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FEDERAL REGISTER

VOLUME 34 • NUMBER 67

Wednesday, April 9, 1969 • Washington, D.C.

Pages 6273–6316

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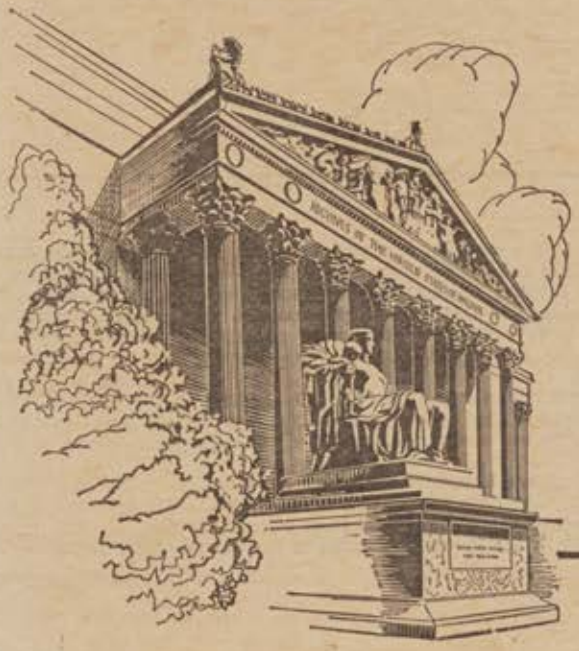

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Hazard Pay Differential

Schedule 2 of Appendix A to Subpart I of Part 550 of Chapter I of Title 5 of the Code of Federal Regulations is amended by adding items (8) and (9) under the heading "Flying" and adding descriptions of two new hazardous duties under the headings "Experimental Parachute Jumps" and "Ground Work Beneath Hovering Helicopter". The amendments, which are effective on the date shown in the schedule, read as follows:

SCHEDULE 2 OF PAY DIFFERENTIALS AUTHORIZED UNDER AUTHORITY OF § 550.904 (a) and (b)

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
	Percent	
Flying. Participating in. * * * (8) Flight Tests of Expandable Aircraft Tires. Landing to test aircraft tires designed to deflate upon retraction, undertaken to appraise the normal deflate-reinflate cycle and also to evaluate the capability to make a satisfactory landing with the tires deflated.	25	First pay period beginning after April 9, 1969.
(9) Landing and Takingoff in Polar Areas. Landing in polar areas on unprepared snow or ice surfaces and/or takingoff under the same conditions.	25	Do.
* * *	* * *	* * *
Experimental Parachute Jumps. Participating as a jumper in field exercises to test and evaluate new types of jumping equipment and/or jumping techniques.	25	First pay period beginning after April 9, 1969.
Ground Work Beneath Hovering Helicopter. Participating in ground operations to attach external load to helicopter hovering just overhead.	25	Do.

(5 U.S.C. 5545(d))

[SEAL]

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

[F.R. Doc. 69-4140; Filed, Apr. 8, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Orange Reg. 62, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. In § 905.512 (Orange Regulation 62; 33 F.R. 18227; 34 F.R. 246, 925, 5374, 5481), the provisions of paragraph (a)(2)(vii) are amended to read as follows:

§ 905.512 Orange Regulation 62.

(a) * * *

(2) * * *

(vii) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

* * * * *

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

Dated, April 4, 1969, to become effective April 7, 1969.

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

[F.R. Doc. 69-4121; Filed, Apr. 8, 1969; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 73—PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL IN TRANSIT

The Atomic Energy Commission has adopted a new regulation "Physical Protection of Special Nuclear Material in Transit," 10 CFR Part 73, which imposes requirements for the physical protection of special nuclear material in transit.

In a notice of proposed rule making concerning proposed requirements for control and physical inventory of special nuclear material published in the FEDERAL REGISTER on May 27, 1966 (31 F.R. 7634), the Commission stated that it was not, at that time, proposing to impose physical security requirements, but that the adequacy of the physical security of special nuclear material possessed by licensees would be carefully observed during routine AEC health and safety inspections, material surveys, and periodic security surveys. The Commission stated that it would take whatever additional measures appeared necessary to assure that special nuclear material is adequately safeguarded.

The Commission has now adopted specific requirements for the protection of special nuclear material in transit.

The requirements of this Part 73 apply to licensees shipping more than 5,000 grams of uranium 235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope), uranium 233, or plutonium, or any combination thereof, and to licensees authorized to export such quantities of special nuclear material. The regulation provides that such special nuclear material shall be either transported by the licensee under the continuous personal custody of an authorized individual or protected by signature service of a common or contract carrier. Requirements for records of shipments and reports of lost or unaccounted for shipments are also provided.

The requirements do not apply to:

a. Uranium 235 contained in uranium enriched to less than 20 percent in the U^{235} isotope;

b. Special nuclear material delivering an external dose in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding; and

c. Special nuclear material that is protected pursuant to security procedures prescribed by the Commission or another Government agency for classified material.

In the interest of the common defense and security, the Commission has found that general notice of proposed rule making and public procedures thereon are contrary to the public interest and good cause exists why this regulation should be made effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following new 10 CFR Part 73 is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions in connection with the regulation to send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given such submission with the view to possible amendments. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

GENERAL PROVISIONS

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73.2 Resolution of conflict.
73.3 Definitions.
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73.5 Communications.

EXEMPTIONS

73.12 Specific exemptions.
73.13 Exemptions for certain quantities and kinds of special nuclear material.

PHYSICAL PROTECTION REQUIREMENTS

73.31 Physical protection of special nuclear material in transit.

RECORDS AND REPORTS

73.41 Records.
73.42 Reports of suspected theft, unlawful diversion, or unlawful intrusion.
Appendix A—U.S. Atomic Energy Commission District Safeguards Offices.

AUTHORITY: The provisions of this Part 73 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 53, 183, 68 Stat. 930, 954; 42 U.S.C. 2073, 2233.

GENERAL PROVISIONS

§ 73.1 Purpose and scope.

This part prescribes requirements for the physical protection of special nuclear material in transit by any person who is licensed pursuant to the regulations in Part 70 of this chapter and who ships more than 5,000 grams of uranium 235 (contained in uranium enriched to 20 percent of more in the U^{235} isotope), uranium 233, or plutonium, or any combination thereof.

§ 73.2 Resolution of conflict.

The requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In any conflict between the requirements in this part and a specific requirement in another part of the regulations in this chapter, the specific requirement applies.

§ 73.3 Definitions.

As used in this part:

(a) Terms defined in Part 70 of this chapter have the same meaning when used in this part.

(b) "Authorized individual" means any individual, including an employee, a consultant, or an agent of a licensee, who has been designated in writing by a licensee to have surveillance responsibility over special nuclear material.

§ 73.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized as binding upon the Commission.

§ 73.5 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part should be addressed to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 7920 Norfolk Avenue, Bethesda, Md.; or at Germantown, Md.

EXEMPTIONS

§ 73.12 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

§ 73.13 Exemptions for certain quantities and kinds of special nuclear material.

A licensee is exempt from the requirements of this part to the extent he transports or delivers to a carrier for transport the following special nuclear material:

(a) Uranium 235 contained in uranium enriched to less than 20 percent in the U^{235} isotope.

(b) Special nuclear material delivering an external radiation dose in excess of 100 rems per hour, at a distance of 3 feet from any accessible surface, without intervening shielding.

(c) Special nuclear material that is protected pursuant to security procedures prescribed by the Commission or another Government agency for the protection of classified material.

PHYSICAL PROTECTION REQUIREMENTS

§ 73.31 Physical protection of special nuclear material in transit.

Each licensee shall protect special nuclear material in transit as follows:

(a) In the continuous personal custody of an authorized individual, or

(b) Under the established procedures of a common or contract carrier which provide a system for the physical protection of valuable material in transit and require an exchange of hand-to-hand receipts at origin and destination and at all points en route where there is a transfer of custody.

RECORDS AND REPORTS

§ 73.41 Records.

Each licensee shall keep the following records:

(a) Names and addresses of all individuals who have been designated as authorized individuals.

(b) Records of all shipments of special nuclear material subject to the requirements of this part, including the means employed to protect such material while in transit.

§ 73.42 Reports of suspected theft, unlawful diversion, or unlawful intrusion.

(a) Each licensee shall immediately report to the Director of the appropriate Atomic Energy Commission District Safeguards Office, Division of Nuclear Materials Safeguards, listed in Appendix A, by telephone, telegram, or teletype any shipment of special nuclear material that is lost or unaccounted for after the expected time of arrival.

(b) Each licensee shall report promptly to the Director, Division of Nuclear Materials Safeguards, by telephone, telegram, or teletype any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which he is licensed to possess and which is subject to the regulations of this part. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this section, a licensee shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to the licensee, concerning an attempted or apparent theft or unlawful diversion of special nuclear material.

APPENDIX A

UNITED STATES ATOMIC ENERGY COMMISSION

DISTRICT SAFEGUARDS OFFICES

Address	Telephone	
	Daytime	Nights and holidays
District I, Division of Nuclear Materials Safeguards, USAEC, 970 Broad Street, Newark, N.J. 07102.	201-645-3450	212-980-1000
District II, Division of Nuclear Materials Safeguards, USAEC, Post Office Box E, Oak Ridge, Tenn. 37830.	615-483-8611 Ext. 4783	615-483-8611 Ext. 3-4167
District III, Division of Nuclear Materials Safeguards, USAEC, 2111 Bancroft Way, Berkeley, Calif. 94704.	415-841-3655	415-841-9244

DISTRICT

I

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except for the Nuclear Materials and Equipment Corporation's plants at Apollo and Leechburg, Pa., which are under the jurisdiction of District II), Rhode Island, and Vermont.

II

Alabama, Arkansas, Canal Zone, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania (Nuclear Materials and Equipment Corporation's plants at Apollo and Leechburg, Pa., only), Puerto Rico, South Carolina, South Dakota, Tennessee, Virginia, Virgin Islands, West Virginia, and Wisconsin.

III

Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

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

Dated at Germantown, Md., this 4th day of April 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-4196; Filed, Apr. 8, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,609]

PART 563—OPERATIONS

Reports and Bond Coverage

APRIL 3, 1969.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 18711) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) for the following purposes:

(1) To amend § 563.18 of said regulations (12 CFR 563.18) to require reports from institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation whenever the institution suffers a loss due to dishonesty of a director, officer, attorney, agent, or employee, and to require a report whenever a deductible amount in a bond is increased above the basic permissible deductible amount specified in § 563.19 of said regulations (12 CFR 563.19);

(2) To permit bonds maintained by institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation to provide for higher "deductibles" than now permitted by regulations;

(3) To require that any data processing organization that maintains and services the accounting records of an insured institution be covered as an employee under the institution's bond while it is performing such data processing services;

(4) To make technical changes of language in the present provisions of the Rules and Regulations for Insurance of Accounts relating to bond requirements (12 CFR 563.19).

Resolved further that, for such purposes, the Federal Home Loan Bank Board hereby amends said Part 563 as follows, effective May 9, 1969:

1. Amend § 563.18 to read as follows:

§ 563.18 Reports to the Corporation.

(a) *Monthly and semiannual reports.* Each insured institution shall make a semiannual report of its affairs as of the end of each half of its fiscal year on forms prescribed by the Corporation. Within 30 days following the date as of which such report is made, the original and one copy thereof shall be forwarded to the Supervisory Agent for the Federal Home Loan Bank district in which the institution's home office is located. An insured institution which files the reports required by § 523.15 of this chapter thereby meets the requirements of the first two sentences of this section. Within 10 days following the last business day of each month, each insured institution shall make a report of such month's activities on forms prescribed by the Corporation. The original and one copy of each such monthly report shall be forwarded to the Corporation, Washington, D.C. 20552, and one copy shall be forwarded to the Federal Home Loan Bank of which the institution is a member.

(b) *Reports of loss.* Whenever an insured institution suffers a loss due to dishonesty of a director, officer, attorney, agent, or employee, or whenever a deductible amount specified in a bond is increased above the permissible deductible amount specified in the table in paragraph (b) of § 563.19, such insured institution shall report promptly the facts concerning such loss or increase in writing to the Board's Chief Examiner for the Federal Home Loan Bank district in which the home office of such institution is located.

2. Amend § 563.19 to read as follows:

§ 563.19 Bonds for directors, officers, employees, and agents; form of and amount of bonds.

(a) Each insured institution shall maintain bond coverage with a bonding company acceptable to the Corporation, and such bond shall be in form known as Standard Form No. 22 or its equivalent or in other form acceptable to the Corporation. The bond shall cover each director, officer, employee, and agent who has control over or access to cash or securities of such institution. Such coverage shall be maintained in the minimum amount set forth below, computed on a base consisting of the total assets of the insured institution plus the unpaid balance of loans which it has contracted to service for others, as follows:

Base	*Minimum Bond*
Not over $300,000	$15,000 plus $7,500 for each $100,000 or fraction thereof over $100,000.
$300,001 to $1,000,000	$45,000 plus $15,000 for each $100,000 or fraction thereof over $400,000.
$1,000,001 to $10,000,000	$150,000 plus $30,000 for each $1,000,000 or fraction thereof over $2,000,000.
$10,000,001 to $30,000,000	$450,000 plus $60,000 for each $5,000,000 or fraction thereof over $15,000,000.
$30,000,001 to $60,000,000	$705,000 plus $75,000 for each $10,000,000 or fraction thereof over $40,000,000.
$60,000,001 to $100,000,000	$945,000 plus $90,000 for each $15,000,000 or fraction thereof over $70,000,000.
$100,000,001 and over	$1,230,000 plus $105,000 for each $25,000,000 or fraction thereof over $125,000,000.

(b) No insured institution shall be required to maintain such bond coverage in an amount greater than $3,000,000. Such bond coverage may contain provision for a deductible amount from any loss which, except for such deductible provision, would be recoverable from the bonding company. A deductible shall not be in excess of the following amounts in relation to the following bond bases:

Base	Permissible deductible
Under $1,000,000	$500
$1,000,001 to $10,000,000	1,000
$10,000,001 to $50,000,000	1,500
$50,000,001 to $100,000,000	2,500
$100,000,001 to $150,000,000	5,000
$150,000,001 to $200,000,000	7,500
$200,000,001 and over	10,000

The permissible deductible amount specified in this paragraph may be increased by an insured institution to a maximum of 3 times the above-specified permissible amount whenever losses under the bond exceed 50 percent of the premium payable for the current premium term. A deductible amount may be applied separately to one or more insuring agreements. The bond shall not provide that there may be more than one deductible amount from all losses caused by the same person or caused by the same persons acting in collusion or combination in cases in which such losses result from dishonesty of employees (as defined in the bond).

(c) If the accounting records of an insured institution are maintained and serviced by a data processing organization, that organization, while performing such data processing services, must be covered as an employee under the institution's bond.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–4126; Filed, Apr. 8, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–SW–55]

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

Designation and Alteration of Control Zones and Alteration of Transition Area

On August 13, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11462) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Houston, Tex., terminal area. This included the designation of the Houston, Tex. (Intercontinental Airport), control zone, an alteration of the Houston, Tex. (William P. Hobby) control zone description, and an amendment of the Houston, Tex., 700-foot transition area which would encompass the Houston, Tex., Intercontinental Airport.

Interested persons were given 30 days in which to submit written data, views or arguments.

Subsequent to the issuance of the notice, it was determined that an easterly control zone extension would be required to provide airspace protection for aircraft executing back course ILS approaches to the Houston Intercontinental Airport. The likelihood of designation of additional controlled airspace to accommodate other procedures to serve the Houston, Tex., terminal complex was specifically stated in the notice.

No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

The FEDERAL REGISTER volume and page references are amended by deleting "* * * (33 F.R. 2058) * * * (33 F.R. 2090) * * * (33 F.R. 2196) * * *" and substituting "* * * (34 F.R. 4557) * * * (34 F.R. 4590) * * * (34 F.R. 4702) * * *" therefor. The Houston, Tex. (Intercontinental Airport), control zone designation is amended.

Effective date. This amendment shall be effective 0901 G.m.t., May 29, 1969.

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

Issued in Fort Worth, Tex., on March 24, 1969.

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

In § 71.171 (34 F.R. 4557), the following control zone is added:

HOUSTON, TEX. (INTERCONTINENTAL AIRPORT)

That airspace within a 5-mile radius of Houston Intercontinental Airport (lat. 29°58'51" N., long. 95°20'30" W.), within 2 miles each side of the Humble VORTAC 339° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC, within 2 miles each side of the Houston Intercontinental ILS localizer W course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Houston Intercontinental ILS localizer E course extending from the 5-mile radius zone to 7.5 miles E of the airport.

In § 71.171 (34 F.R. 4590), the Houston, Tex. (William P. Hobby), control zone is amended in part by deleting "* * * the Houston ILS localizer * * *" and substituting therefor "* * * the Houston William P. Hobby ILS localizer * * *" wherever it appears.

In § 71.181 (34 F.R. 4702), the 700-foot portion of the Houston, Tex., transition area is amended by deleting "* * * lat. 29°32'00" N., long. 95°00'00" W., to point of beginning; within a 4-mile radius of Spaceland Airpark * * *" and substituting therefor "* * * lat. 29°-32'00" N., long. 95°00'00" W., to point of beginning; within an 8-mile radius of Houston Intercontinental Airport (lat. 29°58'51" N., long. 95°20'30" W.); within a 4-mile radius of Spaceland Airpark * * *."

[F.R. Doc. 69–4112; Filed, Apr. 8, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69–38]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Jamaica Bay, N.Y.

1. Peter Kiewit Sons' Co., Slattery Associates, Inc. (JV) by letter dated March 17, 1969, requested the Commander, 3d Coast Guard District to revoke the special operation regulations for the city of New York highway bridge and the city of New York Transit Authority railroad bridge across North Channel, Jamaica Bay, and require that these drawbridges be opened at any time on signal pending the completion of the Cross Bay Parkway bridge across Beach Channel, Jamaica Bay. The estimated period required for the work would be from April 10, 1969, to September 11, 1969.

2. A change in the requirements set forth in that portion of 33 CFR 117.175 (b) which refers to "city of New York highway bridge across North Channel (Grassy Bay) at Jamaica Bay Boulevard" and 33 CFR 117.190(f)(7) "Jamaica Bay, North Channel; New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, N.Y.," is required. As time is of the essence, it has been determined that public rule making procedure would be impractical and omission thereof has been deemed to be in the public interest.

3. The purpose of this document is to revoke the requirements in that portion of 33 CFR 117.175(b) which refers to "City of New York highway bridge across North Channel (Grassy Bay) at Jamaica Bay Boulevard" and 33 CFR 117.190(f)(7) "Jamaica Bay, North Channel; New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, N.Y.," and require these drawbridges to be opened at any time on signal. When the Cross Bay Parkway bridge is completed and full navigational clearances are available, the desirability of restoring special operation regulations to these bridges will be evaluated and appropriate action will be taken at that time.

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.175 (b) and (c) and 117.190(f)(7) reads as follows and shall be effective on April 10, 1969:

§ 117.175 Jamaica Bay and connecting waterways, New York.

* * * * *

(b) *City of New York highway bridges across North Channel (Grassy Bay) at Shellbank Basin at Nolins Avenue and Hawtree Basin at Nolins Avenue.* * * *

(c) *City of New York highway bridges across North Channel (Grassy Bay) at*

Jamaica Bay Boulevard and Jamaica Bay, North Channel, New York Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, N.Y. The draws of these bridges shall be opened at any time on signal.

* * * * *

§ 117.190 **Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.**

* * * * *

(f) * * *

(7) [Revoked]

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); 49 CFR 1.4(a)(3)(v))

Dated: April 7, 1969.

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

[F.R. Doc. 69-4216; Filed, Apr. 8, 1969; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 121—GRANTS TO STATES FOR THE EDUCATION OF HANDICAPPED CHILDREN

Copyrights and Patents

The following amendment to Part 121 is issued to reflect the policy of the Office of Education with respect to the copyright of materials under Title VI, Part A, a State-administered, formula grant program.

Paragraph (a) of § 121.36 is revised to read as follows:

§ 121.36 **Copyrights and patents.**

(a) If a copyright is obtained on materials produced with financial assistance under Title VI-A of the Act, the Federal Government shall be granted a nonexclusive, irrevocable, royalty-free license to reproduce and publish the materials so copyrighted, including the power to sublicense for all governmental purposes.

* * * * *

(5 U.S.C. 301)

Dated: March 10, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: April 2, 1969.

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

[F.R. Doc. 69-4159; Filed, Apr. 8, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1023]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 2d day of April 1969.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for loading, unloading, or instructions for movement, in excess of the free time periods established by the applicable demurrage tariffs; that such practices immobilize large numbers of freight cars needed by shippers for transportation of other freight; and that the existing demurrage rules, regulations and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1023 **Service Order No. 1023.**

(a) Demurrage on freight cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations and practices with respect to its demurrage rules, practices and charges.

(b) Description of cars subject to this order: Except as otherwise provided in paragraphs (c), (d), and (e) of this paragraph shall apply to freight cars which are subject to demurrage rules applicable to detention of cars.

(c) Exception: The provisions of this order shall not apply to freight cars listed in the Official Railway Equipment Register, ICC R.E.R. 370 issued by E. J. McFarland, or reissues thereof, as having the following descriptions and mechanical designations:

Refrigerator Cars—Mechanical Designation: RA, RAM, RCD, RS, RSB, RSM, RSTC, and RSTM.

Stock Cars—Mechanical Designation: SA, SC, SD, SF, SH, SM, SP, and ST.

Tank Cars—Mechanical Designation: TA, TAI, TG, TGI, THI, TL, TLI, TM, TMI, TMU, TMUI, TP, TPI, TPA, TPAI, TR, TRI, TVI, TW, and TWI.

(d) Exception: The provisions of this order shall not apply to cars exempt from demurrage rules, regulations and charges as provided in Item 30 of Freight Tariff 4-I, ICC H-36, issued by B. B. Maurer.

(e) Exception: The charges and provisions of Rule 8, Item 935 of Freight Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto or reissues thereof, or of similar rules or items in other demurrage tariffs lawfully in effect, will remain in effect for the periods defined in such rules or items.

(f) Cars subject to section A of Rule 7, Item 930, section 1 of Freight Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto or reissues thereof, after expiration of free time, or without free time where none is provided, shall be subject to demurrage charges at the following rates:

$5 per car per day or fraction of a day for each of the first 4 days.
$25 per car per day or fraction of a day for each of the next 4 days.
$50 per car per day for each subsequent day.

(g) Cars subject to section A of Rule 9, Item 940, section 1 of Freight Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto or reissues thereof:

When a car has accrued four debits, a charge of $25 per car per day, or fraction of a day, will be made for each of the next 4 days or fraction of a day and $50 per car per day, or fraction of a day will be made for all subsequent detention.

(h) Cars subject to Items 1320, 1322, 1355, 1357, 1360, and 1362 of section 3 of Freight Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto or reissues thereof, after expiration of free time, shall be subject to demurrage charges at the following rates:

$5 per car per day or fraction of a day for each of the first 4 days.
$25 per car per day or fraction of a day for each of the next 4 days.
$50 per car per day or fraction of a day for each subsequent day.

(i) Cars subject to Items 1325 and 1327 of section 3 of Freight Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto or reissues thereof, after expiration of free time, shall be subject to demurrage charges at the following rates:

$5 per car per day or fraction of a day for each of the first 2 days.
$25 per car per day or fraction of a day for each of the next 4 days.
$50 per car per day or fraction of a day for each subsequent day.

(j) Cars subject to Items 1330, 1332, 1350, 1352, 1365, and 1367 of section 3 of Freight Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto or reissues thereof, after expiration of free time, shall be subject to demurrage charges at the following rates:

$7 per car per day or fraction of a day for each of the first 2 days.
$25 per car per day or fraction of a day for each of the next 4 days.
$50 per car per day or fraction of a day for each subsequent day.

(k) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(l) Regulations suspended—announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(m) Effective date: This order shall become effective at 7 a.m., April 15, 1969.

(n) Expiration date: This order shall expire at 6:59 a.m., July 1, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4) and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–4146; Filed, Apr. 8, 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 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Plains National Wildlife Refuge, Okla.

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

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Portions of the Salt Plains National Wildlife Refuge, Okla., are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, and the public use area is designated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103, and subject to the following special conditions:

(1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals. Vehicles will be allowed only along such travel lanes and parking areas as are posted for such activity.

(2) Each individual may collect for his personal use up to a maximum of 10 pounds plus one crystal or crystal cluster per day.

(3) Digging for crystals will be confined to areas posted for such activity.

(4) The period of use shall be on Saturdays, Sundays, and holidays, from April 1 through October 15, 1969, inclusive. Gates will be opened to the collecting area at 8 a.m. and closed at 6 p.m.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through October 15, 1969.

WILLIAM T. KRUMMES,
Regional Director,
Albuquerque, N. Mex.

APRIL 2, 1969.

[F.R. Doc. 69–4104; Filed, Apr. 8, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Brigantine National Wildlife Refuge, N.J.

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.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Sport fishing in tidal waters from the sand beach on Holgate Peninsula and Little Beach Island is permitted on the Brigantine National Wildlife Refuge, N. J., through December 31, 1969, except in those areas posted as closed. Fishing from the South Dike in the West freshwater Pool is permitted during daylight hours from July 20 through September 21. The possession of live fish or minnows for use as bait is prohibited. Parking by freshwater fishermen is permitted at the headquarters and the south tower parking areas.

The open areas, comprising 7.5 miles of tidal shoreline and 1 mile of freshwater shoreline, are delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

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.

RICHARD E. GRIFFITH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

APRIL 3, 1969.

[F.R. Doc. 69–4128; Filed, Apr. 8, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK, WYO.

Traffic Control

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), and the Act of May 7, 1894 (28 Stat. 73, as amended, 16 U.S.C. 26), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), as amended, Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, it is proposed to amend § 7.13 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to add additional roads to those roads restricted to one direction of travel as they are not adequately wide for two-way traffic or are too congested with present day two-way traffic. These roads are without exception relatively short side roads that leave from the major road system and reconnect with that same road system at a further point. Surfaces vary from unsurfaced to asphalt.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Yellowstone National Park, Wyo. 83020, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 7.13 of Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(b) *Traffic control.* (1) * * *

(ii) Twenty-five miles per hour: Upon that portion of a park road which passes through or borders on park road repair or construction; visitor-use developments at Mammoth Hot Springs, Tower Falls, Canyon, Lake Area, Fishing Bridge, West Thumb, and Grant Village; and one-way drives.

* * * * *

(2) Travel shall be restricted to one direction when posted on the following roads:

(i) Virginia Cascades Drive.
(ii) Bunsen Peak Drive.
(iii) Mammoth Terrace Drive.
(iv) Firehole Canyon Drive.
(v) Firehole Lake Drive.
(vi) Fountain Flats Drive.
(vii) Canyon Rim Drive.
(viii) Slide Lake Drive.
(ix) Blacktail Plateau Drive.
(x) Silver Gate Turnout.

* * * * *

F. B. ELLIOTT,
Acting Superintendent,
Yellowstone National Park, Wyo.

[F.R. Doc. 69-4106; Filed, Apr. 8, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Labeling Requirements, Standards of Composition, and Definitions

Notice is hereby given that the Consumer and Marketing Service of the U.S. Department of Agriculture is considering amending, as indicated below, the Regulations Governing the Inspections of Poultry and Poultry Products (7 CFR Part 81), pursuant to authority contained in the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.).

Statement of considerations. The Poultry Products Inspection Act requires that poultry products subject to its provisions be labeled to show specified information and prohibits false or misleading labeling. The following amendments are proposed to assure that deboned poultry products will be labeled in accordance with the Act. They would provide a definition and standard of composition and labeling requirements for boneless poultry products, revise the definition and standard for canned shredded poultry, and define the term "poultry byproduct." The amendments would supplement amendments of the regulations under the Federal Meat Inspection Act proposed concurrently herewith (*infra*).

All persons who desire to submit written data, views or comments in connection with the proposal, shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 45 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Section 81.1 would be amended to include the following definition in its correct alphabetical position:

§ 81.1 Definitions.

* * * * *

Poultry byproduct. Poultry byproduct means the skin, fat, gizzard, heart or liver of any poultry.

* * * * *

2. In § 81.131, a new paragraph (g) would be added to read:

§ 81.131 False or deceptive terms or devices; and other labeling requirements.

* * * * *

(g) Boneless poultry products shall be labeled in a manner that accurately describes their actual form and composition. The product name shall specify the form of the product (e.g. emulsified, finely chopped, etc.), and the kind name of the poultry, and if the product does not consist of natural proportions of meat, skin and fat as they occur in the whole carcass, shall also include terminology that describes the actual composition. If the product is cooked it shall be so labeled. Boneless poultry product shall not have a residual bone content of more than 0.5 percent. For the purposes of this part, natural proportions of skin, as found on a whole carcass, will be considered to be as follows:

	Raw	Cooked
	Percent	
Chicken	30	25
Turkey	15	20

3. In § 81.134, paragraph (c)(2)(iii) would be amended to read as follows:

§ 81.134 Product specifications for labeling purposes.

* * * * *

(c) *Poultry meat content of poultry food products.* * * *

(2) *Canned boned poultry.* * * *

(iii) Canned shredded poultry (Shredded (Kind)), consists of poultry meat reduced to a shredded appearance, from the kind of poultry indicated, with natural whole carcass proportions of light and dark meat, and with skin and fat not in excess of the natural whole carcass proportions. Canned shredded poultry from specific parts may include skin or fat in excess of the proportions normally found on a whole carcass, but not in excess of the proportions of skin and fat normal to the particular part or parts; and such product shall be labeled in accordance with § 81.131(g). Product within this subdivision (iii) shall be prepared as set forth in Table II, items 1, 2, 3, or 4, whichever is applicable.

* * * * *

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

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-4122; Filed, Apr. 8, 1969; 8:46 a.m.]

[9 CFR Part 317]

MEAT INSPECTION

Use of Poultry Products in Cooked Sausage

Notice is hereby given that the Consumer and Marketing Service of the U.S. Department of Agriculture is considering amending, as indicated below, the Meat Inspection Regulations pursuant to authority contained in the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C., Supp. III, sec. 601 et seq.).

Statement of considerations. The Department has been petitioned to amend the Federal Meat Inspection Regulations (9 CFR, Chapter III, Subchapter A), to permit the use of poultry products in the cooked sausage products that are designated as frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages.

Information concerning the use of poultry products in this manner has been developed by the Department and obtained from other sources. Information presently available shows that product characteristics are not changed by amounts of poultry up to 15 percent, and that the nutritional qualities of poultry compare favorably with those of other ingredients used in cooked sausage.

The information concerning the use of poultry products in cooked sausage has been available for some time. Nothing further, in the public interest, would be gained by withholding consideration of this proposed regulation change pending receipt of possible further information on the proposed comprehensive standard for cooked sausage (33 F.R. 19251). Therefore, this proposal with respect to the use of poultry products in cooked sausage can be considered without additional delay.

Information relating to the proposed amendment is on file in the office of the Hearing Clerk, Room 112A of the U.S. Department of Agriculture, Washington, D.C. 20250, where it is available for review from 9 a.m. to 5:30 p.m., Mondays through Fridays, except holidays.

Any persons who wish to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 45 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available there for public inspection during normal office hours (9 a.m. to 5:30 p.m., Mondays through Fridays, except holidays).

The following provisions would be added at the end of § 317.8(c)(40) of the regulations:

§ 317.8 False or deceptive labeling and practices.

* * * * *

(c) * * *

(40) * * * Products labeled frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages may contain poultry products which, individually or in combination, are not in excess of 15 percent of the total ingredients excluding water, in the sausage. Such poultry products must be free of kidneys and sex glands, and the amount of skin present must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage, as specified in the regulations under the Poultry Products Inspection Act (7 CFR 81.131(g)). For purposes of this subparagraph, poultry products means chicken or turkey, chicken or turkey meat, or chicken or turkey byproducts as defined in the regulations under the Poultry Products Inspection Act (7 CFR Part 81). They shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of said regulations. However, these sausage products if labeled "all meat," shall contain only beef, pork, veal, mutton, lamb, or goat meat, or chicken or turkey meat (without skin but otherwise as provided in this section), or any combination thereof, and condiments, curing agents and water as permitted by this section and § 318.7 of this subchapter. If labeled "all (species)," e.g., "all beef franks" or "all pork franks," these sausages shall contain only meat of the specified species, with condiments, curing agents and water as permitted by this section and § 318.7 of this subchapter.

* * * * *

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

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-4123; Filed, Apr. 8, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 141c, 146c, 146d, 146e]

ANTIBIOTICS

Use in Animals

In accordance with the statement of policy regarding antibiotics used in food-producing animals (21 CFR 3.25) published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5616), amendments to the food additive and antibiotic drug regulations are proposed as follows to provide for the safe use of certain antibiotics in food-producing animals:

A. Pursuant to the provisions of the Federal Food, Drug, Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 121 be amended:

1. In § 121.208(d) by adding to table 4 new items 8, 9, and 10 and to table 5 a new item 6, as follows:

§ 121.208 Chlortetracycline.

* * * * *

(d) * * *

TABLE 4—CHLORTETRACYCLINE IN DRINKING WATER

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per gal.				
* * *	* * *	* * *	* * *	* * *	* * *
8. Chlortetracycline...	100-200			For swine; as chlortetracycline hydrochloride; administer for not more than 46 days; do not slaughter animals for food within 24 hours of treatment; prepare a fresh solution daily; as sole source of chlorotetracycline.	As an aid in prevention of bacterial enteritis.
9. Chlorotetracycline...	200-400			do	As an aid in prevention of bacterial pneumonia; for treatment of bacterial enteritis.
10. Chlorotetracycline.	400-600			For swine; as chlortetracycline hydrochloride; administer for not more than 24 days; do not slaughter animals for food within 24 hours of treatment; prepare a fresh solution daily; as sole source of chlortetracycline.	For treatment of bacterial pneumonia.

TABLE 5—MISCELLANEOUS

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
6. Chlortetracycline	2 mg. per pound body weight.			For calves; as chlortetracycline hydrochloride; as a drench administer 2 mg. per pound body weight per day for not more than 5 days; do not slaughter animal for food within 3 days of treatment; prepare fresh solution daily; as sole source of chlortetracycline.	For treatment of bacterial pneumonia, bacterial diarrhea, and shipping fever.

2. By adding to Subpart C a new section, as follows:

§ 121.___ **Tetracycline.**

The food additive tetracycline may be safely used in accordance with the following prescribed conditions:

(a) Tetracycline is the antibiotic substance produced by the hydrogenation of chlortetracycline and each of the same substances produced by any other means is a kind of tetracycline.

(b) The antibiotic activity authorized is expressed in terms of the weight of the appropriate antibiotic standard.

(c) It is used or intended for use as follows:

TABLE 1—TETRACYCLINE POWDER

	Amount	Limitations	Indications for use
1. Tetracycline	52 mg. per day.	For newborn pigs; as tetracycline hydrochloride in water or milk; administer for not more than 3 days; do not slaughter animals for food within 4 days of treatment; prepare a fresh solution daily, as sole source of tetracycline.	For treatment of bacterial enteritis and bacterial pneumonia.
2. Tetracycline	100-200 mg. per gal.	For swine; as tetracycline hydrochloride in drinking water; administer for not more than 21 days; do not slaughter animals for food within 4 days of treatment; prepare a fresh solution daily, as sole source of tetracycline.	As an aid in prevention of bacterial enteritis.
3. Tetracycline	200-400 mg. per gal.	____do____	As an aid in prevention of bacterial pneumonia; for treatment of bacterial enteritis.
4. Tetracycline	400 mg. per gal.	____do____	For treatment of bacterial pneumonia.
5. Tetracycline	100-200 mg. per gal.	For calves; as tetracycline hydrochloride in drinking water; administer for not more than 5 days; do not slaughter animals for food purposes within 5 days of treatment; prepare fresh solution daily; as sole source of tetracycline.	As an aid in prevention of bacterial diarrhea, bacterial pneumonia, and shipping fever (hemorrhagic septicemia).
6. Tetracycline	200-400 mg. per gal.	For calves; as tetracycline hydrochloride in drinking water; administer for not more than 5 days; do not slaughter animals for food purposes within 5 days of treatment; prepare fresh solution daily; as sole source of tetracycline.	For treatment of bacterial diarrhea, bacterial pneumonia, and shipping fever (hemorrhagic septicemia).
7. Tetracycline	100-200 mg. per gal.	For turkeys and chickens; as tetracycline hydrochloride in drinking water; administer for not more than 21 days; do not slaughter birds for food within 4 days of treatment; not for laying chickens; prepare fresh solution daily; as sole source of tetracycline.	As an aid in prevention of chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (nonspecific enteritis), infectious sinusitis, and synovitis.
8. Tetracycline	200-400 mg. per gal.	____do____	For treatment of chronic respiratory disease (air-sac infection), hexamitiasis, blue comb (nonspecific enteritis), infectious sinusitis, and synovitis.

TABLE 2—TETRACYCLINE BOLUS

	Amount	Limitations	Indications for use
1. Tetracycline	500 mg. per bolus.	For calves; as tetracycline hydrochloride; administer orally 10 mg. per pound of body weight per day divided in four daily doses for not more than 5 days; do not slaughter animals for food within 12 days of treatment; as sole source of tetracycline; for sale by or on the order of a licensed veterinarian.	For treatment of pneumonia, shipping fever, and pneumoenteritis.
2. Tetracycline	500 mg. per bolus.	For sheep; as tetracycline hydrochloride; administer orally 10 mg. per pound of body weight per day divided in four daily doses for not more than 4 days; do not slaughter animals for food within 5 days of treatment; as sole source of tetracycline.	For treatment of pneumonia, shipping fever, pneumoenteritis complex, and bacterial enteritis (scours).

(d) To assure safe use, the label and labeling of the additive in a combination of additives, or final dosage form prepared therefrom, shall bear in addition to the other information required by the act the following:

(1) The name of the additive.

(2) A statement of the quantity contained therein.

(3) Adequate directions and warnings for use.

B. The Commissioner concludes, with reference to the preceding, that the food additive regulations should also be amended to establish safe tolerances for negligible residues of tetracycline in uncooked edible tissues of treated animals. The negligible tolerances proposed reflect conclusions reached by the ad hoc Committee on the Veterinary Medical and Nonmedical Uses of Antibiotics as well as available data showing that such negligible residues are expected from the permitted conditions of use. Therefore, pursuant to said provisions of the Act and under authority delegated as cited above, the Commissioner proposes that Part 121 be amended by adding to Subpart D a new section, as follows:

§ 121.___ **Tetracycline.**

A tolerance of 0.25 part per million is established for negligible residues of tetracycline in uncooked edible tissues of calves, swine, sheep, turkeys, and chickens.

C. Pursuant to the provisions of the act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated as cited above, the Commissioner proposes that Parts 141c, 146c, 146d, and 146e be amended:

§ 141c.256 **[Revoked]**

1. By revoking § 141c.256 *Chlortetracycline hydrochloride in oil oral veterinary.*

2. By revising § 146c.204(c)(2) to read as follows:

§ 146c.204 **Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.**

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

• • • • •

3. In § 146c.205 by deleting paragraph (f) and revising paragraph (c)(2) to read as follows:

§ 146c.205 Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it is intended for use in animals raised for food production, it shall also be labeled in accordance with the requirements of food additive regulations in Part 121 of this chapter.

* * * * *

(f) [Deleted]

4. By revising § 146c.207(a) to read as follows:

§ 146c.207 Chlortetracycline hydrochloride tablets; tetracycline hydrochloride tablets; tetracycline tablets.

(a) Chlortetracycline hydrochloride tablets, tetracycline hydrochloride tablets, and tetracycline tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.204 for chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, and tetracycline capsules, except that:

(1) The average moisture content of the tablets is not more than 3.0 percent, unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content not exceeding 6.0 percent.

(2) If it is intended for use in animals raised for food production, it shall be labeled in accordance with the requirements of food additive regulations in Part 121 of this chapter.

In addition to the requirements prescribed by § 146c.204, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of six tablets. The fee for the tablets submitted for disintegration-time studies shall be $3.

* * * * *

5. By revising § 146c.211(c)(2) to read as follows:

§ 146c.211 Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and, if it is intended for other than topical use, the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

6. By revising § 146c.212(c)(2) to read as follows:

§ 146c.212 Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

7. By revising § 146c.215(c)(2) to read as follows:

§ 146c.215 Chlortetracycline with vasoconstrictor (chlortetracycline hydrochloride with vasoconstrictor); chlortetracycline with _____ (chlortetracycline hydrochloride with _____) (the blank being filled in with the established name of the vasoconstrictor).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

8. By revising § 146c.217(c)(2) to read as follows:

§ 146c.217 Chlortetracycline calcium syrup (chlortetracycline calcium oral drops); tetracycline syrup (tetracycline oral drops); tetracycline magnesium syrup (tetracycline magnesium oral drops).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

9. In § 146c.219 by deleting paragraph (f) and by revising paragraphs (a) and (c)(2) to read as follows:

§ 146c.219 Crude chlortetracycline oral veterinary.

(a) *Standards of identity, strength, quality, and purity.* Crude chlortetracycline oral veterinary is crude chlortetracycline with suitable and harmless diluents, with or without buffer substances and suspending and dispersing agents and with or without one or more essential vitamins and mineral substances for nutritive purposes. It contains not less than 2 grams of chlortetracycline activity per pound, except it shall contain 100 grams of chlortetracycline activity per pound if it is intended for use in the treatment of psittacosis in psittacine birds (parrots, macaws, and cockatoos). Its moisture content is not more than 6 percent.

* * * * *

(c) * * *

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such drug by the laity. If it is intended for use in animals raised for food production, the labeling shall comply with the requirements prescribed for this drug by food additive regulations in Part 121 of this chapter.

* * * * *

(f) [Deleted]

10. By revising § 146c.222(c)(2) to read as folows:

§ 146c.222 Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension.

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

11. By revising § 146c.226(c)(2) to read as follows:

§ 146c.226 Tetracycline and vasoconstrictor suspension; tetracycline and _____ (the blank being filled in with the established name of the vasoconstrictor) suspension.

* * * * *

(c) * * *

(2) *If it is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

12. By adding to § 146c.228 a new paragraph (b), as follows:

§ 146c.228 Chlortetracycline hydrochloride-neomycin tablets veterinary; tetracycline hydrochloride-neomycin tablets veterinary.

* * * * *

(b) If it is intended for use in animals which are raised for food production, it shall also be labeled in accordance with the requirements of § 121.208 of this chapter.

* * * * *

13. By revising the introductory text of § 146c.233 to read as follows:

§ 146c.233 Tetracycline-oleandomycin phosphate for oral suspension.

Tetracycline-oleandomycin phosphate for oral suspension conforms to all requirements and procedures prescribed by § 146c.205 for tetracycline powder intended for use by man, except that:

* * * * *

14. By revising the introductory text of § 146c.236 to read as follows:

§ 146c.236 Tetracycline-nystatin for oral suspension.

Tetracycline-nystatin for oral suspension conforms to all requirements and procedures prescribed by § 146c.205 for tetracycline powder intended for use by man, except that:

* * * * *

15. By revising the introductory text of § 146c.239 to read as follows:

§ 146c.239 Tetracycline-novobiocin for oral suspension.

Tetracycline-novobiocin powder for oral suspension conforms to all requirements and procedures prescribed by § 146c.205 for tetracycline powder intended for use by man, except that:

* * * * *

16. By revising § 146c.252(c)(2) to read as follows:

§ 146c.252 Capsules demethylchlortetracycline hydrochloride.

* * * * *

(c) * * *

(2) *If it is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

§ 146c.256 [Revoked]

17. By revoking § 146c.256 *Chlortetracycline hydrochloride in oil oral veterinary.*

18. By revising the introductory text of § 146c.257 to read as follows:

§ 146c.257 Tetracycline-amphotericin B for oral syrup; tetracycline-amphotericin B for oral drops.

Tetracycline-amphotericin B for oral syrup and tetracycline-amphotericin B for oral drops conform to all requirements and procedures prescribed by § 146c.205 for tetracycline powder intended for use by man, except that:

* * * * *

19. In § 146c.265(a) by deleting subparagraph (1)(iv) and by adding a new subparagraph (2), as follows:

§ 146c.265 Chlortetracycline bisulfate soluble powder veterinary.

* * * * *

(c) * * *

(1) * * *

(iv) [Deleted]

* * * * *

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. If it is intended for use in animals raised for food production, the labeling shall comply with the requirements prescribed for this drug by food additive regulations in Part 121 of this chapter.

* * * * *

20. By revising § 146d.302(c)(2) to read as follows:

§ 146d.302 Chloramphenicol capsules.

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (ii), and in lieu of the statement "Caution: Federal Law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and bear on its label and labeling the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

21. By revising § 146d.303(c)(2) to read as follows:

§ 146d.303 Chloramphenicol ointment (chloramphenicol cream).

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and bear on its label and labeling the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

By revising § 146d.306(c)(2) to read as follows:

§ 146d.306 Chloramphenicol palmitate and suspension.

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (ii), and in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act) and bear on its label and labeling the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

23. By revising § 146e.403(c)(2) to read as follows:

§ 146e.403 Bacitracin tablets; zinc bacitracin tablets; bacitracin methylene disalicylate tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use); bacitracin implantation pellets; zinc bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

24. By revising § 146e.405(c)(2) to read as follows:

§ 146e.405 **Bacitracin with vasoconstrictor; bacitracin with (the blank being filled in with the established name of the vasoconstrictor).**

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.* Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity and the statement "Warning: Not for use in animals which are raised for food production."

* * * * *

25. By revising § 146e.416(c)(2) to read as follows:

§ 146e.416 **Bacitracin methylene disalicylate.**

* * * * *

(c) * * *

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of the drug by the laity. If it is intended for use in animals raised for food production, the labeling shall comply with the requirements prescribed for this drug by food additive regulations in Part 121 of this chapter.

* * * * *

26. In § 146e.417(c)(1) by redesignating subdivision (v) as (vi) and adding a new subdivision (v). The affected portions read as follows:

§ 146e.417 **Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary.**

* * * * *

(c) * * *

(1) * * *

(v) The statement "Warning: Not for use in animals which are raised for food production."

(vi) If it contains adsorbent ingredients, the name of each.

* * * * *

27. In § 146e.423 by deleting paragraph (c) and by revising paragraph (b) to read as follows:

§ 146e.423 **Soluble bacitracin methylene disalicylate.**

* * * * *

(b) *Packaging; labeling; requests for certification, samples; fees.* Soluble bacitracin methylene disalicylate conforms to all requirements and procedures prescribed for bacitracin methylene disalicylate by § 146e.416 (b), (c), (d), and (e), except that the person who requests certification of a batch shall submit with his request (unless previously submitted) a sample consisting of five immediate containers, each containing approximately 5 grams, of the bacitracin methylene disalicylate used in making the batch, and except that its label shall bear the statement "Warning: Not for use in animals raised for food production."

(c) [Deleted]

28. In § 146e.425 by deleting paragraph (f) and by adding to paragraph (c)(1) a new subdivision, as follows:

§ 146e.425 **Bacitracin powder.**

* * * * *

(c) * * *

(1) * * *

(v) The statement "Warning: Not for use in animals which are raised for food production."

* * * * *

(f) [Deleted]

29. By revising § 146e.427(b) to read as follows:

§ 146e.427 **Feed grade bacitracin powder oral veterinary (crude bacitracin powder oral veterinary, unrefined bacitracin powder oral veterinary); feed grade zinc bacitracin powder oral veterinary (crude zinc bacitracin powder oral veterinary, unrefined zinc bacitracin powder oral veterinary).**

* * * * *

(b) *Packaging; labeling; requests for certification, samples; fees.* Feed grade bacitracin powder oral veterinary and feed grade zinc bacitracin powder oral veterinary conform to all requirements and procedures prescribed for bacitracin powder by § 146e.425 (b), (c), (d), and (e), except that the statement listed in § 146e.425(c)(1)(v) is not required and an expiration date of 24 months or 36 months may be used if the manufacturer has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section. Its labeling complies with the requirements of food additive regulations for these drugs in Part 121 of this chapter.

30. By revising § 146e.431(b) to read as follows:

§ 146e.431 **Feed grade manganese bacitracin powder oral veterinary.**

* * * * *

(b) *Packaging; labeling; requests for certification, samples; fees.* Feed grade manganese bacitracin powder oral veterinary conforms to all requirements and procedures prescribed for feed grade zinc bacitracin powder oral veterinary by § 146e.427(b), except:

(1) Its expiration date shall be 12 months.

(2) Its labeling is such that when it is mixed with animal feed according to the directions contained therein such medicated feed complies with the requirements of § 144.24 of this chapter and the requirements of food additive regulations in Part 121 of this chapter for manganese bacitracin medicated feed.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 1, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-4058; Filed, Apr. 8, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Columbus, Ohio Control Zone and Transition area.

The VOR-1 standard instrument approach procedure authorized for the Licking County Airport, Newark, Ohio, requires alteration of the Columbus, Ohio, 700 foot floor transition area to provide airspace protection for aircraft executing the instrument approach procedure. The description of the transition area and control zone must also be amended to reflect the correct name of the Port Columbus International Airport, Columbus, Ohio.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, ATTN: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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 Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Columbus, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Columbus, Ohio, control zone the name "Columbus Municipal Airport" and insert in lieu thereof "Port Columbus International Airport."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to insert in the description of the Columbus, Ohio, 700 foot transition area, following the phrase "8 miles W of the RBN;" the words "within a 6-mile radius of the center 40°01'25" N., 82°27'40" W., of Licking County Airport, Newark, Ohio; within 2 miles each side of the Licking County Airport Runway 8 centerline extended from the Licking County Airport 6-mile radius area to 7 miles E of the end of the runway; within 2 miles each side of the Appleton, Ohio, VORTAC 320° radial and 140° radial extending from the Licking County Airport 6-mile radius area to 8 miles NW of the Appleton VORTAC;". Delete "Columbus Municipal Airport" and insert in lieu thereof "Port Columbus International Airport."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on March 24, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4114; Filed, Apr. 8, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-18]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Doylestown, Pa., 700 foot transition area over Central Bucks County Airport, Doylestown, Pa.

A new VOR Runway 23 instrument approach procedure has been authorized for Central Bucks County Airport, Doylestown, Pa., and will require designation of a part time 700 foot floor Doylestown, Pa., transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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 Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Doylestown, Pa., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Dolyestown, Pa., transition area described as follows:

DOYLESTOWN, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (40°20'20" N., 75°07'20" W.), of Central Bucks County Airport, Doylestown, Pa.; within 2 miles each side of the runway 5 centerline extended from the Doylestown, Pa., 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Solberg, N.J., VORTAC 229° radial extending from the Doylestown, Pa., 5-mile radius area to 10 miles southwest of the VORTAC, excluding the portions which coincide with the North Philadelphia, Pa., and Readington, N.J., transition areas. This transition area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 21, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4116; Filed, Apr. 8, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700 foot transition area over Holmes County Airport, Millersburg, Ohio.

A new VOR-1 standard instrument approach procedure has been authorized for Holmes County Airport, Millersburg, Ohio, predicated on the Tiverton, Ohio, VOR which will require designation of a 700 foot floor transition area to provide airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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 Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Millersburg, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Millersburg, Ohio, transition area described as follows:

MILLERSBURG, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°32'15" N., 81°57'10" W. of Holmes County Airport, Millersburg, Ohio, and within 2 miles each side of the Tiverton, Ohio, VOR 059° radial extending from the 5-mile radius area to the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on March 24, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-4117; Filed, Apr. 8, 1969; 8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-EA-50]

REPORTING POINT AND JET ROUTES

Proposed Designations, Modification, and Revocation; Supplemental Notice

The Federal Aviation Administration (FAA) is considering amending Parts 71

and 75 of the Federal Aviation Regulations to alter certain jet routes in the general vicinity of Cleveland, Ohio, Pittsburgh, Pa., and Washington, D.C.

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

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

On July 23, 1968, a notice of proposed rule making published in the FEDERAL REGISTER (33 F.R. 10460), stated that the Federal Aviation Administration proposed the following: Modification to Jet Route Nos. 30, 34, 49, 80, and 110; revocation of Jet Route No. 12 and a portion of Jet Route No. 49; and designation of a new Jet Route No. 145. On November 30, 1968, amendments to the Federal Aviation Regulations were published in the FEDERAL REGISTER (33 F.R. 17851), which accomplished the following: Altered Jet Route No. 30 as proposed; altered a portion of Jet Route No. 34 as proposed, but deferred action on most of Jet Route No. 34; retained Jet Route Nos. 49 and 12 without change in alignment but with a change in description; and deferred action on Jet Route Nos. 80, 110, and 145, pending further study of air traffic flow patterns and procedures in order to arrive at the optimum jet route structure in that area.

On July 25, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 10580), stating that the FAA was considering alteration to several jet routes including Jet Route No. 518 between Toronto, Ontario, Canada, and Westminster, Md. On November 28, 1968, amendments to the Federal Aviation Regulations were published in the FEDERAL REGISTER (33 F.R. 17767), but no action was taken on Jet Route No. 518 pending further study of air traffic flow patterns and procedures.

The study of air traffic flow patterns and procedures has been completed, and the FAA now makes the following supplemental proposals:

1. Realignment of Jet Route No. 34 in part from Cleveland, Ohio, VORTAC via Bellaire, Ohio, VORTAC; to the INT of Bellaire VORTAC 104° T (108° M) and Westminster, Md., VORTAC 247° T (255° M) radials.

2. Realignment of Jet Route Nos. 80 and 110 in part from Indianapolis, Ind., VORTAC via Bellaire, Ohio, VORTAC; to Coyle, N.J., VORTAC.

3. Realignment of Jet Route No. 518 from Cleveland, Ohio, VORTAC via INT of Cleveland VORTAC 120° T (123° M) and Westminster, Md., 288° T (296° M) radials; to Westminster VORTAC.

4. Designation of a new Jet Route No. 145 from Charleston, W. Va., VORTAC to Bellaire, Ohio, VORTAC.

5. Designation of a new Jet Route No. 162 from Cleveland, Ohio, VORTAC via Bellaire, Ohio, VORTAC; INT of Bellaire VORTAC 142° T (146° M) and Front Royal, Va., VORTAC 283° T (289° M) radials; to Front Royal VORTAC.

6. Revocation of Jet Route No. 12.

7. Revocation of Jet Route No. 49 between Charleston, W. Va., VORTAC and Philipsburg, Pa., VORTAC.

8. Designation of Bellaire, Ohio, VORTAC as a domestic high altitude reporting point.

Normal intented use of these proposed jet routes would be as follows:

1. Jet Route No. 34 for aircraft departing the Washington metropolitan area en route to northwestern terminals.

2. Jet Route No. 518 for aircraft departing Cleveland en route to Baltimore.

3. Jet Route No. 162 for aircraft departing Cleveland and en route to Dulles and Washington National. (Jet Route No. 30 is proposed for realignment in a separate proposal to coincide with Jet Route No. 162 as proposed herein between Jet Route No. 78 and Front Royal.)

4. Jet Route No. 145 for northbound aircraft landing at Pittsburgh.

5. Jet Route Nos. 80/110 for eastbound traffic east of Bellaire, and for east and westbound traffic west of Bellaire.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[F.R. Doc. 69-4115; Filed, Apr. 8, 1969; 8:46 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-19; Notice 69-7]

TRANSPORTATION OF METHYL CHLORIDE

Use of Certain Multiunit Tank Car Tanks

The Hazardous Materials Regulations Board is considering amending 49 CFR 173.314(c) to authorize the use of DOT-110A500W multiunit tank car tanks for the transportation of methyl chloride.

The Hazardous Materials Regulations Board has recently issued a special permit authorizing the transportation of methyl chloride in specification DOT-110A500W multiunit tank car tanks. The basic justification for the permit is that this tank is at least equivalent to a DOT-106A500 tank car tank which is presently authorized for the shipping of methyl chloride. In addition, on February 21, 1966, a special permit was issued by the Interstate Commerce Commission authorizing the use of 110A500W multiunit tank car tanks for the shipment of methyl chloride, and no adverse experiences were reported under that permit.

In consideration of the foregoing, the Hazardous Materials Regulations Board proposes to amend § 173.314(c) as indicated above.

Interested persons are invited to give their views on the proposal discussed herein. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 6, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

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

Issued in Washington, D.C., on April 1, 1969.

J. B. MCCARTY, JR.,
Capt. U.S.C.G., by direction of Commandant, U.S. Coast Guard.

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

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

[F.R. Doc. 69-4160; Filed, Apr. 8, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 18509; FCC 69-314]

APPLICATIONS OF TELEPHONE COMPANIES FOR CERTAIN CERTIFICATES FOR CHANNEL FACILITIES

Notice of Inquiry and Notice of Proposed Rule Making Regarding Community Antenna Television Systems

In the matter of applications of telephone companies for section 214 certificates for channel facilities furnished to affiliated community antenna television systems, Docket No. 18509.

1. The Commission has before it for consideration 17 formal applications that have been submitted pursuant to Part 63

of our rules and our interim procedures adopted August 7, 1968, 33 F.R. 11559. These applications request the Commission to certify that, within the meaning of section 214 of the Communications Act of 1934, the present or future public convenience and necessity require or will require the construction or operation of the facilities described therein. Appendix A hereof identifies the applications in question.

2. All of these applications have two things in common. In each case the applicant is an existing and established telephone company already providing interstate or foreign communications services of some kind and each is proposing by these applications to construct or operate or to construct and operate channel facilities to be furnished under a published tariff to a Community Antenna Television System (CATV) in which there exists some degree of ownership affiliation between the telephone company applicants and the CATV customers to be served.

3. For purposes of our discussion herein, these applications may be divided into the following five groups:

One, the three applications of Carolina Telephone and Telegraph Co. (P–C–7088, 7211, and 7216), wherein the applicant has a one-half ownership interest in the CATV customer to be served, namely Jefferson-Carolina CATV Corp., with the other one-half ownership interest thereof in a broadcast entity, namely Jefferson Standard Broadcasting Co., and wherein Southern Bell Telephone and Telegraph Co. (Southern Bell), and South Central Bell Telephone Co. (South Central), together have an ownership interest of about 13 percent in the applicant Carolina Telephone and Telegraph Co.;[1]

Two, the three applications of Southern Bell (P–C–7231, 7233, 7225), wherein this applicant has an ownership interest of about 7 percent in Carolina[1] Telephone and Telegraph Co., which, as heretofore stated has a 50-percent ownership interest in one of the CATV customers to be served, namely the aforementioned Jefferson-Carolina TV Corp., and wherein the other CATV customer to be served, Cablevision Inc., is wholly owned by the aforesaid Jefferson-Carolina CATV Corp.;

Three, the four applications of the United Companies (P–C–7174, 7200, 7205, and 7212), wherein each of these applicants is wholly owned by the same company (United Utilities, Inc.), that also wholly owns the CATV customer to be served in each case, namely United Transmission, Inc.

Four, the applications of the General Companies (P–C–7213, 7295, 7333, 7334, 7347), and the one application of the Western California Telephone Co. (P–C–7260) wherein 90 percent or more of the stock in each applicant is owned by General Telephone & Electronics Corp., which in turn owns 100 percent of the CATV customer to be served in each case (G.T. & E. Communications, Inc.).

Five, the application of Heins Telephone Co., wherein it appears that Mr. James E. Heins, Jr. is an officer, director and stockholder of the applicant, owning 250 out of the 5,000 shares outstanding and is also a director and stockholder of the CATV customer to be served (Lee Cablevision, Inc.), owning 241 of the 3,420 shares outstanding.

4. All of these applications were filed following our June 26, 1968, decision in Docket No. 17333 wherein we held that the construction of lines by a telephone company for the purpose of providing channel service to a CATV system must be certified pursuant to the provisions of section 214 of the Communications Act, General Telephone Company of California et al., 13 F.C.C. 2d, 448, 461. In that decision, we expressed concern over cases in which the proposed CATV operator and the telephone company serving a particular community were affiliated (e.g., a parent-subsidiary relationship or where both are under common control). Among other things, we stated:

> * * * By reason of its control over utility poles, or other local advantages resulting from its status as an existing common carrier in the community, the telephone company is in a position to preclude or to substantially delay an unaffiliated CATV system from commencing service and thereby eliminate competition. Furthermore, construction by a telephone company for an affiliated CATV operator calls for careful scrutiny on the part of the Commission in order to insure against wasteful duplication or unnecessary construction * * * 13 F.C.C. 2d, 462–463.

5. Responsive pleadings have been submitted with respect to some of these applications. For example, responsive pleadings to the application of United Telephone Company of Indiana (P–C–7174), Heins Telephone Co. (P–C–7198), United Telephone Company of Ohio (P–C–7200), General Telephone Company of Illinois (P–C–7213), and Southern Bell Telephone & Telegraph Co. (P–C–7231), allege, among other things, that the respective telephone companies have discriminated in favor of their affiliated customers and against unaffiliated CATV customers desiring pole line space or have otherwise improperly extended their existing monopoly in the telephone field to CATV services. No responsive pleadings have been filed with respect to some of these pending applications. For example, although the time has expired under our interim procedures for the filing of responsive pleadings to (a) the applications of Carolina Telephone & Telegraph Co. for Tarboro, Dunn, Erwin, Whitefield and Chadbourn, N.C., (b) United Telephone Company of Missouri for Waynesville, Mo., and (c) Southern Bell for Gastonia, N.C., no objections have been filed that are directed to such pending applications.

6. We believe that all of the pending applications listed in appendix A, raise certain significant policy or legal questions that should be resolved by the Commission before such applications may be appropriately considered in other respects. This is true with respect to those applications that are presently unopposed by responsive pleadings as well as those that are opposed.[2] Written comments from interested persons on these questions will be helpful to the Commission in carrying out its statutory obligations with respect to all such pending and future affiliation applications. Foremost among such questions is whether telephone companies, either directly or through their owned or controlled affiliates, should be permitted to engage in furnishing CATV service to the public and, if so, what conditions should be attached to any authorizations therefor issued by the Commission under section 214 to such companies to insure that rendition of the service will serve the public convenience and necessity. At the same time, we seek to determine whether we should depart from our existing policy of considering each section 214 application on an ad hoc basis and on its own merits, whether we should decline to entertain any and all such applications or whether we should entertain only certain applications which fall within predetermined exemptions.

7. Necessarily, this inquiry substantively relates to the pending notice of proposed rule making and notice of inquiry in Docket No. 18397, 15 F.C.C. 2d 417, in which comments on Part V are due initially on June 15, 1969. The first general question posed for comments in Part V of Docket 18397 is: "What is the appropriate relationship between CATV, communications common carriers, and other entities (e.g., the broadcasters, computer industry, etc.), which now provide, or may in the future provide communications services in the locality?"

The specific applications now before us involve ownership relationships between CATV and communications common carriers and comments thereon would, of course, be pertinent to the inquiry in Docket No. 18397. However, we believe that it will better enable the Commission to carry out its duties if comments are focussed on the questions raised herein and submitted separately from those in Docket 18397 and at an earlier date. We stated in our notice of inquiry in Docket 18397 that "further notices expanding or altering the scope of this rule making and inquiry may subsequently be issued as necessary or appropriate", 15 F.C.C. 2d 418. Attention is also directed to the Commission's memorandum opinion and order of February 8, 1967 in Docket Nos. 16933 et al., 6 F.C.C. 2d 860. We there discuss the various issues that are involved in the pending consolidated CATV Channel Service tariff case in Dockets 16928 et al., 6 F.C.C. 2d 175, 433, 434, 440, 441 and make reference to alleged anticompetitive activities

[1] Southern Bell and South Central have announced publicly (on or about Mar. 11, 1969), their agreement to sell their interest in Carolina Telephone and Telegraph Co., near the end of March 1969, prior to the merger of the latter with United Utilities.

[2] To illustrate, the unopposed applications of Southern Bell and Carolina Tel., raise a question, among others, as to the relevance, if any, of the Western Electric Consent Decree, 13 RR 2143, to the Bell System's ownership interest in the CATV customer to be served.

of telephone companies in connection with both pole line attachment practices and tariffs. The proceeding in the consolidated tariff case is now in recess pending judicial review of our decision in Docket 17333 with respect to section 214 of the Act. However, we wish to make it clear that, although these alleged anticompetitive practices are in issue in the consolidated tariff case and will remain so, they may be pertinent to our inquiry herein. Accordingly, comments are invited thereon insofar as those practices may have a bearing on the questions we are seeking to resolve in this proceeding.

8. Comments should be addressed to (but not necessarily limited to), the following questions and issues:

(a) What effect, if any, would the existence of Commission policies in this area have upon the Commission's expressed long range concern about a common carrier acting as a program originator (See, CATV; notice of proposed rule making and notice of inquiry; Docket No. 18397, 15 F.C.C. 2d 417, 421 and cf. 427)?

(b) What effect would Commission policies regarding ownership relationships between CATV and communications common carriers have upon the concentration of control of CATV systems? (We note, for example, that, by one kind of reckoning, multiple CATV owner United Transmission, Inc., is reportedly ranked No. 18 in the country, serving about 35,387 homes out of an estimated total of 3.7 million homes; that multiple CATV owner Jefferson-Carolina CATV Corp. is reportedly ranked No. 32, serving about 24,060 homes out of the same total; and that multiple CATV owner G.T. & E. Communications is reportedly ranked No. 36, serving about 19,143 homes out of the total, Television Digest, February 3, 1969, at pages 3 and 4. The same report shows that Continental Telephone, another telephone interest which has no section 214 applications pending before us, is ranked No. 28, serving approximately 26,924 homes. We do not suggest what weight should be given to these reported estimates. However, it will be helpful for the Commission to receive comments that will assist it in considering what policies may be adopted to avoid undue concentration of control of CATV systems by telephone companies. It should be noted that the notice in Docket No. 18397 proposes rulemaking in the area of multiple ownerships of CATV systems generally, with comments on this aspect now due on April 3, 1969. (15 F.C.C. 2d at 426, 444.) The comments there filed may also be considered in connection with the questions raised by this paragraph.

(c) Should the Commission adopt specific policies and regulations to protect against any potential unfair or anticompetitive practices that might arise as a result of the affiliated relationship between telephone companies and CATV systems? In this connection consideration should be given to such potential problems as:

(i) Possible discriminatory treatment between affiliated and nonaffiliated CATV systems in the construction or furnishing of CATV facilities;

(ii) Possible unfair competitive advantages that the affiliates of telephone companies may have over nonaffiliated entities in establishing CATV systems;

(iii) The possibility that telephone companies might subsidize the cost of construction and services required by their affiliates out of revenues derived by the telephone companies from their other services, thereby resulting in the underpricing or undercosting of services furnished by the affiliates, to the competitive detriment of nonaffiliated CATV systems;

(iv) The possibility that ownership affiliation might unduly constrain the full development of non-TV CATV services (e.g., data services), that could be substituted for traditional telephone services.

(d) Should the Commission adopt specific policies and regulations to protect against potential detrimental effects upon regular telephone service consumers occasioned by telephone company supply of CATV service to affiliated companies. In this connection, consideration should be given to such questions as:

(i) Will the telephone company's investments in an affiliated CATV system enhance or impair its ability to raise the capital necessary to expand and improve services required by the regular customers of the telephone company?

(ii) How will the overall risk condition of the telephone company and its cost of capital be affected by investments in CATV systems?

(iii) To what extent will the telephone company's requirement to supply specialized services to its CATV affiliates be in conflict with its requirements to furnish new or expanded services and facilities to its regular customers for such services as wide spectrum and video telephone switched services?

(iv) How will telephone company ownership affiliation with CATV systems affect the policies, programs, priorities, and decisions of investment in facilities, research, and development that are undertaken by the telephone companies?

(e) Will there be (and to what extent), cases where a substantial segment of the public would be deprived of CATV service unless a telephone company is permitted to furnished facilities to an affiliate?

(f) How should Commission policies in regard to affiliated CATV's take into account the legitimate role of local or state governmental agencies in their choice of who should be licensed or franchised to be CATV operators?

(g) What effect would Commission policies in this area have on the incentives for CATV operators to operate also as common carriers on any of their channels not utilized for carriage of broadcast signals or CATV origination?

(h) What effect will Commission policies (or the lack thereof), in this area have upon incentives for CATV program origination in the interest of meeting local public needs?

(i) Should the Commission prohibit telephone company ownership affiliation with CATV's, or, alternatively, what conditions might be imposed on certificates granted in affiliation cases to further the public interest objectives of the Act?

(j) Should the Commission impose policies or conditions retroactively (and if so, in what nature), on presently operating telephone company-affiliated CATV systems that are not now the subject of section 214 applications?

9. Attention is also directed to the fact that some of the applications listed in appendix A are for a certificate to construct or operate channel facilities that will be used to provide "wide spectrum" services under published tariffs. Under such service offering the facilities would be offered not only for CATV purposes but for any other services, such as high speed data, where the availability of wide spectrum facilities may be necessary or desirable. Although the principal customer of the requested facilities in such "wide spectrum" applications is expected to be the named affiliated CATV customer rather than other users, it is requested that the comments herein give consideration to and appropriately discuss the policy implications, if any, of such proposal as contrasted with the proposals to serve only CATV customers.

10. Notice is also given of proposed rule making. It may be that the Commission's determinations as to some of the policy questions involved in this proceeding should be embodied in rules. In order to be in a position to take any rule making action found appropriate at the conclusion of this proceeding, without conducting new proceedings, we put all interested persons on notice that rules may be adopted incorporating any general policies established herein.

11. Authority for the inquiry and proposed rule making instituted herein is contained in sections 2, 3, 4 (i) and (j), 214, 301, 303, and 403 of the Commuications Act.

12. Accordingly, interested persons are invited to comment on the questions indicated above. In view of the need for early resolution of these questions, comments shall be filed on or before May 2, 1969, and reply comments on or before May 16, 1969. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited in this notice.

13. An original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. 47 CFR 1.419.

Adopted: April 2, 1969.

Released: April 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[1] Commissioner Wadsworth absent.

Line No.	File No.	Applicant	Area	CATV operator	Estimated costs
1	P-C-7088	Carolina Telephone and Telegraph Co.	Tarboro, N.C.	Jefferson-Carolina CATV Corp.	$211,000
2	P-C-7211	do	Dunn and Erwin, N.C.	do	211,000
3	P-C-7216	do	Whiteville and Chadbourn, N.C.	do	233,000
4	P-C-7231	Southern Bell Telephone and Telegraph Co.	Charlotte, N.C.	do	2,109,725 [1] 1,124,000 [1]
5	P-C-7233	do	Greensboro, N.C.	do	1,565,619 [1] 502,445
6	P-C-7225	do	Gastonia, N.C.	Cablevision, Inc.	773,865 [1] 210,000
7	P-C-7174	United Telephone Co. of Indiana.	Union City, Ind. Union City, Ohio	United Transmission Inc.	196,000
8	P-C-7200	United Telephone Co. of Ohio.	Ottawa, Ohio	do	80,000
9	P-C-7206	United Telephone Co. of Missouri.	Waynesville, Mo.	do	69,000
10	P-C-7212	United Inter-Mountain Telephone Co.	Erwin, Tenn.	do	124,000
11	P-C-7213	General Telephone Co. of Illinois.	Bloomington, Ill. Normal, Ill.	GT&E Communications Inc.	879,419
12	P-C-7260	Western California Telephone Co.	Novato, Calif.	GT & E Communications Inc.	176,000
13	P-C-7295	General Telephone Co. of the Southwest.	Little Field, Tex.	do	91,000
14	P-C-7333	General Telephone Co. of Michigan.	South Haven, Mich.	do	[400.00 112,000
15	P-C-7334	do	Adrian and Tecumseh, Mich.	do	[29,097 395,332
16	P-C-7198	Heins Telephone Co.	Sanford, N.C.	Lee Cablevision Inc.	139,000
17	P-C-7347	General Telephone Co. of the Midwest.	Columbia, Mo.	GT & E Communications Inc.	693,170

[1] Existing facilities.

[F.R. Doc. 69-4135; Filed, Apr. 8, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18453]

ADDITION OF VHF TELEVISION BROADCAST CHANNEL TO MOUNT VERNON, ILL.

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b) of the Commission's rules and regulations to add a VHF television broadcast channel to Mount Vernon, Ill., Docket No. 18453, RM-1372.

1. The Commission has before it for consideration a request, filed jointly on March 24, 1969 by Plains Television Corp., licensee of station WICS(TV), Springfield, Ill. (Channel 20), and station WICD(TV), Champaign, Ill. (Channel 15), and Turner-Farrar Association, licensee of station WSIL-TV, Harrisburg, Illinois (Channel 3), for a further extension of time for filing comments and reply comments herein, to April 24, and May 3, 1969, respectively. For good cause shown, the original dates for filing comments and reply comments (originally March 24 and April 3, 1969, see notice of proposed rule making adopted February 12, 1969; 34 F.R. 2359) had been extended and the present due dates are April 7 and April 17 respectively (see order adopted March 21, 1969, Mimeo 29910). On March 25, 1969, Soillcom, Inc., the petitioner that requested the institution of this rule making proceeding, looking toward the assignment of Channel 13 to Mt. Vernon, Ill., filed an opposition to an extension of time.

2. In support of the request for an extension of time, the parties contend that, in view of the lengthy petition for rule making and the complex questions involved with respect to the proposed assignment, the period of time specified in the notice is insufficient to permit adequate review and analysis of the material contained in the petition. Soillcom, in its opposition, points out that the subject petition was filed without knowledge that the previous extension of time had been granted, and contends that the period of time, as extended to April 7 and 17, 1969, for filing comments and reply comments, respectively, is sufficient to permit adequate review and analysis of Soillcom's petition for rule making.

3. Soillcom's petition for rule making was filed on November 18, 1969 and public notice of the filing was given on November 25, 1968 (Public Notice No. 651, Mimeo 28479). However, we will grant a short final extension of 1 week to enable the parties to complete their review and analysis of the material contained in Soillcom's petition for rule making.

4. *Accordingly, It is ordered*, That the time for filing comments and reply comments in this proceeding is extended to April 14 and April 25, 1969, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 27, 1969.

Released: April 2, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-4136; Filed, Apr. 8, 1969; 8:47 a.m.]

[47 CFR Part 95]

[Docket No. 18507; FCC 69-312]

CITIZENS RADIO SERVICE

Station Identification

In the matter of amendment of § 95.95 of the Commission's rules to permit Class A citizens radio stations to be identified in the manner provided for other land mobile stations, Docket No. 18507.

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

2. The provisions of § 95.95, which apply to all classes of stations in the Citizens Radio Service, require station identification by each participating unit at the beginning and end of each series of transmissions. With the exception of Class A stations, all transmitters in the Citizens Radio Service are considered mobile units and operate with relatively low power which may be heard only over relatively short distances. Class A stations, however, may consist of a base station, one or more fixed (control) stations at another location, and associated mobile stations. In this respect, Class A stations operate in a manner similar to stations in other land mobile services. There appears to be no valid reason why the Class A stations cannot identify in a similar manner as stations in other land mobile services which permit the higher powered base stations to give the required station identification and the associated mobile units, operating on the same frequency, to identify with unit designators. Therefore, it would be appropriate to make similar rule provisions governing other land mobile services applicable to Class A stations.

3. Accordingly, we propose, consistent with enforcement needs, to revise § 95.95 so that the station identification requirement for Class A stations will more closely parallel the provisions in the other land mobile radio services. Under our proposal, an alternative method of identification will require the base and fixed station of a Class A radio system to transmit the call signal at the end of each transmission or exchange of transmission or once each 15-minute period of a continuous exchange of transmission. Mobile units which transmit on the same frequency as the base station they are communicating with will be required to identify by transmitting, once during each exchange of transmission, any unit identifier which is on file in the station records of such base station. Mobile stations which transmit on a different frequency from the base station, they are communicating with will be required to identify by transmitting their call sign at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

4. Authority for the proposed amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may

file comments on or before May 12, 1969, and reply comments on or before May 22, 1969. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: April 2, 1969.

Released: April 3, 1969.

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

Part 95 of the Commission's rules is proposed to be amended as follows:

Section 95.95 is amended by the addition of a new paragraph (e) to read:

§ 95.95 Station identification.

* * * * *

(e) In lieu of complying with the requirements of paragraph (c) of this section, Class A stations may identify as follows:

(1) Base stations and fixed stations of a Class A radio system shall transmit their call signs at the end of each transmission or exchange of transmission or once each 15-minute period of a continuous exchange of communications.

(2) A mobile unit of a Class A station communicating with a base station of a Class A radio system on the same frequency shall transmit once during each exchange of transmission any unit identifier which is on file in the station records of such base station.

(3) A mobile unit of Class A stations communicating with a base station of a Class A radio system on a different frequency shall transmit its call sign at the end of each transmission or exchange of transmission or once each 15-minute period of a continuous exchange of communications.

[F.R. Doc. 69-4137; Filed, Apr. 8, 1969; 8:47 a.m.]

[47 CFR Part 97]

[Docket No. 18506; FCC 69-311]

AMATEUR RADIO SERVICE

Mobile Operation

In the matter of amendment of § 97.95 (b) (2) of the amateur radio service rules concerning mobile operation, Docket No. 18506, RM-981.

1. A petition for rule making in the Amateur Radio Service has been filed by Richard F. Ackerman. Petitioner proposes that § 97.95(b) (2) of the rules be amended to permit amateurs to operate in any amateur band between 3.5 MHz and 148 MHz while located anywhere in Region 2 and, in addition, to permit operation in the bands 3.5 to 3.8 MHz and 7.0 to 7.1 MHz outside Region 2.

2. Section 97.95(b) (2) presently permits amateur operation when outside the jurisdiction of any foreign government in any amateur band, between 7.0 and 148 MHz, inclusive, in Region 2 and only in the 14.00–14.35 MHz, 21.00–21.45 MHz, and 28.0–29.7 MHz bands outside Region 2. Region 2 which is defined precisely in the Geneva Radio Regulations (GRR) and § 97.95 of the rules, includes the continents of North and South America, the western portion of the Atlantic Ocean, and the eastern portion of the Pacific Ocean.

3. Petitioner's request would extend the present operating authority to include the world-wide use of 3.5–3.8 MHz and 7.0–7.1 MHz while outside the jurisdiction of foreign governments. By international agreement, in all regions the 3.5–3.8 MHz band is allocated for shared use by the Amateur, Fixed, and Mobile Services; and the band 7.0–7.1 MHz is allocated exclusively to the Amateur Service in all regions.

4. In support of his request, petitioner states that the extension of operating privileges would permit amateurs operating mobile aboard ships and aircraft to contact and meet fellow amateurs throughout the world; it would also permit these same amateurs to more readily maintain contact with United States amateurs. Petition also cites the usefulness of the 3.5–3.8 MHz band for domestic contacts by amateurs operating in the area surrounding the East and Gulf Coasts of the United States.

5. In view of the world-wide exclusive availability of the 7.0–7.1 MHz band to the Amateur Service, the Commission proposes to amend its rules to permit U.S. amateurs, when outside the jurisdiction of a foreign government, to operate in that band when in Regions 1 and 3. Such operation is now permitted in Region 2.

6. The Commission, in Docket 12307 (FCC 58–105), denied a petition to make the band 3.5 to 4.0 MHz available to amateurs operating aboard ships "sailing between ports on the East coast; between ports of the Gulf coast; or between ports of these coasts; or between ports of the Pacific coast; and the Hawaiian coast," because the proposal, if adopted, would provide no specific boundaries within which such operations would be permitted and would be so indefinite as to preclude effective administration.

7. The instant proposal for extension of operating privileges in the 3.5 to 4.0 MHz band presents additional problems since it would permit amateur mobile operation throughout Region 2. In Region 2 this band is allocated by the 1959 Geneva Radio Regulations to the Amateur, Fixed, and Mobile Services. However, all administrations do not permit amateur operation in identical segments of the band. Thus, mobile operation aboard ships of the United States could significantly increase the possibility of causing harmful interference to certain stations using this frequency band in accordance with the Geneva Radio Regulations and prior notification to the International Frequency Registration Board. Accordingly, the request to amend the rules to permit mobile operation in the 3.5 to 3.8 MHz anywhere in Region 2 while outside the jurisdiction of foreign governments is not included in this proposal.

8. The rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 11, 1969, and reply comments on or before June 23, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: April 2, 1969.

Released: April 3, 1969.

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

Part 97 of the Commission's rules is proposed to be amended as follows:

Section 97.95(b) (2) is revised as follows:

§ 97.95 **Operation away from the authorized permanent station location.**

* * * * *

(b) * * *

(2) When outside the jurisdiction of a foreign government, operation may be conducted within Region 2 on any amateur frequency band between 7.0 MHz and 148 MHz, inclusive; and when not within Region 2, operation may be conducted only in the amateur bands 7.0–7.1 MHz, 14.00–14.35 MHz, 21.00–21.45 MHz, and 28.0–29.7 MHz.

NOTE: Region 2 is defined as follows: On the east, a line (B) extending from the North Pole along meridian 10° west of Greenwich to its intersection with parallel 72° north; thence by Great Circle Arc to the intersection of meridian 50° west and parallel 40° north; thence by Great Circle Arc to the intersection of meridian 20° west and parallel 10° south; thence along meridian 20° west to the South Pole. On the west, a line (C) extending from the North Pole by Great Circle Arc to the intersection of parallel 65°30' north with the international boundary in Bering Strait; thence by Great Circle Arc to the intersection of meridian 165° east of Greenwich and parallel 50° north; thence by Great Circle Arc to the intersection of meridian 170° west and parallel 10° north; thence along parallel 10° north to its inter-

[1] Commissioner Wadsworth absent.

[1] Commissioner Wadsworth absent.

section with meridian 120° west; thence along meridian 120° west to the South Pole.

* * * * *

[F.R. Doc. 69-4138; Filed, Apr. 8, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

State Exemption Procedures and Criteria

The Board of Governors of the Federal Reserve System is considering the adoption of the following Supplement II to Part 226 (Regulation Z), containing procedures and criteria under which any State may apply for an exemption from Chapter 2 of the Truth in Lending Act, which is Title I of the Consumer Credit Protection Act (Public Law 90-321, 82 Stat. 146).

The Federal Truth in Lending Act, which becomes effective on July 1, 1969, provides in section 123 that the Board shall exempt from the requirements of Chapter 2 of the Act "any class of credit transactions within any State if it determines that under the law of that State that class of transactions is subject to requirements substantially similar to those imposed," by the Federal law, and "that there is adequate provision for enforcement." The Truth in Lending provisions relating to the advertising of credit do not fall within Chapter 2 of the Act, and consequently will remain subject to Federal jurisdiction although a State may otherwise have obtained an exemption for a class of credit transactions.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Such comments should be submitted in writing to the Board by April 30, either directly or through the 12 Federal Reserve Banks.

(15 U.S.C. 1601-1605)

Dated at Washington, D.C., this 1st day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

SUPPLEMENT II TO REGULATION Z

PROCEDURES AND CRITERIA UNDER WHICH ANY STATE MAY APPLY FOR EXEMPTION PURSUANT TO PARAGRAPH (A) OF § 226.12

(a) *Procedure.* Any State may make application to the Board for its determination that under the laws of that State,[1] any class of transactions within that State is subject to requirements substantially similar to those requirements imposed under Chapter 2 of the Act[2] and that there is adequate provision for enforcement. Such determination shall constitute an exemption of such class of transactions from the requirements of Chapter 2 of that Act. Any such application shall be:

(1) Made with respect to any class of transactions described in subparagraph (c)(1) which involves creditors who extend, arrange to extend, offer to extend, or offer to arrange to extend consumer credit in connection with such transactions within the State; and

(2) Made by letter addressed to the Board, signed by an appropriately authorized officer of the State, and submitted in triplicate of which only the original need be signed.

(b) *Supporting documents.* Each copy of the application shall be accompanied by:

(1) A copy of the authorization under which the application is filed;

(2) A copy of the laws of the State which the applicant maintains to be substantially similar in requirements to those requirements imposed under Chapter 2 of the Act;

(3) A statement by legal counsel for the State setting forth detailed comparisons of the requirements of State law and the requirements of Chapter 2 of the Act with supporting opinions and reasons showing that applicable requirements of State law are substantially similar to those imposed under Chapter 2 of the Act, that any differences are not inconsistent with the requirements of Chapter 2 of the Act, and that there are no other State laws which are inconsistent with the requirements of Chapter 2 of the Act.

(4) A copy of the laws of the State which provide for enforcement of the State laws referred to in subparagraph (2) of this paragraph; and

(5) A statement by legal counsel for the State with supporting opinion and reasons showing that provisions of State law referred to in subparagraph (4) of this paragraph with regard to administrative enforcement, criminal liability for willful and knowing violation, civil liability for failure to make required disclosures, and remedies for incorrect disclosures constitute adequate provision for enforcement.

(c) *Criteria for determination.* The Board will consider the following criteria in making a determination of whether the law of a State imposes requirements substantially similar to those requirements imposed under Chapter 2 of the Act, and whether there is adequate provision for enforcement of such laws:

(1) A class of transactions shall be:

(i) Transactions under open end consumer credit plans which are subject to the requirements of section 127 of the Act;

(ii) Consumer credit sale transactions not under open end credit plans which are subject to the requirements of section 128 of the Act; or

(iii) Consumer loan transactions not under open end credit plans which are subject to the requirements of section 129 of the Act.

(2) In order for requirements of State law to be substantially similar to requirements imposed under Chapter 2 of the Act, the provisions of State law[3] shall require that:

(i) Creditors make disclosures and deliver notices in form, content, and terminology and under definitions and rules of construction prescribed in this part;

(ii) Creditors make disclosures of the finance charge determined as prescribed in § 226.4;

(iii) Creditors make disclosures of the annual percentage rate determined as prescribed in § 226.5;

(iv) Customers shall have a right to rescind certain transactions and will be afforded remedies in event of rescission as provided in § 226.9;

(v) Creditors make delivery of required disclosures and notices in the circumstances and at the time prescribed in §§ 226.7, 226.8, and 226.9, as applicable, and if the Comparative Index of Credit Cost is permitted or required to be disclosed, in accordance with § 226.11; and

(vi) Creditors comply with general disclosure requirements prescribed in accordance with paragraphs (a), (d), and (i) of § 226.6.

(3) In determining whether provision for enforcement of State law referred to in subparagraph (2) of this paragraph is adequate, consideration will be given to the extent to which State law provides for:

(i) Administrative enforcement;

(ii) Criminal liability for willful and knowing violation;

(iii) Civil liability for falure to make required disclosures; and

(iv) Remedies for incorrect disclosures.

(d) *Exemption from requirements of Chapter 2.* If the Board determines that under the law of a State any class of transactions is subject to requirements substantially similar to those requirements imposed under Chapter 2 of the Act and that under the law of that State there is adequate provision for enforcement, the Board will exempt such class of transactions in that State from the requirements of Chapter 2 of the Act in the following manner and subject to the following conditions:

(1) The proposed exemption will be published as a notice of proposed rule making in the FEDERAL REGISTER, and time will be allowed for written comments to be submitted to the Board;

(2) If and when the Board issues its exemption of a class of transactions within any State from the requirements imposed under Chapter 2 of the Act, the official who made application for such exemption will be so notified in writing, and notice of the exemption will be published in the FEDERAL REGISTER;

(3) During the time that any such exemption is in effect, in order that the Board may be in a position to determine whether the State law continues to impose requirements substantially similar to those requirements imposed under Chapter 2 of the Act with respect to the class of transactions to which the exemption applies, and that there continues to be adequate provision for enforcement of such law, any State which receives an exemption shall inform the Board within 30 days of the occurrence of any change in its related law, and shall file with the Board from time to time such reports as the Board may require. The report of any such change shall contain copies of that change together with statements setting forth the information and opinions with respect to that change as specified in subparagraphs (3) and (5) of paragraph (b).

(4) The Board will inform any State which receives an exemption of any subsequent amendments to Chapter 2 of the Act (or the implementing provisions of this part) which might call for amendment of State law or regulations;

(5) The Board reserves the right to revoke any such exemption issued to a State if upon

[1] Any reference to State law in Supplement II includes a reference to any regulations which implement State law, and to applicable judicial decisions.

[2] Any reference to Chapter 2 of the Act or any section thereof in Supplement II includes a reference to the implementing provisions of this part.

[3] This paragraph is not to be construed as indicating that the Board would consider adversely any additional requirements of State law which are not inconsistent with the purpose of the Act or the requirements imposed under Chapter 2 of the Act.

review it finds that the law of that State no longer imposes requirements which are substantially similar to those requirements imposed under Chapter 2 of the Act or that under State law there is no longer adequate provision for enforcement; and

(6) In the event of revocation of any such exemption, notice of such revocation shall be published in the FEDERAL REGISTER and communicated to an appropriate State official, and the class of transactions affected within that State shall then be subject to the requirements of Chapter 2 of the Act.

[F.R. Doc. 69-4092; Filed, Apr. 8, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte No. MC-77]

RESTRICTIONS ON SERVICE BY MOTOR COMMON CARRIERS

Notice of Proposed Rule Making

APRIL 4, 1969.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of March 1969.

Common carriers by motor vehicle are a public institution upon which the general public must depend for adequate, economical, and efficient transportation. They are engaged in what has always been regarded as a public calling, and by reason of that fact they are subject to specific legal obligations. They must, according to their abilities, serve all who seek their services, and serve them equally and fairly. They may not pick and choose. This Commission's regulatory powers over motor common carriers under the Interstate Commerce Act are designed to enforce these basic obligations comprehensively and strictly. Motor common carrier authority to serve imports a corresponding duty and obligation to serve.

The National Transportation Policy (49 U.S.C., preceding section 1 of the Interstate Commerce Act), declares it to be the purpose of Congress:

> * * * to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this Act, so administered as to recognize and preserve the inherent advantages of each; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers; to encourage the establishment and maintenance of reasonable charges for transportation services, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; * * *—all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense.

All of the provisions of the Act are to be administered and enforced with a view to carrying out this congressional policy. In furtherance of these goals it has been the consistent practice of this Commission to insist that a motor common carrier provide service to the full extent of its operating authority and to discourage the filing of any tariff that would be more limiting or restrictive on the carrier's obligation or undertaking than the terms of its operating authority.

Section 217(a) of the Act requires every common carrier by motor vehicle to file with this Commission tariffs showing all the rates and all services in connection therewith for transportation of property in interstate or foreign commerce. In addition, this Commission has ample authority to require motor common carriers to observe reasonable practices in connection with their rates and services and to consider complaints alleging unreasonable practices in the publication of rates or the conduct of operations. See sections 204(c) and 216(b) of the Act. These and other provisions of the statute establish the comprehensive jurisdiction and broad powers of this Commission to regulate the transportation of property by motor common carriers engaged in interstate or foreign commerce and to establish and enforce reasonable requirements with respect to the provision of continuous and adequate service by such carriers.

We have recently become aware of what appears to be an increasing practice of motor common carriers of property limiting the service rendered or held out to the public. This is accomplished in several ways. For example, a carrier holding a certificate of public convenience and necessity or a certificate of registration, which contains no restriction as to the size or measurement of shipments which may be accepted, nevertheless by tariff publication advises shippers that it will not accept shipments of less than a certain size or weight. Another such carrier provides in its tariffs that certain points on its line will be "served only on shipments of _____ pounds or more." Still other carriers require, by tariff rule or other provision, that charges on all small size shipments be based on a stated minimum weight. In many such instances, an embargo is thereby imposed in effect on small shipments. At the same time, this Commission's records fail to reveal that written embargoes, which properly may only be temporary, have been issued by the carriers imposing such restrictions although the regulations outstanding require:

> Whenever any motor common carrier of property subject to the Interstate Commerce Act finds that because of a lack of facilities or personnel, or because it is required to give preference and precedence to other traffic legally entitled to such priority, or because of other compelling circumstances not within the control of the carrier, it is or will be unable to perform all authorized transportation services requested of it, and that it will be necessary for it temporarily to suspend the offering of services in the transportation of any commodity, commodities, or class of traffic, to or from any territory, point, shipper, consignee, or connecting carrier, or over any route, it shall immediately give public notice of such fact by a written notice of an embargo, specifying the extent thereof, the date the embargo is to become effective, its duration, if known, and the reasons why the placing of the embargo is necessary.

See 49 CFR 1059.1, 1059.2, and 1059.3.

Representative examples of limitations on service imposed by tariff provisions are shown in appendix A to this order. Most, if not all, of these tariff limitations appear in reissuances of or supplements to tariffs previously on file; and the extent to which, if at all, such limitations or restrictions might prevent the rendition of any service authorized and required to be performed by the carriers' operating rights has not been readily ascertainable. Such restrictions, it seems safe to say, would have been questioned had it been known that the scope of the carriers' service obligations under their authorities would thereby be materially lessened.

In these circumstances, it appears that a feasible way in which to achieve sound and impartial regulation, and to be certain that motor common carriers and their customers understand and are constantly aware of the carriers' responsibilities under the Interstate Commerce Act and their respective certificates, is by the adoption of an appropriate tariff rule which will reflect these essential common carrier obligations by forbidding the filing of any tariff restricting the scope of the carriers' authorized operations. A proposed tariff regulation designed to accomplish this purpose is set forth in Appendix B to this order. Under that proposed rule all of the service limitations and restrictions described in this order and in Appendix A thereto would be precluded save where specifically included in the carrier's underlying certificate. We recognize, of course, that a number of existing tariffs would have to be supplemented or reissued for the purpose of eliminating the prohibited restrictions or limitations, and the proposed regulation provides a reasonable time period within which this may be accomplished. Any tariffs or supplements filed after the effective date of the considered regulation, however, would be subject to its requirements.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of Part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) including more specifically sections 204(a)(1), 204(a)(6), 208(a), 212(a), 216, and 217, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant the making of the proposed regulation, or other regulations of similar purport applicable to motor common carriers of property operating in interstate or foreign commerce subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of property operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they

are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless need therefor should later appear, but that respondents or any other interested person or persons may participate in the proceeding by submitting for consideration written statements of facts, views, and arguments by filing with the Commission at its office in Washington, D.C., on or before May 5, 1969, 15 copies of such statement, one copy of which shall be signed and verified statements of fact. Replies to such statements are not contemplated at this time.

And it is further ordered, That a copy of this order be mailed to the Governor of every State and to the Public Utilities Commissioners or Boards of each State having jurisdiction over motor transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to respondents and to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX A

SOUTHERN MOTOR CARRIERS RATES CONFERENCE, AGENT

Tariff 508-H, MF-ICC No. 1476—Eastern Rate Group Tariff

Notes referred to in listing of points and carriers serving them:

1—Served only on shipments of 5,000 pounds or more.
2—Served only on shipments of 10,000 pounds or more.
3—Served only on shipments of 15,000 pounds or more.
4—Served only on shipments of 2,000 pounds or more.
6—Served only on shipments of 6,000 pounds or more.
7—Served only on shipments of 4,000 pounds or more.
11—Served only on shipments of 3,000 pounds or more.
19—Served only on shipments of 20,000 pounds or more.
21—Served only on shipments of 1,000 pounds or more.
23—Served only on shipments of 2,500 pounds or more.
24—Served only on shipments of 3,500 pounds or more.
25—Served only on shipments of 8,000 pounds or more.
30—Served only on shipments of 23,000 pounds or more.
16—Direct service performed on truckload shipments only.
18—Served only on shipments of 10,000 lbs. or more, except traffic in any quantity will be accepted to points bearing this reference mark from May 25th until Labor Day.
89—Served only on volume shipments.

MIDDLE ATLANTIC CONFERENCE, AGENT

Tariff 14-Q, MF-ICC A-1869—Class rate tariff

Item 1015:

(a) Direct service will be given to the following points in New Hampshire only on shipments weighing each 10,000 pounds or more or when billed each on the basis of a minimum weight of 10,000 pounds.

Alexandria.	Hopkinton.
Amherst.	Litchfield.
Ashland.	New Boston.
Beebe River.	Tracking Station.
Campton.	New Hampton.
Canterbury.	Pelham.
Chester.	Plaistow.
Contoocook.	Plymouth.
Farmington.	Rumney.
Hampstead.	Salisbury.
Hebron.	Webster.
Holderness.	Windham.

(b) Shipments weighing each less than 10,000 pounds will not be accepted to any points in New Hampshire named below except shipments moving under any quantity rates will be accepted from May 25 to Labor Day.

Alton.	Meridith.
Alton Bay.	Moultonboro.
Barnstead.	Northwood.
Central Harbor.	Pittsfield.
Chichester.	Tuftenboro.
Gilmanton.	Weirs.
Gilmanton Iron Works.	Wolfeboro.
Melvin Village.	Wolfeboro Falls.

THE NEW ENGLAND MOTOR RATE BUREAU, INC., AGENT

Tariff No. 11-M, MF-ICC No. A-242

Item No. 95:

On traffic moving from or to Dover, Medfield, Medway, Millis, and Upton, Mass., for account of this carrier, the minimum weight will be 10,000 lbs.

Item No. 103:

Rates and charges for the account of this carrier will be subject to a minimum of 5,000 lbs. at the applicable rate thereon on shipments from or to the following points in Massachusetts: (M)

Barnstable, Bourne, Brewster, Chatham, Chilmark, Edgartown, Dennis, Eastham, Falmouth, Gay Head, Harwich, Kingston, Mashpee, Nantucket, Oak Bluffs, Orleans, Plymouth, Provincetown, Sandwich, Tisbury, Truro, Vineyard Haven, Wareham, Wellfleet, West Tisbury, and Yarmouth (O-NIA 66-43-1).

MOTOR CARRIERS TARIFF BUREAU, INC., AGENT

Motor Freight Tariff No. 39.3, MF-ICC 149

Item 455:

L.T.L. rates named in this Tariff on shipments weighing less than 5,000 pounds will not apply via this carrier. Such L.T.L. shipments weighing less than 5,000 pounds as are accepted shall be charged for on a minimum weight of 5,000 pounds at the rate applicable thereto.

APPENDIX B

PROPOSED RULE

That 49 CFR be amended by adding thereto § 1307.27(k) as follows:

§ 1307.27 Contents of tariffs.

* * * * *

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority. No provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the carrier's full operating authority or which exceeds such authority. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of subparagraph (1) of this paragraph which do not conform to those requirements shall be brought into conformity therewith on or before ----------

[F.R. Doc. 69-4147; Filed, Apr. 8, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 190 (Rev. 6)]

SUPERVISION OF BUREAUS AND PERFORMANCE OF FUNCTIONS

1. The following officials shall be under the direct supervision of the Secretary:

The Under Secretary.
The Under Secretary for Monetary Affairs.
The Assistant to the Secretary Director, Executive Secretariat.

2. The following officials shall be under the direct supervision of the Under Secretary:

Assistant to the Under Secretary.
Special Assistant to the Secretary (National Security Affairs).
Special Assistant to the Secretary (Public Affairs).
Special Assistant to the Secretary (Congressional Relations).
Internal Revenue Service.
Comptroller of the Currency.

3. The following officials shall be under the direct supervision of the Under Secretary and shall exercise supervision over those offices, bureaus, and other organizational units indicated thereunder:

A. General Counsel:
Legal Division.
Office of Director of Practice.
Office of Employment Policy Program.
B. Assistant Secretary (Tax Policy):
Office of Tax Legislative Counsel.
Office of Tax Analysis.
C. Assistant Secretary (Enforcement and Operations):
Special Assistant to the Secretary (for Enforcement).
U.S. Secret Service.
Bureau of Customs.
Bureau of Engraving and Printing.
Bureau of the Mint.
D. Assistant Secretary for Administration.
Office of Administrative Services.
Office of Budget and Finance.
Office of Management and Organization.
Office of Personnel.
Office of Planning and Program Evaluation.
Office of Security.

4. The following officials will be under the direct supervision of the Under Secretary for Monetary Affairs:

Deputy Under Secretary for Monetary Affairs.
Special Assistant to the Secretary (Debt Management).

5. The following officials shall be under the direct supervision of the Under Secretary for Monetary Affairs and shall exercise supervision over those offices, bureaus, and other organizational units indicated thereunder:

A. Assistant Secretary (International Affairs).
Office of Administration.
Office of Latin America.
Office of Developing Nations.
Office of International Gold and Foreign Exchange Operations.
Office of Balance of Payments Programs, Operations and Statistics.
Office of Financial Policy Coordination and Operations.
Office of Industrial Nations.
Office of International Economic Affairs.
Office of Foreign Assets Control.
B. Assistant Secretary (Economic Policy).
Office of Financial Analysis.
Office of Domestic Gold and Silver Operations.
Office of Debt Analysis.
C. Fiscal Assistant Secretary.
Bureau of Accounts.
Bureau of the Public Debt.
Office of the Treasurer of the United States.
D. U.S. Savings Bonds Division.

6. The Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which actions should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of, or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

7. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

A. Under Secretary.
B. Under Secretary for Monetary Affairs.
C. General Counsel.
D. Presidentially appointed Assistant Secretaries in the order in which they took the oath of office as Assistant Secretary.

8. Treasury Department Order No. 190 (Revision 5) is rescinded, effective this date.

Dated: April 1, 1969.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-4083; Filed, Apr. 8, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Riverside 1249]

CALIFORNIA

Opening of Land From Waterpower Withdrawals

APRIL 2, 1969.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to authority delegated to me by Bureau Order 701 of July 23, 1964, as amended June 25, 1968 (33 F.R. 9308) and October 9, 1968 (33 F.R. 10578), it is ordered as follows:

1. In an order issued October 29, 1968, the Federal Power Commission vacated EP-371-California, for the following described lands, all within the Inyo National Forest, with the exception of lands in T. 3 S., R. 29 E., M.D.M.:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 26 E.,
Sec. 5, lots 2 and 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 17, NW¼NE¼;
Sec. 20, E½SE¼;
Sec. 21, N½NW¼, SW¼NW¼, and W½SW¼;
Sec. 28, W½W½;
Sec. 29, E½E½;
Sec. 32, E½E½;
Sec. 33, W½W½.
T. 2 S., R. 26 E.,
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, and NW¼SE¼;
Sec. 5, lot 1, SE¼NE¼, and SE¼;
Sec. 8, lots 1 and 2, NE¼, and N½SE¼;
Sec. 9, W½W½;
Sec. 13, S½;
Sec. 14, lots 2 and 3, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 15, S½N½ and S½;
Sec. 16, NW¼NW¼, S½N½, and S½;
Sec. 17, lots 1, 2, 4, and 6, SE¼NW¼, SW¼SE¼, and E½SW¼;
Sec. 20, NW¼NE¼ and S½NE¼;
Sec. 21, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 23, N½N½;
Sec. 24, N½N½.
T. 2 S., R. 27 E.,
Sec. 15, S½S½;
Sec. 16, S½S½;
Sec. 17, S½;
Sec. 18, S½;
Sec. 19, N½N½;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N½ and N½S½;
Sec. 24, N½ and N½S½.

T. 2 S., R. 28 E.,
Sec. 19, lots 1, 2, and 3, E½NW¼, NW¼NE¼, S½NE¼, and NE¼SE¼;
Sec. 20, SE¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 21, S½N½ and N½S½;
Sec. 22, S½N½ and N½S½;
Sec. 23, S½NE¼, SW¼NW¼, and NW¼SW¼;
Sec. 24, S½NW¼;
Sec. 25, S½NW¼ and NW¼SE¼;
Sec. 26, S½NE¼ and NW¼NW¼;
Sec. 27, N½N½;
Sec. 28, N½N½;
Sec. 29, NE¼NE¼.
T. 2 S., R. 29 E.,
Sec. 19, lot 4 and SE¼SW¼;
Sec. 29, SW¼NW¼, NW¼SW¼, and SE¼SW¼;
Sec. 30, SE¼NE¼;
Sec. 31, SW¼NE¼;
Sec. 32, NW¼NE¼ and W½SW¼.
T. 3 S., R. 29 E.,
Sec. 4, NE¼SW¼;
Sec. 5, E½ of lots 1 and 2 of NW¼;
Sec. 10, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 15, E½NE¼.

2. The order issued October 29, 1968, by the Federal Power Commission also vacated EP–1828–California, for the following described lands within the Inyo National Forest:

MOUNT DIABLO MERIDIAN

All portions of the following subdivisions lying within 25 feet of the centerline survey of the dam, ditch, flume, penstock, power house, tailrace, and transmission line location as shown on map designated "Exhibit F" and entitled "Minor Power Project of Vernon A. Meacham, Bishop—Mono County—Calif., Mono National Forest, Calif.," and filed in the office of the Federal Power Commission on January 27, 1941:

T. 2 S., R. 26 E.,
Sec. 21, S½NE¼ and NW¼SE¼.

3. All of the lands described in paragraph 1 hereof except Secs. 17, 20, 29, and 32, T. 1 S., R. 26 E., and Secs. 5, 8, 17, 20, and 21, T. 2 S., R. 26 E., M.D.M., are in proposed withdrawal R–411, effective February 8, 1967, as amended March 22, 1967, for the Mono-Long Valley Geothermal Area.

4. The lands described under T. 3 S., R. 29 E., M.D.M., are withdrawn by the Act of March 4, 1931 (46 Stat. 1530) (Public No. 864), 71st Congress, approved April 6, 1931, for protecting watersheds for the city of Los Angeles and other cities in California.

5. Lands which were withdrawn for transmission line purposes only have been subject to the general determination of the Federal Power Commission issued April 17, 1922.

6. At 10 a.m., May 14, 1969, the following described lands are hereby opened to such forms of disposal as may by law be made of national forest lands, subject to valid existing rights and the requirements of applicable laws and regulations:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 26 E.,
Sec. 32, E½ SE¼.

T. 2 S., R. 26 E.,
Sec. 5, lot 1, SE¼NE¼, and NW¼SE¼;
Sec. 17, E½SW¼;
Sec. 21, S½NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼.

WALTER F. HOLMES,
Assistant Manager,
Riverside Land Office.

[F.R. Doc. 69–4105; Filed, Apr. 8, 1969; 8:45 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 2, 1969.

Notice of a Forest Service, U.S. Department of Agriculture, application Sacramento 050595 for withdrawal and reservation of land for the Hampshire Rocks Recreation Area, was published as F.R. Doc. 62–11996, on pages 12004, 12005, and 12006 of the issue for December 5, 1962. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

T. 17 N., R. 13 E.,
Sec. 27, N½S½NE¼, N½S½NW¼SW¼SW¼NE¼, N½N½SW¼SW¼NE¼, and N½SW¼NE¼SW¼SW¼SE¼.

The areas above-described aggregate approximately 43 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on May 1, 1969, will be relieved of the segregative effect of the above-mentioned application.

ELIZABETH H. MIDTBY,
Chief, Lands
Adjudication Section.

[F.R. Doc. 69–4164; Filed, Apr. 8, 1969; 8:49 a.m.]

DISTRICT MANAGERS, EASTERN OREGON DISTRICTS, ET AL.

Delegation of Authority Regarding Procurement

State Director, Oregon, supplement to Bureau of Land Management Manual 1510.

1510.03C *Redelegations.* Pursuant to the delegation of authority contained in Bureau Manual 1510.03C, the purchasing authorities delegated to the Oregon State Director in BLM 1510.03B2d are redelegated as follows:

1. *Negotiated contracts.* a. For emergency fire suppression the following classes of employees may enter into negotiated contracts pursuant to the section 302(c)(2) of the Federal Property and Administrative Services Act, as amended, for necessary procurements in the case of emergency fire suppression work for the rental of equipment and aircraft and the procurement of supplies and materials (excluding capitalized equipment), required in such operations:

District Managers, Eastern Oregon Districts.
Chief, Branch of Resource Services, State Office.

b. For perishable subsistence items the following classes of employees may enter into negotiated contracts pursuant to section 302(c)(9) of the FPAS Act, for perishable subsistence items, regardless of amount, for Job Corps Civilian Conservation Centers under their jurisdiction:

Center Director, JC CCC.
Administrative Officer, JC CCC.

2. *Open market purchasing.* The following classes of employees may enter into contracts pursuant to section 302(c)(3) of the FPAS Act as amended, for supplies and services, excluding capitalized property, not to exceed $2,500; and contracts for construction not to exceed $2,000: *Provided,* That the requirement is not available from established sources of supply. The same classes of employees may procure necessary supplies and services, except capitalized property, available from established sources of supply regardless of amount. The classes of employees who may make such procurement are:

District Managers.
Center Director, JC CCC
Chief, Division of Administration, State Office.
Chiefs, Division of Administration, District Offices.
Administrative Officer, JC CCC.
Area Manager, Tillamook Resource Area.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 69–4129; Filed, Apr. 8, 1969; 8:47 a.m.]

National Park Service

FIRE ISLAND NATIONAL SEASHORE

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Fire Island National Seashore proposes to issue a concession permit to Howard T. Rose Company, Inc., authorizing it to continue to provide concession services for the public at Fire Island National Seashore, N.Y., for a period of 2 years from May 15, 1969 through May 14, 1971.

The foregoing concessioner has performed its obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Fire Island National Seashore, P.O. Box 229, Patchogue, N.Y. 11772 for information as to the requirements of the proposed permit.

Dated: February 7, 1969.

THOMAS F. NORRIS, Jr.,
Acting Superintendent,
Fire Island National Seashore.

[F.R. Doc. 69-4107; Filed, Apr. 8, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-31]

SAN FRANCISCO BAY

Security Zone

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), and 49 CFR 1.4(a)(2), I hereby affirm the order of Rear Admiral C. R. Bender, U.S. Coast Guard, Commander, 12th Coast Guard District, which reads as follows:

SPECIAL NOTICE, SAN FRANCISCO BAY

Pursuant to request of Commander, San Francisco Bay Naval Shipyard, U.S. Navy, and acting under authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Chapter I, Title 33, Code of Federal Regulations, I hereby order that the waters of Mare Island Strait, Napa River, Calif., between the Mare Island Causeway (38°06'44" N., 122°16'14.5" W. to 38°06'36" N., 122°16'32" W.), and a line extending in the direction 245° true from the end of the Naval Reserve Pier, Vallejo, Calif. (38°05'36.5" N., 122°15'22" W.), to the opposite shore of the Napa River (38°05'32" N., 122°15'35" W.) be closed to all persons and vessels on Saturday, 12 April 1969, from 0845 P.s.t., until after the USS *Hawkbill* (SSN 666), takes the water and is alongside the seawall at San Francisco Bay Naval Shipyard, after the launching of said vessel. The southern line of demarcation is otherwise described as a line extending between the end of the Naval Reserve Pier, Vallejo, and the southernmost smokestack in the area of Mare Island generally opposite said pier. Limits of this area will be clearly posted by signs and by Coast Guard patrol boats.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, San Francisco, Calif., and by U.S. Coast Guard vessels under his command. Personnel, facilities and equipment of other Federal, State, and municipal agencies may be utilized to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows:

"If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: April 7, 1969.

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

[F.R. Doc. 69-4209; Filed, Apr. 8, 1969; 8:50 a.m.]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

APRIL 2, 1969.

Pursuant to Docket No. HM-1, rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of Department of Transportation Special Permits upon which Board action was completed during March 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
AA206	ASM Enterprises, Inc., for the use of twin U-69 type cargo tanks in liquefied petroleum gas service.	Highway.
AA207	ASM Enterprises, Inc., for the use of a U-69 cargo tank in liquefied petroleum gas service.	Do.
5847	National Water Lift Co., for the shipment of helium in a squib equipped small pressure vessel equipment component.	Cargo-only aircraft, highway, and rail.
5905	Westinghouse Electric Corp., for the shipment of fissile radioactive material in the Yankee Fuel Container.	Do.
5916	Monsanto Research Corp., for the shipment of fissile and Type B quantities of radioactive material in the Model 2501 shipping container.	Do.
5918	International Chemical Corp., for the shipment of methyl bromide in a non-Department of Transportation specification nonrefillable spherical pressure vessel of not over 1450 cubic inch capacity.	Highway and rail.
5919	Chemetron Noury Corp., for the shipment of t-butyl hydroperoxide in a Department of Transportation-21P/2U composite container, of not over 15-gallon capacity.	Do.
5921	U.S. Atomic Energy Commission and its contractors (upon specific registration with the Board), for the shipment of fissile radioactive material in the Model TW Foamglas shipping container.	Cargo-only aircraft, highway, and rail.
5922	Union Carbide Corp., for the shipment of a flammable heptane mixture in plant equipment type vessels.	Highway.
5926	General Electric Co. and Mitsui and Co., Inc., for the shipment of fissile and large quantities of radioactive material in the Model 100 or F001 shielded container.	Cargo-only aircraft, highway, rail, and water.
5927	U.S. Atomic Energy Commission, for the shipment of not more than 10,000 curies cobalt-60 in the USAEC Foreign Exhibit Cobalt Source Cask.	Highway, rail, and water.
5928	U.S. Atomic Energy Commission, for the shipment of not more than 600 grams U^{235}, as contained in 4 irradiated MTR type fuel elements, in the USAEC Foreign Exhibit Irradiated Fuel Cask.	Do.
5929	Mitsubishi International Corp., for one shipment of fissile radioactive material in the Model NFSC (New fuel shipping container) C-02.	Cargo-only aircraft, and highway.
5930	Union Carbide Corp. and Goodyear Atomic Corp., for the shipment of uranium hexafluoride in the 10-ton or 14-ton UF-6 cylinders.	Highway, and rail.
5931	Westinghouse Electric Corp., for the shipment of fissile and large quantities of radioactive material in the Model ELC-12-115 shipping container.	Do.
5932	Rogers Cartage Co., for the transportation of sulfuric acid in three Department of Transportation specification MC 312 cargo tanks having specially designed bottom outlets.	Highway.
5933	Pacific Oxygen Co., for the shipment of argon, helium, hydrogen, nitrogen, oxygen, compressed air, and mixtures thereof, in Department of Transportation 3A and 3AA cylinders having a 10-year retest period.	Highway, and rail.
5934	Shippers upon specific registration with this Board, for the shipment of unirradiated fissile radioactive material in the Model A1W3 Power package shipping container.	Do.
5944	Shawinigan Chemicals Ltd., for the shipment of liquefied ethylene in a specially designed and insulated cargo tank.	Highway.
5945	Cardox Division of the Chemetron Corp., for the shipment of liquefied carbon dioxide in insulated steel portable tanks.	Do.

WILLIAM A. BROBST,
Chairman, Hazardous Materials
Regulations Board.

[F.R. Doc. 69-4161; Filed, Apr. 8, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-337]

WESTINGHOUSE ELECTRIC INTERNATIONAL CO.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that Westinghouse Electric International Co., a division of the Westinghouse Electric Corp., 200 Park Avenue, New York, N.Y. 10017, has submitted an application dated March 10, 1969, for a license to authorize the export of a 810 megawatt electric nuclear power reactor to Statens Vattenfallsverk, Stockholm, Sweden.

Upon finding that the reactor components proposed for export are within the scope of and consistent with the terms of the Agreement for Cooperation between the Governments of the United States of America and Sweden and, unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a

request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will cause to be issued to Westinghouse Electric International Co., a facility export license containing the authority set forth in the text below and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Secretary will issue a notice of hearing or an appropriate order.

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

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

(b) The reactor components proposed to be exported are a utilization facility as defined in said act and regulations.

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

A copy of the application, dated March 10, 1969, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of March 1969.

For the Atomic Energy Commission.

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

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, Westinghouse Electric International Co., a division of Westinghouse Electric Corp., is authorized to export components of a 810 megawatt electric nuclear power reactor to Statens Vattenfallsverk, Stockholm, Sweden, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

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

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on March 31, 1974.

For the Atomic Energy Commission.

[F.R. Doc. 69-4091; Filed, Apr. 8, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20802; Order 69-4-18]

AIR ENTERPRISES

Order To Show Cause

Issued under delegated authority on April 2, 1969.

The Postmaster General filed a notice of intent March 7, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 40.28 cents per great circle aircraft mile for the transportation of mail by aircraft between Moab and Salt Lake City, Utah via Price and Provo, Utah.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Aero-Commander, Model 680, or Piper Turbo Aztec, both twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Hugh M. Lyman, Jr., doing business as Air Enterprises, in its entirety by the Postmaster General pursuant to section 406 of the act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 40.28 cents per great circle aircraft mile between Moab and Salt Lake City, Utah via Price and Provo, Utah.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Hugh M. Lyman, Jr., doing business as Air Enterprises, the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair reasonable rate of compensation to be paid to Air Enterprises;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Hugh M. Lyman, Jr., doing business as Air Enterprises, the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4133; Filed, Apr. 8, 1969; 8:47 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20883; Order 69-4-29]

ALASKA AIRLINES, INC., AND WESTERN AIR LINES, INC.

Order of Investigation and Suspension

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

By tariff [1] revisions filed on February 26, 1969, Alaska Airlines, Inc., (ASA) proposes to cancel, effective April 12, 1969, its Seattle-Anchorage/Fairbanks night first-class and coach fares. The carrier also proposes to decrease its day coach fare between Seattle and Anchorage from $99 to $97, and its day first-class fare in this market from $124 to $121. The present first-class roundtrip discount in the Seattle-Anchorage/Fairbanks market would also be

[1] Revisions to Airline Tariff Publishers, Inc., CAB No. 101.

eliminated. On March 13, 1969, Western Air Lines, Inc. (Western), filed tariff revisions matching ASA's proposal in the Seattle-Anchorage market (Western does not serve Fairbanks).

The present States-Alaska fare structure is comprised of jet first-class and coach fares, with day and night differentials as follows:

	Seattle-Anchorage	Seattle-Fairbanks
Day Fares:		
First-Class	$124.00	$124.00
Coach	99.00	99.00
Night Fares:[2]		
First-Class	99.00	105.00
Coach	75.00	79.50

[2] The night fares apply between 7 p.m. and 3:59 a.m., except Pan American's night coach fare between Seattle and Fairbanks which applies between 10 p.m. and 3:59 a.m.

In support of its proposal, ASA asserts that the night coach fares divert a substantial amount of traffic from regular fare service and have caused unwarranted dilution in revenue. Further, it asserts that the night coach fares are economically unsound and, as such, imperil its existence. ASA believes that the night coach fare has altered the travel habits of a large number of passengers, with substantial numbers now electing to travel during evening hours. As it affects ASA, the night coach fare has in a real sense become the normal fare, as night fare traffic represents over 65 percent of the total passengers carried over the segments in which this type of fare is in effect. Other carriers in the market also carry a substantial amount of night fare traffic.

ASA has consistently opposed the night fares in this market since their introduction by Northwest Airlines, Inc. (Northwest), in February 1967, and as recently as January 10, 1969, it filed a petition seeking an investigation of the night coach fares. Western has not submitted any justification in support of its proposal to match ASA's fares. However, we note that Western has in the past complained about the hours of applicability of the night coach fares (7 p.m.–3:59 a.m.) in the Seattle-Anchorage market.[3]

No formal complaints have been filed against the proposals; however, the Anchorage Chamber of Commerce has sent a telegram stating its opposition to the proposed cancellation of the night fares.

Upon consideration of all relevant matters, the Board has determined that the proposed fare adjustments of ASA and Western may be unjust or unreasonable, or unjustly discriminatory, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

The Board is not convinced that the new fare structure proposed by ASA, particularly the elimination of night coach fares, is in the best interest of the traveling public or Alaska Airlines. On the other hand, we recognize that the operating factors underlying the current night operations may warrant a reexamination of the night coach fare level in this market. The cost of operating this night coach service has increased since its inception in February 1967, and there is evidence to indicate that the unit costs of providing States-Alaska service are somewhat higher than those incurred in the lower 48 States. We note that Pan American World Airways, Inc. (Pan American), recently testified in a proceeding before the Board [4] that it is not realizing revenue sufficient to cover fully allocated costs for its Seattle-Fairbanks operation.

In view of the foregoing, we believe an economic basis exists for the revision of night coach fares in this market. Accordingly, we would consider the refiling of tariffs by ASA and Western, which would reflect an increase in the present night first-class and coach fares up to $10 each way, with fares to Fairbanks to be the same as Anchorage, and a restatement of their day first-class and coach fares at their present levels. In addition, we feel that the economics of the night coach fares in this market would be improved if their availability were limited to the traditional night coach hours of 10 p.m. to 3:59 a.m., rather than the present hours of 7 p.m. to 3:59 a.m.

We are not unsympathetic toward ASA's current financial plight and fully realize that the carrier needs a better relationship between its revenues and expenses. However, we believe it particularly important that travelers to and from Alaska should continue to have the benefit of a reduced night coach fare, since these markets must rely heavily upon air transport. Moreover, it appears that ASA's financial problems may go beyond the question of its general fare level, and as a means of exploring the overall situation, we have recently instituted an investigation of the route patterns serving Alaska.[5]

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 102, 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[6] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[6] are suspended and their use deferred to and including July 10, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. That the petition of Alaska Airlines, Inc., in Docket 20647, be and hereby is dismissed; and

5. A copy of this order will be filed with the aforesaid tariffs and be served on Alaska Airlines, Inc., Pan American World Airways, Inc., Northwest Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4130; Filed, Apr. 8, 1969; 8:47 a.m.]

[3] Order 68-9-139, dated Sept. 27, 1968.

[4] Alaska Airlines, Inc., Dockets 20465 and 20467. This is a proceeding to determine whether the conditions contained in ASA's route certificates, which set a ceiling on subsidy payments, require alteration, amendment, modification, or suspension.

[5] Order 69-3-68, dated Mar. 19, 1969.

[6] Filed as part of the original document.

[Docket No. 20831; Order 69-4-26]

ASTRO AIR EXPRESS, INC., AND COMET AIR FREIGHT

Order of Investigation and Suspension

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

By tariff revisions [1] marked to become effective April 5, 1969, and April 11, 1969, respectively, Astro Air Express, Inc. (Astro), and Silver Fleet, Inc., doing business as Comet Air Freight (Comet), air freight forwarders, propose to increase excess valuation rates for air freight shipments. Astro proposes to increase its rate from 15 to 40 cents for each $100 (or fraction thereof), by which the declared value exceeds 50 cents per pound or $50 per shipment, whichever is higher. Comet proposes to increase its excess valuation charges from 10 to 20 cents for each $100 (or fraction thereof), by which the declared value of a shipment exceeds (1) 20 cents per pound, but not less than $20, for perishable shipments and (2) 50 cents per pound, but not less than $50, for all other shipments.

The forwarders do not present any justification in support of their proposals.

Upon consideration of all relevant matters, the Board finds that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Astro's proposals involve increasing its rate by almost 170 percent and Comet's proposals would increase its charges by

[1] Revisions to Astro Air Express, Inc.'s Tariff CAB No. 2 and Comet Air Freight's Tariff CAB No. 1, filed Mar. 5, 1969, and Mar. 12, 1969, respectively.

100 percent. But no basis has been advanced by the forwarders for such sharp increases.[2] With relatively few exceptions, the air freight forwarders publish excess valuation rates for general domestic traffic amounting to $0.10 or $0.15 per $100 of declared value in excess of $0.50 per pound, subject to a minimum of $50 per shipment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions and charges in Rule No. 30(A) on 2d Revised Page 7 of Astro Air Express, Inc.'s CAB No. 2 and Rule No. 17(c) on 2d Revised Page 12 of Silver Fleet, Inc., doing business as Comet Air Freight's CAB No. 1, and rules, regulations, and practices affecting such provisions and charges, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges, and rules, regulations, or practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the provisions and charges in Rule No. 30(A) on 2d Revised Page 7 of Astro Air Express, Inc.'s CAB No. 2 and Rule No. 17(c) on 2d Revised Page 12 of Silver Fleet, Inc., doing business as Comet Air Freight's CAB No. 1 are suspended and their use deferred to and including July 3, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Astro Air Express, Inc., and Silver Fleet, Inc., doing business as Comet Air Freight, which are hereby made parties to this proceeding.

[2] Cf., "Increased valuation and c.o.d. charges proposed by Railway Express Agency, Inc.," 27 CAB 542 (1958). The Board after investigation found REA's proposed increases in excess valuation and c.o.d. charges unjust and unreasonable chiefly on the ground that REA had failed to sustain the burden of coming forward with evidence to show what the increased costs of such services are. In similar actions, the Board suspended, pending investigation, (1) increased excess valuation charges proposed by REA (Order E-13820, May 1, 1959); (2) revision to its liability rule for parcel post shipments proposed in 1965 by WTC (Order E-22846, Nov. 4, 1965); (3) increased excess valuation charges proposed by Bekins Airvan Co. of $1.50 per $100 (Order E-23746, May 27, 1966), and (4) increased excess valuation rates for parcel post shipments proposed by WTC Air Freight (Order 69-2-10, Feb. 3, 1969).

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4131; Filed, Apr. 8, 1969; 8:47 a.m.]

[Docket No. 20781; Order 69-4-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Transatlantic Fares

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

By order 69-3-1, the Board, among other things, established procedural dates for the receipt of documentation, complaints and answers[1] relating to an agreement embodied in resolutions of the International Air Transport Association (IATA) establishing transatlantic fares for the period May 1, 1969, through March 31, 1971.

By petition filed March 7, 1969, the member carriers of the National Air Carrier Association (NACA) requested the Board to reconsider its Order 69-3-1, and to institute immediately an evidentiary investigation of the resolutions. Subsequently, by motion filed March 18, 1969, NACA modified its position by requesting that the Board extend the procedural schedule to afford 14 days for complaints and objections, the period to run from the date upon which the IATA carriers supplied full documentation, or until they have complied with the subpena duces tecum which had been applied for by NACA. In the motion filed March 18, NACA requests a full evidentiary investigation of the challenged fare agreements only in the event deferral of procedural dates is not granted. Pan American has filed an answer requesting denial of NACA's initial petition for reconsideration, and has expressed opposition to the subsequent NACA motion, especially if it would delay the Board's decision beyond May 1.

On March 18, 1969, the Board's Chief Hearing Examiner issued a subpena duces tecum to Trans World Airlines, Inc. (TWA), Pan American World Airways, Inc. (Pan American), Seaboard World Airlines, Inc. (Seaboard), and to IATA, directing them to produce, inter alia, documents relating to negotiations and deliberations of IATA or any of its committees prior to the adoption of the resolutions.[2] Subsequently, the Chief Hearing Examiner deferred the March 27 date for filing complaints to April 4, and the April 7 date for filing answers to complaints to April 11, thus substantially responding to NACA's request. At the same time, NACA's motion to suspend the procedural schedule established by Order 69-3-1 was denied.

Hertz International, Ltd., filed a motion on March 25 requesting suspension of the procedural schedule pending clarification by the carriers as to the scope and intent of the resolutions with respect to the exclusion of car rentals as part of regular tour packages.[3] Also, comments in support of and in opposition to the agreement have been filed by other organizations, agents, and individuals.[4]

The pleadings and the comments raise issues of discrimination, reasonableness, adverse impact on supplemental carriers and third parties, and public interest in general. Nevertheless, we are not persuaded at this time that a full evidentiary hearing is required to resolve the public interest considerations. However, in light of the considerable controversy surrounding the agreement the Board has concluded that the public interest warrants setting the matter for oral argument. Since we are herein setting oral argument, and in view of the relatively short period of time available for consideration of the agreement, we do not believe a further extension of present procedural dates would serve a useful purpose.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 201, 204(a), and 412 of the Act:

[1] The procedural dates established by the Board were:

Full documentation and economic justification from the carriers, Mar. 13, 1969.

Complaints and objections from interested parties, Mar. 27, 1969.

Answers to complaints, Apr. 7, 1969.

[2] The carriers and IATA supplied certain data in response to the subpena on Mar. 25.

[3] In this respect, it is stated, among other things, that: "* * * it appears clear that the movants cannot be fairly expected to know whether the subject IATA resolutions, or any of them, do exclude car rentals from the required tour package for fare eligibility." Also this firm contends "there has not been the slightest scintilla of evidence presented by the carriers to justify the exclusion of rental cars from the required tour package."

[4] The Creative Tour Operators Association (CTOA) supports the contract bulk fare, but suggests that the Board consider imposing a condition restricting the purchasing of capacity for tours sold and originating in the United States to that purchased by IATA-approved agencies; some agents have protested the contract bulk fares, primarily because they are noncommissionable; the city of Philadelphia and the Greater Philadelphia Chamber of Commerce oppose the agreement, alleging, in effect, that the pattern of North Atlantic fares discriminates against Philadelphia in favor of New York; the National Industrial Traffic League opposes approval of the agreement, alleging, inter alia, that the elimination of the 5-percent round-trip discount discriminates against business travelers; and complaints have been received from individuals and from agents protesting the elimination of the round-trip discount. Also, a question has been raised by the comments as to the reasonableness of the refund provisions of the bulk fares.

It is ordered, That:

1. On April 16, 1969, at 10:00 a.m., the Board will receive oral argument on the question of approval of the subject resolutions,

2. Interested persons who desire to participate in such oral argument shall advise the Board in writing of their desire to participate. Complaints and objections from interested parties or persons in affidavit form shall be filed with the Board's Docket Section in an original and 19 copies on or before April 4, 1969, and answers thereto on or before April 11, 1969,

3. Except to the extent otherwise granted, NACA's petition of March 7 and motion of March 18 are denied, and

4. Except to the extent otherwise granted, the motion of Hertz International, Ltd., to suspend the procedural schedule is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4132; Filed, Apr. 8, 1969; 8:47 a.m.]

[Docket No. 16285, etc., Order 69-4-27]

NORTHEAST AIRLINES, INC.

Order Regarding Certificate of Public Convenience and Necessity and for Exemption

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

Application of Northeast Airlines, Inc., for amendment of its certificate of public convenience and necessity and for exemption or order to show cause, Dockets 16285 and 20311; service to Fort Myers, Sarasota, and Orlando case, Docket 20882.

On October 2, 1968, Northeast Airlines, Inc. (Northeast), filed a motion for immediate hearing on its amended application in Docket 16285. The application requests amendment of Northeast's certificate for Route 27 to add to segments 1, 2, and 5, the intermediate points of Orlando, Titusville, Sarasota, Fort Myers, and West Palm Beach, Fla.; and to extend segment 5 from Hartford, Conn./Springfield, Mass., to the additional terminal point Boston, Mass. Simultaneously, Northeast filed an application in Docket 20311 for an exemption from section 401 of the act, to enable it to serve Fort Myers and Sarasota, Fla., as additional intermediate points on Route 27, pending final decision on its application in Docket 16285. Alternatively, Northeast requests the latter authority by show cause procedures.

Answers in support of Northeast's motion and exemption application were filed by the Board of County Commissioners of Lee County, the City and Chamber of Commerce of Orlando, the Sarasota-Manatee Airport Authority, and the City, Chamber of Commerce, and Freight Traffic Bureau of West Palm Beach. Answers in opposition were filed by Eastern Air Lines, Inc. (Eastern) and National Airlines, Inc. (National), and Northeast filed a reply.

Upon consideration of the pleadings and all the relevant facts, we have decided to set Northeast's application for hearing insofar as it requests authority to serve Sarasota, Fort Myers, and Orlando.[1] In support of its application Northeast proposes to provide single-plane service to Orlando, Fort Myers, and Sarasota from East Coast points, such as Boston, Hartford, Philadelphia, and New York. Upon consideration of the existing service patterns and authorizations in these markets, we have concluded that these portions of Northeast's application hold sufficient promise of improved service to the public and profitable operations for Northeast to warrant an investigation.[2]

We will not order an immediate hearing on Northeast's application to serve Titusville and West Palm Beach. In reaching this determination we have taken account of the existing service patterns in the West Palm Beach-East Coast markets and of the fact that additional service to Titusville is in issue in Southern Airways Route Realignment Investigation, Docket 18610.

Finally, we will deny Northeast's application for an exemption or a show cause order authorizing service at Fort Myers and Sarasota. The markets involved are presently served by National and will be considered in the investigation instituted herein. We do not believe that there has been a sufficient showing to warrant a finding that the enforcement of the act would be an undue burden on the carrier and not in the public interest, or to warrant use of show cause procedures.

Accordingly, it is ordered, That:

1. An investigation designated Service to Fort Myers, Sarasota, and Orlando Case, be and it hereby is instituted in Docket 20882 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require (1) the alteration, amendment, or modification of the certificate of Northeast Airlines, Inc., for Route 27 so as to add to segments 1, 2, and 5 the new intermediate points Sarasota, Fort Myers, and Orlando, and (2) the extension of segment 5 from Hartford/Springfield to Boston, subject to the condition that flights operating nonstop between Boston and Hartford/Springfield shall originate or terminate south of Washington, D.C.;

2. To the extent that it falls within the scope of the proceeding as heretofore delineated, Northeast's application in Docket 16285 be and it hereby is consolidated with the above investigation;

3. Petitions for reconsideration and motions to consolidate applications in this proceeding shall be filed no later than 20 days after the date of service of this order, and answers to such motions shall be filed no later than 10 days thereafter;

4. The investigation instituted herein shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated;

5. To the extent not granted herein, the application of Northeast for exemption or order to show cause, Docket 20311, and its motion for immediate hearing on the application in Docket 16285, be and they hereby are denied; and

6. A copy of this order shall be served upon the Cities and Chambers of Commerce of Fort Myers, Sarasota, Orlando, Miami, West Palm Beach, Titusville, Boston, Hartford, Springfield, Philadelphia, and New York, and the carriers certificated to serve such cities.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-4134; Filed, Apr. 8, 1969; 8:47 a.m.]

[1] We are also setting for hearing Northeast's request for extension of segment 5 from Hartford/Springfield to Boston, subject to the restriction that flights operating nonstop between Boston and Hartford/Springfield shall originate or terminate south of Washington, D.C. Northeast has exemption authority under Order 68-9-81, dated September 19, 1968, to conduct nonstop operations between Hartford/Springfield and Boston, subject to the long-haul condition imposed herein.

[2] We do not intend to consider in this proceeding the award of improved authority between Miami and East Coast points presently served by Northeast, such as Boston and New York. This restriction is essential to keep the proceeding focused on the needs of Fort Myers, Sarasota, and Orlando. Northeast already has nonstop and one-stop authority in major East Coast-Miami markets, and the authority in issue herein would only give Northeast additional one-stop routings, via Orlando, Fort Myers, and Sarasota.

FEDERAL MARITIME COMMISSION

BLUE SEA LINE JOINT SERVICE

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 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 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Thomas K. Roche, Esq., Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 8529–3 redefines the area to be served by the Blue Sea Line Joint Service to include the trade between United States and Canadian ports and ports in Southwest, South, Southeast, and East Africa as well as islands in the Indian Ocean including Madagascar, Reunion, Mauritius, the Comores and Seychelles, and the islands of Ascension and St. Helena.

Dated: April 7, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–4217; Filed, Apr. 8, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

REVENUE OFFICER, CALIFORNIA

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for the following positions:

GS-1169 REVENUE OFFICER

Geographic coverage: State of California.
Effective date: First day of the first pay period beginning on or after April 20, 1969.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416	$8,608
GS-7	7,080	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777

[1] Corresponding statutory rates: GS–5—seventh; GS–7—fourth.

All new employees in the specified occupational levels wil be hired at the new minimum rates.

As of the effective date, agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3–2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

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

[F.R. Doc. 69–4141; Filed, Apr. 8, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of General Sales Manager, Export Marketing Service.

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

[F.R. Doc. 69–4142; Filed, Apr. 8, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Special Assistant to Assistant Secretary of Defense (International Security Affairs).

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

[F.R. Doc. 69–4144; Filed, Apr. 8, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67–13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Secretary (Individual and Family Services)" to "Deputy Assistant Secretary (Community and Field Services)."

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–4145; Filed, Apr. 8, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project 2668]

DUKE POWER CO.

Corrected Notice of Application for Withdrawal of Application for License for Constructed Project

APRIL 2, 1969.

Public notice is hereby given that application has been filed under the rules of practice and procedure of the Federal Power Commission by Duke Power Co. (correspondence to: Carl Horn, Jr., Vice President Finance and General Counsel, Duke Power Co., Post Office Box 2178, Charlotte, N.C. 28201) for withdrawal of its application for license for constructed Project No. 2668, known as the Tumbling Shoals Station, located on Reedy River in the vicinity of the town of Laurens, in Laurens County, South Carolina, and not in North Carolina, as was recited in our notice issued February 27, 1969.

According to the application, Applicant intends to abandon the Tumbling Shoals Station, breach the dam, remove the rubble, and open the stream.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 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. 69-4094; Filed, Apr. 8, 1969; 8:45 a.m.]

[Docket No. G-3173, etc.]

HUSKY OIL COMPANY OF DELAWARE ET AL.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity

APRIL 2, 1969.

On February 6, 1969, Husky Oil Company (Operator) et al., filed in Docket No. G-3173 et al., a petition to amend the orders listed in the appendix below issuing certificates of public convenience and necessity by substituting Husky Oil Company of Delaware as the certificate holder thereof and by redesignating the corresponding rate schedules and rate proceedings. The petition to amend was supplemented on February 26, 1969.

The proposed change is one of name only, and does not involve a change in corporate structure. The change was effective as of September 3, 1968.

The Commission orders: The orders listed in the appendix below heretofore issued to Husky Oil Co. (Operator) et al., in Docket No. G-3173 et al., are amended to reflect Husky Oil Company of Delaware as the certificate holder thereof and by redesignating the related rate schedules and rate proceedings. In all other respects, said orders remain in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX

Docket No.	FPC gas rate schedule No.	Related rate proceedings
G-8082	1	
G-8053	4	RI69-95.
C161-186	[1] 10	
C161-1574	[1] 11	
C164-1097	12	
C165-1249	13	
G-3173	14	
G-3173	15	
G-3173	16	
G-17254	17	RI64-130, RI64-651, RI69-459.
G-17780	18	RI64-139, RI64-319.
C161-1139	19	
C161-1140	[1] 20	
C162-414	21	
C165-97	22	
C866-33		G-19722, RI60-13, RI65-64.

[1] (Operator), et al.

[F.R. Doc. 69-4095; Filed, Apr. 8, 1969; 8:45 a.m.]

[Docket No. CP69-249]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

APRIL 2, 1969.

Take notice that on March 25, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-249 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to perform a transportation service for Texas Gas Transmission Corp. (Texas Gas), and United Fuel Gas Co. (United Fuel), and the construction and operation of facilities required to render such transportation service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport through its Louisiana offshore pipeline system, under a long term contract with Texas Gas, 75,000 Mcf of gas per day which Texas Gas has contracted to purchase in the Block 272 and 292 Fields, Eugene Island Area, which Texas Gas would deliver to Applicant at Block 250, Eugene Island Area; 15,000 Mcf of gas per day which Texas Gas has contracted to purchase in Block 276, Eugene Island Area, which Texas Gas would deliver to Applicant at Block 259, Eugene Island Area; and 15,000 Mcf of gas per day which Texas Gas has contracted to purchase in Block 11, South Marsh Island Area, which Texas Gas would deliver to Applicant at Block 10, South Marsh Area. Applicant proposes to transport these volumes for delivery to Texas Gas onshore at Calumet, La., where Texas Gas would redeliver up to 45,000 Mcf per day for further transportation onshore to North Tepetate, La., under a long term transportation agreement.

Applicant also proposes to transport through its Louisiana offshore pipeline system, under a short term contract with United Fuel, 75,000 Mcf of gas per day which United Fuel has contracted to purchase in the Block 272 and 292 Fields, Eugene Island Area, which United Fuel would cause to be delivered to Applicant at Block 250, Eugene Island Area, for redelivery onshore at Calumet, La.

The rate proposed for offshore transportation is a monthly demand charge of $1.37 per Mcf of contract demand and for onshore transportation 1.5¢ per Mcf transported.

To render the transportation service, Applicant requests authorization to construct and operate 12.3 miles of 30-inch loop line extending north from the Louisiana coastline to Calumet, La.; 16,500 horsepower of compression at a new compressor station to be located at Calumet; 2200 horsepower of compression at Applicant's existing St. Martinville Compressor Station; and related measurement facilities. Applicant estimates the total cost of the proposed facilities at $14,477,000, which it proposes to finance with borrowings from banks, together with retained earnings and other funds generated internally.

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 28, 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 petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4096; Filed, Apr. 8, 1969; 8:45 a.m.]

[Docket No. CP68-190]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

APRIL 2, 1969.

Take notice that on March 24, 1969, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP68-190 a petition to amend the certificate of public convenience and necessity issued in this docket April 15, 1968, to modify the size of compression units authorized, all as more fully set forth in the petition on file with the Commission and open to public inspection.

The order of April 15, 1968, authorized installation of single -7300 horsepower reciprocating compressor units at Petitioner's Greenville, Jasper, Shelbyville and Defiance Compressor Stations, and a 7500 horsepower turbine compressor unit at the Brownsville Compressor Station. Petitioner states it has found it more economical to install a 7840 horsepower compressor unit at the Jasper Compressor Station, and two 5950 horsepower compressor units at the Defiance Compressor Station, in place of the units authorized. Petitioner asks that the certificate be amended accordingly.

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 28, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-4097; Filed, Apr. 8, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

J & M INVESTMENT CORP.

Notice of Application for License as Small Business Investment Corporation

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) ("Regulations"), under the name of J & M Investment Corp., 712 Mill Street, Reno, Nev. 89502, for a license to operate in the State of Nevada as a small business investment company under the provisions of the Smal Business Investment Act of 1958, as amended ("Act"). (15 U.S.C. 661 et. seq.)

The proposed Officers and Directors are as follows:

Jacques J. Morvay, 647 West Third Street, Reno, Nev.	President, General Manager and Chairman of the Board.
Muriel H. Decker, 742 Monroe Street, Reno, Nev. 89502.	Vice President and Director.
Ethel Morvay, 647 West Third Street, Reno, Nev.	Secretary-Treasurer and Director.

All the stock of the company will be owned by J & M Lumber, Inc., 647 West Third Street, Reno, Nev., which is wholly-owned by Jacques J. Morvay and Ethel Morvay.

The company will begin operations with a capitalization of $306,000 and proposes to aid in the financial development of qualified small business concerns in the communities it serves, with concentration in the lumber industry.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may not later than 5 p.m. on the 15th day from the date of this publication submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. A copy of this notice shall be published in a newspaper of general circulation in Reno, Nev.

Dated: March 25, 1969.

For SBA (pursuant to delegated authority).

J. T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-4111; Filed, Apr. 8, 1969; 8:46 a.m.]

[License No. 02/02-0254]

JUSTER CAPITAL CORP.

Notice of Surrender of License

Notice is given hereby that the Small Business Administration (SBA) accepted on March 24, 1969, the surrender of the license issued to Juster Capital Corp. (Juster), New York, N.Y. (incorporated in New York).

By notice published March 7, 1969, in the FEDERAL REGISTER, SBA invited comments regarding the pending request of Juster to surrender its license. SBA received no comments. Juster satisfied all conditions for license surrender, including repayment of all indebtedness to SBA.

The corporation no longer is licensed to operate as a small business investment company.

Dated: April 1, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-4110; Filed, Apr. 8, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 1, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ 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 April 2, 1969, through April 11, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4108; Filed, Apr. 8, 1969; 8:45 a.m.]

TEXAS URANIUM CORP.

Order Suspending Trading

APRIL 3, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, 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 April 4, 1969, through April 13, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-4109; Filed, Apr. 8, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 27, Amdt. 4]

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 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 5, 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., April 3, 1969.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-4148; Filed, Apr. 8, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 28, Amdt. 4]

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 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 5, 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., April 3, 1969.

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

[F.R. Doc. 69-4149; Filed, Apr. 8, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 30, Amdt. 3]

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 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 5, 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., April 3, 1969.

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

[F.R. Doc. 69-4150; Filed, Apr. 8, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 42]

SOUTHERN RAILWAY CO. AND COLUMBUS AND GREENVILLE RAILWAY CO.

Car Distribution

Pursuant to section 1(15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) Southern Railway Co. shall deliver to the Columbus and Greenville Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44'8" and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., April 7, 1969.

(4) Expiration date: This direction shall expire at 11:59 p.m., April 27, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction 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 notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 3, 1969.

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

[F.R. Doc. 69-4151; Filed, Apr. 8, 1969; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 26, Amdt. 4]

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 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 5, 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., April 3, 1969.

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

[F.R. Doc. 69-4152; Filed, Apr. 8, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 4, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41604—*Phosphatic fertilizer solution from and between points in southern territory.* Filed by O. W. South, Jr., agent, (No. A6089), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, between points

in southern territory; also from points in southern territory, on the one hand, to points in Wyoming, on the other.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplements 49 and 23 to Southern Freight Association, agent, tariffs ICC S–762 and S–754, respectively.

By the Commission.

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

[F.R. Doc. 69-4153; Filed, Apr. 8, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 4, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41605—*Vinylidene chloride, inhibited to Kingsport, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-27), for interested rail carriers. Rates on vinylidene chloride, inhibited, in tank cars, as described in the application, from Lake Charles, Plaquemine, and West Lake Charles, La., to Kingsport, Tenn.

Grounds for relief—Rate relationship.

Tariff—Supplement 151 to Southwestern Freight Bureau, agent, tariff ICC 4668.

By the Commission.

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

[F.R. Doc. 69-4154; Filed, Apr. 8, 1969; 8:49 a.m.]

[Notice 545]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 4, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)), at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2401 (Deviation No. 28), MOTOR FREIGHT CORPORATION, 2345 13th Street, Terre Haute, Ind. 47802, filed March 27, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 65, thence over Interstate Highway 65 to Nashville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Illinois Highway 49 to Kansas, Ill., thence over Illinois Highway 16 to Paris, Ill., thence over Illinois Highway 1 to Marshall, Ill., thence over U.S. Highway 40 to Terre Haute, Ind. (also from Paris, Ill., over U.S. Highway 150 to Terre Haute, Ind.), thence over U.S. Highway 41 to Evansville, Ind., thence over U.S. Highway 41 to Henderson, Ky., thence over Kentucky Highway 54 to Owensboro, Ky., thence over U.S. Highway 431 via South Carrollton, Ky., to Springfield, Tenn., thence over U.S. Highway 41 to Nashville, Tenn., and return over the same route.

No. MC 2401 (Deviation No. 29), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, filed March 27, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 64 to junction Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction U.S. Highway 42, thence over U.S. Highway 42 to junction Ohio Highway 142, thence over Ohio Highway 142 to junction U.S. Highway 40, thence over U.S. Highway 40 to Columbus, Ohio, and return over the same route.

No. MC 35334 (Deviation No. 9), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051, filed March 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 80 to Hubbard (Youngstown), Ohio, (2) from Chicago, Ill., over Interstate Highway 90 to Buffalo, N.Y., (3) from Hubbard (Youngstown), Ohio, over Interstate Highway 80 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 90, thence over Interstate Highway 90 to Buffalo, N.Y., and (4) from Pittsburgh, Pa., over Interstate Highway 79 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to Hubbard (Youngstown), Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 6 to junction U.S. Highway 20 at or near Fremont, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 44, thence over Ohio Highway 44 to Mantua Corners, Ohio, thence over Ohio Highway 82 to Warren, Ohio, thence over U.S. Highway 422 to Youngstown (Hubbard), Ohio, (2) from Chicago, Ill., to Cleveland, Ohio, as described above, thence over Ohio Highway 283 to junction Ohio Highway 640, thence over Ohio Highway 640 to Willoughby, Ohio, thence over U.S. Highway 20 to Kirtland Hills, Ohio, thence over Ohio Highway 84 to junction Ohio Highway 534, thence over Ohio Highway 534 to Geneva, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., (3) from Hubbard (Youngstown), Ohio, over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 82 to Mantua Corners, Ohio, thence over Ohio Highway 44 to Painesville, Ohio, thence over Ohio Highway 84 to junction Ohio Highway 534, thence over Ohio Highway 534 to Geneva, Ohio, thence over the route described above to Buffalo, N.Y., and (4) from Pittsburgh, Pa., over Pennsylvania Highway 65 to Rochester, Pa., thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to junction Ohio Highway 7, thence over Ohio Highway 7 to Hubbard (Youngstown), Ohio, and return over the same routes.

No. MC 35334 (Deviation No. 10), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051, filed March 24, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Hubbard (Youngstown), Ohio, over Interstate Highway 80 to junction Interstate Highway 81E, thence over Interstate Highway 81E to junction Interstate Highway 84, thence over Interstate Highway 84 to Hartford, Conn., (2) from Hubbard (Youngstown), Ohio, over Interstate Highway 80 to New York, N.Y., (3) from Hubbard (Youngstown), Ohio, over Interstate Highway 80 to junction North East Extension of the Pennsylvania Turnpike, thence over the Northeast Extension of the Pennsylvania Turnpike to Philadelphia, Pa., and (4) from Hubbard (Youngstown), Ohio, over Ohio Highway 7 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 70N,

thence over Interstate Highway 70N to Baltimore, Md., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Hubbard (Youngstown), Ohio, over Ohio Highway 7 to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 via Newark, N.J., to New York, N.Y., thence over U.S. Highway 1 via Greenwich and Norton, Conn., to junction unnumbered highway, thence over unnumbered highway via Darien, Conn., to junction U.S. Highway 1, thence over U.S. Highway 1 to North Haven, Conn., thence over U.S. Highway 5 and Alternate U.S. Highway 5 to Hartford, Conn, (2) from Hubbard (Youngstown), Ohio to Pittsburgh, Pa., as described above, thence over U.S. Highway 22 to junction U.S. Highway 230, thence over U.S. Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., and (3) from Hubbard (Youngstown), Ohio, to Pittsburgh, Pa., as described above, thence over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Baltimore, Md., and return over the same routes.

No. MC 42487 (Deviation No. 75), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed March 26, 1969. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from a point approximately 12 miles south of Saginaw, Mich., over Interstate Highway 75 (formerly relocated U.S. Highway 23) to junction Michigan Highway 78 west of Flint, Mich., (2) from Chicago, Ill., over Interstate Highway 94 to Detroit, Mich., (3) from Lansing, Mich., over Interstate Highway 96 to Detroit, Mich., (4) from junction Interstate Highway 75, U.S. Highway 23 and Michigan Highway 78 near Flint, Mich., over Interstate Highway 75 to Bay City, Mich., (5) from Detroit, Mich., over Interstate Highway 96 to junction U.S. Highway 23, thence over U.S. Highway 23 to Flint, Mich., (6) from Detroit, Mich., over Interstate Highway 75 to Flint, Mich., (7) from junction Interstate Highway 94 and U.S. Highway 27 at Marshall, Mich., over U.S. Highway 27 to junction Interstate Highways 80–90 (Indiana Turnpike), thence over Interstate Highways 80–90 to Chicago, Ill., (8) from Kalamazoo, Mich., over U.S. Highway 131, to junction Interstate Highways 80–90 (Indiana Turnpike), thence over Interstate Highways 80–90 to Chicago, Ill., and (9) from Marshall, Mich., over Interstate Highway 94 to junction U.S. Highway 127, thence over U.S. Highway 127 to Lansing, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows:

(1) From Saint Johns, Mich., over Michigan Highway 21 to Flint, Mich., thence over Michigan Highway 54 (formerly portion U.S. Highway 10) to junction unnumbered highway (formerly portion U.S. Highway 10), thence over unnumbered highway to junction Business Route Interstate Highway 75 (formerly portion U.S. Highway 10), thence over Business Route Interstate Highway 75 to Saginaw, Mich., thence over Michigan Highway 13 (formerly portion U.S. Highway 23) to Bay City, Mich., (2) from Chicago, Ill., over U.S. Highway 12 to junction Interstate Highway 94 (formerly portion U.S. Highway 12), near New Buffalo, Mich., thence over Interstate Highway 94 to junction unnumbered highway (Columbia Ave.) (formerly portion U.S. Highway 12), thence over unnumbered highway to Battle Creek, Mich., thence over Michigan Highway 78 via Lansing, Mich., to Flint, Mich., and thence over Business Route Michigan Highway 54 (formerly portion U.S. Highway 23) to junction unnumbered highway (formerly portion U.S. Highway 23) to junction unnumbered highway (formerly portion U.S. Highway 23), thence over unnumbered highway to junction Business Route Interstate Highway 75 (formerly shown as portion U.S. Highway 23), thence over Business Route Interstate Highway 75 to Saginaw, Mich., thence over Michigan Highway 13 (formerly portion U.S. Highway 23), to Bay City, Mich.

(3) From Detroit, Mich., over Michigan Highway 14 (formerly portion U.S. Highway 12) to Ann Arbor, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12), to junction Interstate Highway 94 (formerly portion U.S. Highway 12), near Lima Center, Mich., thence over Interstate Highway 94 to junction unnumbered highway (formerly portion U.S. Highway 12), near Parma, Mich., thence over unnumbered highway via Albion and Marshall, Mich., to junction Business Route Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Business Route Interstate Highway 94 to Battle Creek, Mich., thence over unnumbered highway (Columbia Ave.) (formerly portion U.S. Highway 12) to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway, one mile east of Galesburg, Mich., thence over unnumbered highway to Galesburg, Mich., thence over Michigan Highway 96 to Kalamazoo, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12) via Paw Paw and Watervliet, Mich., to Benton Harbor, Mich., thence over Business Route Interstate Highway 94 (formerly portion U.S. Highway 12) to junction unnumbered highway (formerly portion U.S. Highway 12) near Stevensville, Mich., thence over unnumbered highway via Bridgeman and Union Pier, Mich., to junction U.S. Highway 12, near New Buffalo, Mich., thence over U.S. Highway 12 to Chicago, Ill.;

(4) From Detroit, Mich., over unnumbered highway (formerly portion U.S. Highway 16) via Brighton, Mich., to junction Michigan Highway 43 (formerly portion U.S. Highway 16), thence over Michigan Highway 43 to Lansing, Mich., thence over Michigan Highway 78 to Battle Creek, Mich., thence to Chicago, Ill., as specified above, (5) from Detroit, Mich., over U.S. Highway 10 to junction unnumbered highway (formerly portion U.S. Highway 10), thence over unnumbered highway to junction Michigan Highway 54 (formerly portion U.S. Highway 10), thence over Michigan Highway 54 to Flint, Mich., (6) from Chicago, Ill., to Lansing, Mich., as specified above, thence over U.S. Highway 27 via St. Johns, Mich., to junction unnumbered highway (formerly portion U.S. Highway 27), thence over unnumbered highway to St. Louis, Mich., thence over Michigan Highway 46 to Saginaw, Mich., (7) from Chicago, Ill., to St. Johns, Mich., as specified above, thence over Michigan Highway 21 to Owosso, Mich., thence over Michigan Highway 47 to junction Michigan Highway 81 (formerly portion Michigan Highway 47), thence over Michigan Highway 81 to Saginaw, Mich., and (8) from Marshall, Mich., over U.S. Highway 27 to Charlotte, Mich., and return over the same routes.

No. MC 42487 (Deviation No. 76), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed March 27, 1969. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60689. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 94 and U.S. Highway 12 at or near New Buffalo, Mich., over U.S. Highway 12 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follows: from Detroit, Mich., over Michigan Highway 14 (formerly portion U.S. Highway 12) to Ann Arbor, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12) to junction Interstate Highway 94 (formerly portion U.S. Highway 12), near Lima Center, Mich., thence over Interstate Highway 94 to junction unnumbered highway (formerly portion U.S. Highway 12), near Parma, Mich., thence over unnumbered highway via Albion and Marshall, Mich., to junction Business Route Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Business Route Interstate Highway 94 to Battle Creek, Mich., thence over unnumbered highway (Columbia Avenue) (formerly portion U.S. Highway 12) to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence

over Interstate Highway 94 to junction unnumbered highway, one mile east of Galesburg, Mich., thence over unnumbered highway to Galesburg, thence over Michigan Highway 96 to Kalamazoo, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12) via Paw Paw and Watervliet, Mich., to Benton Harbor, Mich., thence over Business Route Interstate Highway 94 (formerly portion U.S. Highway 12) to junction unnumbered highway (formerly portion U.S. Highway 12) near Stevensville, Mich., thence over unnumbered highway via Bridgeman and Union Pier, Mich., to junction U.S. Highway 12, near New Buffalo, Mich., thence over U.S. Highway 12 to Chicago, Ill.

No. MC 43421 (Deviation No. 26), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed March 27, 1969. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30S and Ohio Highway 117 at or near Lima, Ohio, over Ohio Highway 117 to junction U.S. Highway 33 at or near Bellefontaine, Ohio, thence over U.S. Highway 33 to junction Ohio Highway 31 at or near Marysville, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to Elkhart, Ind., thence over U.S. Highway 33 to Fort Wayne, Ind., thence over U.S. Highway 30 to Delphos, Ohio, thence over U.S. Highway 30S via Kenton, Ohio, to Marion, Ohio, thence over U.S. Highway 23 to Columbus, Ohio (also from Kenton over Ohio Highway 31 to Marysville, Ohio, thence over U.S. Highway 33 to Columbus), and return over the same routes.

No. MC 77404 (Deviation No. 6), MOHAWK MOTOR, INC., 733 North Sandusky Street, Tiffin, Ohio 44883, filed March 26, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 75 and Interstate Highway 70 north of Dayton, Ohio, over Interstate Highway 70 to junction Interstate Highway 71 at Columbus, Ohio, thence over Interstate Highway 71 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dayton, Ohio, over Interstate Highway 75 to Findlay, Ohio, thence over U.S. Highway 224 to Tiffin, Ohio, thence over Ohio Highway 18 to Bellevue, Ohio, thence over U.S. Highway 20 to Cleveland, Ohio, and return over the same route.

No. MC 106904 (Deviation No. 3), TOPEKA MOTOR FREIGHT, INC., 4490 Lower Silver Lake Road, Topeka, Kans. 66618, filed March 25, 1969. Carrier's representative: Earl H. Scudder, Jr., Post Office Box 2928, Lincoln, Nebr. 68501. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Mo., and St. Joseph, Mo., over Interstate Highway 29, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Marysville, Kans., over U.S. Highway 36 to St. Joseph, Mo., (2) from Marysville, Kans., over U.S. Highway 36 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction Kansas Highway 9, thence over Kansas Highway 9 to Netawaka, Kans., thence over U.S. Highway 75 to Topeka, Kans., thence over U.S. Highway 24 to Kansas City, Mo., (3) from Marysville, Kans., over U.S. Highway 36 to Fairview, Kans., thence over U.S. Highway 75 to Topeka, Kans., thence over U.S. Highway 40 to Kansas City, Mo., and (3) from Kansas City, Mo., over U.S. Highway 40 to Topeka, Kans., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 515) (Cancels Deviation No. 427), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed March 26, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers over deviation routes as follows: (1) from junction U.S. Highway 25 and Interstate Highway 75 at or near Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25 (2 miles east of Mt. Vernon, Ky.) with the following access routes: (a) from junction Interstate Highway 75 and Kentucky Highway 338 over Kentucky Highway 338 to Richwood, Ky., (b) from junction Interstate Highway 75 and Kentucky Highways 14–16 over Kentucky Highways 14–16 to Walton, Ky., (c) from junction Interstate Highway 75 and Kentucky Highway 491 over Kentucky Highway 491 to Crittenden, Ky., (d) from junction Interstate Highway 75 and Kentucky Highway 22 over Kentucky Highway 22 to Dry Ridge, Ky., (e) from junction Interstate Highway 75 and Kentucky Highway 36 over Kentucky Highway 36 to Williamstown, Ky., (f) from junction Interstate Highway 75 and Kentucky Highway 1032 over Kentucky Highway 1032 to Corinth, Ky., (g) from junction Interstate Highway 75 and U.S. Highway 62 over U.S. Highway 62 to Georgetown, Ky., (h) from junction Interstate Highway 75 and Kentucky Highway 922 over Kentucky Highway 922 to Lexington, Ky., (i) from junction Interstate Highway 75 and Kentucky Highway 169 over Kentucky Highway 169 to Richmond, Ky., (j) from junction Interstate Highway 75 and Kentucky Highway 595 over Kentucky Highway 595 to Berea, Ky., and (k) from junction Interstate Highway 75 and Kentucky Highway 21 over Kentucky Highway 21 to junction U.S. Highway 25, and (2) from junction U.S. Highway 25 and unnumbered State access highway (approximately 1 mile north of Corbin, Ky.), over Interstate Highway 75 to junction U.S. Highway 25W (approximately 1 mile north of Lake City, Tenn.), with the following access routes: (a) from junction Interstate Highway 75 and Kentucky Highway 312 over Kentucky Highway 312 to Corbin, Ky., and (b) from junction Interstate Highway 75 and unnumbered access highway (approximately 1 mile north of Corbin), over unnumbered access highway to junction U.S. Highway 25W, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) from Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky. (also from Cincinnati across the Ohio River to Covington, Ky., thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington), and thence over U.S. Highway 27 to Chattanooga, Tenn., and (2) from Lexington, Ky., over U.S. Highway 25 via Livingston, Oakley and East Bernstadt, Ky., to Corbin, Ky., thence over U.S. Highway 25W to Knoxville, Tenn., and return over the same routes.

No. MC 1515 (Deviation No. 516), (Cancels Deviation No. 156), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed March 26, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from junction old U.S. Highway 41 and new U.S. Highway 41 at a point approximately 2 miles north of Madisonville, Ky., over new U.S. Highway 41 to junction with Pennyrile Parkway approximately 2 miles south of Nortonville, Ky., with the following access routes: (a) from junction new U.S. Highway 41 and Kentucky Highway 281 over Kentucky Highway 281 to junction old U.S. Highway 41, and (b) from junction new U.S. Highway 41 and the Western Kentucky Turnpike, over the Western Kentucky Turnpike to junction old U.S. Highway 41, and (2) from junction Alternate U.S. Highway 41 and the Pennyrile Parkway, south of Hopkinsville, Ky., over the Pennyrile Parkway to junction U.S. Highway 41 south of Nortonville, Ky., with the following access route: from junction of the Pennyrile Parkway and Kentucky Highway 80 over Kentucky Highway 80 to Hopkinsville, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Evansville, Ind., over U.S. Highway 41 via Hopkinsville, Ky., and Springfield and Goodlettsville, Tenn., to Nashville, Tenn. (also from

Hopkinsville over Alternate U.S. Highway 41 to Nashville), and return over the same routes.

By the Commision.

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

[F.R. Doc. 69-4156; Filed, Apr. 8, 1969; 8:49 a.m.]

[Notice 1283]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 4, 1969.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations, which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub-No. 159), filed March 26, 1969. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reisterstown, Md. 21136. Applicant's representatives: W. Wilson Corroum, 49 Main Street, Post Office Box 55, Reisterstown, Md. 21136, and Leonard A. Jackiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

HEARING: April 16, 1969, before an examiner to be later designated, at the Offices of the Interstate Commerce Commerce Commission, Washington, D.C.

No. MC 52458 (Sub-No. 217), filed March 27, 1969. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., Post Office Box 1047 (4107 Bells Lane), Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of B. F. Goodrich Chemical Co., at or near Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the plantsite and destined to the enumerated States. NOTE: Despite the above restriction which would preclude tacking, applicant indicates that it "would tack with any appropriate authorities held * * *."

HEARING: April 16, 1969, before an examiner to be later designated, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 61592 (Sub-No. 138), filed March 28, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Door Fixtures and accessories*, from Lisbon, Ohio, to points in Alaba) a, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

HEARING: May 7, 1969, before Examiner Donald R. Sutherland, in Room 228, New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio.

No. MC 40446 (Sub-No. 2) (Republication), filed January 12, 1968, published FEDERAL REGISTER issue of January 25, 1968, and republished this issue. Applicant: BERNARD BARON, JR., 137-155 Blanchard Street, Newark, N.J. 07105. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of such commodities as are dealt in by manufacturers of sewing machines, from the warehouse facilities of The Singer Co. at Warwick, N.Y., to Newark, N.J., restricted to traffic destined to retail stores of said shipper at points in New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., to which exceptions were filed. A decision and order of the Commission, Review Board No. 1, dated March 24, 1969, and served March 28, 1969, as modified, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle in interstate or foreign commerce, over irregular routes, of (1) *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities the transportation of which because of their size or weight requires the use of special equipment), from the warehouse facilities of The Singer Co. at Warwick, N.Y., to Newark, N.J., restricted to the transportation of shipments originating at the said warehouse facilities and destined to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and (2) of *returned shipments* in the reverse direction; that the evidence considered in the light of the pleadings does not warrant a result different from that reached by the examiner; and that upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act and with the Commission's rules and regulations thereunder, within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, subject to prior publication in the FEDERAL REGISTER of the authority actually granted herein, in order that any party adversely affected by the said grant may file within 30 days and appropriate pleading setting forth the manner in which it has been prejudiced, an appropriate certificate will be issued.

No. MC 41706 (Sub-No. 7) (Republication), filed March 4, 1968, published FEDERAL REGISTER issues of March 21, 1968, May 23, 1968, and May 30, 1968, and republished this issue. Applicant: TOSE, INC., 64 West 4th Street, Bridgeport, Pa. 19405. Applicant's representative: Desmond J. McTighe, 11 East Airy Street, Norristown, Pa. 19401. In the above-titled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, the commodities, to, and from points substantially as indicated below. An Order of the Commission, Division 1, effective by operation of law, March 20, 1969, and served February 18, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, over irregular routes, in interstate or foreign commerce, (a) of *parcels and packages* (no single parcel or package to exceed 50 pounds in weight), (b) of *garments and furs on hangers*, for storage, and (c) of *damaged, defective, refused or exchanged merchandise* on return, between points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., Camden, Gloucester, Salem, Cumberland, Atlantic, and Cape May Counties, N.J., that part of Burlington and Mercer Counties, N.J., bounded by a line beginning at the Delaware River at Washington Crossing, N.J., and extending through Hamilton Square, N.J., Allentown, N.J., to Camden County line at New Jersey Highway 534, and New

Castle County, Del., restricted to transportation between retail department stores, specialty shops, mail order houses, premium redemption stores and other retail stores and the branches and warehouses of such stores, on the one hand, and, on the other, the customers thereof; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 10302 (Sub-No. 1), Notice of Filing of Petition for Waiver of Rule 101(e) of the General Rules of Practice and Acceptance for Filing of Petition To Reopen Proceeding for Revision of Authority Granted. Petitioner: THE CHIEPPO BUS COMPANY, New Haven, Conn. Petitioner's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Petitioner states that on April 15, 1947, in Docket No. MC 10303 (Sub-No. 1), it was issued a certificate as a common carrier by motor vehicle of passengers and their baggage, in special operations in all-expense, round-trip sightseeing, or pleasure tours, over irregular routes, beginning and ending at New Haven, Hartford, and Southington, Conn., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, with no pickup or discharge of passengers or baggage en route. Petitioner further states that it was, at the time, and is, Petitioner's belief that such operating authority was intended to, and did, authorize Petitioner to transport passengers in round-trip operations to race tracks, athletic events, and other places of amusement which entailed only the cost of transportation and, when involved, admission tickets. Petitioner further states that in recent years on several occasions its operations were questioned informally in the light of the decision of the Commission in Ashbury Park-New York Transit Corp. v. Binker Tours, Inc., et al., 62 M.C.C. 731 (1954). By the instant petition, petitioner requests its certificate be revised to avoid the possibility of future interpretive problems, in light of decisions of the Commission since the issuance of petitioner's certificate, and the service description in its Sub 1 certificate be changed to read "Passengers and their baggage in special operations, over irregular routes * * *." Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10435. Authority sought for purchase by DORN'S TRANSPORTATION, INC., Railroad Avenue Extension, Albany, N.Y. 12205, of a portion of the operating rights of WORSTER MOTOR LINES, INC., Northeast, Pa. 16428, and for acquisition by WALTER A. DORN, also of Albany, N.Y. 12205, of control of such rights through the purchase. Applicants' attorneys: Irving Klein, 280 Broadway, New York, N.Y. 10007, and William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes between Jamestown, and New York, N.Y., serving certain intermediate points and the off-route points of Camden and Carteret, N.J., between junction New York Highway 305 (formerly New York Highway 16), near Portville, and New York, N.Y., serving the intermediate point of Passaic, N.J., and the off-route points of Kearny and Newark, N.J., between Buffalo, N.Y., and Lewis Run, Pa., serving Buffalo, N.Y., and Lewis Run, Pa., and all intermediate points, and the off-route points of Derrick and Rew City, Pa., between junction U.S. Highway 219 and New York Highway 353 (portion formerly New York Highway 18), and Franklinville, N.Y., serving Franklinville, and all intermediate points; over two alternative routes for operation convenience only: *general commodities*, excepting, among others, household goods and commodities, in bulk, over irregular routes between New York, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, with restriction. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, New York, Connecticut, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10436. Authority sought for purchase by FOGARTY BROS. TRANSFER, INC., 1103 Cumberland Avenue (Post Office Box 3402), Tampa, Fla. 33601, of the operating rights of BRADFORD TRANSFER & STORAGE COMPANY, 224 East Vickery Street (Post Office Box 2288), Fort Worth, Tex. 76101, and for acquisition by J. E. FOGARTY, 1505 River Nells Drive, Tampa, Fla., of control of such rights through the purchase. Applicants' attorney: Reagan Sayers, c/o Rawlings, Sayers, & Scurlock, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Dallas, Fort Worth, and Houston, Tex., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Tennessee, Kentucky, Ohio, Indiana, Illinois, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New York, New Jersey, Connecticut, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Wisconsin, Arkansas, Maine, New Hampshire, Rhode Island, New Hampshire, Oklahoma, Texas, Vermont, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10437. Authority sought for merger into ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, of the operating rights and property of ROADWAY EXPRESS, INC. OF S.C., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, and for acquisition by GALEN J. ROUSH, also of Akron, Ohio, of control of such rights and property through the transaction. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be merger: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Charleston County, S.C., between certain specified points in South Carolina, on the one hand, and, on the other, points in South Carolina, between points in Richland County, S.C., and points in Lexington County, S.C., east of U.S. Highway 176, and all points within 5 miles of West Columbia, and Cayce, S.C., between points in Richland County, S.C., and those in that part of Lexington County, S.C., described above, on the one hand, and, on the other, points in South Carolina; *cotton*, in bales, between points in South Carolina; *cotton piece goods*, finished and unfinished, between certain specified points in South Carolina; *petroleum products*, in bulk, in tank vehicles, and *crated household goods, furniture, and furnishings*, from North Charleston, S.C., and points within 5 miles of North Charleston, to points in South Carolina, between points in Charleston County, S.C., between certain specified points in South Carolina, on the one hand, and, on the other, points in South Carolina. ROADWAY EXPRESS, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas,

Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: ROADWAY EXPRESS, INC., controls ROADWAY EXPRESS, INC. of S.C. (formerly FULLER MOTOR EXPRESS, INC.), through ownership of capital stock pursuant to authority granted in MC-F-10003, dated June 25, 1968, by Review Board No. 5, and consummated July 31, 1968.

No. MC-F-10438. Authority sought for purchase by PRATT'S DRAY STORAGE, INC., 222 West Illinois Street, Spearfish, S. Dak. 57783, of a portion of the operating rights of HOUCK TRANSPORT COMPANY, Box 559, Glendive, Mont. 59330, and for acquisition by VICTOR R. PRATT, 720 10th Street, Spearfish, S. Dak., of control of such rights through the purchase. Applicants attorney: John R. Davidson, Room 805 Midland Bank Bldg., Billings, Mont. 59101. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Crook County, Wyo., on the one hand, and, on the other, points in Lawrence and Butte Counties, S. Dak.; *Livestock, wool, grain, lumber, and ties*, from points in Crook County, Wyo., to rail heads in Crook County; and *feed and farm machinery*, from Rapid City and Belle Fourche, S. Dak., to points in Crook County, Wyo. Vendee is authorized to operate as a *common carrier* in South Dakota, Montana, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10439. Authority sought for control by KODIAK OILFIELD HAULERS, INC., doing business as HOMER FREIGHT LINES, Box 4-467, Anchorage, Alaska, of ARCTIC MOTOR FREIGHT INC., Box 6243 Annex, Anchorage, Alaska, and for acquisition by KENAI TRUCKING LTD., 10544 115th Street, Edmonton, Alberta, Canada, of control of ARCTIC MOTOR FREIGHT INC., through the acquisition by KODIAK OILFIELD HAULERS, INC., doing business as HOMER FREIGHT LINES. Applicants' attorney: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Alaska, except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) boundary line, other than Haines, Alaska; and *drilling mud compounds*, in bulk, between points in Alaska. KODIAK OILFIELD HAULERS, INC., doing business as HOMER FREIGHT LINES, is authorized to operate as a *common carrier* in Alaska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10434. Authority sought for control by CHROMALLOY AMERICAN CORPORATION, 120 Broadway, New York, N.Y. 10005, and AMERICAN TRANSIT CORP., 120 South Central, St. Louis, Mo. 63105, of METROPOLITAN TRANSIT CORP., Seattle, Wash., and for acquisition by JOSEPH FRIEDMAN, 120 Broadway, New York, N.Y. 10005, DOMINICK J. GIACOMA, PETER J. GIACOMA, A. JAMES de MAYO, HENRY R. DeTOURNAY, PATRICK J. DUCEY, and R. C. JOHNSON, all of 120 South Central Avenue, St. Louis, Mo. 63105, of control of METROPOLITAN TRANSIT CORP., through the acquisition by CHROMALLOY AMERICAN CORPORATION and AMERICAN TRANSIT CORP. Applicants' attorney: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Seattle, and Auburn, Wash., serving all intermediate points, between Seattle, and Everett, Wash., serving all intermediate points and the off-route point of Richmond Beach, Wash., between junction U.S. Highway 99 and Washington Highway 147 and Tacoma, Wash., over U.S. Highway 99, serving all intermediate points, and serving junction U.S. Highway 99 and Washington Highway 147 for purposes of joinder only, between Seattle, and Redmond, Wash., serving all intermediate points, between junction U.S. Highway 99 and Washington Highway 104 and Edmonds, Wash., over Washington Highway 104, serving all intermediate points, and serving junction U.S. Highway 99 and Washington Highway 104 for purposes of joinder only, between Seattle, Wash., and Renton, Mass., over Washington Highway 167, serving all intermediate points. (No certificate has been issued yet.) CHROMALLOY AMERICAN CORPORATION, nor AMERICAN TRANSIT CORP., hold authority from this Commission. However, they are affiliated with (1) TEXAS MOTOR COACHES, INC., 710 Davis Street, Post Office Box 959, Grand Prairie, Tex. 75050, which is authorized to operate as a *common carrier* in Texas; (2) KENTUCKY BUS LINES, INC., 218 East Main Street, Louisville, Ky. (Mailing Address: 615 North 9th Street, St. Louis, Mo. 63101), which is authorized to operate as a *common carrier* in Kentucky; and (3) CHICAGO & CALUMET DISTRICT COMPANY, INC., 4923 Columbia Avenue, Hammond, Ind. 46327, which is authorized to operate as a *common carrier* in Illinois, and Indiana. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 69-4157; Filed, Apr. 8, 1969; 8:49 a.m.]

[Notice 809]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 1969.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 272 TA), filed March 28, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Presque Isle, Maine, to points in New York on and west of New York Highway 30, for 180 days. NOTE: Applicant intends to tack with MC 30844, canned goods and groceries, between points in Iowa, on the one hand, and, on the other, points in Missouri, Nebraska, Kansas, Oklahoma, Colorado, and Texas. Supporting shipper: Potato Service, Inc., Presque Isle, Maine 04769. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 103490 (Sub-No. 63 TA), filed March 28, 1969. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium nitrate*, in bulk, from Reynolds, Pa. to points within 5 miles of Marbletown, N.Y., for 150 days. Supporting shipper: Atlas Chemical Industries, Inc., Wilmington, Del. 19899. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 117765 (Sub-No. 76 TA), filed April 1, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post

Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Longview, Tex., to Guthrie, Okla., for 180 days. Supporting shipper: Lone Star Sales Co., Joseph C. Ruhl, owner, 109 West Vilas, Guthrie, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 121489 (Sub-No. 4 TA), filed April 1, 1969. Applicant: NEBRASKA-Iowa Express, Inc., 525 Jones Street, Omaha, Nebr. 68100. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated Containers and parts thereof*, from Omaha, Nebr., to points in Colorado, Iowa, Kansas, South Dakota, and Wyoming, and to points in that part of Missouri on and west of U.S. Highway 63, for 150 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 123993 (Sub-No. 7 TA), filed April 1, 1969. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, Crowley, La. 70526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel*, from Fairfield and Gadsden, Ala., to Crowley, La., for 180 days. Supporting shipper: Bayou Culvert Mfg., Inc., Post Office Box 202, Crowley, La. 70526. Send Protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124679 (Sub-No. 22 TA), filed April 1, 1969. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Syracuse, N.Y., to points in Connecticut, Rhode Island, Massachusetts, Maine, Vermont, and New Hampshire, for 180 days. Supporting shipper: Empire Freezers of Syracuse, Inc., Post Office Box 770, Syracuse, N.Y. 13201. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 124951 (Sub-No. 31 TA), filed April 1, 1969. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb bodies and bomb body parts*, between the plantsite of National Gypsum Co., Kansas Army Ammunition Plant, Parsons, Kans., and the plantsite of Gibbs Die-Casting Aluminum Co., Federal Division, Henderson, Ky., for 180 days. Supporting shipper: Ernestine Whelan, Secretary-Treasurer, Gibbs Die-Casting Aluminum Corp., Federal Division, Post Office Box 698, Henderson, Ky. 42420. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

By the Commission.

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

[F.R. Doc. 69-4155; Filed, Apr. 8, 1969; 8:49 a.m.]

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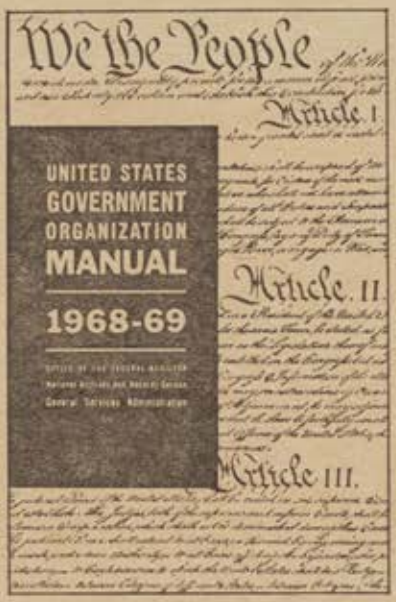

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