goods airfreight forwarder authorizations and the currently filed applications for such authority in a single investigation, to be known as the Household Goods Airfreight Forwarder Investigation. The existing household goods airfreight forwarders whose operating authorizations expire on July 9, 1969, and who seek renewal thereof, will be expected to so indicate by filing an application for renewal.[5] In addition to the processing of any such applications, we shall direct that all pending applications be consolidated into this investigation; and that the pending sections 408-409 applications relating to these applications also be consolidated into this investigation for determination thereof.

Besides the basic questions concerning the renewal of existing, and the grant of additional, household goods airfreight forwarder authority, two other issues are raised by the applications, both of which shall be considered in the investigation. Since several applications request gen-

[1] ACE-R. B. Van Lines, Inc.; Bader Bros., Inc.; Bekins Airvan Co.; Chicago Avenue Transfer, Inc.; Engel Bros., Inc.; Security Van Lines, Inc.; Starck Van Lines, Inc.; and B. von Paris & Sons, Inc.

[2] The Board defined the term "household goods" to mean "(1) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; and (2) furniture, fixtures, equipment, and the property of stroes, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments." 40 CAB 673, 675-676. As defined by the Interstate Commerce Commission the term household goods includes, in addition, "* * * articles, including objects of art, displays of exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods." Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, 505 (1939), and 49 CFR 176.1(a).

[3] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays, and exhibits.

[4] The Board recently terminated its rulemaking proceeding involving proposed Part 296A of the Board's economic regulations, which proposed a blanket exemption for household goods forwarders. EDR-150, dated Oct. 8, 1968. At the same time, the Board granted exemptions to seven surface household goods carriers to allow them to transport "used household goods" for the Department of Defense, and declared a moratorium on processing applications for household goods forwarder authority. Order 68-10-32, Oct. 8, 1968.

[5] The renewal application should indicate that the applicant seeks renewal of its current operating authorization pursuant to this order. The details required by §§ 296.42 and 297.32 of the Board's economic Regulations may be omitted; however, the application must be certified by a responsible official of the carrier. As provided in § 389.25(o) of the Board's organization regulations, a filing fee of $275 must accompany the application. The filing of a renewal application as authorized herein will cause the current operating authorization to remain in effect, pursuant to 5 U.S.C. 558, until a final Board determination on the application.

eral commodity as well as household goods airfreight forwarder authority, the issues in the investigation will include whether such general commodity authority should be granted, and if so, for what term; and further, whether any renewed household goods operating authorizations should encompass general commodity authority. Secondly, we shall include the issue of whether licenses should be issued to applicants who, despite their separate applications, have managerial and/or financial interlocking relationships, common ownership interests, or close operational ties based on contractual relationships. In the past we have indicated our view that a grant of more than one domestic and international airfreight forwarder operating authorization to a group of related household goods movers would be contrary to the public interest. See Orders E–22185, May 20, 1965, and E–22496, August 2, 1965. The desirability and efficacy of that policy will be considered in this investigation.

Accordingly, it is ordered, That:

1. An investigation to be known as the Household Goods Airfreight Forwarder Investigation be and it hereby is instituted in Docket 20812 to determine, inter alia, whether—

(a) The outstanding operating authorizations for airfreight forwarding of household goods and used household goods should be renewed, and if so, for what term;

(b) The Board should award additional authorizations to engage in the airfreight forwarding of household goods or used household goods;

(c) The authorizations referred to in (a) and (b) above should be restricted as to commodities;

(d) Operating authorizations should be issued to applicants having managerial and/or financial interlocking relationships, common ownership interests, or close operational ties based on contractual relationships with another applicant;

(e) The applications filed under sections 408 and 409 of the Federal Aviation Act should be approved;

2. The applications listed in the appendices A and B attached hereto be and they hereby are consolidated into the investigation instituted pursuant to this order;

3. Holders seeking renewal of their operating authorizations to engage in airfreight forwarding of household goods or used household goods which expire on July 9, 1969, shall file applications for renewal thereof within 30 days from the date of service of this order, whereupon they shall be considered parties to this proceeding;

4. This investigation shall be set down for hearing before an examiner of the Board at a time and place to be hereafter designated; and

5. Copies of this order shall be served upon the Department of Defense and the Department of Transportation, which are hereby made parties to this proceeding; this order shall also be served upon all currently authorized airfreight forwarders of new and used household goods and upon the applicants listed in the appendices attached hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

APPLICANTS SEEKING HOUSEHOLD GOODS AIR FREIGHT FORWARDER AUTHORITY

Air Movers of America, Inc.
Air Van Lines, Inc.
Allied Van Lines, Inc.
American Ensign Van Service, Inc.
American Red Ball Transit Co., Inc.
Asiatic Forwarders, Inc.
Astron Forwarding Co.
Atlas Van Lines, Inc.
Burnham Van Services, Inc.
Chicago Avenue Transfer, Inc.
City Transfer and Storage Co.
Columbia Export Packers, Inc.
Container Transport International, Inc.
Davidson Forwarding Co.
District Moving & Storage, Inc., d.b.a. District Containerized Express.
Express Forwarding and Storage Co., Inc., d.b.a. Aero Transport Division.
Federal Warehouse Co.
Fernstrom Storage and Van Co.
Four Winds Forwarding, Inc.
Garrett Forwarding Co.
General Van and Storage, Inc.
Getz Bros. & Co., Inc.
Greyhound Van Lines, Inc.
HC&D Moving and Storage Co., Inc.
Home-Pack Transport, Inc.
Imperial Household Shipping Co., Inc.
International Sea Van, Inc.
King Van Lines, Inc.
Lion Transfer and Storage Co.
Lyon Van Lines, Inc.
Merchants International, Inc.
Mollerup Freight Forwarding Co., Inc.
Monumental Security Co.
Neptune World Wide Moving, Inc.
North American Van Lines, Inc.
Railway Express Agency, Inc.
Richardson Transfer & Storage Co., Inc.
Shamrock Van Lines, Inc.
Smyth Worldwide Movers, Inc.
Starck Van Lines, Inc.
Suddath Moving & Storage Co., Inc.
Trulove Transfer & Storage, Inc., d.b.a. Trulove Air Freight.
United Van Lines, Inc.
Von Der Ahe Van Lines, Inc.
Weeks Moving and Storage Corp.
White Star Van & Storage, Inc.
Withers Van Lines of Miami, Inc.

APPENDIX B

PENDING 408–409 APPLICATIONS INVOLVING APPLICANTS FOR HOUSEHOLD GOODS FORWARDING AUTHORITY

Docket	Applicant	Section
15764	J. Elroy McCaw et al. and Smyth Worldwide Movers, Inc.	408–409
15857	C. L. Elliott and Chicago Avenue Transfer, Inc.	409
15869 [1]	Donald E. Rowe and Imperial Household Shipping Co. Inc.	408–409
15901	E. J. Starck & J. J. Starck and Starck Van Lines, Inc.	408–409
15908	Jerome D. Ullman and Federal Warehouse Co.	409
16057	Thomas G. Newman et al. and Express Forwarding & Storage Co., Inc., Container Transport International, Inc.	408–409
16061	Robert C. Cavanaugh and Monumental-Security Storage Co.	409
16096	Asiatic Forwarders, Inc., and John W. Brooke et al.	408–409
16844	Martin L. Santini et al., and Home-Pack Transport, Inc., et al.	408–409
17239	Joseph Davidson et al., and Davidson Forwarding Co., The Davidson Transfer & Storage Co.	408–409
17647	Lionel E. Weeks, Jr. et al. and Weeks Moving & Storage Corp.	409
18002	Clarence A. Garrett et al., and Garrett Forwarding Co., Garrett Freight Lines, Inc.	408–409
18612	John L. Newbold et al., and Merchants International, Inc., Merchants Transfer & Storage Co.	408–409
20201 [1]	Imperial Household Shipping Co., Inc., Donald E. Rowe et al.	408–409

[1] Application submitted in Docket 20201 to "supersede" Docket 15869.

[F.R. Doc. 69–3226; Filed, Mar. 17, 1969; 8:48 a.m.]

[Docket No. 20522; Order 69–3–47]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North Atlantic Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1969.

A complaint has been filed by the Mayor and City Council of Baltimore, the Chamber of Commerce of Baltimore, and by the Baltimore Customhouse Brokers and Forwarders Association, Air Freight International, Inc., and John S. Connor, Inc. (Baltimore parties), alleging that the transatlantic cargo rate structure, as established by agreements of the International Air Transport Association (IATA), discriminates against Baltimore/Washington and prefers New York/Boston. The Baltimore parties allege, inter alia, that the Baltimore area is subject to a rate differential over New York ranging from 17 to 26 percent with respect to selected Europen cities for traffic moving under specific commodity rates, and a general commodity rate differential of 12 to 14 percent, although the distance to Baltimore is only 4 to 6 percent farther than is New York from the European cities. It is alleged that the effect of the higher rates at Baltimore is to divert traffic from the Baltimore/Washington gateway to the John F. Kennedy Airport at New York; that the small mileage differentials to Baltimore are too insignificant to support the rate differentials between the points involved, and that there is no justification for this discrimination in rates. Complainants further point to the congestion at Kennedy Airport and contend that this would be alleviated by correction of the rate structure. In view of the foregoing, the complainants request that the Board order the discrimination removed pursuant to its powers under section 1002(f) of the Federal Aviation Act of 1958 (the Act), and that the Board rescind its outstanding approval of the IATA agreements establishing the current transatlantic air freight rate structure.

Pan American World Airways, Inc. (Pan American), and Trans World Air-

lines, Inc. (Trans World), have filed a joint answer to the complaint in which they recognize there is some merit to the complaint while not agreeing there should be common rating of Baltimore and New York as the complaint suggests. These carriers state they have sought for some time at IATA meetings to reduce the proportionately higher charges applicable to Baltimore and other cities compared with the rates at New York. The respondents refer to the next IATA cargo rate conference scheduled in April 1969 where they intend to press for a more equitable agreement for the east coast gateways and state they do not believe it would be proper or useful for the Board to institute an investigation at this time. They note that the agreement may have expired and it would be more desirable if the matter would be resolved at an IATA conference following which the Baltimore parties would have ample opportunity to present their views to the Board should they be dissatisfied with the rate structure.

Answers in opposition to the request have also been filed on behalf of foreign air carriers, one jointly on behalf of Japan Air Lines Co., Ltd., Lufthansa German Airlines, Qantas Airways Ltd., and Swissair, Swiss Air Transport Co., Ltd., and a separate answer filed by KLM Royal Dutch Airlines (KLM). Sabena Belgian World Airlines (Sabena) filed a motion to dismiss the complaint and an answer thereto has been filed by the complainants. These responses note that the foreign air carriers are not authorized to serve Baltimore, that the April 1969 IATA Cargo Conference may replace the present approved resolutions which will expire on September 30, 1969, and that accordingly it is too late to inquire into the present structure. It is also contended that it is premature to consider the future structure since it has not been formulated. In addition, the foreign carriers contend that the IATA agreements have been approved by the Board in accordance with the provisions of the bilateral agreements entered into between the United States and various foreign governments, that action by the Board in the instant matter would be inconsistent with these agreements and inconsistent with the provisions of section 1102 of the Act, requiring that the Board perform its duties consistently with obligations assumed in any agreement between the United States and any foreign country.

The Metropolitan Washington Board of Trade has petitioned to intervene in the above-entitled proceeding. The Virginia Airports Authority and the Fairfax County Industrial Authority have filed an answer to the complaint supporting the request for the institution of the investigation, and requesting that the rates to/from Washington, D.C., as served through the Dulles International Airport be included in said investigation.

Upon consideration of the complaint, and the responses thereto, and other relevant matters before the Board, the Board has concluded to initiate an investigation into the alleged discrimination against Baltimore and preference to New York with respect to rates to/from European cities. Substantially the same discrimination issues are present with respect to the rates for service to Washington, D.C., through the Dulles Airport as are present with respect to the rates for service to Baltimore/Washington, D.C., through the Friendship Airport, and the investigation of alleged discrimination will accordingly include the rates applicable to service at Dulles. In initiating this investigation the Board notes that no justification has been advanced for the disparate relationship of the rates to Baltimore/Washington vis-a-vis New York as compared with the mileage differential, and that as to European cities beyond the near gateway points the IATA rate structure generally provides a differential less than indicated by mileage, and in some instances common rates the European cities. The complainants have further alleged that they have been damaged by the rate structure and that its correction would operate to relieve congestion at the John F. Kennedy Airport at New York City. In these circumstances we find no basis to deny the request of the complainants for an investigation.

The Board has considered the various contentions of the carriers that it would be better to leave this problem to the IATA carriers, that the Board's approval of IATA rates contemplates a full 2-year period of effectiveness; and that to take action upon the complaint would not be consistent with bilateral rate agreements between the United States and other countries or with the obligations of the Board under section 1102 of the Act, and it finds no basis for dismissal of the complaint, or deferral of action thereon. While Pan American and Trans World state they will press for a more equitable rate structure at the April 1969 IATA rate conference, none of the foreign air carriers responding to the complaint suggest any disposition to modify the rate structure. KLM specifically alleges that the structure is not unjustly discriminatory, and points to its economic motivation to retain the rate differential. In these circumstances, and in light of the fact that the Board has previously indicated that the carriers should modify the differential to Baltimore, the Board will not await the results of the April cargo conference before acting upon the request for investigation.[1]

The Board does not consider that the institution of this investigation is in any way inconsistent with its policy with respect to approval of IATA agreements, or in derogation of section 1102 of the Act, or the obligations of the U.S. Government under any rate agreements with other countries. There are no limitations upon the Board's authority to review its approval of agreements under section 412 of the Act. An investigation into this matter will afford an opportunity for all interested persons to be heard upon the issues of undue preference or undue or unreasonable prejudice or disadvantage under sections 404(b) and 1002(f) of the Act as well as upon the public interest and lawfulness issues under sections 412 and 414 of the Act, and for the Board to make appropriate findings and conclusions thereon. The Board's action herein is, of course, without prejudice to the opportunity for any party to the investigation to take a position as to the manner in which the Board should implement any conclusions drawn in the investigation. Neither will our action at this time prejudice this Government, or the rights of any other government, to request discussions or discuss rate matters involved herein, should such discussions be indicated. Such matters, however, appear premature at this time.

We will name as parties to the investigation all IATA air carriers and foreign air carriers who provide cargo service on the North Atlantic between European points on the one hand and both New York and Baltimore and/or Washington, D.C., on the other, whether by direct single carrier service, or through participation in through service pursuant to joint rates. United States carriers participating in such through service only on domestic segments are also made parties hereto.

The scope of the investigation will include the question of whether the relationship of the North Atlantic air cargo rates of the named parties between European points and New York City to the air cargo rates between European points and Baltimore or Washington, D.C., gives rise to undue preference to New York or undue prejudice to Baltimore, and if so what action should the Board take to remove such preference and prejudice. There will be excluded therefrom issues as to the lawfulness of the general rate level of either the general commodity or the specific commodity rates (except to the extent the level bears upon the discrimination issue) as well as the relationship of rates as among the different weight breaks between the same points. The issues will further include the question of whether the IATA resolutions establishing such rate structure are in the public interest or in violation of the Act, and if so, what order or conditions should the Board enter with respect to the IATA resolutions under section 412 of the Act.[2]

[1] If new cargo rate resolutions are submitted to the Board prior to the completion of the investigation initiated herein the Board will, of course, consider them on the basis of matters then before it, and does not consider that it will be bound to continue approval of a structure containing the rate relationships under investigation, as well as similar relationships involving other U.S. international gateway points.

[2] While no IATA resolution by its terms precludes an IATA carrier from establishing specific commodity rates to Baltimore, under IATA rate making machinery a carrier proposal for a specific commodity rate to Baltimore could be vetoed by the action of any one carrier and there are in fact no such rates in effect. The section 412 issues will therefore include the subissue of whether IATA resolutions should be conditioned so that they could not restrict the freedom of any carrier under IATA to establish a specific commodity rate at Baltimore or Washington, D.C., under the same terms and rates applicable by any IATA carrier at New York.

Accordingly, pursuant to the provisions of the Federal Aviation Act, and particularly sections 204, 404(b), 412, 414, and 1002(f) thereof,

It is ordered, That:

1. An investigation is hereby instituted as to the relationship of the North Atlantic air cargo rates, or charges, whether joint or local rates or charges, and any revisions thereof, of the named IATA carriers between European points served by them, on one hand, and New York, N.Y., on the other hand, vis-a-vis the air cargo rates and charges of such carriers, whether joint or local rates or charges, between such European points on the one hand and Baltimore, Md., and/or Washington, D.C., on the other hand, to determine whether such rates or charges or the relationship of such rates or charges causes any undue or unreasonable preference or advantage to any person, port, locality, or description of traffic, or subjects any person, port, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage, and if such rates or charges, or the relationship of such rates or charges is found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such rates or charges should be altered, or what order should be made to the air carriers and foreign carriers to remove such discrimination, preference, or prejudice.

2. The investigation herein will include the issue as to whether resolutions of the International Air Transport Association which establish or provide for the establishment of rates and charges described in ordering paragraph 1, above, are adverse to the public interest or in violation of the Federal Aviation Act of 1958.

3. Copies of this order shall be served upon the following which are hereby made parties to this proceeding:

The Mayor and City Council of Baltimore, Md.
The Chamber of Commerce of Baltimore, Md.
Baltimore Customhouse Brokers and Forwarders Association.
Air Freight International, Inc.
John S. Connor, Inc.
Metropolitan Washington Board of Trade.
Virginia Airports Authority.
Fairfax County Industrial Authority.
Aerlinte Eireann Teoranta.
Air-India.
Alitalia—Linee Aeree Italiane—S.p.A.
Allegheny Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
British Overseas Airways Corp.
British West Indian Airways, Ltd.
Compagnie Nationale Air France.
Delta Air Lines, Inc.
Deutsche Lufthansa Aktiengesellschaft (also operating as Lufthansa Airlines).
Eastern Air Lines, Inc.
El Al Israel Airlines, Ltd.
Iberia Lineas Aereas de Espana, S.A.
Japan Air Lines Co., Ltd.
K.L.M. Royal Dutch Airlines.
National Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc. (also operating as Northwest Orient Airlines).
Olympic Airways, S.A.
Pan American World Airways, Inc.
Piedmont Aviation, Inc.
Quantas Airways Ltd.
Scandinavian Airlines System.
Seaboard World Airlines, Inc.
Societe Anonyme Belge D'Exploitation de la Navigation Aerienne (Sabena) (also operating as Sabena Belgian World Airlines).
Southern Airways, Inc.
Swissair, Swiss Air Transport Co., Ltd.
Transportes Aereos Portugueses, S.A.R.L.
Trans World Airlines, Inc.
United Air Lines, Inc.

4. The motion of Sabena Belgian World Airlines to dismiss, or in the alternative, that it be permitted to file an answer, is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 69-3227; Filed, Mar. 17, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18401, 18402; FCC 69R-118]

KBLI, INC. (KTLE) AND EASTERN IDAHO TELEVISION CORP.

Memorandum Opinion and Order Enlarging Issues

In re applications of KBLI, Inc. (KTLE) Pocatello, Idaho, Docket No. 18401, File No. BRCT-485, for renewal of broadcast license; Eastern Idaho Television Corp., Pocatello, Idaho, Docket No. 18402, File No. BPCT-4156, for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive applications of KBLI, Inc. (KBLI), for renewal of its license of Station KTLE, Pocatello, Idaho and of Eastern Idaho Television Corp. (Idaho), for authorization to construct a new television broadcast station to operate on Channel 6 at Pocatello. It was designated for hearing by Order, FCC 68-1187, 15 FCC 2d 709, released December 20, 1968. Presently before the Review Board is a petition to enlarge issues, filed January 13, 1969, by Idaho,[1] requesting the addition of requisite and comparative qualifications issues against KBLI, and a comparative coverage issue.

2. The petitioner premises its request for requisite and comparative qualifications issues on the Commission's Findings of Fact and Conclusions of Law in Television Company of America, Inc., 1 FCC 2d 91, 5 RR 2d 811 (1965).[2] In that case, the Commission denied an application for renewal of license of television Station KSHO-TV, Las Vegas, Nev., based, in part, on the finding that KBLI, through Howard Johnson, its president and controlling stockholder, had assumed control of KSHO-TV in violation of section 310(b) of the Communications Act and had engaged in multiple acts of misrepresentation and concealment in its dealings with the Commission. The Broadcast Bureau, in its comments opposing the petitioner's request for a requisite qualifications issue, points to the fact that subsequent to the KSHO-TV litigation the licenses of the broadcast stations of KBLI were renewed, including the license of KTLE, which is the station involved in KBLI's present application for renewal.[3] Therefore, it is the Bureau's position that the Commission has already considered and ruled upon the question of the possible disqualification of KBLI to be a broadcast licensee.

3. The Review Board agrees with the Broadcast Bureau that the action of the Commission in granting KBLI's applications for renewal following the KSHO-TV litigation constitutes a determination that KBLI has the requisite qualifications to be a broadcast licensee and is dispositive of Idaho's request for a requisite qualifications issue.[4] However, the findings of Television Company of America, Inc., supra, raise questions which could bear on the comparative qualifications of KBLI. In its Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965), the Commission noted that demerits on an issue of character may be appropriate in a comparative proceeding, such as the instant one, in which disqualification is not warranted, and stated that petitions for comparative character issues will be entertained. We believe that the conduct of KBLI revealed in the KSHO-TV proceeding and recounted in Idaho's petition, warrants such a comparative character issue, and one will be added.

4. In support of its request for a comparative coverage issue, Idaho submits an engineering statement which shows that petitioner would provide Grade A service to 4,656 square miles with a population of 100,559, compared to KTLE's Grade A contour of 3,573 square miles with a population of 78,559. It would provide Grade B service to an area of 15,351 square miles with a population of 189,190, compared to KTLE's Grade B area of 12,948 square miles with a population of 182,035. In addition, Idaho's engineering affidavit contains an allegation that its proposal involves service to areas not otherwise adequately served, i.e., Idaho's proposal would bring a first Grade B service to an area of 1,457 square miles, and a second Grade B service to an area of 1,633 square miles, whereas KTLE provides such services to areas of 634 and 1,252 square miles, respectively. The

[1] Also before the Review Board are comments, filed Feb. 4, 1969, by the Broadcast Bureau.

[2] Reconsideration denied, 2 FCC 2d 31, 6 RR 2d 506 (1965); affirmed, sub. nom. Wallerstein, Receiver of Television Company of America, Inc. v. FCC, Case No. 19, 904, 7 RR 2d 2151 (U.S. App. D.C.); rehearing denied, Aug. 15, 1966; cert. denied, Feb. 13, 1967.

[3] Action on the renewal applications was held in abeyance pending the final outcome of the KSHO-TV proceeding.

[4] Cf. Azalea Corporation, FCC 67R-536, 11 FCC 2d 86; Sioux Empire Broadcasting Co., 8 FCC 2d 605, 10 RR 2d 483 (1967), review denied FCC 67-1013, released Sept. 13, 1967.

unchallenged showing of the petitioner demonstrates that there are substantial coverage differences between the two proposals involved in this proceeding, and Idaho will be permitted to adduce evidence of coverage under the general comparative issue.[5]

5. *Accordingly, it is ordered*, That the petition to enlarge issues, filed January 13, 1969, by Eastern Idaho Television Corp., is granted to the extent indicated herein and is denied in all other respects; and

6. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the facts found by the Commission in Television Company of America, Inc., 1 FCC 2d 91, 5 RR 2d 81 (1965), involving KSHO–TV's renewal, reflect adversely upon the comparative qualifications of KBLI, Inc. to be a broadcast licensee; and

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added herein will be on Eastern Idaho Television Corp. and that the burden of proof will be on KBLI, Inc.

Adopted: March 10, 1969.

Released: March 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–3219; Filed, Mar. 17, 1969; 8:48 a.m.]

[Docket No. 18376; FCC 69R–121]

WATR, INC. (WATR–TV)

Memorandum Opinion and Order Enlarging Issues

In re applications of WATR, Inc. (WATR–TV), Waterbury, Conn., Docket No. 18376, File No. BPCT–3888, for construction permit to change facilities of existing television broadcast station.

1. This proceeding involves the application of WATR, Inc. (WATR), licensee of television broadcast Station WATR–TV, Waterbury, Conn., for a construction permit to make changes in its existing facilities. WATR seeks authority to move the WATR–TV transmitter site from a point located 0.2 mile from Waterbury to a location about 8 miles southeast of the present site; to increase the height of the antenna above average terrain from 510 feet to 1,240 feet; and to increase visual effective radiated power from 200 kw to 792.5 kw. By Memorandum Opinion and Order, 15 FCC 2d 103, 14 RR 2d 714, released November 13, 1968, the Commission designated the application for hearing on various issues, including a determination of whether the WATR proposal will comply with the provisions of § 73.685(a) of the Commission's rules (Issue 1) and whether grant of the proposal will have an adverse effect upon the development of UHF channel 59 in New Haven, Conn. (Issue 4). The burden of proceeding with the introduction of evidence and the burden of proof with respect to these issues were placed upon the parties respondent, Connecticut Television, Inc., licensee of Station WHNB–TV, New Britain, Conn. (Contel), and Impart Systems, Inc., permittee of Station WTVU, New Haven (Impart). Presently before the Review Board is a petition to enlarge and modify issues, filed December 4, 1968, by Contel and Impart.[1] Petitioners seek the addition of § 73.685(b) and alternate site issues to this proceeding and request that the Review Board reallocate the burden of proof with respect to the already specified § 73.685(a) issue to the applicant.

SECTION 73.685(b) ISSUE

2. Petitioners assert that, apparently through oversight, the Commission failed to include in its designation order an inquiry into the applicant's compliance with § 73.685(b) of the rules, which admonishes that antenna location should be so chosen as to provide line-of-sight coverage of the principal community to be served. Petitioners note that their predesignation filings in this proceeding dealt with the line-of-sight coverage question, and that the Commission acknowledged these predesignation requests for a § 73.685(b) issue at paragraph 5 of its designation order.[2] According to Contel and Impart, the undisputed facts show that WATR, from its proposed site, would fail to provide line-of-sight transmission to approximately 60 percent of the city of Waterbury, whereas only 17.6 percent of Waterbury is presently so disadvantaged. An engineering statement is attached to the instant request in support of these assertions. Petitioners further contend that past precedent on the subject leads to the conclusion that failure to provide line-of-sight coverage to the principal community requires an independent issue, regardless of whether the effect of that failure is to reduce the signal over the community to a value below the minimum specified in § 73.685(a), citing United Television Company of New Hampshire (WMUR–TV); FCC 61–685, 21 RR 685 (1961); Central Coast Television (KCOY–TV), 2 FCC 2d 306, 6 RR 2d 719 (1966). Finally, it is submitted that the burden of proof as to the requested § 73.685(b) issue should be placed on WATR for the very same reasons that prompted petitioners to include a request in the instant pleading for reallocation of the burden of proof in regard to the already specified § 73.685(a) issue.[3]

3. In opposition, WATR contends that the Commission fully considered petitioners' showings in regard to their predesignation requests for a "shadowing" issue and concluded that a section 73.685(b) issue is unnecessary in this proceeding. Under these alleged circumstances, it is WATR's contention that petitioners' objections should be addressed to the Commission in the form of a petition for reconsideration rather than to the Board in the form of a petition to enlarge issues. WATR asserts that petitioners' reliance on the Central Coast case is misplaced since in that case there was a question concerning the extent of shadowing, and since the Commission has made clear in analogous proceedings that the lack of line-of-sight transmission is of no consequence where a city-grade signal would be received, citing Alvarado Television Co., Inc. (KVOA–TV), FCC 60D–109, 20 RR 882 (1960); United Television Company of New Hampshire (WMUR–TV), FCC 61D–181, 22 RR 852 (1961). According to the applicant, the Commission properly concluded that a § 73.685(b) issue was immaterial here since the essential question to be resolved is whether the applicant will provide city-grade service to Waterbury from the proposed transmitter site.

4. As noted by the Broadcast Bureau in its comments on the instant request, it appears that the omission of a § 73.685(b) issue in the designation order was an oversight. The predesignation filings in this proceeding challenged the WATR proposal in regard to its compliance with both § 73.685(a) and § 73.685(b) of the rules. In fact, the designation order, itself, at paragraphs 5 and 7, notes these challenges and recites the allegations in support of the claims that the WATR proposal will not place a minimum signal of 80 dbu over Waterbury and that, from the proposed site, there will be severe shadowing. Footnote 2 of the designation order, after a reference to the provision of § 73.685 for the minimum field intensity to be provided to the principal community, quotes, in its entirety, § 73.685(b) of the rules. In addition, paragraph 15 indicates that an appropriate issue is required to permit the parties an opportunity to make offers of proof based upon alternative methods of calculating shadow losses. Since the issue of city-grade service is already designated in this proceeding and since the Commission has considered the allega-

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[5] As pointed out by the Broadcast Bureau, in its comments, the Commission has held that its Policy Statement on Comparative Broadcast Hearings, supra, should govern the introduction of evidence in proceedings wherein a renewal application is contested (Seven (7) League Productions, Inc., 1 FCC 2d 1597 (1965)), and that no special issue is required to adduce evidence of comparative coverage (Harriscope, Inc., FCC 65–1165, 2 FCC 2d 223).

[6] Board Member Nelson absent.

[1] Also before the Review Board are: (a) Opposition of WATR, filed Dec. 13, 1968; (b) Broadcast Bureau's comments, filed Jan. 6, 1969; and (c) reply, filed Jan. 16, 1969, by Contel and Impart. On Dec. 13, 1968, WATR also filed a motion to expedite consideration of the petition to enlarge and modify issues which will be dismissed in light of the Board's consideration of the Contel and Impart requests herein.

[2] In footnote 2 of its designation order, the Commission quotes § 73.685(b) in its entirety. Petitioners also refer to an allegedly noncontextual reference to § 73.685(b) in paragraph 7 of the designation order.

[3] These assertions concerning the allocation of the burden of proof with respect to the requested issue (§ 73.685(b)) and the already designated issue (§ 73.685(a)) are considered at paragraphs 9 and 10, infra.

tions of shadowing and has determined that the parties must be given an opportunity to be heard in the evidentiary hearing, the Board is of the view that the failure to specify a § 73.685(b) issue was merely an inadvertent omission which should be corrected. See Atlantic Broadcasting Company, 4 FCC 2d 943, 8 RR 2d 599 (1966). Moreover, past precedent supports the inclusion of the issue in addition to, and independent of, an inquiry into city-grade service (see Central Coast Television (KCOY–TV), supra; WSTE–TV, Inc. (WSTE), FCC 69R–72, released February 11, 1969). The § 73.685(b) issue will be added to permit resolution of the shadowing question.[4]

ALTERNATE SITE ISSUE

5. Petitioners contend that the applicant's expressed rationale for the proposed changes in WATR–TV's facilities, i.e., improved facilities are important to the station's continued viability, assumes that an alternate site is not available. Contel and Impart, however, contest this alleged assumption and assert that the applicant could improve its facilities at another site without a loss of service to Waterbury, without a de facto channel reallocation to New Haven and with substantial gains in area and population served, which would contribute to the station's viability. Basing their contentions on the engineering statement attached to the instant petition, Contel and Impart stress that such an alternate site is the existing WATR–TV site, 0.2 mile from Waterbury. It is alleged that, if WATR were to operate with its antenna at higher elevation at the present site with the effective radiated power proposed, it would provide a greater line-of-sight transmission to Waterbury and would increase the populations served within its predicted Grade A and B contours; or that, if WATR were to use greater power with its present antenna system, it would increase overall coverage and improve the signal strength to areas presently served. With reference to the assumption of WATR's operation at 1,549 feet AMSL at its present site, petitioners rely on an affidavit of an aeronautical consultant, who states that favorable approval for this antenna height at the present site could be obtained from the Federal Aviation Administration. Petitioners argue that, on the basis of this prima facie showing, addition of the requested alternate site issue is warranted, citing WLCY–TV, Inc., 6 FCC 2d 213, 8 RR 2d 1333 (1966).[5]

6. WATR, in opposition, claims that petitioners' request for an alternate site issue suffers from the same fatal defect as the request for a § 73.685(b) issue, i.e., the question was raised in predesignation filings and petitioners have failed to allege that their contentions were not considered by the Commission. WATR also claims that petitioners have not made a prima facie showing that a suitable alternate site is available; the applicant notes that the calculations regarding the gains in area and population allegedly possible from improvement of WATR's facilities at its present site are based upon predicted contours and do not take into account terrain features. WATR argues that petitioners cannot rely upon terrain features in attempting to establish WATR's failure to provide city-grade service and, simultaneously, ignore terrain in attempting to establish that WATR can make the desired improvement in facilities from its present site. It is noted that, if WATR's predicted contours actually defined the extent of the station's service, there would be no need for the proposed changes since New Haven County is presently within the predicted Grade A contour of the station. The Broadcast Bureau, also in opposition, points out that the Commission has not required evidentiary showings on hypothetical alternative sites or other facets of a technical proposal unless the proposal was found to be inherently deficient, citing WKYR, Inc., FCC 63–893, 1 RR 2d 314 (1963); that the Commission has found no inherent deficiency, such as short-spacing, here; and that the claim of WATR's noncompliance with section 73.685(a) is in dispute.

7. Petitioners reply that, since there was no reference in the designation order to their alternate site allegations, the Review Board may properly consider the question on the merits, citing Atlantic Broadcasting Co., supra; that they have alleged sufficient facts to warrant addition of the alternate site issue; and that there is no inconsistency in their reliance upon sophisticated engineering analyses to calculate the limiting effects of terrain upon signal propagation for purposes of determining compliance with technical standards while not relying upon similar analyses in calculating overall populations served or to be served. Contel and Impart contend that the WATR proposal does contain inherent deficiencies in its failure to comply with section 73.685(b) and in its potential failure to comply with section 73.685(a). Finally, petitioners assert that the fact that prior Commission precedent involved considerations of short-spacing should not call for a different result here.

8. In implementing the Commission's television allocation plan,[6] § 73.610 of the rules provides that applications for new television broadcast stations or for changes in transmitter sites of existing stations will not be accepted for filing if they failed to comply with the television allocation plan (the minimum mileage separations set forth in the rule). In the cases cited by petitioners to support their request for an alternate site issue,[7] such an issue was specified because the technical proposals did not comply with minimum mileage separations and involved the short-spacing of television broadcast facilities. In this proceeding, there is no question of noncompliance with the Commission's allocation plan, and issues requiring determinations as to other alleged, but less serious, deficiencies in the technical proposal have been or will be designated for hearing. These issues (§ 73.685 (a) and (b)) are sufficient to reach a final determination, subsequent to the adduction and evaluation of evidence, as to whether a grant of the WATR proposal at the proposed location would be in the public interest, especially since the proposal complies with the Commission's allocation plan. In light of existing Commission precedent and of petitioners' showing herein, it would be inappropriate to order WATR to hearing on an issue as to an alternative site for which it has not applied. The Commission has thoroughly discussed the hazards and burdens involved in allowing applications for changed facilities to be measured against possible alternatives in WKYR, Inc., supra.[8] In the circumstances present here, which differ from those in cases involving proposals contrary to the Commission's allocation plan, an alternative proposal which did not provide a service substantially similar to that proposed by WATR would not be relevant to the ultimate determination required in this proceeding. In this connection, the Board notes that, according to petitioners' engineering tabulations, WATR's proposed operation will encompass within its Grade A contour at least 450,000 more persons, and within its Grade B contour at least 1,280,000 more persons, than would be encompassed within such contours if WATR remained at its present site with increased antenna height (1,549 ft.). Even greater differences exist if the other alternatives suggested by the petitioners are utilized. In addition, the contour maps included in petitioners' pleading establish that the areas served by WATR's proposal and those served by petitioners' alternate proposals are not substantially similar. Further, the Board is asked to assume zoning approval of a higher antenna at the existing WATR

[4] The issue is being added in spite of WATR's apparent concession that, from the proposed new site, the station would not provide line-of-sight transmission to 60 percent of the city of Waterbury. A resolution of the question of the extent of shadowing is necessary to permit its consideration here, especially in light of recent precedent where failure to provide line-of-sight service to a principal community assumed decisional significance. See Central Coast Television (KCOY–TV), FCC 68R–446, 14 RR 2d 575 (1968).

[5] Reconsidered for the purpose of clarifying the parties' burden of proof, 6 FCC 2d 550, 9 RR 2d 142 (1967).

[6] Logansport Broadcasting Corp. v. United States, 210 F. 2d 24 (D.C. Cir. 1954), 10 RR 2008.

[7] WLCY–TV, Inc., supra; WTCN Television, Inc. (WTCN–TV), 1 FCC 2d 337, 5 RR 2d 572 (1965); 14 FCC 2d 870, 14 RR 2d 485 (1968).

[8] The WKYR case is only one of the many proceedings in which the Commission has recognized that the introduction of a standard which requires a comparison of hypothetical alternatives would impose a burden of impossible magnitude upon its processes. See also John Poole Broadcasting Co. (KBIG), 9 RR 1018 (1953); Sanford A. Schafitz, FCC 58–413, 14 RR 852 (1958); Television Broadcasters, Inc., FCC 65–15, 4 RR 2d 119 (1965); TLB, Inc. (WTCN–TV), FCC 65–103, 4 RR 2d 508 (1965); Selma Television, Inc. (WSLA–TV), FCC 65–216, 4 RR 2d 714 (1965).

site. In evaluating the petitioners' total showing, therefore, the Board can only conclude that petitioners have failed to present a prima facie showing sufficient to warrant addition of the requested issue on hypothetical alternative sites. If the Board is imposing a heavy burden upon petitioners in this regard, as they suggest, such a procedure is justified here since an easier burden could only result in the future examination of every television application to determine whether superior coverage might be achieved from another site or with a higher antenna and/or more power at the existing site. Every alleged and conceded violation of the Commission's technical requirements could conceivably result in such an examination. WKYR, Inc., supra. We decline to complicate further an already involved proceeding on the basis of the petitioners' showing, and, accordingly, the request for an alternate site issue will be denied.

BURDEN OF PROOF

9. The designation order specified that the respondents, Contel and Impart, would assume the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1, which would inquire into whether WATR'S proposal would place an 80 dbu signal over the entire principal community to be served, as required by § 73.685(a). Petitioners now request that the burden of proof on Issue 1, as well as on the requested § 73.685(b) issue be placed on the applicant. In support thereof, petitioners contend that the Commission's action herein represents an abrupt departure from established precedent and that, since these issues of city-grade coverage and line-of-sight transmission relate to the basic technical qualifications of WATR, the applicant should have the burden of showing compliance with the Commission's rules (or, presumably, the need for waiver thereof).[9] In opposition, WATR contends that petitioners' request is nothing more than a plea for reconsideration of the designation order; that petitioners have presented no facts which were not before the Commission at the time of designation and have not claimed that the Commission failed to consider the matter fully; and that the Commission's allocation of the burden of proof was consistent with earlier cases in which the Commission held that parties making particular charges should have the burden of establishing their validity. The Broadcast Bureau also opposes the request and asserts that the allocation of burdens was proper since Issue 1 was added on the basis of petitioners' showing of alternative methods of calculation. In similar vein, the Bureau urges that the burdens of proceeding and proof on the § 73.685(b) issue should also be placed on the petitioners.

10. Since there was no discussion in the designation order, itself, concerning the allocation of the burdens of proceeding and proof on Issue 1, the Board will consider the matter on its merits. Atlantic Broadcasting Co., supra. Even though the petitioners were the protagonists here in urging the Commission and the Board to include § 73.685 (a) and (b) issues in this proceeding, these inquiries ultimately involve the question of the applicant's technical qualifications. In such circumstances, the applicant should bear the ultimate burden of proof to demonstrate whether or not its proposal complies with said provisions. Where the same issues have been specified in the past, at the insistence of objecting parties, the Commission has charged the applicant who seeks relief, such as a change in existing facilities, with the duty of demonstrating its technical qualifications or the need for waiver of the Commission's requirements concerning said qualifications. Central Coast Television (KCOY–TV), 2 FCC 2d 306, 6 RR 2d 719 (1966); cf. American Colonial Broadcasting Corp., FCC 64–354, 2 RR 2d 384 (1964). A similar course seems appropriate here, especially in light of the petitioners' assumption of the burden of proceeding with the introduction of evidence concerning their showing of alternative methods of calculation. Therefore, the burden of proof with respect to Issue 1 and to the issue designated herein (§ 73.685(b)) will be placed on the applicant.

11. *Accordingly, it is ordered,* That the petition to enlarge and modify issues, filed December 4, 1968, by Connecticut Television, Inc., and Impart Systems, Inc., is granted to the extent indicated below and is denied in all other respects; and

12. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether a grant of the application would be consistent with § 73.685(b) of the Commission's rules with respect to shadowing in, and line-of-sight to, Waterbury, Conn., and, if not, whether circumstances exist which would warrant a waiver of the rule.

13. *It is further ordered,* That the allocation of the burden of proof under Issue 1 in this proceeding is modified to show that said burden is placed upon the applicant herein; and

14. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein will be upon the parties respondent, and the burden of proof thereunder will be upon the applicant; and

15. *It is further ordered,* That the motion to expedite consideration, filed December 13, 1968, by WATR, Inc., is dismissed.

Adopted: March 11, 1969.

Released: March 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-3220; Filed, Mar. 17, 1969; 8:48 a.m.]

[9] Petitioners, as noted in their reply pleading, have accepted the burden of proceeding as to Issue 1, without prejudice to their position that the burden of proof should be placed on WATR. Petitioners are apparently willing to accept the burden of proceeding as to the § 73.685(b) issue since their request herein deals only with the burden of proof.

[10] Board Member Nelson not participating.

FEDERAL MARITIME COMMISSION

BORDAS LINES, INC., AND SEA-LAND SERVICE, INC.

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 20 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:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9788, between Bordas Lines, Inc., and Sea-Land Service, Inc., covers and is restricted to the movement of cargo on through bills of lading from ports of Colombia, South America to U.S. Atlantic coast ports with transshipment at San Juan, P.R. in accordance with the terms and conditions set forth in the Agreement.

By order of the Federal Maritime Commission.

Dated: March 13, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3236; Filed, Mar. 17, 1969; 8:49 a.m.]

RETLA STEAMSHIP CO. ET AL.

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 20 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.

Retla Steamship Co., Evans Products Co., and Star Bulk Shipping Co. A/S.

Notice of agreement filed for approval by:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. 9785, between Retla Steamship Co. (Retla), Evans Products Co. (Evans), and Star Bulk Shipping Co. (Star), self-styled common carriers in the trade "from Japan to United States West Coast ports" is a rate making arrangement between the three subject to the limitations set forth in approved Agreement No. 9549, between Retla and Evans, and Agreement No. 9784, between Retla and Star (filed but not as yet approved). Pertinently, Agreement No. 9549 permits Retla, as agent of Evans, to establish its own and Evans' rates unilaterally, or jointly with Evans, in a wide range of trans-Pacific trades including that from Japan to the Pacific coast of the United States (the trade). Whenever such powers are exercised by Retla, or Retla and Evans, pursuant to Agreement No. 9549, with respect to the trade, Agreement No. 9785 would permit Star to participate in the rate making process which "* * * when so agreed * * * shall be the rates for all the parties."

Dated: March 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3237; Filed, Mar. 17, 1969; 8:49 a.m.]

RETLA STEAMSHIP CO. AND STAR BULK STEAMSHIP CO. A/S

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have 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 office 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 20 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:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. 9784, between Retla Steamship Co. (Retla) and Star Bulk Shipping Co. (Star), self described as common carriers of "steel, plywood and general cargoes from Japan" to west coast ports of the United States is a combination agency-sailing-rate making arrangement between the two lines. Pertinently, Star appoints Retla as its general agent in Japan to perform solicitation, booking, and vessel operating services; Star appoints Retla's subsidiary, Aradne Agencies, as its husbanding agent in Los Angeles and Long Beach; because Retla also operates in the same trade, Retla agrees "to use its best efforts to coordinate the schedules" of Star's and Retla's ships in order to achieve maximum utilization of all vessels in the trade from Japan to Pacific coast ports of the United States; Star and Retla may agree upon and establish the rates, rules and regulations pertaining to the handling and carriage of cargoes to be reflected in separate or joint tariffs.

By order of the Federal Maritime Commission.

Dated: March 13, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3238; Filed, Mar. 17, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

SMALL BUSINESS ASSISTANCE CORP.

Notice of Surrender of License

Notice is given hereby that Small Business Assistance Corp., New York, N.Y., has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), requested the surrender of its license to operate as a small business investment company (License No. 02/02-0066). The licensee was incorporated on March 22, 1961, under the laws of the State of New York, and licensed by the Small Business Administration on April 26, 1961, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Small Business Assistance Corp. will be accepted, and Small Business Assistance Corp., accordingly, will no longer be licensed to operate as a small business investment company.

Dated: March 10, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-3233; Filed, Mar. 17, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5236, etc.]

CABOT CORP.

Notice of Petitions To Amend Orders Issuing Certificates of Public Convenience and Necessity

MARCH 10, 1969.

Take notice that on May 16, 1960, Cabot Corp., 125 High Street, Boston, Mass. 02110, filed in Docket No. G-5715 a petition to amend the order issued pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the sale of natural gas from additional acreage, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Take further notice that on September 19, 1960, Cabot Corp. filed in Docket No. G-5236 et al., a petition to amend the orders issuing certificates of Public convenience and necessity in said dockets to Godfrey L. Cabot, Inc., Cabot Carbon Co., and Cabot Gasoline Corp., by authorizing Cabot Corp. to continue the sales of natural gas authorized in said dockets, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection. The petition states that by agreement of July 21, 1960, Cabot Corp. merged Godfrey L. Cabot, Inc., Cabot Carbon Co., and Cabot Gasoline Corp. effective September 30, 1960.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.10 or 1.8) on or before April 3, 1969.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-8236 E 9-19-60	Cabot Corp. (GLC) (successor to Godfrey L. Cabot, Inc.).	Consolidated Gas Supply Corp., acreage in Calhoun County, W. Va.	20.0	15.325
		Consolidated Gas Supply Corp., acreage in Kanawha County, W. Va.	[1] 25.08	15.325
		Consolidated Gas Supply Corp., acreage in Roane and Calhoun Counties, W. Va.	25.0	15.325
		Consolidated Gas Supply Corp., acreage in Kanawha and Boone Counties, W. Va.	20.0	15.325
		Consolidated Gas Supply Corp., Center District, Wyoming County, W. Va.	19.0	15.325
		Consolidated Gas Supply Corp., Browns Creek District, McDowell County, W. Va.	[2] 21.91	15.325
		Atlantic Seaboard Corp., Slab Fork District, Raleigh County, W. Va.	20.0	15.325
		United Fuel Gas Co., acreage in Wyoming County, W. Va.	{ [3] 24.5 [4] 25.5 }	15.325
		United Fuel Gas Co., Cabin Creek District, Kanawha County, W. Va.	18.0	15.325
		The Sylvania Corp., Benezette Township, Elk County, Pa.	25.0	15.325
G-5715 E 9-19-60 5-25-60 [5]	Cabot Corp. (SW) (successor to Cabot Carbon Co.).	Panhandle Eastern Pipe Line Co., acreage in Hutchinson County, Tex.	7.063	14.65
	do	Northern Natural Gas Co., Guymon Hugoton Field, Texas County, Okla.	15.0	14.65
		Northern Natural Gas Co., acreage in Gray and Carson Counties, Tex.	[6]	
		El Paso Natural Gas Co., Yarbrough-Allen Field, Ector County, Tex.	6.56	14.65
		El Paso Natural Gas Co., Denton Plant, Lea County, N. Mex.	[7] 17.0	14.65
		MAPCO Production Co., acreage in Texas County, Okla.	8.26	14.65
		Phillips Petroleum Co., acreage in Texas County, Okla.	9.8362	14.65
G-6825 E 9-19-60 C 4-15-63	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Texas County, Okla.	[8] 16.0	14.65
G-8483 E 9-19-60	do	Panhandle Eastern Pipe Line Co., Hugoton Field, Seward County, Kans.	[9] 12.0	14.65
G-10673 G-12643 G-12960 E 9-19-60	Cabot Corp. (SW) (Operator) et al. (successor to Cabot Carbon Co. (Operator) et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	[10] 15.0	14.65
G-10976 E 9-19-60	Cabot Corp. (SW) (successor to Cabot Carbon Co.).	Panhandle Eastern Pipe Line Co., Morrow Field, Seward County, Kans.	16.0	14.65
G-11221 E 9-19-60	do	Natural Gas Pipeline Co. of America, Camrick Southeast Pool, Beaver County, Okla.	[11] 16.8	14.65
G-11517 E 9-19-60	do	Panhandle Eastern Pipe Line Co., Camrick-Morrow Field, Texas County, Okla.	16.0	14.65
G-11584 E 9-19-60	Pan American Petroleum Corp. (Operator). [12]	Northern Natural Gas Co., Prentice Gasoline Plant, Yoakum County, Tex.	[13] 13.0504	14.65
G-11659 E 9-19-60	Cabot Corp. (SW) (successor to Cabot Carbon Co.).	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	15.5	14.65
G-13763 E 9-19-60	Cabot Corp. (GLC) (successor to Godfrey L. Cabot, Inc.).	Consolidated Gas Supply Corp., Houston Township, Clearfield County, Pa.	27.5	15.325
G-14363 E 9-19-60	Cabot Corp. (SW) (successor to Cabot Carbon Co.).	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	15.0	14.65
G-14747 E 9-19-60	do	Northern Natural Gas Co., acreage in Hansford and Ochiltree Counties, Tex., and Beaver County, Okla.	16.5	14.65
G-15191 E 9-19-60	do	Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Tex.	16.0	14.65
G-15221 E 9-19-60	Cabot Corp. (GLC) (successor to Godfrey L. Cabot, Inc.).	Consolidated Gas Supply Corp., Houston Township, Clearfield County, Pa.	27.5	15.325
G-18118 [14] E 9-19-60	do	Gas Transport, Inc., acreage in Wood and Jackson Counties, W. Va.	29.7	15.325
G-19528 E 9-19-60	Cabot Corp. (SW) (successor to Cabot Carbon Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[15] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] Rate in effect subject to refund in Docket No. G-11626.
[2] Gas Exchange Agreement rate for gas delivered to Consolidated. If Consolidated delivers excess gas to Cabot, Cabot pays 19.91 cents per Mcf to Consolidated.
[3] Summer Gas (to be redelivered to United).
[4] Winter Gas.
[5] Amendment filed to change depth limitation for acreage underlying sec. 11, T. 3 M., R. 16 ECM., from the base of the Chase Group to the Pennsylvanian Formation.
[6] No price involved. Gas Exchange Agreement on Mcf for Mcf basis.
[7] Rate in effect subject to refund in Docket No. RI60-27; also subject to proceedings in Dockets Nos. G-18842 and G-14266.
[8] Rate in effect subject to refund in Docket No. G-17153.
[9] Rate in effect subject to refund in Docket No. RI60-318.
[10] Subject to upward B.t.u. adjustment.
[11] Rate in effect subject to refund in Docket No. RI60-328; also subject to proceedings in Dockets Nos. G-18415, G-14332, and G-12530.
[12] Application filed by Cabot Corp. (SW) to succeed to the properties of Cabot Carbon Co., one of the "et al" parties under the certificate issued in Docket No. G-11564.
[13] Includes 2-cents per Mcf compression charge and 0.0504 cent per Mcf tax reimbursement; rate in effect subject to refund in Docket No. G-17069.
[14] Pending—no permanent certificate issued.

[F.R. Doc. 69-3131; Filed, Mar. 17, 1969; 8:45 a.m.]

[Docket No. CP68-214; Phase I]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

MARCH 13, 1969.

Take notice that on March 6, 1969, Panhandle Eastern Pipe Line Co. (Petitioner), 1 Chase Manhattan Plaza, New York, N.Y. 10005, filed in Docket No. CP68-214 a petition to amend the order issued in said docket on June 21, 1968, by revising the contract demands of certain utility customers for the period of April through October 1969, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioner was authorized to construct and operate various mainline facilities and to increase sales and deliveries of natural gas to certain customers. Seventeen of Petitioner's utility customers have now requested adjustments in their summer contract demands, and, accordingly, Petitioner requests the order of June 21, 1968, be amended to allow for the following revisions in the contract demand for the period April through October 1969:

Customer	Additional net demand (Mcf)
Associated Natural Gas Co	11,000
Battle Creek Gas Co	24,500
Central Indiana Gas Co., Inc	[1] 8,000
Central Illinois Public Service Co	5,000
Commonwealth Edison Co	4,600
Illinois Power Co	10,000
City of Macon	1,650
Michigan Gas Utilities	2,000

Customer	Additional net demand (Mcf)
Missouri Edison	300
Missouri Power & Light Co	17,000
Missouri Public Service Co	1,200
City of Morton	3,300
Ohio Gas Co	8,800
Richmond Gas Corp	8,460
City of Roodhouse	550
The Toledo Edison Co	1,000
Town Gas Co. of Illinois	300

[1] Net decrease.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and, therefore, protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 25, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3218; Filed, Mar. 17, 1969; 8:48 a.m.]

[Project No. 2662]

CONNECTICUT LIGHT AND POWER CO.

Notice of Application for License for Constructed Project

MARCH 11, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the Connecticut Light and Power Co., (correspondence to: Warren A. Greten, Vice President, The Connecticut Light and Power Co., Post Office Box 2010, Hartford, Conn. 06101) for construction Project No. 2662, known as the Scotland Project, located on the Shetucket River, in Windham County, Conn., in the town of Windham near the city of Willimantic.

The existing Scotland Project consists of: (1) A dam incorporating a 30-foot-high earth dike about 183 feet long, a concrete spillway section containing five 20-foot-wide by 14-foot-high tainter gates, an Ambursen-type ungated spillway section about 89 feet long, a gravity-type ungated spillway section about 19 feet long, and a powerhouse section containing one generating unit rated at 2,000 kw.; (2) a reservoir covering about 134 acres at normal full pond elevation 127 feet (USGS Datum) with normal drawdown of about 2 feet; and (3) appurtenant facilities. While there are no existing recreational facilities at the project, the application for license states that since the Shetucket River has a great deal of potential for a canoeing stream, Applicant proposes to provide a public boat access area in the city of Willimantic at the existing Recreation Park located at the beginning of the Shetucket River—providing the city approves, and a ramp for small boats equipped with a hand winch to assist in handling small craft.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3192; Filed, Mar. 17, 1969; 8:46 a.m.]

[Docket No. CP69-233]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MARCH 11, 1969.

Take notice that on March 4, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP69-233, an application pursuant to section 7 (b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the removal of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant desires to install:

(a) 1,100 horsepower compressor addition at Huntsman station near Sidney, Nebr.

(b) 1,100 horsepower compressor addition at Big Springs, Nebr.

(c) Parallel approximately 11.6 miles of existing 10-inch pipeline with new 12-inch pipeline between Hershey and North Platte, Nebr.

(d) Parallel approximately 16 miles of existing 8-inch pipeline with new 12-inch pipeline between Riverdale and Grand Island, Nebr.

(e) Parallel approximately 10 miles of existing 8-inch pipeline with new 8-inch pipeline between Cedar Rapids and Albion, Nebr.

(f) Replace approximately 5.2 miles of 2-inch with a 3-inch pipeline in the Pierce, Nebr. lateral.

(g) 3,400 horsepower compressor addition at Lakin, Kans.

(h) Parallel approximately 17.8 miles of existing 18-inch pipeline with new 12-inch pipeline between Lakin and Scott City, Kans.

(i) Replace approximately 10 miles of 6-inch with a 3-inch pipeline in the Guide Rock, Nebr., lateral.

Applicant states these facilities are necesary to meet increase firm market demands of the towns presently connected with Applicant's system. Applicant estimates the cost of these facilities at $2,649,000, which it intends to finance from current working capital, with interim bank loans if necessary.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 7, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3193; Filed, Mar. 17, 1969; 8:46 a.m.]

[Docket No. G-2594 etc.]

SOUTHWEST GAS PRODUCING CO., INC., ET AL.

Findings and Order

MARCH 6, 1969.

Southwest Gas Producing Co., Inc. (Operator), et al. and other applicants listed herein, Docket No. G-2594 et al. and Payne Producing Co. (successor to CRA, Inc.), Docket No. CI69-376.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing, issued January 14, 1969, and published in the FEDERAL REGISTER (34 F.R. 1074) on January 23, 1969, on page 2, second paragraph, first line: Change Docket No. "CI69-476" to read Docket No. "CI69-376".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3194; Filed, Mar. 17, 1969; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

DACOTAH BANK HOLDING CO.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Dacotah Bank Holding Co., Aberdeen,

S. Dak., for approval of action to become a bank holding company through the acquisition of up to 100 percent of the voting shares of Farmers and Merchants Bank, Aberdeen; Citizens State Bank, Clark; and Citizens Bank of Mobridge, Mobridge, all in South Dakota.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Dacotah Bank Holding Co., Aberdeen, S. Dak., for the Board's prior approval of action whereby Applicant, which presently owns a majority of the voting shares of Security Bank, Webster, S. Dak., would become a bank holding company through the acquisition of up to 100 percent of the voting shares of the following three banks in South Dakota: Farmers and Merchants Bank, Aberdeen; Citizens State Bank, Clark; and Citizens Bank of Mobridge, Mobridge.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks for the State of South Dakota, and requested his views and recommendation. The Superintendent recommended that the application be approved.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 26, 1968 (33 F.R. 15892), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. 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 the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

Dated at Washington, D.C., this 10th day of March 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3229; Filed, Mar. 17, 1969; 8:49 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

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

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Reg.; Temporary Reg. 18]

COSTS APPLICABLE TO GRANTS AND CONTRACTS WITH STATE AND LOCAL GOVERNMENTS

Determination

1. *Purpose.* This regulation amends the provisions of the Federal Procurement Regulations to add principles for determining costs applicable to grants and contracts with State and local governments.

2. *Effective date.* This regulation is effective immediately with respect to State governments and shall be applied at the earliest practicable date, but not later than January 1, 1970, with respect to local governments.

3. *Expiration date.* This regulation will remain in effect until canceled.

4. *Background.* The Bureau of the Budget issued Circular A-87 on May 9, 1968, for the purpose of promulgating principles and standards for determining costs applicable to grants and contracts with State and local governments. The principles are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and contractors and their Federal counterparts.

5. *Explanation of change.* Pending the issuance of a permanent amendment of the Federal Procurement Regulations, agencies shall employ principles for determining costs in grants and contracts with State and local governments as provided in Bureau of the Budget Circular A-87, May 9, 1968.

J. E. MOODY,
Acting Administrator of General Services.

MARCH 12, 1969.

[F.R. Doc. 69-3222; Filed, Mar. 17, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 13, 1969, through March 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3205; Filed, Mar. 17, 1969; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MARCH 12, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., 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 American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 13, 1969, through March 22, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-3206; Filed, Mar. 17, 1969; 8:47 a.m.]

[70-4721]

NORTHEAST UTILITIES

Notice of Proposed Amendments to Declaration of Trust and Order Authorizing Solicitation of Proxies in Connection Therewith

MARCH 12, 1969.

Notice is hereby given that Northeast Utilities ("Northeast"), 70 Federal Street, Boston, Mass. 02110, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 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.

Northeast proposes to amend its declaration of trust and such proposed amendments have been approved by its trustees and are to be submitted to Northeast's shareholders for their approval at the annual meeting to be held April 22, 1969. In connection therewith, Northeast proposes to solicit proxies from the holders of common shares through the use of solicitation material which sets forth the proposed amendments in detail. The filing states that under the applicable provisions of the declaration of trust the proposed amendments must be approved by the affirmative vote of at least two-thirds of the holders of the common shares deemed to be outstanding for such purpose.

The proposed amendments to the declaration of trust will, among other things, (1) permit the trustees to acquire and hold securities or obligations of any type rather than limiting them to the securities of companies engaged in the utility business, (2) eliminate the requirement of shareholder approval for the sale by Northeast of any of its majority-owned subsidiary companies in which Northeast's investment is less than 10 percent of the book value of its assets, (3) authorize Northeast to guarantee the obligations of its subsidiary companies and to give the trustees of Northeast general authority to provide financial and other assistance to its subsidiary companies, and (4) clarify the power of the trustees by providing that the trustees will have the same incidental powers as a Massachusetts business corporation.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions, and that the fees and expenses to be incurred in connection therewith are estimated to be $2,500, including $2,000 for legal fees.

Northeast has requested that the effectiveness of its declaration with respect to the solicitation of proxies from the common shareholders be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 4, 1969, request in writing that a hearing be held with respect to the amendments to the declaration of trust, 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 declaration, 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.

It appearing to the Commission that Northeast's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and hereby is, permitted to become effective forthwith pursuant to Rule 62.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-3234; Filed, Mar. 17, 1969; 8:49 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

MARCH 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 12, 1969, at 12:05 p.m., e.s.t., through March 21, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-3235; Filed, Mar. 17, 1969; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction No. 27; Amdt. 3]

FLORIDA EAST COAST RAILWAY CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 27 (Florida East Coast Railway Co.; Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 27 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 69-3207; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 994; I.C.C. Order No. 19]

LOUISVILLE AND NASHVILLE RAILROAD CO., AND BIRMINGHAM SOUTHERN RAILROAD CO.

Rerouting Traffic or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Louisville and Nashville Railroad Co., and the Birmingham Southern Railroad Co. are unable to transport certain carload traffic, loaded to excessive dimensions, over their lines in the vicinity of Bessemer, Ala., due to restricted clearances at their normal interchange points.

It is ordered, That:

(a) Rerouting traffic: The Louisville and Nashville Railroad Co. and the Birmingham Southern Railroad Co. being unable to transport certain carload traffic loaded to excessive dimensions, over their lines in the vicinity of Bessemer, Ala., due to restricted clearances at their normal interchange points, are hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Louisville and Nashville Railroad Co. shall receive the concurrence of the Birmingham Southern Railroad Co. before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in

force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 12:01 a.m., March 17, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., September 30, 1969, unless otherwise modified, changed, or suspended.

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

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3208; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 30; Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 30 (Seaboard Coast Line Railroad Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 30 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3209; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 28; Amdt. 3]

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

Car Distribution

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

It is ordered, That:

Car Distribution Direction No. 28 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3210; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 29; Amdt. 2]

SOUTHERN RAILWAY CO., AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 29 (Southern Railway Co.; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 29 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement: and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3211; Filed, Mar. 17, 1969; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 26; Amdt. 3]

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS AND ILLINOIS CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 26 (Terminal Railroad Association of St. Louis; Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 26 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 5, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 12, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-3212; Filed, Mar. 17, 1969; 8:47 a.m.]

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9545, 28 F.R. 4117, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 14977, 30 F.R. 8982, 30 F.R. 12309, 31 F.R. 4824, 31 F.R. 13369, 32 F.R. 4295, 32 F.R. 13432, and 33 F.R. 4863) during the 6 months' period ended March 14, 1969.

Purchased in 1968:

Washington Gas Light—700 shares common stock.

Bethlehem Steel—500 shares common stock.

Potomac Electric Power Co.—1,050 shares common stock.

Dated: March 9, 1969.

JOHN V. LAWRENCE.

[F.R. Doc. 69-3213; Filed, Mar. 17, 1969; 8:47 a.m.]

EUGENE S. ROOT

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; 24 F.R. 4187; 24 F.R. 9502; 25 F.R. 102; 26 F.R. 1693; 26 F.R. 6405; 27 F.R. 648; 27 F.R. 6409; 28 F.R. 197; 28 F.R. 7060; 29 F.R. 1675; 29 F.R. 981; 20 F.R. 1073; 30 F.R. 9342; 31 F.R. 592; 31 F.R. 9432; 32 F.R. 2404; 32 F.R. 11190; 33 F.R. 609; and 33 F.R. 11323, for the period from July 1, 1968, through December 31, 1968.

Retired as vice president-comptroller of Erie Lackawanna Railway Co., July 31, 1969. Severed all corporate relationships with its various subsidiaries, etc.

No changes in financial interests during the period.

Dated: March 1, 1969.

EUGENE S. ROOT.

[F.R. Doc. 69-3214; Filed, Mar. 17, 1969; 8:47 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9469, 28 F.R. 4269, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 12992, 30 F.R. 5888, 30 F.R. 12310, 31 F.R. 4857, 31 F.R. 13268, 32 F.R. 4295, 32 F.R. 13361, 33 F.R. 4864, and 33 F.R. 14339) during the 6 months' period ended March 14, 1969.

No change.

Dated: March 14, 1969.

A. W. WUERKER.

[F.R. Doc. 69-3215; Filed, Mar. 17, 1969; 8:47 a.m.]

[Notice 312]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1969.

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

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

No. MC-FC-70890. By order of March 6, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to CO-Trux Rentals, Inc., Port Washington, N.Y., of the operating rights in permit No. MC-125126 issued on November 20, 1964, to Ernest A. Kroessler Trucking Corp., Brooklyn, N.Y., authorizing the transportation of: Steel wool and soap products, between plantsite of Brillo Manufacturing Co., New York, N.Y., and specified counties in New Jersey. Andrew A. Kroessler, Attorney, 32 58th Street, Woodside, N.Y. 11377, Morris Honig, Attorney, 150 Broadway, New York, N.Y. 10038.

No. MC-FC-71001. By order of March 10, 1969, the Motor Carrier Board approved the transfer to F. Paul Purdy, Loudon, Tenn., of the operating rights in permit No. MC-127366 (Sub. No. 1) issued August 5, 1966, to B. F. Holt, Sweetwater, Tenn., authorizing the transportation, over irregular routes, of dairy products, and materials and supplies used in the production and distribution of dairy products, between Chattanooga, Cookeville, Crossville, Knoxville, McMinnville, Murfreesboro, and Nashville, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia, with certain restrictions, limited to service for a named shipper. LaVern Martens, 450 East Illinois Street, Chicago, Ill. 60611, representative for applicants.

No. MC-FC-71127. By order of March 6, 1969, the Motor Carrier Board approved the transfer to Pratt's Dray & Storage, Inc., 222 West Illinois Street, Spearfish, S. Dak. 57783, of the operating rights in certificates Nos. MC-110473 and MC-110473 (Sub No. 2) issued August 5, 1952, and November 19, 1964, respectively, to Robert H. Fulker, doing business as Fulker Truck Lines, Aberdeen, S. Dak. 57401, authorizing the transportation of: General commodities, with the usual exceptions, between points in South Dakota.

No. MC-FC-71142. By order of March 7, 1969, the Motor Carrier Board approved the transfer to Georges Truck Rental Corp., doing business as Georges Truck Rental Corp., Ridgewood (Queens), New York, N.Y., of the operating rights in Nos. MC-127084 and MC-127084 (Sub-No. 1), issued February 16, 1966, and August 3, 1967, to Georges Carriers, Inc., Ridgewood (Queens), New York, authorizing the transportation of: Plumbing fixtures and supplies, from the plantsite of the Jamaica Manufacturing Co., Inc., at Wyandanch, N.Y., to New York, N.Y.; and from points in the New York, N.Y., commercial zone, as defined by the Commission, to the plantsite of the Jamaica Manufacturing Co., Inc., at Wyandanch, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, registered practitioner for applicants.

No. MC-FC-71164. By order of March 10, 1969, the Motor Carrier Board approved the transfer to William Buster Nickerson, doing business as Nickerson Cattle, South Main Street Extension, Cassadaga, N.Y., of permit No. MC-128660, issued August 18, 1967, to G. C. Hausser, doing business as Hausser Carting Co., Route 1, Box 254, Gowanda, N.Y. 14070, authorizing the transportation of: *Paper and paper products, wood and wood products, cabinets, doors, cement, asbestos products, plastic products, aluminum and aluminum products, products of wood and metal combined, wood and cement asbestos combined, plastic and metal combined, cement asbestos and metal combined, aluminum and other metals combined, and plastic and wood combined, and materials, supplies, machinery, and equipment* used in the manufacture of the commodities specified (except such commodities in bulk and those which, by reason of size or weight, require the use of special equipment), between the plantsite of the U.S. Plywood-Champion Papers, Inc., at Cattaraugus, N.Y., on the one hand, and, on the other, points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, limited to a transportation service to be performed, under a continuing contract, or contracts, with the U.S. Plywood-Champion Papers, Inc., of Cattaraugus, N.Y.

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

[F.R. Doc. 69-3216; Filed, Mar. 17, 1969; 8:47 a.m.]

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