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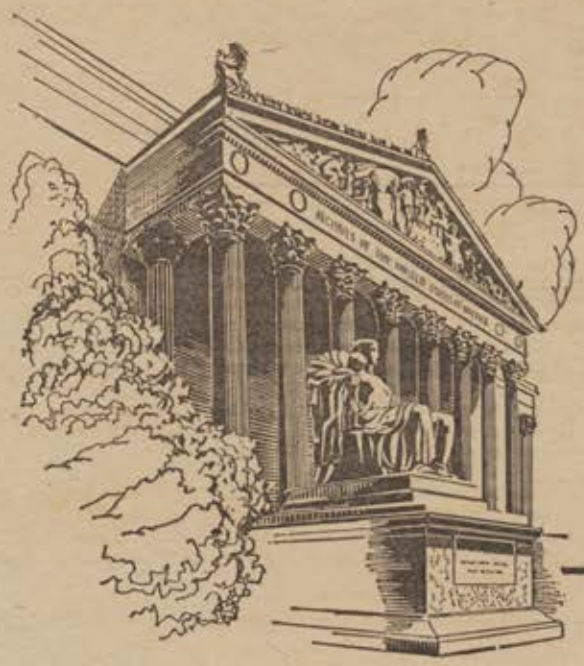

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

Guaranty as Extension of Credit

§ 207.103 Corporate guaranty of bank loan as extension of credit in the ordinary course of business.

(a) The Board recently considered the questions whether (1) the guaranty by a corporation of an "unsecured" bank loan to exercise an option to purchase stock of the corporation is an "extension of credit" for the purpose of this part (Regulation G), (2) such a guaranty is given "in the ordinary course of business" of the corporation, as defined in § 207.2(b), and (3) the bank involved took part in arranging for such credit on better terms than it could extend under the provisions of Part 221 (Regulation U) of this subchapter.

(b) The Board understood that any officer or employee included under the corporation's stock option plan who wished to exercise his option could obtain a loan for the purchase price of the stock by executing an unsecured note to the bank. The corporation would issue to the bank a guaranty of the loan and hold the purchased shares as collateral to secure it against loss on the guaranty. Stock of the corporation is registered on a national securities exchange.

(c) A lender is subject to the registration and other requirements of this part if, in the ordinary course of his business, he extends credit on collateral that includes any registered equity securities in the amount of $50,000 or more in any calendar quarter, or has such credit outstanding in any calendar quarter in the amount of $100,000 or more. The Board understood that the corporation in question had $100,000 in guaranties outstanding during the applicable calendar quarter.

(d) In the Board's judgment a person who guarantees a loan, and thereby becomes liable for the amount of the loan in the event the borrower should default, is lending his credit to the borrower. In the circumstances described, such a lending of credit must be considered an "extension of credit" under this part in order to prevent circumvention of the regulation's limitation on the amount of credit that can be extended on the security of registered stock.

(e) Under § 207.2(b), "the term 'in the ordinary course of his business' means * * * in the case of a person other than an individual, carrying out or in furtherance of any business purpose." In general, stock option plans are designed to provide a company's employees with a proprietary interest in the company in the form of ownership of the company's stock. Such plans increase the company's ability to attract and retain able personnel and, accordingly, promote the interest of the company and its stockholders, while at the same time providing the company's employees with additional incentive to work toward the company's future success. An arrangement whereby participating employees may finance the exercise of their options through an unsecured bank loan guaranteed by the company, thereby facilitating the employees' acquisition of company stock, is likewise designed to promote the company's interest and is, therefore, in furtherance of a business purpose.

(f) For the reasons indicated, the Board concluded that under the circumstances described a guaranty by the corporation constitutes credit extended in the ordinary course of business under this part, that the corporation is required to register pursuant to § 207.2(a), and that such guaranties may not be given in excess of the maximum loan value of the collateral pledged to secure the guaranty, which is 20 percent under the current supplement to this part.

(g) Section 221.3(u) of this subchapter provides that "no bank shall arrange for the extension or maintenance of any credit for the purpose of purchasing or carrying any stock registered on a national securities exchange, except upon the same terms and conditions on which the bank itself could extend or maintain this credit" under the provisions of Part 221. Since the Board concluded that the giving of a guaranty by the corporation to secure the loan described above constitutes an extension of credit, and since the use of a guaranty in the manner described could not be effectuated without the concurrence of the bank involved, the Board further concluded that the bank took part in "arranging" for the extension of credit in excess of the maximum loan value of the stock pledged to secure the guaranties.

(15 U.S.C. 78g. Interprets or applies 15 U.S.C. 78g(d))

Dated at Washington D.C., this 21st day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5020; Filed, Apr. 28, 1969; 8:45 a.m.]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Arranging for Extension of Credit

§ 221.118 Bank arranging for extension of credit by corporation.

For text of this interpretation, see § 207.103 of this subchapter.

(15 U.S.C. 78g. Interprets or applies 15 U.S.C. 78g(d))

Dated at Washington, D.C., the 21st day of April 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5021; Filed, Apr. 28, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-4-AD; Amdt. 39-758]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 99 Airplanes

Amendment 39-744 (34 F.R. 6330) requires inspection of the forward face of the elevator spar web adjacent to the outboard hinge bracket on both elevators of Beech Model 99 airplanes. If cracks are found, the airworthiness directive requires modification of the elevator in accordance with Beechcraft Service Instructions No. 0190-133, or replacement with a serviceable part. Subsequent to the issuance thereof, it has been established that the manufacturer has incorporated the modification called for in Beechcraft Service Instructions No. 0190-133 in Beech Model 99 airplanes beginning with Serial No. U-90 and up. Accordingly, it is necessary to amend the applicability statement of the airworthiness directive to limit it to Beech Model 99 airplanes, Serial Nos. U-1 through U-89. Action is taken herein to make this change.

Since this amendment is relieving in nature, and imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not necessary and the amendment may be effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697)

§ 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-744 (34 F.R. 6330) is amended as follows:

The applicability statement is amended to read as follows:

BEECHCRAFT. Applies to Model 99 (Serial Nos. U-1 through U-89) Airplanes.

This amendment becomes effective April 29, 1969.

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

Issued in Kansas City, Mo., on April 18, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-5040; Filed, Apr. 28, 1969; 8:47 a.m.]

[Docket No. 69-CE-3-AD; Amdt. 39-757]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 65-90, 65-A90, B90, 65-80, 65-A80, 65-B80, 65-88 and 99 Airplanes

Amendment 39-740 (34 F.R. 5646, 5647), dated March 26, 1969, requires inspections of the rudder spar web for cracks on Beech Models 65-90, 65-A90, and B-90 airplanes. If cracks are found, the airworthiness directive requires modification of the rudder spar web in accordance with Beechcraft Service Instructions No. 0101-135 or replacement with a serviceable part. Subsequent to the issuance thereof, the Federal Aviation Administration has received reports of cracked rudder spar webs on Beech Models 65-80 and 99 airplanes. Consequently, it is necessary to amend the applicability statement of the airworthiness directive to include these model airplanes as well as the Model 65-88 airplane.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-740 (34 F.R. 5646, 5647), is amended as follows:

The applicability statement is amended to read as follows:

BEECHCRAFT. Applies to Models 65-80, 65-A80, 65-A80-8800, and 65-B80 (Serial Nos. LD-1 through LD-398); 65-88 (Serial Nos. LP-1 through LP-47); 65-90, 65-A90 and B90 (Serial Nos. LJ-1 through LJ-428); and 99 (Serial Nos. U-1 through U-62) Airplanes with 250 hours' or more time-in-service.

This amendment becomes effective April 29, 1969.

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

Issued in Kansas City, Mo., on April 15, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-5041; Filed, Apr. 28, 1969; 8:47 a.m.]

[Docket No. 69-SO-37; Amdt. 39-759]

PART 39—AIRWORTHINESS DIRECTIVES

Eisemann Magnetos Type AM-4, AM-6, LA-4, LA-6

There have been failures of Eisemann magnetos due to the secondary windings in the coil, on a particular production run of P/N H27-958, not being adequately insulated. The failures have been reported on Continental and Franklin engines, but not necessarily limited to these engines. Since this condition is likely to exist in other engines which use this magneto, an airworthiness directive is being issued to require inspection of Type AM-4, AM-6, LA-4, LA-6 Eisemann magnetos for coils bearing certain inspection stamps and remove from service those coils that were not manufactured to the proper specification requirements.

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

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

EISEMANN. Applies to all Type AM-4, AM-6, LA-4, and LA-6 Eisemann magnetos installed on, but not necessarily limited to:

Continental, A-50 Series.
Continental, A-65 Series.
Continental, A-75 Series.
Continental, A-80 Series.
Continental, C-75 Series.
Continental, C-85 Series.
Continental, C-115 Series.
Continental, C-125 Series.
Continental, E-165 Series.
Continental, E-185 Series.
Franklin (Aircooled Motors), 2A4 Series.
Franklin (Aircooled Motors), 4AC Series.
Franklin (Aircooled Motors), 4A4 Series.
Franklin (Aircooled Motors), 6AC Series.
Franklin (Aircooled Motors), 6AL Series.
Franklin (Aircooled Motors), 6A8 Series.
Franklin (Aircooled Motors), 6A4 Series.
Franklin (Aircooled Motors), 6V4 Series.
Franklin (Aircooled Motors), 6AG4 Series.
Menasco, C4, D4, D4-87.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the possibility of loss of engine power in flight caused by electrically shorted windings in the magneto coil, accomplish the following:

(a) Inspect the coils P/N H27-958 used in Eisemann Type LA-4, LA-6, AM-4, and AM-6 magnetos for a yellow inspection stamp consisting of a letter and a numeral.

(b) Remove from further service those coils inspected in (a) bearing the following stamps: A76, B76, C76, D76, F76, G76, H76, J76, K76, L76, M76, D86, E86, F86, G86, H86, J86, K86.

(c) Install coils P/N H27-958 bearing yellow inspection stamp symbols other than those listed under (b) above or an equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Southern Region.

The compliance time may be adjusted up to a maximum of 10 hours to coincide with aircraft annual or 100-hour scheduled inspections. (American Industrial Sales Bulletin dated Nov. 1, 1968, pertains to this same subject.)

This amendment becomes effective May 1, 1969.

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

Issued in East Point, Ga., on April 18, 1969.

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

[F.R. Doc. 69-5042; Filed, Apr. 28, 1969; 8:47 a.m.]

[Docket No. 9432; Amdt. 39-760]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring installation of covers over the control column housings to prevent small objects entering the housing on Vickers Viscount Models 744, 745D, and 810 Series Airplanes was published in 34 F.R. 2356.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series Airplanes.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the jamming of the aileron control system due to small objects entering the control column housings through lightening holes in the housings, install covers P/N's 70133-807, 809, 811, and 813 over the housings in accordance with British Aircraft Corp. Modification D.3223 Issue 2 dated August 10, 1968 (700 Series) or Modification FG. 2098 Issue 2 dated August 20, 1968 (800/810 Series) or later ARB-approved issues or an equivalent approved by the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region.

This amendment becomes effective May 29, 1969.

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

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

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

[F.R. Doc. 69-5053; Filed, Apr. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-12]

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

Alteration of Control Zone

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3696) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Santa Ana, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendement is hereby adopted subject to the following change.

Change the FEDERAL REGISTER citation to read "In § 71.171 (34 F.R. 4557)".

Effective date. This amendment shall be effective 0901 G.m.t., June 26, 1969.

Issued in Los Angeles, Calif., on April 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the Santa Ana, Calif. (Orange County Airport), control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[F.R. Doc. 69-5052; Filed, Apr. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SO-14]

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

Designation of Transition Area

On March 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 3699), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Gallatin, Tenn., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 36°22'45" N., long. 86°24'30" W.) for Gallatin Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary, and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

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

GALLATIN, TENN.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30" W.), excluding the portion that coincides with the Nashville, Tenn., transition area.

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

Issued in East Point, Ga., on April 14, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-5043; Filed, Apr. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68-EA-139]

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

Extension of Federal Airway

On February 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2054) stating that the Federal Aviation Administration was considering the extension of VOR Federal airway No. 96 from Waterville, Ohio, with a 1,200-foot AGL floor direct to Windsor, Ontario, Canada, excluding the portion within Canada.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-96 is amended by deleting "12 AGL Waterville, Ohio." and substituting "12 AGL Waterville, Ohio; 12 AGL Windsor, Ontario, Canada, excluding the portion within Canada." therefor.

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

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

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

[F.R. Doc. 69-5044; Filed, Apr. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68-SW-94]

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

PART 73—SPECIAL USE AIRSPACE

Redesignation of Restricted Area and Continental Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to stratify the vertical extent of "surface to 23,000 feet MSL" of Melrose, N. Mex., Restricted Area R-5104 into two designated altitudes. To accomplish this, R-5104 is redesignated into two Restricted Areas, R-5100A with a designated altitude of surface to 18,000 feet MSL, and R-5104B with a designated altitude of 18,000 feet MSL to 23,000 feet MSL. The lateral extent, time of use, using and controlling agencies will remain unchanged. The continental control area will be altered to reflect these changes.

This action will permit greater use of the airspace above 18,000 feet MSL by Air Traffic Control and nonparticipating aircraft without interference to the preponderance of special use activities which are conducted below 18,000 feet MSL.

Since these amendments are editorial in nature and neither assign nor reassign airspace, notice and public procedure hereon is unnecessary and they may be made effective immediately.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., June 26, 1969, as hereinafter set forth:

1. In § 73.51 (34 F.R. 4837) "R-5104 Melrose, N. Mex." is revoked and the following restricted areas are added:

R-5104A MELROSE, N. MEX.

Boundaries: Beginning at lat. 34°28'00" N., long. 103°43'15" W.; to lat. 34°25'25" N., long. 103°40'00" W.; to lat. 34°10'00" N., long. 103°40'00" W.; to lat. 34°10'00" N., long. 103°55'00" W.; to lat. 34°28'00" N., long. 103°55'00" W.; to the point of beginning.

Designated altitudes: Surface to 18,000 feet MSL.

Time of designation: Sunrise to sunset.

Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.

Using agency: Commander, Cannon AFB, N. Mex.

R-5104B MELROSE, N. MEX.

Boundaries: Beginning at lat. 34°28'00" N., long. 103°43'15" W.; to lat. 34°25'25" N., long. 103°40'00" W.; to lat. 34°10'00" N., long. 103°40'00" W.; to lat. 34°10'00" N., long. 103°55'00" W.; to lat. 34°28'00" N., long. 103°55'00" W.; to point of beginning.

Designated altitudes: 18,000 feet MSL to 23,000 feet MSL.

Time of designation: Sunrise to sunset.

Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.

Using agency: Commander, Cannon AFB, N. Mex.

2. In § 71.151 (34 F.R. 4546) the following changes are made: "R-5104 Melrose, N. Mex." is deleted and "R-5104A

Melrose, N. Mex." and "R-5104B Melrose, N. Mex." are added.

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

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

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

[F.R. Doc. 69-5038; Filed, Apr. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-14]

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

PART 73—SPECIAL USE AIRSPACE

Alteration and Designation of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter the Fort Carson, Colo., Restricted Area R-2601 by reducing the upper limits from 35,000 feet MSL to 8,500 feet MSL north of a line extending from lat. 38°42'04" N., long. 104°49'34" W., to lat. 38°40'53" N., long. 104°45'35" W. The portion north of the line will be designated as R-2601A and the south portion will be designated as R-2601B. Action is also taken herein to alter the description of the continental control area to reflect these changes.

This action will expedite air traffic handling at Peterson Field, Colorado Springs, Colo., by making available airspace within which aircraft arriving Peterson Field may be radar vectored to intercept the ILS final approach course from the west. It will also permit southbound departing aircraft to climb out to the west.

Since this amendment is minor in nature, notice and public procedure hereon is unnecessary and for that reason may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 17, 1969, as hereinafter set forth.

1. In § 73.26 (34 F.R. 4819), the Fort Carson, Colo., restricted area is amended to read as follows:

R-2601A FORT CARSON, COLO.

Boundaries: Beginning at lat. 38°43'38" N., long. 104°45'50" W.; to lat. 38°40'53" N., long. 104°45'35" W.; to lat. 38°42'04" N., long. 104°49'34" W.; thence northeasterly along Colorado Highway No. 115 to lat. 38°43'12" N., long. 104°49'07" W.; to lat. 38°42'58" N., long. 104°48'30" W.; to lat. 38°43'43" N., long. 104°46'20" W.; to the point of beginning.

Designated altitudes: Surface to 8,500 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Denver ARTC Center.

Using agency: Commanding General, Fort Carson, Colo.

R-2601B FORT CARSON, COLO.

Boundaries: Beginning at lat. 38°40'53" N., long. 104°45'35" W.; to lat. 38°32'06" N., long. 104°45'00" W.; to lat. 38°32'06" N., long. 104°49'18" W.; to lat. 38°36'20" N., long. 104°52'00" W.; to lat. 38°39'00" N., long. 104°52'00" W.; thence northeasterly along Colorado Highway No. 115 to lat. 38°42'04" N., long. 104°49'34" W.; to the point of beginning.

Designated altitudes: Surface to 35,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Denver, ARTC Center.

Using agency: Commanding General, Fort Carson, Colo.

2. In § 71.151 (34 F.R. 4546) "R-2601 Fort Carson, Colo." is deleted and "R-2601B Fort Carson, Colo." is substituted therefor.

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

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

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

[F.R. Doc. 69-5039; Filed, Apr. 28, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Fishing Lures

§ 15.339 Disclosure of origin of imported fishing lures.

(a) In response to a request for an advisory opinion, the Commission ruled that it would be necessary for the requesting party to make a clear and conspicuous disclosure at the point of sale of the foreign country of origin of its imported fishing flies.

(b) Under the factual situation presented in the ruling, the flies will be shipped to retailers for resale packaged 1 dozen loose in a plastic box. Each box will contain from 1 to 4 flies made in a foreign country and 8 to 11 flies of domestic origin. Fishermen normally will purchase the flies singly and not by the dozen.

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

Issued: April 28, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5010; Filed, Apr. 28, 1969; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Location of Foreign Origin Label on Imported Engine Parts

§ 15.340 Location of foreign origin label on imported engine parts.

(a) In response to a request for an advisory opinion, the Commission advised an importer of fuel injection parts and units, which are to be used as replacement parts in engines, that it could disclose the foreign origin thereof on the container rather than on the product.

(b) The engines are purchased by industrial and commercial users, and by individual consumers as well. Whenever possible, the imported products will be marked with the country of origin on the nameplate. Furthermore, the imported parts and units may be packaged individually or in certain specific quantities per box. Because a number of the imported replacement parts are either too small to permit country of origin identification on the product itself, or may have highly finished surfaces which would be destroyed with marking, the question was raised as to whether it would be permissible to make the disclosure only on the container.

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

Issued: April 28, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-5011; Filed, Apr. 28, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69-29]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Kissimmee River, Fla.

1. The Seaboard Coast Line Railroad by letter dated August 19, 1968, requested the Commander, 7th Coast Guard District to revise the operating regulations for its drawbridge across the Kissimmee River, Fort Basinger, Fla. A public notice dated September 30, 1968, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 7th Coast Guard District and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal the revision is accepted.

2. The purpose of this document is to effectuate the foregoing proposed revision. Accordingly in § 117.245, subdivision (ii) of paragraph (h)(26) is revised to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(26) Kissimmee River, Florida: * * *

(ii) Seaboard Coast Line Railroad bridge, Fort Basinger, Fla. The draw of

this bridge shall be opened upon 72 hours' advance notice for the passage of floating equipment employed in flood control work under the jurisdiction of the Central and Southern Florida Flood Control District or the U.S. Army Corps of Engineers. The draw need not be opened for other vessels.

* * * * *

(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))

Effective date. This revision shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: April 23, 1969.

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

[F.R. Doc. 69-5067; Filed, Apr. 28, 1969; 8:50 a.m.]

[CGFR 69-30]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

St. Louis River, Minn., and Wis.

1. The Duluth, Missabe and Iron Range Railway Co. by letter dated October 8, 1968, requested the Commander, 9th Coast Guard District to revise the operating regulations for its drawbridge across the St. Louis River between Oliver, Wis., and New Duluth, Minn. A public notice dated February 4, 1969, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 9th Coast Guard District and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal, the revision is accepted. The purpose of this document is to delete the requirements in 33 CFR 117.641(f)(1) that refer to the Duluth, Missabe and Iron Range Railway bridge (Transfer Bridge), and to authorize the maintenance of the drawspan of this bridge in the closed position, subject to restoration of operation if subsequent development of navigation so requires.

2. Paragraph (f)(1) of § 117.641 is amended by revoking the third sentence reading: "Also from March 16 to December 31 at least 3 hours' advance notice is required for opening the Duluth Missabe and Iron Range Railway Co. Bridge (Transfer Bridge)."

3. Section 117.641 is amended by adding a new paragraph (f)(1-a) to follow paragraph (f)(1) to read as follows:

§ 117.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(1-a) Duluth Missabe and Iron Range Railway bridge (Transfer Bridge). The draw of the bridge need not be opened for the passage of vessels, and paragraphs (a) through (e) of this section shall not apply to this bridge. The draw span shall be restored to an operating condition by and at the expense of the owner should changes in navigation on the river so require.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: April 23, 1969.

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

[F.R. Doc. 69-5068; Filed, Apr. 28, 1969; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4654]

[Oregon 014972]

OREGON

Powersite Restoration No. 614; Partial Revocation of Powersite Reserve No. 77

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of July 2, 1910, creating Powersite Reserve No. 77, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 13 S., R. 45 E.,
Sec. 21, SW¼NW¼;
Sec. 29, SW¼NE¼ and NW¼SE¼;
Sec. 31, NE¼NE¼ and E½SE¼.
T. 7 S., R. 48 E.,
Sec. 21, NE¼SE¼.
T. 8 S., R. 48 E.,
Sec. 18, SE¼SE¼;
Sec. 19, NW¼NE¼.

The areas described aggregate 360 acres in Baker County.

The lands lie on the west side of the Snake River about 20 miles north of Huntington. Topography is steep. Vegetation consists of big sagebrush, bluebunch wheatgrass, cheatgrass and other native grasses, shrubs, and forbs. All of the lands, except the NE¼NE¼ and N½SE¼ of section 31, are also withdrawn for transmission line Project No. 406, while the NW¼SE¼ of section 29, and the NE¼NE¼ of section 31, T. 13 S., R. 45 E., are also withdrawn for transmission line Project No. 431, to each of which the Commission's general determination of April 17, 1922, is applicable.

2. At 10 a.m. on May 27, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 27, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws subject to the provisions of the act of August 11, 1955 (69 Stat. 782; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 21, 1969.

[F.R. Doc. 69-5023; Filed, Apr. 28, 1969; 8:46 a.m.]

[Public Land Order 4655]

[New Mexico 5241]

NEW MEXICO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

1. The departmental order of February 28, 1918, withdrawing lands for Stock Driveway Withdrawal No. 9, New Mexico No. 3, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 1 N., R. 12 W.,
Sec. 19, lots 3, 47, 48, NE¼SW¼, and N½SE¼;
Sec. 20, N½S½.
T. 1 N., R. 13 W.,
Sec. 24, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.
T. 2 S., R. 10 W.,
Sec. 11, S½NW¼, NE¼SW¼, and NW¼SE¼.
T. 1 S., R. 18 W.,
Sec. 6, lots 3, 8, 13, and 16 to 21, inclusive.
T. 1 S., R. 19 W.,
Sec. 1, lots 1 to 12, inclusive and S½;
Sec. 12.

The areas described aggregate 2,642.39 acres in Catron County, N. Mex., of which 255.43 acres are privately owned.

The topography of the land varies from nearly level to rolling hills. The soils are shallow to moderately deep of a sandy loam texture. The vegetation consists of pinon and juniper trees, grama grass and other native grasses and shrubs.

2. At 10 a.m. on May 27, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 27, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex. 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 21, 1969.

[F.R. Doc. 69-5024; Filed, Apr. 28, 1969; 8:46 a.m.]

[Public Land Order 4656]

[Nevada 055233]

NEVADA

Modification of Public Land Order No. 3598

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 3598 of April 5, 1965, withdrawing lands under the jurisdiction of the Secretary of the Interior for the Alkali Lake Wildlife Management Area, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 23 E.,
Sec. 3, SW¼SW¼.

The area described contains 40 acres in Lyon County.

2. The land shall not be open to disposition under the general land laws, including the mining laws, until appropriate classification and order of an authorized officer of the Bureau of Land Management.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 21, 1969.

[F.R. Doc. 69-5025; Filed, Apr. 28, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 367—CERTIFICATION

Denial of Petitions for Reconsideration

Regulations for the certification of motor vehicles and motor vehicle equipment, and the provision of identifying information, under sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act were issued by the Federal Highway Administrator and published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1147). Several petitions for reconsideration of those regulations were received. A notice of proposed amendments of the certification regulations in response to certain of those petitions is published elsewhere in this issue of the FEDERAL REGISTER. This notice constitutes a denial of those petitions that have been determined not to be meritorious.

Several petitioners urged that the requirement for inclusion of the month and year of manufacture on the vehicle certification label be deleted, on the grounds that the average consumer is not aware of the Standards that are in effect on a given date, and that other means of providing this information can be found. Some suggested that manufacturers should be permitted to state that the vehicles meet all Standards as of some future date, such as the first day of the next calendar year. Reasons given for opposition were cost, and marketing difficulties that might be caused by consumer resistance to buying vehicles that have been manufactured some time in the past.

It has been determined that clear identification of the month and year of manufacture of a vehicle is important both for the information of consumers who wish to know what Standards apply to a vehicle, and for enforcement personnel, including customs officials, for whose inspection needs the checking of serial numbers against manufacturers' lists may be unduly cumbersome. As noted in the preamble to the Regulations, maintaining the ignorance of the public as to the date of manufacture of the new motor vehicles that they are buying does not appear to be an important goal of public policy. To allow manufacturers to state that a vehicle meets all Standards in effect as of a date in the future would be inadvisable, since manufacturers have no way of ascertaining what Standards will be in effect in the future. Although most Standards have hitherto become effective at the beginning of a calendar year, the practice in this regard may be changed in the future, and section 103 of the Act provides that a Standard may be made effective less than 180 days from its issuance, for good cause shown. For these reasons the requirement of indicating the month and year of manufacture on the label is retained.

Objection was made to the requirement of the vehicle identification number on the label, on the grounds that it was costly and not justified for enforcement purposes. Transfer of labels to nonconforming vehicles has, however, been found to be a problem, especially with imported vehicles. Furthermore, the requirement of a vehicle identification number that matches the one required by Standard No. 115 is a deterrent to, and an aid in detection of, the large-scale application of forged certification labels to nonconforming vehicles.

Objections were made to the requirement of color contrast and minimum type size, in § 367.4 (f) and (g) respectively. Readability is an important consideration, however, and although under certain circumstances embossing or engraving may provide adequate contrast, color contrast is considered necessary to ensure readability under various lighting conditions. The 3/32-inch type size (reduced from one-eighth inch in the original proposal) approximates the smallest size that can be easily read at normal distances.

Objection was made to the specification of the language of the conformity statement. This specification has been determined to be necessary, however, in order to eliminate the burden of seeking approval of proposed labels, as many manufacturers found advisable under the previous rule, and to inform both regulated persons and the public of the requirements of the Act. It was suggested that manufacturers might wish to include further information, such as the country of origin, on the label. It is the intent of these regulations that such additional information may be included on the label, as long as the required information appears in the form and order prescribed.

One petitioner requested a delay in the effective date, citing the "confusion which arises from the conflicting descriptions of the method of attaching the certification label to the motor vehicle". The effective date has been selected in order to cover the vehicles that are labeled "model year 1970" while having been produced in 1969, and therefore not required to conform to Standards becoming effective on January 1, 1970. The clear identification of such vehicles is an important goal of these regulations. The reason given by this petitioner has not been found to be substantial, and does not differentiate it from other members of the industry, who evidently do not find the effective date unduly burdensome. The effective date of September 1, 1969 has therefore been retained in the proposed reissuance noted elsewhere in this issue, subject to possible adjustment in light of the date on which final action on the regulations shall be taken.

One petitioner noted the difficulties faced by final manufacturers of vehicles produced in two or more stages (other than those where the first stage is a chassis-cab, covered by the rulings of Jan. 3, 1968, 33 F.R. 18, 29), in meeting the statutory requirement of certification of the entire vehicle as finally delivered. In order to meet the certification requirements that have existed since the initial Standards went into effect on January 1, 1968, such final-stage manufacturers presumably rely upon information or warranties furnished to them by the manufacturers of the incomplete vehicles, in completing the manufacturing process and certifying the final vehicle. It is recognized that such a system may be unsatisfactory, since it depends upon the furnishing of information under an unregulated contractual relationship. The problem is not limited to certification, however, but extends to the broader one of conformity with the Standards. A satisfactory solution must be a general one covering the entire subject of incomplete vehicles and multistage manufacture. For the purposes of this regulation the present scheme is therefore retained, while consideration is being given to further rulemaking that will deal with the subject as a whole.

Any other requests contained in the petitions for reconsideration of the certification regulations not discussed above,

or in the notice of proposed amendment to the regulations published elsewhere in this issue, are hereby denied.

This notice of denial of petitions for reconsideration is issued under the authority of sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

F. C. TURNER,
Federal Highway Administrator.

APRIL 23, 1969.

[F.R. Doc. 69-5054; Filed, Apr. 28, 1969; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF U.S. SAVINGS BONDS, SERIES E

Extended Terms and Improved Yields for Outstanding Bonds

The regulations set forth in Treasury Department Circular No. 653, Seventh Revision, dated March 18, 1966, as revised and amended (31 CFR Part 316), have been further revised and amended as shown below. These changes were effected under authority of sections 22 and 25 of the Second Liberty Bond Act, as amended (40 Stat. 21, as amended, 73 Stat. 621; 31 U.S.C. 757c, 757c–1), and 5 U.S.C. 301. The changes were adopted on March 25, 1969.

Notice and public procedures hereon are unnecessary as public property and contracts are involved.

Dated: March 25, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Treasury Department Circular No. 653, Seventh Revision, dated March 18, 1966, as revised and amended, and the tables incorporated therein (31 CFR Part 316), are hereby further revised and amended as follows:

§ 316.8 Extended terms and improved yields for outstanding bonds.

(a) *Optional extension privileges.* * * *

(3) *Bonds with issue dates June 1, 1949, through April 1, 1952.* Owners of Series E bonds with issue dates of June 1, 1949, through April 1, 1952, have the option of retaining their bonds for a second extended maturity period of 10 years.

(4) *Bonds with issue dates of May 1, 1952, or thereafter.* Owners of Series E bonds with issue dates of May 1, 1952, or thereafter have the option of retaining their bonds for an extended maturity period of 10 years.[1]

* * * * *

(c) *Investment yield per second extended maturity period—bonds with issue dates June 1, 1949, through April 1, 1952.* The investment yield for the second extended maturity period for bonds with issue dates of June 1, 1949, through April 1, 1952, will be 4.25 percent per annum compounded semiannually if the bonds are held to the second extended maturity date.[2] (See Tables 20 through 25.)

[1] See Tables 26 through 54 for redemption values and investment yields during extended maturity period for bonds with issue dates of May 1, 1952, through Nov. 1, 1961. See § 316.8(b) of the Fourth Amendment to this Circular concerning yields during the extended maturity period for bonds with subsequent issue dates.

[2] Under authority of section 25 of the Second Liberty Bond Act, as amended (73 Stat. 621, 31 U.S.C. 757c–1), the President of the United States on Mar. 20, 1969, found it necessary in the national interest to exceed the maximum investment yield prescribed by section 22 of the Act.

TABLE 20

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1949

Issue price	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield	
Denomination	10.00	25.00	50.00	100.00	200.00	500.00	1,000.00		
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD [3]							(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
								Percent	*Percent*
First ½ year [1] (6/1/69)	$14.72	$36.80	$73.60	$147.20	$294.40	$736.00	$1,472.00	0.00	2.45
½ to 1 year (12/1/69)	15.02	37.56	75.12	150.24	300.48	751.20	1,502.40	4.13	4.25
1 to 1½ years (6/1/70)	15.34	38.34	76.68	153.36	306.72	766.80	1,533.60	4.14	4.26
1½ to 2 years (12/1/70)	15.66	39.14	78.28	156.56	313.12	782.80	1,565.60	4.15	4.27
2 to 2½ years (6/1/71)	15.98	39.95	79.90	159.80	319.60	799.00	1,598.00	4.15	4.27
2½ to 3 years (12/1/71)	16.31	40.78	81.56	163.12	326.24	815.60	1,631.20	4.15	4.28
3 to 3½ years (6/1/72)	16.65	41.63	83.26	166.52	333.04	832.60	1,665.20	4.15	4.29
3½ to 4 years (12/1/72)	17.00	42.49	84.98	169.96	339.92	849.80	1,699.60	4.15	4.30
4 to 4½ years (6/1/73)	17.35	43.37	86.74	173.48	346.96	867.40	1,734.80	4.15	4.31
4½ to 5 years (12/1/73)	17.71	44.27	88.54	177.08	354.16	885.40	1,770.80	4.15	4.33
5 to 5½ years (6/1/74)	18.08	45.19	90.38	180.76	361.52	903.80	1,807.60	4.15	4.35
5½ to 6 years (12/1/74)	18.45	46.13	92.26	184.52	369.04	922.60	1,845.20	4.15	4.37
6 to 6½ years (6/1/75)	18.83	47.08	94.16	188.32	376.64	941.60	1,883.20	4.15	4.40
6½ to 7 years (12/1/75)	19.22	48.06	96.12	192.24	384.48	961.20	1,922.40	4.15	4.43
7 to 7½ years (6/1/76)	19.62	49.06	98.12	196.24	392.48	981.20	1,962.40	4.15	4.48
7½ to 8 years (12/1/76)	20.03	50.08	100.16	200.32	400.64	1,001.60	2,003.20	4.15	4.54
8 to 8½ years (6/1/77)	20.45	51.12	102.24	204.48	408.96	1,022.40	2,044.80	4.15	4.64
8½ to 9 years (12/1/77)	20.87	52.18	104.36	208.72	417.44	1,043.60	2,087.20	4.15	4.80
9 to 9½ years (6/1/78)	21.30	53.26	106.52	213.04	426.08	1,065.20	2,130.40	4.15	5.13
9½ to 10 years (12/1/78)	21.74	54.36	108.72	217.44	434.88	1,087.20	2,174.40	4.15	6.14
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (6/1/79)	22.41	56.03	112.06	224.12	448.24	1,120.60	2,241.20	[2] 4.25	

[1] Month, day, and year on which issues of June 1, 1949, enter each period. For subsequent issue months add the appropriate number of months.

[2] Yield on purchase price from issue date to second extended maturity date is 3.68 percent.

[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.

[4] 30 years from issue date.

TABLE 21

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1949, THROUGH MAY 1, 1950

Issue price	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield
Denomination	10.00	25.00	50.00	100.00	200.00	500.00	1,000.00	

Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD [2]							(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
								Percent	*Percent*
First ½ year [1] (12/1/69)	$14.80	$37.00	$74.00	$148.00	$296.00	$740.00	$1,480.00	0.00	4.25
½ to 1 year (6/1/70)	15.11	37.77	75.54	151.08	302.16	755.40	1,510.80	4.16	4.26
1 to 1½ years (12/1/70)	15.42	38.55	77.10	154.20	308.40	771.00	1,542.00	4.15	4.25
1½ to 2 years (6/1/71)	15.74	39.35	78.70	157.40	314.80	787.00	1,574.00	4.15	4.27
2 to 2½ years (12/1/71)	16.07	40.17	80.34	160.68	321.36	803.40	1,606.80	4.15	4.27
2½ to 3 years (6/1/72)	16.40	41.00	82.00	164.00	328.00	820.00	1,640.00	4.15	4.28
3 to 3½ years (12/1/72)	16.74	41.85	83.70	167.40	334.80	837.00	1,674.00	4.15	4.29
3½ to 4 years (6/1/73)	17.09	42.72	85.44	170.88	341.76	854.40	1,708.80	4.15	4.30
4 to 4½ years (12/1/73)	17.44	43.61	87.22	174.44	348.88	872.20	1,744.40	4.15	4.31
4½ to 5 years (6/1/74)	17.80	44.51	89.02	178.04	356.08	890.20	1,780.40	4.15	4.33
5 to 5½ years (12/1/74)	18.18	45.44	90.88	181.76	363.52	908.80	1,817.60	4.15	4.35
5½ to 6 years (6/1/75)	18.55	46.38	92.76	185.52	371.04	927.60	1,855.20	4.15	4.37
6 to 6½ years (12/1/75)	18.94	47.34	94.68	189.36	378.72	946.80	1,893.60	4.15	4.40
6½ to 7 years (6/1/76)	19.33	48.32	96.64	193.28	386.56	966.40	1,932.80	4.15	4.44
7 to 7½ years (12/1/76)	19.73	49.33	98.66	197.32	394.64	986.60	1,973.20	4.15	4.48
7½ to 8 years (6/1/77)	20.14	50.35	100.70	201.40	402.80	1,007.00	2,014.00	4.15	4.55
8 to 8½ years (12/1/77)	20.56	51.39	102.78	205.56	411.12	1,027.80	2,055.60	4.15	4.65
8½ to 9 years (6/1/78)	20.98	52.46	104.92	209.84	419.68	1,049.20	2,098.40	4.15	4.81
9 to 9½ years (12/1/78)	21.42	53.55	107.10	214.20	428.40	1,071.00	2,142.00	4.15	5.14
9½ to 10 years (6/1/79)	21.86	54.66	109.32	218.64	437.28	1,093.20	2,186.40	4.15	6.15
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date [4]) (12/1/79)	**22.54**	**56.34**	**112.68**	**225.36**	**450.72**	**1,126.80**	**2,253.60**	[3] 4.25	

[1] Month, day, and year on which issues of December 1, 1949, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.70 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

TABLE 22

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1950

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00	

Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD [2]						(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
							Percent	*Percent*
First ½ year [1] (6/1/70)	$37.20	$74.40	$148.80	$297.60	$744.00	$1,488.00	0.00	4.25
½ to 1 year (12/1/70)	37.97	75.94	151.88	303.76	759.40	1,518.80	4.14	4.25
1 to 1½ years (6/1/71)	38.76	77.52	155.04	310.08	775.20	1,550.40	4.15	4.26
1½ to 2 years (12/1/71)	39.56	79.12	158.24	316.48	791.20	1,582.40	4.14	4.27
2 to 2½ years (6/1/72)	40.39	80.78	161.56	323.12	807.80	1,615.60	4.16	4.27
2 ½ to 3 years (12/1/72)	41.22	82.44	164.88	329.76	824.40	1,648.80	4.15	4.28
3 to 3½ years (6/1/73)	42.08	84.16	168.32	336.64	841.60	1,683.20	4.15	4.29
3½ to 4 years (12/1/73)	42.95	85.90	171.80	343.60	859.00	1,718.00	4.15	4.30
4 to 4½ years (6/1/74)	43.84	87.68	175.36	350.72	876.80	1,753.60	4.15	4.32
4½ to 5 years (12/1/74)	44.75	89.50	179.00	358.00	895.00	1,790.00	4.15	4.33
5 to 5½ years (6/1/75)	45.68	91.36	182.72	365.44	913.60	1,827.20	4.15	4.35
5½ to 6 years (12/1/75)	46.63	93.26	186.52	373.04	932.60	1,865.20	4.15	4.37
6 to 6½ years (6/1/76)	47.60	95.20	190.40	380.80	952.00	1,904.00	4.15	4.39
6½ to 7 years (12/1/76)	48.58	97.16	194.32	388.64	971.60	1,943.20	4.15	4.43
7 to 7½ years (6/1/77)	49.59	99.18	198.36	396.72	991.80	1,983.60	4.15	4.48
7½ to 8 years (12/1/77)	50.62	101.24	202.48	404.96	1,012.40	2,024.80	4.15	4.55
8 to 8½ years (6/1/78)	51.67	103.34	206.68	413.36	1,033.40	2,066.80	4.15	4.65
8½ to 9 years (12/1/78)	52.74	105.48	210.96	421.92	1,054.80	2,109.60	4.15	4.81
9 to 9½ years (6/1/79)	53.84	107.68	215.36	430.72	1,076.80	2,153.60	4.15	5.13
9½ to 10 years (12/1/79)	54.96	109.92	219.84	439.68	1,099.20	2,198.40	4.15	6.11
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (6/1/80)	**56.64**	**113.28**	**226.56**	**453.12**	**1,132.80**	**2,265.60**	[3] 4.25	

[1] Month, day, and year on which issues of June 1, 1950, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.72 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

TABLE 23

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1950, THROUGH MAY 1, 1951

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield	
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00		
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) SECOND EXTENDED MATURITY PERIOD [2]						(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
							Percent	*Percent*
First ½ year [1] (12/1/70)	$37.40	$74.80	$149.60	$299.20	$748.00	$1,496.00	0.00	4.25
½ to 1 year (6/1/71)	38.18	76.36	152.72	305.44	763.60	1,527.20	4.17	4.25
1 to 1½ years (12/1/71)	38.97	77.94	155.88	311.76	779.40	1,558.80	4.15	4.26
1½ to 2 years (6/1/72)	39.78	79.56	159.12	318.24	795.60	1,591.20	4.16	4.27
2 to 2½ years (12/1/72)	40.60	81.20	162.40	324.80	812.00	1,624.00	4.15	4.28
2½ to 3 years (6/1/73)	41.44	82.88	165.76	331.52	828.80	1,657.60	4.15	4.28
3 to 3½ years (12/1/73)	42.30	84.60	169.20	338.40	846.00	1,692.00	4.15	4.29
3½ to 4 years (6/1/74)	43.18	86.36	172.72	345.44	863.60	1,727.20	4.15	4.30
4 to 4½ years (12/1/74)	44.08	88.16	176.32	351.64	881.60	1,763.20	4.15	4.32
4½ to 5 years (6/1/75)	44.99	89.98	179.96	359.92	899.80	1,799.60	4.15	4.33
5 to 5½ years (12/1/75)	45.93	91.86	183.72	367.44	918.60	1,837.20	4.15	4.35
5½ to 6 years (6/1/76)	46.88	93.76	187.52	375.04	937.60	1,875.20	4.15	4.37
6 to 6½ years (12/1/76)	47.85	95.70	191.40	382.80	957.00	1,914.00	4.15	4.40
6½ to 7 years (6/1/77)	48.85	97.70	195.40	390.80	977.00	1,954.00	4.15	4.43
7 to 7½ years (12/1/77)	49.86	99.72	199.44	398.88	997.20	1,994.40	4.15	4.48
7½ to 8 years (6/1/78)	50.89	101.78	203.56	407.12	1,017.80	2,035.60	4.15	4.55
8 to 8½ years (12/1/78)	51.95	103.90	207.80	415.60	1,039.00	2,078.00	4.15	4.65
8½ to 9 years (6/1/79)	53.03	106.06	212.12	424.24	1,060.60	2,121.20	4.15	4.81
9 to 9½ years (12/1/79)	54.13	108.26	216.52	433.04	1,082.60	2,165.20	4.15	5.14
9½ to 10 years (6/1/80)	55.25	110.50	221.00	442.00	1,105.00	2,210.00	4.15	6.15
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (12/1/80)	**56.95**	**113.90**	**227.80**	**455.60**	**1,139.00**	**2,278.00**	**[3] 4.25**	

[1] Month, day, and year on which issues of December 1, 1950, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.74 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

TABLE 24

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1951

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield	
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00		
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) SECOND EXTENDED MATURITY PERIOD [2]						(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
							Percent	*Percent*
First ½ year [1] (6/1/71)	$37.60	$75.20	$150.40	$300.80	$752.00	$1,504.00	0.00	4.25
½ to 1 year (12/1/71)	38.38	76.76	153.52	307.04	767.60	1,535.20	4.15	4.25
1 to 1½ years (6/1/72)	39.18	78.36	156.72	313.44	783.60	1,567.20	4.16	4.26
1½ to 2 years (12/1/72)	39.99	79.98	159.96	319.92	799.80	1,599.60	4.15	4.27
2 to 2½ years (6/1/73)	40.82	81.64	163.28	326.56	816.40	1,632.80	4.15	4.27
2½ to 3 years (12/1/73)	41.67	83.34	166.68	333.36	833.40	1,666.80	4.15	4.28
3 to 3½ years (6/1/74)	42.53	85.06	170.12	340.24	850.60	1,701.20	4.15	4.29
3½ to 4 years (12/1/74)	43.41	86.82	173.64	347.28	868.20	1,736.40	4.15	4.30
4 to 4½ years (6/1/75)	44.31	88.62	177.24	354.48	886.20	1,772.40	4.15	4.32
4½ to 5 years (12/1/75)	45.23	90.46	180.92	361.84	904.60	1,809.20	4.15	4.33
5 to 5½ years (6/1/76)	46.17	92.34	184.68	369.36	923.40	1,846.80	4.15	4.35
5½ to 6 years (12/1/76)	47.13	94.26	188.52	377.04	942.60	1,885.20	4.15	4.37
6 to 6½ years (6/1/77)	48.11	96.22	192.44	384.88	962.20	1,924.40	4.15	4.40
6½ to 7 years (12/1/77)	49.11	98.22	196.44	392.88	982.20	1,964.40	4.15	4.43
7 to 7½ years (6/1/78)	50.13	100.26	200.52	401.04	1,002.60	2,005.20	4.15	4.48
7½ to 8 years (12/1/78)	51.17	102.34	204.68	409.36	1,023.40	2,046.80	4.15	4.54
8 to 8½ years (6/1/79)	52.23	104.46	208.92	417.84	1,044.60	2,089.20	4.15	4.64
8½ to 9 years (12/1/79)	53.31	106.62	213.24	426.48	1,066.20	2,132.40	4.15	4.81
9 to 9½ years (6/1/80)	54.42	108.84	217.68	435.36	1,088.40	2,176.80	4.15	5.13
9½ to 10 years (12/1/80)	55.55	111.10	222.20	444.40	1,111.00	2,222.00	4.15	6.12
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date) [4] (6/1/81)	**57.25**	**114.50**	**229.00**	**458.00**	**1,145.00**	**2,290.00**	**[3] 4.25**	

[1] Month, day, and year on which issues of June 1, 1951, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.76 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

TABLE 25

(For Second Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1951 THROUGH APRIL 1, 1952

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	Approximate investment yield	
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00		
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) SECOND EXTENDED MATURITY PERIOD[2]						(2) On the redemption value at start of each extended maturity period to the beginning of each half-year period thereafter	(3) On current redemption value from beginning of each half-year period (a) to second extended maturity
							Percent	*Percent*
First ½ year[1]	(12/1/71)	$37.80	$75.60	$151.20	$302.40	$756.00	$1,512.00	0.00	4.25
½ to 1 year	(6/1/72)	38.58	77.16	154.32	308.64	771.60	1,543.20	4.13	4.26
1 to 1½ years	(12/1/72)	39.38	78.76	157.52	315.04	787.60	1,575.20	4.14	4.26
1½ to 2 years	(6/1/73)	40.20	80.40	160.80	321.60	804.00	1,608.00	4.15	4.27
2 to 2½ years	(12/1/73)	41.04	82.08	164.16	328.32	820.80	1,641.60	4.15	4.27
2½ to 3 years	(6/1/74)	41.89	83.78	167.56	335.12	837.80	1,675.60	4.15	4.28
3 to 3½ years	(12/1/74)	42.76	85.52	171.04	342.08	855.20	1,710.40	4.15	4.29
3½ to 4 years	(6/1/75)	43.64	87.28	174.56	349.12	872.80	1,745.60	4.15	4.30
4 to 4½ years	(12/1/75)	44.55	89.10	178.20	356.40	891.00	1,782.00	4.15	4.32
4½ to 5 years	(6/1/76)	45.47	90.94	181.88	363.76	909.40	1,818.80	4.15	4.33
5 to 5½ years	(12/1/76)	46.42	92.84	185.68	371.36	928.40	1,856.80	4.15	4.35
5½ to 6 years	(6/1/77)	47.38	94.76	189.52	379.04	947.60	1,895.20	4.15	4.37
6 to 6½ years	(12/1/77)	48.36	96.72	193.44	386.88	967.20	1,934.40	4.15	4.40
6½ to 7 years	(6/1/78)	49.37	98.74	197.48	394.96	987.40	1,974.80	4.15	4.43
7 to 7½ years	(12/1/78)	50.39	100.78	201.56	403.12	1,007.80	2,015.60	4.15	4.48
7½ to 8 years	(6/1/79)	51.44	102.88	205.76	411.52	1,028.80	2,057.60	4.15	4.55
8 to 8½ years	(12/1/79)	52.51	105.02	210.04	420.08	1,050.20	2,100.40	4.15	4.64
8½ to 9 years	(6/1/80)	53.59	107.18	214.36	428.72	1,071.80	2,143.60	4.15	4.82
9 to 9½ years	(12/1/80)	54.71	109.42	218.84	437.68	1,094.20	2,188.40	4.15	5.14
9½ to 10 years	(6/1/81)	55.84	111.68	223.36	446.72	1,116.80	2,233.60	4.15	6.16
SECOND EXTENDED MATURITY VALUE (20 years from original maturity date)[4]	(12/1/81)	57.56	115.12	230.24	460.48	1,151.20	2,302.40	[3] 4.25	

[1] Month, day, and year on which issues of December 1, 1951, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to second extended maturity date is 3.77 percent.
[3] Redemption values during second extended maturity period raised to reflect improvement at first extended maturity. Second extended maturity value improved to provide an investment yield of approximately 4.25 percent from first extended maturity.
[4] 30 years from issue date.

[F.R. Doc. 69-4970; Filed, Apr. 28, 1969; 8:45 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

Elizabeth Morton National Wildlife Refuge, N.Y.

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

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

NEW YORK

ELIZABETH MORTON NATIONAL WILDLIFE REFUGE

Entry to the refuge area on foot is permitted for the purpose of birdwatching, photography, nature study, hiking, picnicking, and fishing during daylight hours. Entry by motor vehicle is permitted on designated routes. Pets are not permitted on the refuge.

The refuge, comprising 187 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1969.

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

[F.R. Doc. 69-5066; Filed, Apr. 28, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

EXEMPTIONS

Under the authority of § 301.81-2 of the Imported Fire Ant Quarantine regulations (7 CFR 301.81-2, as amended, 33 F.R. 9750), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.81-2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.81-2b Exempted articles.

(a) The following articles are exempt[1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (5) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Compost, peat, humus, and decomposed manure, if dehydrated, ground, pulverized, or compressed.

(2) Logs and pulpwood: *Provided*, The railroad loading site has been treated in accordance with the treatment manual.

(3) Hay and straw, if used for packing or bedding.

(4) Stumpwood, if free of excessive amounts of soil: *Provided*, The railroad loading site has been treated in accordance with the treatment manual and the stumpwood is consigned to a processing plant.

(5) Used mechanized soil-moving equipment, if cleaned and repainted.

(b) The following articles are exempt from the certification and permit requirements of this subpart under the applicable conditions prescribed in subparagraphs (1) and (2) of this paragraph:

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

(1) Soil samples of any size, if collected and shipped to any U.S. Army Corps of Engineers soil laboratory located within the conterminous United States in accordance with a compliance agreement with the shipper pertaining to such consignments.

(2) Soil samples of 1 pound or less which are packaged so that no soil will be spilled in transit and are consigned to a laboratory approved by the Director for such purposes: *Provided*, That soil samples originating in areas under Federal or State regulation because of infestation with soybean cyst nematode, golden nematode, or witchweed are not exempted: *And, provided further*, That soil samples originating in areas under such regulation because of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, or Texas. One pound samples meeting the requirements set forth above may be assembled in a single package for shipping purposes.[2]

[2] Any laboratory is eligible for approval by the Director for purposes of this paragraph if it is operated under a compliance agreement as defined in § 301.81-1(b). A notice listing approved laboratories will be published periodically in the FEDERAL REGISTER. Copies of the current list may also be obtained from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville Md. 20782, or from an inspector.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.81-2)

This list of exempted articles shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the list of exempted articles in 7 CFR 301.81-2b which became effective July 6, 1968.

The principal purpose of this document is to exempt hay and straw if used as packing or bedding since storage or handling for these purposes would render the hay and straw pest free.

This document relieves certain restrictions which are not deemed necessary to prevent the interstate spread of the imported fire ant and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of April 1969.

J. F. SPEARS,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 69-5072; Filed, Apr. 28, 1969; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.7, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1969 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.7 (34 F.R. 125, 6031) which established allotments for the Mainland Cane Sugar Area for the calendar year 1969.

This amendment is necessary to give effect to the 17,333 ton increase in the Mainland Cane Sugar Area Quota which was increased from 1,152,000 to 1,169,333 tons by Sugar Regulation 811, Amendment 3.

In accordance with paragraphs (5) and (8) of the findings and conclusions set forth in S.R. 814.7, Amdt. 1 (34 F.R. 6031), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The quantity of sugar and the percentage referred to in finding (5) based on data involving some estimates for 1968 crop processings and January 1, 1969, inventories which shall be used in determining allotments pending the availability and substitution of revised data are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings within allotments 1966-68		Ability to market					Processor's basic allotment [4]		
					Effective inventory Jan. 1, 1969 [3]	New crop quota marketings		Measures used				
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1966-68	"Shares" of difference [4]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value	Processor's adjusted allotment [5] short tons, raw value
					Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	10,481	0.850	10,076	0.871	4,850	7,956	2,151	7,001	0.599	0.804	9,401	9,089
Alma Plantation, Ltd.	11,562	.938	10,088	.872	5,978	8,142	2,201	8,179	.700	.877	10,255	9,915
J. Aron & Co., Inc.	17,334	1.406	13,480	1.165	8,381	12,054	3,259	11,640	.995	1.276	14,920	14,425
Billeaud Sugar Factory	11,185	.908	9,534	.824	6,385	6,365	1,721	8,106	.693	.848	9,915	9,586
Breaux Bridge Sugar Co-op.	11,771	.955	9,267	.801	8,872	5,289	1,430	10,302	.881	.909	10,629	10,276
Wm. T. Burton Industries, Inc.	7,337	.595	7,026	.607	3,416	5,413	1,464	4,880	.417	.562	6,571	6,353
Caire & Graugnard	6,459	.524	5,814	.503	4,047	4,156	1,124	5,171	.442	.503	5,881	5,686
Cajun Sugar Co-op., Inc.	26,529	2.153	23,174	2.003	26,611	14	4	26,615	2.276	2.148	25,116	[6] 26,611
Caldwell Sugar Co-op., Inc.	17,607	1.433	13,381	1.157	10,907	10,544	2,851	13,758	1.177	1.327	15,516	15,001
Columbia Sugar Co.	10,057	.816	8,459	.731	6,257	5,736	1,551	7,808	.668	.769	8,992	8,693
Cora-Texas Manufacturing Co., Inc.	11,296	.917	8,168	.706	11,262	1,799	486	11,748	1.005	.802	10,430	[6] 11,262
Dugas & LeBlanc, Ltd.	20,850	1.692	15,534	1.343	13,689	10,821	2,926	16,565	1.417	1.567	18,323	17,715
Duhe & Bourgeois Sugar Co.	11,602	.941	10,091	.872	5,928	8,256	2,232	8,160	.698	.879	10,278	9,937
Erath Sugar Co., Ltd.	6,662	.541	6,515	.563	2,575	5,234	1,415	3,990	.341	.505	5,905	5,709
Evan Hall Sugar Co-op., Inc.	29,402	2.386	23,115	1.998	17,877	17,725	4,792	22,669	1.939	2.219	25,947	25,085
Frisco Cane Co., Inc.	2,532	.205	2,602	.225	854	2,182	590	1,444	.123	.193	2,257	2,182
Glenwood Co-op., Inc.	21,918	1.778	16,249	1.405	13,727	12,539	3,390	17,117	1.464	1.641	19,188	18,551
Helvetia Sugar Co-op., Inc.	15,881	1.289	12,401	1.072	10,420	8,812	2,383	12,803	1.095	1.207	14,113	13,645
Iberia Sugar Co-op., Inc.	24,425	1.982	19,022	1.644	17,871	10,476	2,832	20,703	1.771	1.872	21,889	21,162
Lafourche Sugar Co.	21,518	1.746	18,316	1.583	12,533	13,546	3,663	16,196	1.385	1.641	19,188	18,551
Harry L. Laws & Co., Inc.	18,608	1.510	15,710	1.358	10,859	10,668	2,884	13,743	1.175	1.413	16,522	15,974
Levert-St. John, Inc.	16,125	1.308	13,101	1.133	7,400	11,479	3,104	10,504	.898	1.191	13,926	13,464
Little Texas, Inc.	5,881	.477	5,160	.446	4,621	2,619	708	5,329	.456	.467	5,461	5,280
Louisa Sugar Co-op., Inc.	13,153	1.067	11,485	.993	7,981	7,723	2,088	10,069	.861	1.011	11,821	11,429

See footnotes at end of table.

Processor	Processings of sugar [1]		Average quota marketings within allotments 1966–68		Ability to market					Processor's basic allotment [4]		Processor's adjusted allotment [5] short tons, raw value
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Effective inventory Jan. 1, 1969 [2]	New crop quota marketings: Average 1966–68	New crop quota marketings: "Shares" of difference [3]	Measures used: Col. (5) plus Col. (7)	Measures used: Percent of total	Percent of total	Short tons, raw value	
					Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Louisiana State Penitentiary	3,827	.311	4,124	.357	3,360	962	260	3,620	.310	.320	3,742	3,618
Meeker Sugar Co-op., Inc	12,497	1.014	11,756	1.016	12,945	1,298	351	13,296	1.137	1.039	12,149	[6] 12,437
Milliken & Farwell, Inc	13,358	1.084	10,535	.911	8,876	7,261	1,963	10,839	.927	1.018	11,903	11,508
M. A. Patout & Son, Ltd	18,285	1.484	15,782	1.364	9,351	11,940	3,228	13,179	1.127	1.389	16,241	15,702
Poplar Grove Planting & Refining Co	11,202	.909	8,871	.767	7,774	5,559	1,503	9,277	.793	.857	10,021	9,688
Savoie Industries	21,070	1.710	15,448	1.335	14,453	10,821	2,926	17,379	1.486	1.590	18,592	17,975
St. James Sugar Co-op., Inc	25,647	2.081	19,927	1.723	24,834	5,415	1,464	26,298	2.249	2.043	23,888	[6] 24,834
St. Mary Sugar Co-op., Inc	17,680	1.435	14,861	1.285	10,181	11,164	3,018	13,199	1.129	1.344	15,715	15,193
South Coast Corp	74,209	6.021	63,855	5.520	73,549	11,283	3,051	76,600	6.551	6.027	70,473	[6] 73,549
Southdown, Inc	43,167	3.503	37,092	3.207	28,617	22,370	6,048	34,665	2.965	3.336	39,007	37,712
Sterling Sugars, Inc	32,644	2.649	26,485	2.290	19,126	19,639	5,310	24,436	2.090	2.465	28,823	27,866
J. Supple's Sons Planting Co., Inc	6,214	.504	5,719	.494	4,203	3,375	913	5,116	.438	.489	5,718	5,528
Valentine Sugars, Inc	14,321	1.163	10,677	.923	8,150	8,554	2,313	10,463	.895	1.061	12,406	11,994
Vida Sugars, Inc	5,403	.438	5,436	.470	1,866	4,464	1,207	3,073	.263	.409	4,782	4,623
A. Wilbert's Sons Lumber & Shingle Co	10,595	.860	10,563	.913	5,776	7,369	1,992	7,768	.664	.831	9,717	9,394
Young's Industries, Inc	7,225	.586	6,977	.603	3,885	4,333	1,172	5,057	.432	.559	6,536	6,319
Louisiana subtotal	667,588	54.169	555,876	48.053	460,797	325,355	87,968	548,765	46.932	51.498	602,157	593,521
Atlantic Sugar Association, Inc	30,739	2.494	35,352	3.056	29,897	0	0	29,897	2.557	2.619	30,624	29,897
Florida Sugar Corp	20,490	1.663	18,031	1.559	23,125	1,637	442	23,567	2.016	1.713	20,030	[7] 21,518
Glades County Sugar Growers Co-op., Association	39,547	3.209	43,701	3.778	44,343	0	0	44,343	3.792	3.439	40,212	[7] 41,262
Osceola Farms Co	48,935	3.971	50,609	4.375	55,754	0	0	55,754	4.768	4.211	49,238	[7] 51,880
South Puerto Rico Sugar Co., Inc	72,239	5.861	77,099	6.665	76,543	2,567	694	77,237	6.605	6.171	72,156	72,156
Sugarcane Growers Co-op. of Florida	99,424	8.067	110,397	9.543	109,612	0	0	109,612	9.374	8.624	100,839	[7] 101,997
Talisman Sugar Corp	40,410	3.279	44,255	3.826	42,559	0	0	42,559	3.640	3.461	40,469	40,469
United States Sugar Corp	213,050	17.287	221,474	19.145	232,754	17,734	4,795	237,549	20.316	18.264	213,558	[7] 216,583
Florida subtotal	564,834	45.831	600,918	51.947	614,587	21,938	5,931	620,518	53.068	48.502	567,126	575,762
Total all mainland cane	1,232,422	100.000	1,156,794	100.000	1,075,384	347,293	93,899	1,169,283	100.000	100.000	1,169,283	1,169,283

[1] The higher of either the production of sugar from the 1968 crop sugarcane or 82 percent of the average production from the 1966 and 1967 crops of sugarcane.

[2] Effective inventory, Jan. 1, 1969, is the physical inventory Jan. 1, 1969, plus processings from 1968 crop cane in 1969.

[3] The difference between 1,169,283 tons (quota for 1969 established by S.R. 811, less 50 tons reserve for Louisiana State University) and the total average 1966–68 new-crop marketings prorated on the basis of the 1966–68 average new crop marketings shown in Column 6.

[4] Column (10) was determined by weighting "processings" Col. (2) by 60 percent, "marketings" Col. (4) by 20 percent, and "ability" Col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less 50 tons reserved for Louisiana State University, by Column (10).

[5] Basic allotments (Col. 11) which were less than the respective processors' Jan. 1, 1969 effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1969, effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 50 tons reserve for Louisiana State University, except, that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1969, effective inventory. The basic allotments of those processors having Jan. 1, 1969, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotment of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1969, effective inventory by the use of this adjustment than other affected processors.

[6] Adjusted allotment established to equal Jan. 1, 1969 physical inventory.

[7] Adjusted allotment established to permit each processor affected to market 93.0522 percent of its Jan. 1, 1969, effective inventory.

Pursuant to provisions of section 205 (a) of the Act and in accordance with paragraph (e) of § 814.7 of this chapter, paragraph (a) of such § 814.7 is amended to read as follows:

§ 814.7 Allotment of the 1969 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1969, until the date allotments of the entire 1969 calendar year quota for the Mainland Cane Sugar Area are prescribed, 1,110,866 short tons, raw value, of the 1969 quota for the Mainland Cane Sugar Area is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (Short tons, raw value)
Albania Sugar Co	8,635
Alma Plantation, Ltd	9,419
J. Aron & Co., Inc	13,704
Billeaud Sugar Factory	9,107
Breaux Bridge Sugar Co-op	9,762
Wm. T. Burton Industries, Inc	6,035
Caire & Graugnard	5,402
Cajun Sugar Co-op., Inc	25,280
Caldwell Sugars Co-op., Inc	14,251
Columbia Sugar Co	8,258
Cora-Texas Manufacturing Co., Inc	10,699
Dugas & LeBlanc, Ltd	16,829
Duhe & Bourgeois Sugar Co	9,440
Erath Sugar Co., Ltd	5,424
Evan Hall Sugar Co-op., Inc	23,830
Frisco Cane Co., Inc	2,073
Glenwood Co-op., Inc	17,623
Helvetia Sugar Co-op., Inc	12,963
Iberia Sugar Co-op., Inc	20,104
Lafourche Sugar Co	17,623
Harry L. Law & Co., Inc	15,175
Levert-St. John, Inc	12,791
Little Texas, Inc	5,016
Louisa Sugar Co-op., Inc	10,858
Louisiana State Penitentiary	3,437
Louisiana State University	48
Meeker Sugar Co-op., Inc	11,815
Milliken & Farwell, Inc	10,933
M. A. Patout & Son, Ltd	14,917
Poplar Grove Planting & Refining Co	9,204
Savoie Industries	17,076
St. James Sugar Co-op., Inc	23,592
St. Mary Sugar Co-op., Inc	14,433
South Coast Corp	69,872
Southdown, Inc	35,826
Sterling Sugars, Inc	26,473
J. Supple's Sons Planting Co., Inc	5,252
Valentine Sugars, Inc	11,394
Vida Sugars, Inc	4,392
A. Wilbert's Sons Lumber & Shingle Co	8,924
Young's Industries, Inc	6,003
Louisiana subtotal	563,892
Atlantic Sugar Association	28,402
Florida Sugar Corp	20,442
Glades County Sugar Growers Co-op., Association	39,199
Osceola Farms Co	49,286
South Puerto Rico Sugar Co., Inc	68,548
Sugarcane Growers Co-op. of Florida	96,897
Talisman Sugar Corp	38,446
United States Sugar Corp	205,754
Florida subtotal	546,974
Total allotted	1,110,866
Unallotted	58,467
Total, all mainland cane	1,169,333

* * * * *

(Secs. 205, 209, 403, 61 Stat. 926 as amended, 928 as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order for almost all processors are larger than the allotments established in S.R. 814.7, Amdt. 1 (34 F.R. 6031). To afford adequate opportunity to plan and

to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on April 23, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-5009; Filed, Apr. 28, 1969; 8:45 a.m.]

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

[Lemon Reg. 370, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, 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 hereof 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 restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.670 (Lemon Reg. 370, 34 F.R. 6681) are hereby amended to read as follows:

§ 910.670 Lemon Regulation 370.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 251,000 cartons;

* * * * *

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

Dated: April 24, 1969.

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

[F.R. Doc. 69-5051; Filed, Apr. 28, 1969; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1968 and Subsequent Crops Rice Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 and Subsequent Crops, Rice Loan and Purchase Program

DELIVERIES OF IDENTITY PRESERVED, MODIFIED COMMINGLED AND COMMINGLED STORED RICE

Section 1421.310 of the regulations issued by the Commodity Credit Corporation, and published in 33 F.R. 8430 which set forth the requirements with respect to price support for the 1968 and each subsequent crop of rice for which a price support program is authorized, is hereby amended to state more explicitly requirements for procuring sample inspection certificates and to exercise options available to CCC as to time for delivery of warehouse receipts for settlement purposes. The amendments to § 1421.310 are as follows:

1. Paragraph (a) is amended to provide that in the case of purchases of rice in approved warehouses, the producer shall deliver warehouse receipts to the county office no later than the day following the maturity date.

2. Paragraph (b) is amended to state more explicitly and separately, settlement provisions for loans and purchases for rice stored modified commingled in approved warehouses.

3. Paragraph (c) is amended to separate settlement provisions for loans and purchases and to provide new provisions for each.

§ 1421.310 Settlement.

* * * * *

(a) *Commingled warehouse storage.* Settlement for eligible rice stored commingled in an approved warehouse and acquired by CCC under a loan or by purchase shall be made on the basis of the class and the grade, quality and quantity as shown on the warehouse receipt or supplemental certificate if applicable. Settlement shall also be made on such a basis (1) where an approved warehouse issues a commingled warehouse receipt for loan rice delivered into the warehouse from farm storage pursuant to instructions of the county office, (2) where an approved warehouse issues commingled warehouse receipts in exchange for warehouse receipts representing rice under identity preserved or modified commingled warehouse storage loan and (3) where CCC determines that a warehouseman failed to maintain the identity of rice covered by an identity preserved warehouse storage loan or modified commingled warehouse storage loan. In the case of purchases, the producer shall, not later than the day following the maturity date specified in the annual crop year supplement, deliver to the county office warehouse receipts under which an approved warehouse guarantees the class and the grade, quality, and quantity of rice sold to CCC.

(b) *Modified commingled*—(1) *Loans.* Settlement for eligible rice stored modified commingled in an approved warehouse and acquired by CCC under a loan shall be made on the basis of the class, grade, and quality shown on Federal or Federal-State sample inspection certificates and on the basis of the quantity shown on the warehouse receipt or supplemental certificate, if applicable. The county office shall sample the rice for settlement purposes within 10 days after the maturity date.

(2) *Purchases.* Settlement for eligible rice stored modified commingled in an approved warehouse and acquired by CCC under a purchase shall be made on the basis of the class, grade, and quality shown on Federal or Federal-State sample inspection certificates and on the basis of the quantity shown on the warehouse receipt or supplemental certificate, if applicable. The producer shall, within 5 days following the maturity date, deliver to the county office warehouse receipts representing rice stored modified commingled in an approved warehouse. The county office shall sample the rice for settlement purposes within 5 days of the time the producer delivers the warehouse receipt or 10 days after the maturity date, whichever is later.

(c) *Other storage.* Settlement for eligible rice acquired under loan or purchase not covered by paragraph (a) or (b) of this section shall be made on the basis of the class and of the grade and quality shown on Federal or Federal-State sample inspection certificate and on the basis of the quantity shown on official weight certificates. Certificates required by this paragraph (c) shall be dated not earlier than 30 days before the maturity date.

(1) *Loans.* In the case of rice stored identity preserved in approved warehouse storage and acquired by CCC under a loan, the county office shall obtain official weight certificates and sample the rice for quality determination within 10 days following the maturity date.

(2) *Purchases.* In the case of rice stored identity preserved in approved warehouse storage and acquired by CCC under purchase, the producer shall, within 5 days following the maturity date deliver to the county office warehouse receipts representing rice stored identity preserved in an approved warehouse. The county office shall obtain official weight certificates and sample the

rice for settlement purposes within 5 days of the time the producer delivers the warehouse receipt or 10 days after the maturity date, whichever is later.

* * * * *

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 23, 1969.

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

[F.R. Doc. 69-5073; Filed, Apr. 28, 1969; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1079]

[Docket No. AO-295-A19]

MILK IN DES MOINES, IOWA, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and To Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Des Moines, Iowa, on March 24, 1969, pursuant to notices thereof which were issued March 6, 1969 (34 F.R. 5078) and March 12, 1969 (34 F.R. 5303).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on April 14, 1969 (34 F.R. 6589; F.R. Doc. 69-4561) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 6589; F.R. Doc. 69-4561) are hereby approved and adopted and are set forth in full herein.

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

1. Diverted milk.

2. Location differentials.

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

1. *Diverted milk.* The limitation on the quantity of milk that may be diverted and pooled during the month should be based on a percentage of total receipts from producers at a pool plant or by a cooperative association rather than the present method of basing it on days of delivery by individual dairy farmers. Such diversions should be limited to 50 percent of the physical receipts at pool plants in the months September–March and 100 percent in the months April–August. Also, the point of pricing diverted milk should be at the plant to which diverted rather than the plant from which diverted.

Presently, in the months of July through March, milk of an individual dairy farmer may be diverted to a nonpool plant as producer milk on no more than the number of days during the month that it is delivered to a pool plant. During the remaining months of the year, unlimited diversions are permitted. Producer milk diverted to a nonpool plant is now considered a receipt at the pool plant from which diverted for pricing purposes. Diverted milk is not now included in the receipts at a distributing plant for determining the pool status of such a plant and no proposal to change this provision was considered at the hearing.

A cooperative association representing about 80 percent of the producers supplying the Des Moines market proposed amending the order. As proposed, a handler who is the operator of a pool plant could divert the milk of any individual producer who has one delivery to a pool plant during the month, without limitation during the other days of such month. The total quantity of diverted milk, however, could not exceed 50 percent in September through April and 75 percent in May through August of receipts at pool distributing plants. Also, the cooperative asked that the point of pricing diverted milk be at the plant of actual receipt.

The diversion privilege is primarily intended to obtain efficiency in the marketing of milk not needed at pool plants for fluid use. Instead of being physically received at the pool plant and then transferred to the nonpool plant, excess milk may be hauled directly from the farms to nonpool plants.

The present system of basing diversions on the number of days an individual producer's milk is actually delivered to a pool plant has the effect of causing each producer's milk to be delivered at least one-half the time to a pool distributing plant, regardless of whether that milk is needed on that number of days or not. This sometimes results in an uneconomical movement of milk. Under the present system, on some days distant milk must be delivered to a pool distributing plant in order to qualify, while at the same time nearby milk is diverted to a manufacturing plant. Basing diversions on a percentage of total deliveries will eliminate this uneconomic movement of particular loads of milk but will require the diverting handler to meet performance standards related to his entire producer milk supply. Requiring each producer to deliver at least 1 day during each month to a pool distributing plant will assure that each producer has a continuing association with the market.

During the months when reserve supplies are greatest, the order should allow for the greatest diversions. It is necessary to provide for diversions of lesser quantity in the other months of the year when most milk regularly associated with the market is needed to supply the Class I needs of the market. Limited diversions must be made during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when plants processing Class I products normally do not operate.

April through August are generally the months of greatest diversion to nonpool plants. In 1968, a quantity of milk representing about one-third of all the milk delivered to pool distributing plants during these 5 months was either transferred or diverted to nonpool plants. In the remaining 7 months, a quantity representing about 16 percent of the milk delivered to pool distributing plants was moved to nonpool plants. Since the need to divert milk varies considerably between different handlers a greater diversion limitation is needed to accommodate the operations of individual handlers. Thus, it is appropriate to permit pool plant handlers during the 5 months of April through August to divert up to 100 percent of the larger of the total quantity of producer milk received at such plant during the current month or the daily average receipts during the previous month, multiplied by the number of days in the current month. During the 7 other months, the quantity of milk that may be diverted should not exceed 50 percent of the receipts at pool plants.

Equivalent percentage limitations should apply to a cooperative acting as a handler on diverted milk. The 50 and 100 percent limitation would be based on the total member producer milk of such cooperative received at all pool plants during the month. The order should provide further that if a cooperative is diverting member milk during the month, then the allowable diversions by proprietary handlers should not include milk of producer members of the cooperative.

Although the proponent cooperative proposed a 100 percent diversion limitation during specified months in its proposal as published in the hearing notice, at the hearing the cooperative revised its proposal to permit a maximum diversion of only 75 percent of receipts at pool plants. Another cooperative opposed the proposed limits on diversions, particularly the further limitation not anticipated in the hearing notice. The 100 percent limitation specified herein will accommodate necessary diversions and, accordingly, it should be adopted.

Diversions in excess of the applicable percentages should not be considered producer milk. Furthermore, the diverting handler should be required to specify the dairy farmers whose milk would not be included as producer milk during the month.

Producer milk diverted to a nonpool plant should be priced at the location of the plant to which diverted. Presently, the producer milk that is diverted during certain months is priced f.o.b. the pool plant from which diverted. Much of this milk is diverted to manufacturing

plants located nearer to the farms than is the pool plant at which the milk is priced. Consequently, the hauling cost on such diverted milk is reduced. Pricing the milk at the plant from which diverted nevertheless allows the diverting handler the greater cost of delivery as if such milk were moved to the market.

A handler who operates a plant located in Ottumwa (Southeast Iowa) receives his milk supply from a dairy farmer cooperative which operates a manufacturing plant located in Cresco (Northeast Iowa). The distance from Cresco to Ottumwa is approximately 200 miles. These producers' farms are located in the area around Cresco. When the milk from these dairy farmers is not needed at the Ottumwa plant, it is diverted to the nearby manufacturing plant in Cresco thus saving the extra hauling cost for delivery to Ottumwa.

Based on the location adjustments recommended in this decision, if this milk were priced at the plant to which it is diverted, the price would be 28 cents per hundredweight less than the price applicable when it is received f.o.b. Ottumwa. The rate quoted by a hauling firm for transporting milk in bulk tank loads from Cresco to Ottumwa is 29 cents.

During the flush production months of May and June 1968, pricing diverted milk at the plant from which diverted reduced the pool fund approximately $9,000 per month according to estimates made by proponents. Pricing milk at the plant to which diverted will end this practice whereby the pool fund is reduced by the transportation allowance on milk that is not shipped to the market. In addition to the saving to the pool fund, the change will remove an uneconomic incentive which now exists to associate milk with the market primarily for the purpose of manufacturing such milk. Milk used in manufacturing is obtained in these circumstances at a price subsidized by hauling charges for costs on diverted milk which are not incurred. In view of the amount of money involved during the months of May and June, it is important that this issue be considered promptly.

The order presently contains the diversion provisions in the "Approved milk" definition. The diversion provisions contained in the attached order amendments refer to diversions from pool plants and describe "Producer milk" as the milk from dairy farmers that is subject to the pricing provisions of the order. The term "Approved milk" should be deleted and all references in the order to that term should be revised to refer to "Producer milk."

2. *Location differentials.* The order should be amended by deleting, except for plants located in Boone and Story Counties, Iowa, the minus 10-cent location adjustment applicable at plants located outside Polk County. Also, the location adjustment should be amended to use only the main post offices in Des Moines and Ottumwa, Iowa, as basing points for determining mileages to plants located outside the marketing area.

Presently, the order establishes a 10-cent lower price on milk received from producers at plants located outside Polk County, Iowa. An additional 10 cents is deducted on milk received at plants located 60 to 75 miles from the nearer of the post offices in Corydon, Creston, Des Moines, Grinnell, Jefferson, or Ottumwa, Iowa, and such price is reduced an additional 1.5 cents for each 10 miles or fraction thereof such distance exceeds 75 miles.

A cooperative association which represents about 80 percent of the Des Moines market producers proposed the deletion of the 10-cent location adjustment at plants located outside Polk County, Iowa, except as it applies to plants in Boone and Story Counties, Iowa, and using only Des Moines as a basing point for determining mileages. A handler who operates a distributing plant regulated under the Greater Kansas City order testified in favor of this proposal.

Two handlers who operate plants located in Ottumwa, Iowa, opposed the deletion of the minus 10-cent location adjustment. They stated that they compete extensively with handlers regulated under the Cedar Rapids-Iowa City or Quad Cities-Dubuque orders, both of which markets have a 5-cent lower Class I price at the locations of the competing handlers' plants.

The milk supply for the Des Moines market is expanding in northeast Iowa and in the States of Minnesota and Wisconsin. In December 1968 there were 1,198 producers supplying the Des Moines market, 191 more than the 1,007 producers in December 1967. Forty-six of these new producers are located in Wisconsin, 25 in Minnesota, and in the State of Iowa 30 are in Delaware County and 25 in Dubuque County. In 11 other northeastern Iowa counties an additional 50 producers were added to the Des Moines market. Only 15 of the new producers coming on the market in this period came from outside this northeastern Iowa, Minnesota, and Wisconsin area.

The metropolitan area surrounding Des Moines, Iowa, is the largest population center in the marketing area, but Ottumwa is another important population center. Ottumwa is about 85 miles southeast of Des Moines. One of the two handlers who operate plants in Ottumwa purchases his milk from a cooperative association located in Cresco, Iowa. In the same general northeastern Iowa area there are producers who deliver their milk to handlers in Des Moines. This northeastern Iowa area is about the same distance from Ottumwa as from Des Moines. Thus, the cost of transporting milk from producers' farms in this area to Ottumwa is about the same as it is to Des Moines. Unless the Class I and producer price of milk at Ottumwa is as high as the Des Moines price, producers will prefer delivery to Des Moines rather than Ottumwa.

Heretofore, producers delivering to one of the plants at Ottumwa have collected the price applicable at Ottumwa on milk diverted to a northeastern Iowa manufacturing plant at some saving in hauling cost to them. This saving in hauling cost has offset to some extent the fact that their price has been 10 cents less at Ottumwa. With milk priced at the plant to which diverted, as proposed in this decision, such offsetting compensation will not be available.

The two Ottumwa handlers stated that they have substantial competition with an Iowa City handler regulated under the Cedar Rapids-Iowa City order and a handler located in Cedar Rapids but regulated under the Quad Cities-Dubuque order. These two other order handlers have a Class I price five cents lower than the Ottumwa price. The Ottumwa handlers stated that increasing their price 10 cents would give the two other order handlers a 15-cent competitive price advantage.

It is about 85 miles from Ottumwa to Iowa City and 100 miles from Ottumwa to Cedar Rapids. A reasonable allowance for transporting milk is generally recognized to be about 1.5 cents per hundredweight per 10 miles hauled. At that rate it would cost about 13 to 15 cents to transport milk to Ottumwa from these two cities. This transportation cost corresponds very closely with the 15 cents higher Class I price which will prevail in Ottumwa as a result of this decision to eliminate the 10-cent location adjustment.

Handlers opposing the elimination of the 10-cent location adjustment stated that they also compete with a Chicago Regional handler located in Whitewater, Wis. This Chicago handler distributes milk in Ottumwa and surrounding territory. The Class I price under the Chicago order at Whitewater would be 27 cents per hundredweight less than the Des Moines order price as adopted herein at Ottumwa. It is about 280 miles from Whitewater, Wis., to Ottumwa. At 1.5 cents per 10 miles distance, it would cost about 42 cents to transport a hundredweight of milk this distance. Thus, the Chicago Regional handler's price plus transportation cost would exceed the Ottumwa price by 15 cents.

The minus 10-cent location adjustment should continue to apply at plants located in Boone and Story Counties, Iowa. These two counties are in the northern tier of counties included in the marketing area and are nearest to the alternative milk supplies in northeastern Iowa and Minnesota.

Ames is the major distribution center in Story County and two handlers have plants located there. Ames is less than 40 miles from Marshalltown, Iowa, in the North Central Iowa marketing area. A handler regulated under the North Central Iowa order located at Marshalltown distributes milk in Ames. The Class I price under the North Central Iowa order at Marshalltown is 5 cents lower than the present Des Moines order price at Ames. Again, using the 1.5-cent transportation allowance per 10 miles, it would only cost 6 cents to transport milk to Ames from Marshalltown.

A similar situation exists with respect to handlers located in the city of Boone

in Boone County who compete with a Fort Dodge handler who also is regulated under the North Central Iowa order. Fort Dodge is about 50 miles from Boone. This distance would support a transportation allowance of 7.5 cents. The Class I price at Fort Dodge under the North Central Iowa order is 10 cents less than the Des Moines price at Boone.

Since the present location adjustment results in appropriate alignment of prices at plants located in Boone and Story Counties, Iowa, with competing plants outside the Des Moines area, it should be retained.

The location adjustment at a plant located outside the marketing area should be based on the shortest highway mileage distance from such plant to the nearer of the main post offices at Des Moines or Ottumwa. These two cities are the principal distribution centers in the marketing area. They are about equally distant from the northern Iowa, Minnesota, and Wisconsin supply area.

Under the present order if milk were priced at a plant located in Cresco, Iowa, a location adjustment measured from Grinnell of 30.5 cents would apply. As a result of this decision, the Cresco location adjustment would be measured from Des Moines and would be minus 28 cents. Since Cresco is closer to Grinnell than it is to Des Moines, changing the basing point would lower the price at Cresco 7.5 cents. However, by also deleting the minus 10-cent location adjustment now applicable to plants outside Polk County, the net increase at Cresco would be 2.5 cents.

Producers recommended that the price relationship between Carroll County, Iowa, and the city of Des Moines be maintained. They testified that two handlers located in the city of Carroll in Carroll County are regulated under the Nebraska-Western Iowa order. The Class I price under the Nebraska-Western Iowa order is 5 cents higher at Carroll than the Des Moines price. They expressed concern that if the Des Moines price were to be lowered at Carroll as a result of this decision, it might provide an incentive for these two handlers to become regulated under the Des Moines order. Presently, neither of these handlers have any sales in the Des Moines market.

The city of Carroll, Iowa, is located about 27 miles west of Jefferson, Iowa (one of the present basing points). Therefore, a plant located in Carroll presently has a price 10 cents below the Des Moines price. Carroll is 88 miles from Des Moines and as a result of this decision the location adjustment would be minus 13 cents. This slight change in the price applicable at Carroll is not sufficient to disturb the alignment of prices between these markets.

Entire order reissued. Because of the extensive changes in order terminology which are required by the substantive amendments herein proposed, the entire order should be reissued.

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

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Des Moines, Iowa, marketing area", and "Order amending the order regulating the handling of milk in the Des Moines, Iowa, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Des Moines, Iowa, marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on April 25, 1969.

RICHARD LYNG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Des Moines, Iowa, Marketing Area

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator on April 14, 1969, and published in the FEDERAL REGISTER on April 17, 1969 (34 F.R. 6589; F.R. Doc. 69-4561), shall be and are the terms and provisions of this order, and are set forth in full herein.

DEFINITIONS

AUTHORITY: The provisions of this Part 1079 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

DEFINITIONS

§ 1079.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1079.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1079.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1079.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1079.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1079.6 Des Moines, Iowa, marketing area.

"Des Moines, Iowa, marketing area" (hereinafter called the "marketing area"), means all the territory within the boundaries of the city of Grinnell and the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne, all in the State of Iowa, including territory within such boundaries which is occupied by government (municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 1079.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received by a handler as producer milk.

§ 1079.8 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1079.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1079.10.

§ 1079.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such

month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1079.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1079.12 Handler.

"Handler" means: (a) Any person in his capacity as the operator of one or more pool plants, (b) any cooperative association with respect to the milk of producers diverted by the association for the account of such association from a pool plant to a nonpool plant, or (c) any person as the operator of a partially regulated distributing plant.

§ 1079.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers or from sources other than pool plants.

§ 1079.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted under the conditions set forth in paragraphs (a), (b), and (c) of this section from a pool distributing plant to a nonpool plant for the account of either the operator of the pool distributing plant or a cooperative association shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant to which diverted.

(a) A handler pursuant to § 1079.12 (b) may divert for its account without limit during the other days of the month the milk of any member producer whose milk is received at a pool distributing plant for at least one delivery during the month. The total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of its member milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member milk received at all pool distributing plants during the previous month multiplied by the number of days in the current month.

(b) A handler in his capacity as the operator of a pool distributing plant may divert for his account the milk of any producer other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section whose milk is received at his pool distributing plant for at least one delivery during the month without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 50 percent in September through March and 100 percent in April through August of the larger of the following amounts: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of producer milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to paragraph (a) of this section.

(c) Any milk so diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1079.12(b) in excess of the limits prescribed pursuant to paragraphs (a) and (b) of this section shall not be producer milk and if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler during the month shall be producer milk.

§ 1079.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except acrated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1079.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1079.17 Base zone.

"Base zone" means all the territory within the marketing area except Boone and Story Counties, Iowa.

§ 1079.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1079.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1079.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1079.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1079.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except

those incurred under § 1079.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1079.30 and 1079.31 or payments pursuant to §§ 1079.62, 1079.80, 1079.84, 1079.86, 1079.87, and 1079.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(j) Publicly announce and notify each handler in writing on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1079.50(b) and the Class I butterfat differential pursuant to § 1079.51(a), both for the current month; and the minimum price for Class II milk pursuant to § 1079.50(c) and the Class II butterfat differential pursuant to § 1079.51 (b) both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price pursuant to § 1079.72, and the butterfat differential pursuant to § 1079.81;

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month that was utilized in each class. For the purpose of this report the milk so delivered shall be allocated to each class in the same ratio as all producer milk received at such plant during the month.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1079.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

Reports, Records and Facilities

§ 1079.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his pool plants, in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by producer milk diverted to nonpool plants pursuant to § 1079.14;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk on routes in the marketing area; and

(g) Each handler operating a partially regulated distributing plant shall report as required in this section substituting receipts from dairy farmers for receipts of producer milk.

§ 1079.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his plants his producer (or dairy farmer) payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1079.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1079.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market adminstrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification

§ 1079.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1079.30 shall be classified each month

by the market administrator, pursuant to the provisions of §§ 1079.41 to 1079.46.

§ 1079.41 Classes of utilization.

Subject to the conditions set forth in § 1079.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (b)(2) of this section; and

(2) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping;

(3) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(5) Skim milk and butterfat in shrinkage not in excess of two percent of the receipts of (i) producer milk (except milk diverted to a nonpool plant pursuant to § 1079.14), (ii) fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler, and (iii) fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(6) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1079.42(b)(2).

§ 1079.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Items specified in § 1079.41(b)(5); and

(2) Remaining receipts of other source milk.

§ 1079.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1079.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1079.46(a)(7) and (8) and the corresponding steps of § 1079.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 150 miles by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa;

(d) As Class I milk, if transferred or diverted from a pool plant in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1079.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization (except in ungraded cream disposed of for manufacturing uses) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class

I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1079.41.

§ 1079.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each pool plant and for producer milk diverted to each nonpool plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1079.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1079.45, the market administrator shall determine the classification of producer milk received by each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1079.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Substract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1079.27(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1079.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for

skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1079.50 Basic formula and class prices.

Subject to the provisions of §§ 1079.51 and 1079.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 and plus 20 cents.

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

§ 1079.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1079.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 1079.52 Location differentials to handlers.

(a) For producer milk received at a plant located inside the marketing area but outside the base zone or a plant located outside the marketing area and 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator, from the main post offices of Des Moines and Ottumwa, Iowa, which is classified as Class I or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents. For plants outside the marketing area such price shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition remaining at the transferee plant after computations pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b) in excess of 95 percent of receipts of producer milk at such plant, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1079.53 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1079.60 Producer-handler.

Sections 1079.40 to 1079.46, 1079.50 to 1079.52, and 1079.80 to 1079.88 shall not apply to a producer-handler.

§ 1079.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1079.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Des Moines marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1079.30) and allow verification of such reports by the market administrator.

§ 1079.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1079.30 and 1079.31(b)(1) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1079.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1079.70(e) and a credit in the amount specified in § 1079.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1079.30 and 1079.31(b)(1) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1079.10(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such

location (not to be less than the Class II price).

DETERMINATION OF UNIFORM PRICE

§ 1079.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1079.46(c), by the applicable class prices (adjusted pursuant to §§ 1079.51 and 1079.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to §1079.46(a)(10) and the corresponding step of § 1079.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(5) and the corresponding step of § 1079.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(7) and the corresponding step of § 1079.46(b).

§ 1079.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f.o.b. plants located within the base zone, as follows:

(a) Combine into one total the values computed pursuant to § 1079.70 for all pool plants for which the reports prescribed in § 1079.30 for such month were made, except those in default of payments required pursuant to § 1079.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in § 1079.72 (a) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1079.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1079.72 Computation of uniform price.

For each month the market administrator shall compute a uniform price for milk of 3.5 percent butterfat content, f.o.b. pool plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1079.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1079.70(e); and

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the uniform price for milk received from producers.

PAYMENT FOR MILK

§ 1079.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform price pursuant to § 1079.72 adjusted pursuant to §§ 1079.81, 1079.82 and 1079.87, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1079.81 Butterfat differentials to producers.

The uniform price pursuant to § 1079.72 shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1079.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1079.82 Location differentials to producers.

(a) The uniform price for producer milk pursuant to § 1079.72 received at a pool plant or diverted from a pool plant shall be reduced according to the location of the plant of actual receipt at the rates set forth in § 1079.52.

(b) For purposes of computations pursuant to §§ 1079.84 and 1079.85 the uniform price shall be adjusted at the rates set forth in § 1079.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1079.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1079.62, 1079.84, 1079.85, and 1079.86: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1079.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1079.70 for such handler; and

(b) The sum of

(1) The amount of the obligation pursuant to § 1079.80 of such handler for producer milk received during the month; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to §1079.70(e).

§ 1079.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1079.84(b) exceeds the amount computed pursuant to § 1079.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1079.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1079.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1079.84 and 1079.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1079.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1079.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1079.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1079.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1079.46(a) (3) and (7) and the corresponding steps of § 1079.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1079.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator received the handler's utilization report on milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1079.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1079.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. The part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1079.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1079.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the

market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market, administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1079.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1079.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F.R. Doc. 69-5098; Filed, Apr. 28, 1969; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-29]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Los Angeles, Calif. (Hawthorne Municipal Airport), control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Hawthorne control tower and the effective time of the control zone are currently from 0700 to 2300 hours, local time, daily. It is expected however that seasonal changes in the hours of operation of the control tower may be necessary in the future due to changes in traffic volume. The use of the NOTAM is proposed, to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.171 (34 F.R. 4557) the description of the Los Angeles (Hawthorne Municipal Airport) control zone is amended by deleting "* * * effective from 0700 to 2300 hours, local time, daily" and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

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

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

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-5046; Filed, Apr. 28, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-30]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fullerton, Calif., control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Dvision Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Fullerton control tower and effective time of the control zone are currently from 0600 to 2200 hours, local time, daily. It is expected however that seasonal changes in the hours of operation of the control tower may be necessary in the future due to changes in traffic volume. The use of the NOTAM is proposed to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.171 (34 F.R. 4557) the description of the Fullerton, Calif., control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

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

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

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-5047; Filed, Apr. 28, 1969; 8:48 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 69-WE-21]

RESTRICTED AREAS

Proposed Designation

The Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate three temporary joint-use restricted areas in the vicinity of Camp Hale, Colo., and that

would alter the description of the continental control area to reflect the designation of these restricted areas.

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, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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 be changed in the light of comments received.

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

On June 8, 1968, F.R. Doc. 68-6765 was published in the FEDERAL REGISTER (33 F.R. 8480) effective August 22, 1968. This document amended Parts 71 and 73 of the Federal Aviation Regulations by designating temporary joint-use Restricted Areas R-2603 A, B, and C in the vicinity of Camp Hale, Colo., for gun launched meterological soundings, and amending the description of the continental control area to reflect these designations.

Subsequent to publication of F.R. Doc. 68-6765 the meterological sounding program was delayed indefinitely. Therefore, in F.R. Doc. 68-9942, published in the FEDERAL REGISTER on August 20, 1968 (33 F.R. 11748), Restricted Areas R-2603 A, B, and C were revoked pending receipt of firm commitments pertaining to the meterological sounding program.

The Department of the Army has informed the Federal Aviation Administration that the gun launched meteorological sounding program has been reinstated under the original conditions. They have requested that Restricted Areas R-2603 A, B, and C again be designated in their original configuration for the periods 0001 to 0900 local time from September 2, 1969, to October 11, 1969, and from January 5, 1970, to February 10, 1970. Accordingly, the Federal Aviation Administration is again considering the designation of special use airspace in the vicinity of Camp Hale, to accommodate gun launched meteorological soundings in accordance with the conditions set forth in the original proposal published in F.R. Doc. 68-3464 (33 F.R. 4890).

If these actions are taken, the Camp Hale, Colo., restricted areas would be designated as follows, and the description of the continental control area amended accordingly.

BOUNDARIES

A—LAUNCH SITE

A circle with a 5-mile radius centered at lat. 39°26'30" N., long. 106°19'30" W.

B—NORTH IMPACT AREA

Beginning at lat. 39°45'41" N., long. 106°28'55" W.; to lat. 39°45'01" N., long. 106°30'46" W.; to lat. 39°52'54" N., long. 106°35'51" W.; to lat. 39°53'46" N., long. 106°33'26" W.; thence to point of beginning.

C—SOUTH IMPACT AREA

Beginning at lat. 38°50'30" N., long. 106°01'20" W.; to lat. 38°51'10" N., long. 105°59'15" W.; to lat. 38°59'20" N., long. 106°03'10" W.; to lat. 38°58'40" N., long. 106°05'15" W.

Designated altitudes: Surface to FL 240.

Time of designation: 0001 to 0900 daily, September 2, 1969, to October 11, 1969, and January 5, 1970, to February 10, 1970.

Controlling agency: FAA, Denver ARTC Center.

Using agency: Atmospheric Sciences Officer, Atmospheric Sciences Laboratory, U.S. Army Electronics Command, White Sands Missile Range, N. Mex.

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

Issued in Washington, D.C., on April 16, 1969.

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

[F.R. Doc. 69-5048; Filed, Apr. 28, 1969; 8:48 a.m.]

Federal Highway Administration

[49 CFR Part 367]

[Docket No. 30, Notice 4]

MOTOR VEHICLE SAFETY

Certification

Regulations for the certification of motor vehicles and motor vehicle equipment, and the provision of identifying information, under sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act were issued by the Federal Highway Administrator and published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1147). Several petitions for reconsideration of those regulations were received. Notice of denial of some of those petitions, in whole or in part, is published elsewhere in this issue of the FEDERAL REGISTER. In response to certain of the petitions for reconsideration, it is proposed that the regulations be amended in some respects and as so amended, reissued in the form set forth below.

Many of the comments received concerned the requirements for certification of motor vehicle equipment. There are presently six Federal motor vehcile safety standards for equipment: 106 (Hydraulic Brake Hoses), 109 (New Pneumatic Tires), 116 (Hydraulic Brake Fluid), 205 (Glazing Materials), 209 (Seat Belt Assemblies), and 211 (Wheel Nuts, Wheel Discs, and Hub Caps). The comments were generally to the effect that the requirements of manufacturer certification and identification of month and year of manufacture would create problems related to distribution and packaging. It appears that it would be advantageous to make further study of the distribution and needs of the motor vehicle equipment industry, with a view to the issuance in the near future of specific certification and informational requirements for each type of equipment covered by the Standards. Accordingly, it is proposed that §§ 367.7 and 367.8 of Part 367, establishing requirements for manufacturers and distributors of motor vehicle equipment, be revoked, and references to equipment be deleted from §§ 367.1 and 367.2. In the meantime, manufacturers and distributors of motor vehicle equipment would continue to be governed by the certification requirements contained in the notice of November 4, 1967 (32 F.R. 15444).

It was suggested that the intention to exclude chassis-cabs (covered by § 367.5) from the provisions of § 367.4 was not entirely clear from the wording of the section. The suggestion has merit, and the phrase "(except chassis-cabs)" has been added after "motor vehicles" in the proposed § 367.4(a) to clarify that point.

Several petitioners objected to the requirement in § 367.4(b) that the label be affixed in a manner such that it cannot be removed without the use of tools and without destroying it. The intent of the requirement is that the label last for the life of the vehicle, and that it not be transferable from one vehicle to another. On consideration of the comments, it appears that the requirement that tools be required for removal tends to indicate a rigid material for the label, while that of "self-destruction" on removal suggest pliable materials. The latter requirement has been determined adequate for the purpose, while allowing inexpensive techniques, and therefore it is proposed that the phrase "without the use of tools and" be deleted from § 367.4(b).

Some comments indicated that the term "door-facing" in § 367.4(c) was not sufficiently clear. It is proposed that the phrase "door edge that meets the door-latch post" be substituted, to carry out the intent of the rule in regard to location specification.

One petition objected to the requirement of the preface "Manufactured by" before the name of the manufacturer, on the ground that it might be confusing if an importer placed its name on the label. Section 114 of the Act actually requires all manufacturers and distributors to certify the vehicle; after a label is affixed, subsequent manufacturers (including importers) and distributors may satisfy this requirement, where the vehicle has not been altered so as to affect compliance, by allowing it to remain affixed to the vehicle. The requirement of providing the name of the vehicle's manufacturer is not, however, directly related to the question of "who certifies" the vehicle. Where a person other than the final assembler affixes the label, it is important for purposes of investigation of nonconformity to know the identity of both the assembling manufacturer and the person affixing the label. Language to that effect is added to the proposed § 367.4(g)(1), with the requirement for the preface retained.

Comment is invited on the proposed amendments described above. Comments

should refer to the docket and notice number, and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received within 30 days of the date of publication of this notice will be considered. The proposal may be changed in light of comments received, but it is anticipated that a final rule will be issued shortly after the close of the comment period.

Effective date. It is proposed that this part be effective for all motor vehicles manufactured on or after September 1, 1969.

In consideration of the foregoing, it is proposed that 49 CFR Part 367—Certification be amended to read as set forth below.

This notice of proposed rule making is issued under the authority of sections 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1403, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

F. C. TURNER,
Federal Highway Administrator.

APRIL 23, 1969.

PART 367—CERTIFICATION

Sec.
367.1 Purpose and scope.
367.2 Application.
367.3 Definitions.
367.4 Requirements for manufacturers of motor vehicles.
367.5 Requirements for manufacturers of chassis-cabs.
367.6 Requirements for distributors of motor vehicles.

§ 367.1 Purpose and scope.

The purpose of this part is to specify the content and location of, and other requirements for, the label or tag to be affixed to motor vehicles required by section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) ("the Act") and to provide the consumer with information to assist him in determining which of the Federal Motor Vehicle Safety Standards (Part 371 of this chapter) ("Standards") are applicable to the vehicle.

§ 367.2 Application.

(a) This part applies to manufacturers and distributors of motor vehicles to which one or more standards are applicable, who deliver these vehicles to distributors or dealers for resale.

(b) In the case of imported motor vehicles, the requirement of affixing a label or tag applies to importers of vehicles, admitted to the United States under § 12.80(b)(2) of the joint regulations for importation of motor vehicles and equipment (19 CFR 12.80(b)(2)) to which the required label or tag is not affixed.

§ 367.3 Definitions.

All terms that are defined in the Act and the rules and standards issued under its authority are used as defined therein.

§ 367.4 Requirements for manufacturers of motor vehicles.

(a) Each manufacturer of motor vehicles (except chassis-cabs) shall affix to each vehicle a label, of the type and in the manner described below, containing the statements specified in paragraph (g) of this section.

(b) The label shall be permanently affixed in such a manner that it cannot be removed without destroying it.

(c) Except for trailers and motorcycles, the label shall be affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver's seating position, or if none of these locations is practicable, to the left side of the instrument panel. If none of these locations is practicable, notification of that fact, together with drawings or photographs showing a suggested alternate location in the same general area, shall be submitted for approval to the Director, National Highway Safety Bureau, Washington, D.C. 20591. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

(d) The label for trailers shall be affixed to a location on the forward half of the left side, such that it is easily readable from outside the vehicle without moving any part of the vehicle.

(e) The label for motorcycles shall be affixed to a permanent member of the vehicle as close as is practicable to the intersection of the steering post with the handle bars, in a location such that it is easily readable without moving any part of the vehicle.

(f) The lettering on the label shall be of a color that contrasts with the background of the label.

(g) The label shall contain the following statements, in the English language, lettered in block capitals and numerals not less than 3/32-inch high, in the order shown:

(1) Name of manufacturer: The full corporate or individual name of the actual assembler of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. The name of the manufacturer shall be preceded by the words "Manufactured By" or "Mfd By". In the case of imported vehicles, where the label required by this section is affixed by a person other than the final assembler of the vehicle, the corporate or individual name of the person affixing the label shall also be placed on the label in the manner described in this paragraph, directly below the name of the final assembler.

(2) Month and year of manufacture: This shall be the time during which work was completed at the place of main assembly of the vehicle. It may be spelled out, as "June 1970", or expressed in numerals, as "6/70".

(3) The statement: This Vehicle Conforms to All Applicable Federal Motor Vehicle Safety Standards in Effect on the Date of Manufacture Shown Above.

(4) Vehicle identification number.

(5) For multipurpose passenger vehicles, the words, "Type Multipurpose Passenger Vehicle". No type designation is required of other types of vehicle.

§ 367.5 Requirements for manufacturers of chassis-cabs.

Manufacturers of chassis-cabs shall affix securely to the windshield or side window a label containing the information specified in § 371.13 "Labeling of chassis-cabs," of this chapter.

§ 367.6 Requirements for distributors of motor vehicles.

A distributor of a motor vehicle who does not alter the vehicle in a manner that affects compliance with applicable standards may satisfy the certification requirements of the Act by allowing a manufacturer's label that conforms to the requirements of this part to remain affixed to the vehicle. A distributor of a vehicle who alters a vehicle in a manner that affects compliance with applicable standards shall furnish to a dealer or other distributor to whom he delivers the vehicle a separate certification. The certification shall be on a label as described in § 367.4, except that its contents shall be in the following form:

This Vehicle Was Altered By [name of distributor] in [month and year in which alterations were completed] and as Altered it Conforms to All Applicable Federal Motor Vehicle Safety Standards in Effect on the Date of Original Manufacture.

[F.R. Doc. 69-5055; Filed, Apr. 28, 1969; 8:48 a.m.]

[49 CFR Part 371]

[Docket No. 2-15; Notice No. 4]

MOTOR VEHICLE SAFETY

Child Seating Systems; Notice of Extension of Time To File Comments

On January 24, 1969, the Federal Highway Administrator issued a notice of proposed rule making which proposed the issuance of a new Motor Vehicle Safety Standard relating to Child Seating Systems (34 F.R. 1172). The notice provided that comments on the proposal should be submitted before the close of business on February 21, 1969. Thereafter, the Administrator made certain amendments to the notice of proposed rule making and extended the time for comments upon it to April 25, 1969 (34 F.R. 2564).

The Administrator has received a petition for a further extension of the time for filing comments. Upon consideration of the petition, the Administrator has determined that an additional, 60-day, extension of time should be granted. Therefore, the time to file comments in response to the notice of proposed rule making in this docket is extended to the close of business on June 24, 1969.

(Secs. 103, 112, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C.

1392, 1401, 1407; delegation of authority by the Secretary of Transportation at 49 CFR 1.4(c))

Issued on April 22, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-5056; Filed, Apr. 28, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

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

Under the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission, persons who engage in commercial disposal of waste byproduct, source or special nuclear material are required to obtain a license from the Commission. Persons who merely receive, package, or store such wastes and then transfer them to other licensees for ultimate disposal are also required to obtain a Commission's license.

The Commission's rules of practice in 10 CFR Part 2 contain a number of provisions relating to assignment of docket numbers, notification, and service of applications and notices on State and local officials, which apply to both types of waste disposal licenses. In order to (1) accord applications for licenses involving only the receipt, storage and packaging of waste materials, the same treatment accorded applications for other types of materials licenses, and (2) reduce unnecessary details in its licensing process, the Commission is considering the amendment of Part 2 to eliminate the described requirements for such waste disposal licenses. Applications for licenses authorizing ultimate disposal of waste materials by the licensee would not be affected.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission my be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. Section 2.101 is amended to read as follows:

§ 2.101 Filing of application.

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

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

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

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

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

* * * * *

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

§ 2.104 Notice of hearing.

* * * * *

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

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

§ 2.105 Notice of proposed action.

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

* * * * *

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

* * * * *

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

§ 2.106 Notice of issuance.

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

* * * * *

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

* * * *

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

Dated at Washington, D.C., this 23d day of April 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-5013; Filed, Apr. 28, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 6741; FCC 69-405]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Notice of Proposed Rule Making

1. This notice of proposed rule making initiates the action forecast in the memorandum opinion and order of July 20, 1966 (4 F.C.C. 2d 606), which contemplated the reopening of Docket 6741 as a vehicle for the consideration and disposition of questions raised in a remand of February 25, 1965, by the U.S. Court of Appeals for the District of Columbia Circuit, with respect to matters involved in the long-standing "KOB problem". American Broadcasting-Paramount Theatres, Inc. v. Federal Communications Commission, 120 U.S. App.

D.C. 264, 345 F. 2d 954, 4 R.R. 2d 2006. This matter involves the mode of operation of Station KOB, Albuquerque, N. Mex., which now operates on 770 kc/s essentially as a Class II station, concerning which there has been more than 25 years of controversy between KOB and WABC, the I–A station on that channel at New York City.[1]

Background. 2. The history of this matter is extremely long and complicated. Nevertheless, it must be recounted, at least in capsule form, to provide the necessary background for an understanding of the proposals contained herein.

3. For a number of years prior to 1941, KOB operated on 1180 kc/s with power of 10 kw., sharing nighttime hours with KEX, Portland, Oreg. From November 19, 1938, both stations were licensed for unlimited time operation on the channel. On November 27, 1939, KEX's license was modified to specify operation on 1160 kc/s, and from that date KOB was the only station operating at night on the frequency 1180 kc/s. On May 7, 1940, a construction permit was issued to KOB for an increase in power to 50 kw. This permit designated KOB as a Class I station.

4. On March 29, 1941, the first North American Regional Broadcasting Agreement (NARBA), which had been signed in Havana in 1937, went into effect. To implement the new treaty arrangements, changes were made late in 1940 and early in 1941 in the frequencies of many U.S. stations, to clear the six I–A channels which the agreement provided for Mexico, and some sharing of channels became necessary for stations previously occupying unduplicated clear channels. Class I Stations WABC (then WJZ), New York City, and WBZ, Boston, were reassigned from their former channels to 770 kc/s and 1030 kc/s, respectively, in this rearrangement. In the rearrangement, in part because of its proximity to the Mexican border, no frequency could be found for KOB on which it could operate with facilities and protection comparable to those which it had achieved by 1940 on 1180 kc/s.

5. Coincident with the entry into force of NARBA, KOB was licensed on 1030 kc/s with power of 10 kw., and on June 3, 1941, it was granted a Special Service Authorization (SSA) to operate on this frequency with 50 kw.–D/25 kw.–N. Because interference received from WBZ, Boston, Mass., was deemed excessive, in November 1941, this SSA was modified to specify 770 kc/s, 50 kw.–D, 25 kw.–N.

6. In 1944, KOB filed applications requesting modification of its construction permit on 1180 kc/s and a modification of its license to specify operation on 770 kc/s (MP–1278, ML–1799). These applications were designated for hearing in Dockets 6584 and 6585. A hearing was held but no decision was reached at that time.

7. On February 20, 1945, the Commission instituted the Clear Channel proceeding (Docket 6741), and on August 9, 1946, the Commission issued a public notice which placed the above KOB applications, among others, in the pending file to await a clear channel decision. The relationship between the present "KOB matter", and the Clear Channel proceeding and 1961 decision therein, is one of the important aspects of this matter.

8. ABC had opposed both the original assignment of KOB on 770 kc/s and the successive extensions of KOB's Special Service Authorization thereon, and in 1950 appealed one of these extensions of the U.S. Court of Appeals (D.C.). An opinion issued by the court in July 1951 upheld the Commission's authority to grant the SSA, but held that long continued operation under such authorizations constituted a modification of WABC's license. It ordered the Commission to resolve the problem "with all deliberate speed."[2]

9. Because of the court's mandate that the "KOB matter" should be resolved expeditiously, in 1952 the KOB applications were removed from the pending file where they had been placed in 1946 pending a decision in the Clear Channel proceeding (8 R.R. 356). On May 27, 1955, Dockets 6584 and 6585 were reopened and the applications designated for further hearing on a large number of issues concerning various modes of operation on 770 kc/s or 1030 kc/s, including operation as a Class I station on a "mutual protection" basis with WABC or WBZ (i.e., KOB and the eastern station both directionalized at night), operation as a fulltime Class II station on one of these channels protecting the eastern station's 0.5 mv/m 50 percent skywave contour at night, or on various other bases on one frequency or the other. ABC's request that other frequencies be considered for KOB—in addition to the two directly involved—was denied, on the ground that it would involve a "miniature Clear Channel hearing" and reattachment of the KOB case to the overall proceeding in Docket 6741.[3] A lengthy hearing was held in 1955 and 1956, and an initial decision and Commission decision of January and September 1958 respectively both decided that KOB should operate as a Class I station on 770 kc/s, with both it and WABC directionalizing at night to afford each other mutual protection to their respective 0.5 mv/m 50 percent skywave contours. The decision reflected an extensive evaluation of the service gains and losses under the various modes of operation encompassed by the issues. The key points were that: (1) Operating in any manner on 1030 kc/s KOB would render less service than it would operating on a corresponding basis on 770 kc/s, and the losses to WABC in the East would represent less serious deprivation of service than would similar losses to WBZ if KOB operated on 1030 kc/s, in view of other available services; and (2) operating as a Class I station on 770 kc/s, KOB would render a skywave service which it would not have if it operated as a Class II station protecting WABC, and also—and more important—it would render a first primary service at night to some 118,000 more persons. It was also made clear in the first paragraph of the decision that it related to a permanent assignment for KOB.[4] WABC and KOB were given permission to submit appropriate directional radiation patterns.

10. Two other developments occurred during the pendency of this 1955–58 proceeding. In August 1955 the Commission issued a decision permitting KOB to continue its SSA operation on 770 kc/s (50 kw. day, 25 kw. night, nondirectional) pending decision in the "KOB case"; ABC appealed this and in September 1956 the U.S. Court of Appeals (D.C.) ordered the Commission to take immediate action to end the interference to WABC thus caused (14 R.R. 2020).[5] Pursuant to resulting Commission order, in April 1957 KOB commenced operation on 770 kc/s with the same power but directionalized at night so as to protect WABC; this was its mode of operation until 1963 (see paragraph 13). In April 1958, shortly before the decision in Dockets 6584–6585, the Commission took steps proceeding toward resolution of the long-standing Clear Channel proceeding, issuing a further notice of proposed rule making in Docket 6741. This notice proposed to deal with the 25 U.S. I–A clear channels as follows: On five—770 kc/s, and on 660 kc/s and 880 kc/s, also used at New York City (by WNBC and WCBS respectively), and 1100 kc/s and 1180 kc/s—the existing Class I–A stations would directionalize and an additional Class I assignment be made, operating in substantially the same manner as that later decided on for KOB in the September 1958 decision, on a mutual nighttime protection basis with the existing I–A station. Specific Western States were proposed for the location of the new Class I stations on the four channels other than 770 kc/s; it was stated that the location of the new Class I station on 770 kc/s was "undetermined".

[1] Until 1953 the New York City I–A station had the call letters WJZ. "KOB" and "ABC" are often used herein to mean the parties who at various times have been the licensees of these stations.

[2] American Broadcasting Company v. FCC, 191 F 2d 494, 7 R.R. 2033 (1951).

[3] 12 R.R. 583, 587: "* * * the only hope for solution of the KOB problem, short of a simultaneous decision in the Clear Channel proceeding, requires the Commission to restrict its consideration to the two frequencies which have been directly involved since the problem first arose in 1941. Whatever equities there are for considering other clear channels, and there are some, they are dwarfed by the compelling need for the earliest termination of this proceeding possible, consistent with a fair and judicious hearing and decision." ABC's 1955 request for enlargement of the hearing issues to include other frequencies was rejected in 1956 for the same reason (13 R.R. 861).

[4] Albuquerque Broadcasting Company (KOB), 25 F.C.C. 683, 684, 768, 777–782, 793–794; 16 R.R. 765, 766, 855, 866–871, 882, 883, 890.

[5] The court stated that the Commission's treatment of the KOB–WABC situation following the 1951 court mandate had not been "either adequate or prompt."

Fulltime duplicating Class II assignments (generally similar to KOB's present mode of operation from 1957 to date) were proposed for seven channels, and 12 channels were reserved for later consideration for "higher power". 1030 kc/s was not included in any specific category; it was indicated that the "KOB proceeding" would assign KOB to it or 770 kc/s and the other would thus become available for a Class I assignment elsewhere in the West.

11. In September 1959, after consideration of comments filed in response to this notice, a substantially different approach to the Clear Channel proceeding was proposed, in a third notice of further proposed rule making (FCC 59-972). Noting the showings in the comments as to the losses in existing service which would occur if some I-A stations were required to directionalize to protect cochannel Class I operations (including some new "white areas"), the Commission proposed to make new duplicating Class II assignments on the I-A channels generally, rather than providing for new Class I stations on some of them. This approach was proposed for 23 of the 25 channels. As to 770 kc/s, it was stated that the operation by KOB on this frequency—as a Class I station operating as decided on in the 1958 KOB decision—met the criteria of the overall proposal; as to 660 kc/s it was stated that operation by KFAR, Fairbanks, Alaska, was likewise consistent with the proposed overall pattern; and no further assignments on these channels were proposed.

12. ABC sought reconsideration of the 1958 KOB decision, and after denial appealed, again in both cases urging that other frequencies for KOB should be considered. The U.S. Court of Appeals (D.C.) affirmed the Commission's decision in 1961, "on the basis stated", and observed that "the position of ABC as a network should not be permanently prejudiced by forcing it to share a channel if other networks are given full use of clear channels"; and that the Commission should in the Clear Channel proceeding, or otherwise, "seek to provide channel facilities to the ABC network on a basis which is fair and equitable in comparison with other networks".[6] It was also stated that "* * * we do not believe that ABC has been or should be precluded from a hearing on its claim that the public interest require that the loss of service in the East, which Class I broadcasting from Albuquerque produces, be absorbed by some eastern broadcaster other than WABC."

13. After this decision, in July 1961 the Commission directed a further hearing in Docket 6584 on the question "whether the consideration of providing facilities to the ABC network in New York on a basis which is fair and equitable in comparison with the other radio networks should vary the conclusion reached that WABC should directionalize and share 770 kcs/ with KOB". In a decision on July 8, 1963, the Commission found that ABC had failed to prove that its position as a network would be adversely affected by the dual Class I operation prescribed in the 1958 decision, granted KOB's application for unlimited time operation at Albuquerque, N. Mex., with directional antenna at night and denied ABC's 1959 application for renewal of license, which contemplated operation with a nondirectional antenna. Hubbard Broadcasting, Inc. et al., 35 F.C.C. 36, 25 R.R. 781. Program test authority to operate in the authorized manner (with 50 kw directionalized at night) was granted in October 1963, but the operation has not been licensed.

14. Meanwhile, in September 1961 the Commission issued its decision in the Clear Channel proceeding, Docket 6741 (31 F.C.C. 515, 21 R.R. 1801). In this decision it was again concluded that—in general, and with the recognized possible exception of 770 kc/s—Class I-A stations should not be required to directionalize because of the loss in existing service which would be involved; and that the service benefits which would result from the duplication of fulltime Class II assignments, as proposed in the 1959 third notice, should be provided for at the present time only on 13 of the 25 channels, leaving the other 12 for consideration as to other means of using them to improve U.S. radio service, such as "higher power". The 13 channels selected for Class I "duplication" included (besides two on which specific Class II were provided to resolve international problems) 11 on which new fulltime "II-A" assignments in specified States in the West were provided for in § 73.22 of the rules. One of these was 880 kc/s, on which WCBS, the CBS New York City station, operates, and on which a Class II-A station at Lexington, Nebr., has since been authorized. 1030 kc/s was also among the duplicated channels, with a Class II-A station now authorized at Casper, Wyo. 660 kc/s, the NBC New York City channel, was not included in the 13 because of the existing operation thereon by a station in Alaska (noted in the third notice). With respect to 770 kc/s, the decision noted at length the "KOB problem" and its history, and it was concluded that "a major unlimited time facility should be assigned to New Mexico on 770 kc/s", in view of the continuing need for service in that area. The exact form of such operation was not decided (as mentioned, further proceedings were in progress in Docket 6584 at this time). ABC's request for consideration of other frequencies for KOB was again denied.[7] In 1962, after extensive consideration of numerous petitions for reconsideration (including one of ABC) this decision was affirmed. See 24 R.R. 1595, 1605.

15. ABC again appealed, from this decision and from the 1963 KOB decision mentioned above. These appeals were sustained by the U.S. Court of Appeals (D.C.) in the February 1965 decision referred to in paragraph 1 hereof. This is discussed at greater length below; briefly, the court held that there was not adequate explanation in the Commission's pronouncements for the disparate treatment given WABC in Docket 6584—requiring it to directionalize at night to afford KOB mutual protection—while other I-A stations, particularly the other network-owned New York City stations on 660 and 880 kc/s, were allowed to remain either alone on their channels at night or with their existing service protected by the new Class II assignment provided for, and in either case were not required to directionalize. The desirability of comparable treatment of network "flagship" stations was emphasized.

16. The Commission sought both clarification of the court's mandate (submitting a memorandum opinion and order with proposed procedures) and certiorari from the Supreme Court; both requests were denied. The Commission thereupon rescinded that memorandum opinion and order and, in an order of April 7, 1966, directed KOB, ABC and the Broadcast Bureau to submit memoranda setting forth their views as to the manner in which the court's mandate should be implemented. These memoranda were duly submitted, along with a reply by KOB to those of ABC and the Broadcast Bureau. Thereupon the Commission issued the pronouncement of July 1966, referred to in paragraph 1, above, contemplating the present proceeding.

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[6] "Whether this is to be done by permitting ABC to intervene in the clear channel proceedings now pending, or through some other means, is not for us to say. It may be that ABC can raise its claims in this regard by filing competitive applications when present licensees on other frequencies seek renewal or by seeking modifications of existing licenses held by others. Perhaps the Commission will afford, sua sponte, some other procedural remedy." American Broadcasting Company-Paramount Theatres, Inc. v. FCC, 380 F. 2d 631, 635, 636, 20 R.R. 2001, 2005 (1961). WABC has never sought to obtain the facilities of another station, at renewal time or otherwise. The court had before it, as part of the record in the ABC appeal, the 1959 third notice in the Clear Channel proceeding, proposing to treat the other I-A channels differently from the resolution decided on for 770 kc/s in the 1958 KOB decision. However, in its later 1965 decision, the court stated that while in 1961 it was aware of this proposal, "It was not known to us what decision as to the NBC and CBS channels [660 and 880 kc/s] the Commission would ultimately reach in the clear channel proceeding and the language in our opinion, quoted above, was used by us in that background." See 345 F. 2d 956, 4 R.R. 2008-2009 (decision, footnote 4).

[7] "Whatever significance considerations relating to 'networking' and network competition may have in other contexts—a matter we do not decide here—we cannot conclude that the public interest would be served by attempting to redesign the entire nationwide allocation of frequencies adopted here solely in order to alleviate whatever adverse situation may confront ABC in these respects." It was pointed out that there is no one obvious alternative to 770 kc/s, and that any consideration of alternatives would obviously take several years, postponing any certainty in the reallocation and necessitating a blanket "freeze" for the same indefinitely long period. See 31 F.C.C. 596-597, 21 R.R. 1832-1833.

The court's 1965 decision. 17. In its 1965 decision, the court of appeals stated that it did not regard the ultimate outcome of the KOB–WABC situation as consistent with its 1961 mandate, because of the "inequity", described as "self-apparent", in the solution reached as to WABC vis-a-vis WCBS and WNBC (and other I–A station).[8] In particular, the Commission has been directed by the court to make a new assessment of the need for broadcast service in the southwest, to determine whether the operation of KOB as a Class II station would fill that need. In the event it finds that a Class I facility is still required, it must implement this requirement in such wise that WABC, the ABC flagship station in New York City, is removed from the disparate position that it would occupy with respect to the New York City stations of the CBS network, WCBS, and the NBC network, WNBC, or offer "compelling reasons", which it has not heretofore done, why such a disparate position is in the public interest.[9]

18. The court found that WABC had been placed in this position as a result of the decision of September 3, 1958, in Docket No. 6584, which required WABC to directionalize to protect KOB, Albuquerque, as a Class I station. This contrasted with actions taken in the Clear Channel proceeding (Docket 6741), in which the Commission decided that the objective of increased nighttime coverage of underserved areas in western United States could best be achieved by the assignment of Class II–A stations to certain of the I–A channels, including the channels on which New York City stations WCBS and WNBC operate, without requiring the directionalization of the I–A stations on those channels.

19. In directing a reassessment of the need of the Southwest for a Class I station, the court noted that this determination was made in 1958, and may no longer be valid in the light of the increased nighttime primary service subsequently provided, particularly by Class II–A stations assigned pursuant to the decision in Docket 6741, and other changed conditions.

The position of the parties. 20. ABC, Hubbard Broadcasting, Inc. (Hubbard, now the licensee of KOB), and the Broadcast Bureau all filed memoranda in response to the April 1966 directive, and Hubbard replied to the views of the other two parties. All parties agree that the general service picture in the area of the Southwest involved has not greatly changed since the 1958 decision, so as to alter the conclusions as to the need for service.[10] They also agree that if a comparison were made between the primary nighttime service rendered by any one of the Class II–A stations assigned in the Clear Channel decision on other channels, and the service that it might render were the I–A station on its channel directionalized to protect it as a Class I station, substantial increases in the number of persons and the areas receiving a first nighttime primary service would be demonstrated. However, in its decision in Docket 6741 the Commission held that the disruption of long-established service which would result from the directionalization of the I–A stations could not be justified, and, accordingly, settled on the more restricted service rendered by the duplicating facilities without protection from the I–A's.

21. The result, reached on an ad hoc basis in the KOB/ABC proceeding, wherein WABC was required to directionalize is, all parties, admit, inconsistent with that reached in Docket 6741.

22. In the instant proceeding, ABC would have us resolve this inconsistency by the issuance of an order amending § 73.22(a) of the rules by adding the frequency 770 kc/s to the 11 channels broken down for Class II–A assignments, and provide for such an assignment on that frequency for KOB in the State of New Mexico. The order would further grant ABC's application for renewal of license of Station WABC as a Class I facility on 770 kc/s, 50 kw., U, at New York City, subject to the right of Hubbard Broadcasting, Inc., to a hearing on its pending application for 770 kc. in New York City, should Hubbard elect to prosecute such application; it would deny Hubbard's application for Class I facilities on 770 kc. at Albuquerque, N. Mex., granting leave to amend to request construction permit and license for a Class II–A station with a 50 kw., DA–N, U. Since the New York City network stations would thus be afforded comparable facilities, ABC argues that such a solution would be in complete conformity with the mandate of the court of appeals and in furtherance of the public interest. Besides a lengthy recitation of the history of this proceeding, ABC asserts that the 1958 and 1963 KOB solutions were based on an approach to clear channel allocations taken in 1958 generally (the further notice in Docket 6741) but later abandoned for general use because of the loss to existing I–A service involved; and therefore there is no reason to retain that approach here. It is said that the needs of the New Mexico area are no greater than those of other portions of the West to which the final Clear Channel Decision gave only Class II assignments. The loss to WABC and the ABC network—emphasized by the court—is stressed, and it is claimed that the gains from KOB Class I operation would be minimal.[11] It is stated that ABC is satisfied with such a result, even though it prejudices "higher power" for WABC as compared to such a possibility for WNBC.

23. Hubbard (KOB), on the other hand, views the court as essentially upholding the validity of the Commission's determinations in favor of Class I status for KOB on 770 kc/s if ABC is treated comparably with other networks. It urges that the "reassessment" mentioned by the court should first be made, and that if that indicates the same need for service as reflected in the 1958 KOB decision—which Hubbard believes it will—then the KOB decision should stand and ABC should be afforded a hearing on whether WCBS and WNBC should not be treated similarly, all three flagship stations directionalizing to protect a Class I facility in the west (see footnote 9, above). This it is said, is the only significance of the court's requirement as to comparable network facilities. The ad hoc solution reached in Docket 6584 for 770 kc/s is defended as basically appropriate if this requirement is met (citing as precedent the breakdown of 850 kc/s to a I–B channel in the "KOA" case and Van Curler Broadcasting Corp. v. U.S., 236 F. 2d 727 (1956)). It is suggested that rule making—in which all interested parties such as CBS and NBC can participate, and which is sufficient for such a purpose—is the appropriate means of reaching the desirable result. It is also suggested that reopening Docket 6741 will permit general exploration of clear channel allocation policies—for example, whether the new II–A assignments are adding as much as they were expected to to radio service. The questions to be answered in such a proceeding, as Hubbard sees them, are as follows:

(a) Whether in the light of present conditions, the public interest can best be served if Station KOB operates as a Class I station on 770 kc/s.

(b) Whether, for the purpose of providing equal channel facilities for the flagship stations of the three networks or for other reasons, the public interest would be better served by requiring certain additional clear channels, including 660 kc. and 880 kc., to accommodate two Class I stations.

Hubbard also urges a full examination of the "Flagship" concept advanced by ABC, in the belief that it can demonstrate that, under present conditions of

[8] "Our affirmance of the KOB decision was conditioned, as heretofore noted, on the premise that in the end fair and equitable channel facilities would be given ABC in comparison with other networks." Decision, footnote 7, 345 F. 2d 958, 4 R.R. 2d 2011.

[9] "In view of the Commission's decision in the clear channel case resulting in a Class I–A undirectionalized status for the CBS and NBC flagship stations, the ABC station should have the opportunity for a hearing as to whether one or more of the other clear channels should accommodate two Class I–A stations, to the end that comparatively equal channel facilities may be provided for the flagship stations of the three networks in the manner most favorable to the public interest."

[10] In the 1966 memorandum opinion and order (paragraph 16, above, which was later withdrawn) we expressed the view that the new II–A assignments mentioned by the court had not substantially lessened the need for additional service within the area which KOB would serve as a Class I station; but that grants of other facilities in the area since 1956 had provided service to a small population—a few thousand—within the primary nighttime service area KOB would serve as a Class I but not as a Class II station.

[11] ABC refers to material offered (but not received) in the 1962 further hearing in Docket 6584, which showed the additional population which would receive a first nighttime primary service from a KOB Class I as compared to a Class II operation as 67,434, instead of the 118,000 mentioned in the 1958 decision.

radio network operation, the importance of the concept has been grossly exaggerated—that WABC is, in fact, just another New York City "rock and roll" station, having no special significance in the ABC network. This, it is said, is necessary if the matter again goes to court, as it likely will.

24. The Broadcast Bureau suggests three alternatives which the Commission might consider in the ultimate resolution of the "KOB problem".

(a) To require both the NBC and CBS flagship stations located in New York to directionalize their nighttime operations, and to assign a Class I–B station on each of their channels in the western part of the United States.

(b) To remove KOB from 770 kcs. to a clear channel other than 660 or 880 kc. and to substitute a new Class II–A on 770 kc. in the western part of the United States.

(c) To require KOB to operate as a Class II–A station on 770 kc. and to protect WABC, which would operate as the dominant Class I–A station on the frequency.

The Bureau rejects the first two alternatives, since in the clear channel proceeding the Commission has exhaustively examined the possibilities for duplicate operation on the I–A channels, and, despite the knoweldge that Class I–B operation by some or all of the duplicating stations would have resulted in greater coverage of undeveloped areas of the country, nevertheless, concluded that the assignment of these new stations as Class II–A's would best serve the public interest. The Bureau states that the rationale controlling the method of allocation determined in Docket 6741 is fully applicable to the frequency 770 kc., and it accordingly favors adoption of alternative (c), with the revision of the Commission's report and order in Docket 6741 to the extent necessary to conform to this action. Pursuit of either of the other alternatives, it is said, would require a full reevaluation and reconsideration of the report and order in the Clear Channel proceeding. In connection with alternative (b) above, it is suggested that assignment of KOB to a clear channel much higher in frequency than 770 kc/s would cut down its coverage area, and, also, that only clear channels with Class I stations well to the East could be considered.

25. In replying to ABC and the Broadcast Bureau, Hubbard asserts: "To contend, as do ABC and the Broadcast Bureau that the action creating the inequity, i.e., the 1958 amendment of § 3.25 of the rules, must be set aside even though the public interest basis for that action still applies today is to accuse the Court of rendering a completely meaningless and futile—even a deceiving—opinion in 1960". The same high public-interest considerations which led to the 1958 decision, it is said, still apply and must govern. Hubbard maintains that the Commission may not completely ignore the ad hoc 770 kc proceeding and resolve the KOB/ABC controversy by rewriting the clear channel decision to include 770 kc. in the II–A category, "if, for no other reason, the question of 770 kc.'s allocation status was not litigated in the clear channel proceeding, and the present record in that proceeding will not support any action affecting 770 kc/s status which is in any way inconsistent with the ad hoc record or the 1958 decision based on that record."

26. Hubbard accuses the Broadcast Bureau of simply seeking an easy way out, ignoring the public-interest considerations mentioned; if the Commission is not up to the job, it should seek a legislative solution to resolve this problem, which, it is said, was of the Commission's own making. It offers what it believes to be a reasonable way of resolving the clear channel breakdown and the KOB–WABC controversy by a rule making action which could be taken on the present record, "involving neither the extensive new explorations feared by the Bureau nor the due process deficiency so patently present in the simple rewrite approach recommended by both ABC and the Bureau". Briefly, it suggests that § 73.25 of the rules be amended to provide for the alternative assignment on each of 13 channels listed therein of either two Class I stations or a Class I and a Class II station (the 13 include 880 kc/s and 10 other "II–A" channels, plus 660 and 770 kc/s). An applicant for a second Class I station would be required to submit a plan for directional operation of the existing Class I station and a showing that dual Class I usage of the channel would better meet the requirements of section 307(b) of the Communications Act than would Class I/Class II–A usage.

27. The submission of an application for a Class I station on one of these channels would lead to an ad hoc adjudicatory proceeding similar to the 1958, 770 kc. breakdown proceeding, in which the gains and losses resulting from the two types of channel usage could be intelligently compared on the basis of a specific proposal for duplication of the channel, and a realistic determination made as to whether the public interest requires that the new station should be awarded I–B facilities or be limited to a Class II station. The nature of each channel breakdown would be justified on its individual merits, the hearing record spelling out the reasons why the different channels might be treated differently. This would eliminate the objections raised by the court of appeals in the 1965 opinion, even though some I–A stations might be treated differently than others.

28. In all probability, states Hubbard, such an approach would eliminate channel inequities among the networks, resulting in "I–B" duplication of the New York City stations of NBC and CBS. In any event, the proceedings concerning the pertinent channels would provide a record on which the Commission could justify to the court any different treatment which it might accord the individual stations.[12] It is asserted that consistent with the present rules KOB could and should be permitted to use the facilities specified in its 770 kc/s application.

Consideration of courses of action. 29. Thus, while the commenting parties recognize the inconsistency of the results reached as to 770 kc/s in the "KOB case" and as to the I–A channels generally in Docket 6741, they differ widely in the approach which should be used to conform the two. ABC would have us treat 770 kc/s like the other channels broken down in the clear channel decision for II–A stations, and the Broadcast Bureau regards that as an appropriate, and the easiest, solution. Hubbard, on the other hand, regards the question of the best usage of 770 kc/s as established in the 1958 ad hoc KOB decision, and would modify the treatment of some of the other I–A channels, including 660 and 880 kc/s, to provide for the same type of "dual class I" operation on them, or at least opportunity for consideration thereof in individual adjudicatory proceedings similar to the KOB proceeding concerning 770. Thus, the usage of each of these channels would be determined on an individual basis, on the basis of a hearing record supporting the result reached in light of "307(b)" considerations.

30. In evaluating various approaches, it is appropriate to bear in mind certain basic considerations concerning the Commission's approaches to the assignment of frequencies and stations in the various broadcast services. The Commission discharges its responsibilities under section 307(b) of the Communications Act of 1934, as amended, to provide "a fair, efficient, and equitable distribution of radio service" in two ways: (1) Primarily by rule making, pursuant to section 303(f) of the Act; and (2) through individual adjudicatory proceedings designed to choose among a limited number of conflicting applications for stations proposing to serve different communities or areas. In the television and FM broadcasting services, 307(b) questions usually are resolved at the rule making level, and the rules governing these services contain tables of assignments developed pursuant to 307(b) principles to provide for an equitable distribution of service. In contrast, in the standard broadcast (AM) service, Class III and Class IV stations, and Class II stations on the I–B clear channels, are assigned on a "demand" basis, and 307(b) of the Act usually comes into play only when the Commission is called upon to make a choice among two or more technically conflicting applications proposing radio service to different communities. Over the years, this assignment philosophy has resulted in less than optimum distribution of service on the regional and local channels. Indeed, the lessons learned in the older standard broadcast service influenced the adoption of "pre-cut" assignment plans in the newer TV and FM services.

31. In the development of rules to effectuate the purposes of 307(b), the Commission has traditionally given first priority to the provision of some broadcasting service to all of the people in the

[12] It is also urged that even if this arrangement is not adopted as such, 660 kc/s could be broken down for use at Phoenix, Ariz., and 1030 kc/s made available for the station now on 660 kc/s at Alaska.

United States. It is a truism in AM that this aim is not to be achieved for the nighttime hours by the assignment of a great number of stations on each channel, even on a planned basis, and the reservation of clear channels, with dominant stations so operated and protected as to provide wide area primary and secondary service, is an essential element of a nationwide standard broadcast system.

32. For this reason, the "demand" philosophy which has, to a large extent, controlled station assignment practices on other channels has been restricted in its application to the clear channels, particularly to the I–A channels, and with a few exceptions, the Commission has refused to consider requests by individual stations for the waiver or amendment of rules designed to protect the basic clear channel service, except within the context of an overall rule making proceeding, wherein the overall impact of proposed changes can be assessed. The few exceptions typically involve operation by stations other than the I–A's in a manner contrary to the rules, which were originally permitted on a temporary basis because of special public interest considerations, and whose termination or regularization have later become the subject of ad hoc proceedings (WOI/KFI on 640 kc/s, WNYC/WCCO on 830 kc/s, KOB/WABC on 770 kc/s). In only one of these cases, KOB/WABC, is the basic usage of the I–A channel at issue.

33. The decision of the major 770 kc/s allocation question was made in an ad hoc proceeding, separate from the overall clear channel allocation matter and reaching a different result from that ultimately reached in the latter as to the I–A channels generally, although the KOB decision was consistent with the approach the Commission contemplated in 1958 for general adoption (see paragraph 10, above). The explanation for this separate treatment is the unique history of the KOB case. The Commission had early recognized that the disposition of this case should be predicated upon the general clear channel decision, and in its public notice of August 9, 1946, included the KOB applications among those placed in the pending file until that decision was reached. The issues in the original clear channel hearing order of February 20, 1945, were sufficiently broad to encompass this question. However, the long delays involved in the clear channel matter, and the understandable impatience of the parties with the long continued temporary conditions of operation of KOB on 770 kc. culminated in ABC's first appeal to the court. Action taken by the court in effect made it necessary for the Commission to move toward an early KOB decision independently of the Clear Channel proceeding. Although the clear channel decision was made final in 1962, because of the complications which have been outlined previously the KOB matter is still unsettled.

34. It is clear that we cannot implement in a manner acceptable to the court the basic decision in the KOB/WABC case, proposing dual Class I operation by WABC and KOB on 770 kc/s, without substantially revising the conclusions reached in the Clear Channel proceeding as to the usage of at least some of the other I–A channels. The question is whether this should be done, or other action taken.

35. The basic allocation decision reached in the KOB/WABC case flowed from an evaluation and balancing of service gains and losses between the stations involved in the case in the pattern of the typical 307(b) adversary standard broadcast proceeding. In contrast, the pattern of I–A use decided upon in the clear channel proceeding resulted from an examination of channel usage in broad perspective, with the effects of proposals for individual channels considered in relationship to proposed usage of all other I–A channels. As a result of this consideration, the Commission decided not to require directionalization of the I–A stations on those channels where provision was made for a second unlimited time station, since such directionalization

> Would result in substantial reduction of the existing groundwave and skywave service, with the result that substantial new white areas would be created in which no groundwave service would remain available from any station and that other areas would be reduced in the number of services received from four, three, or two groundwave services to a single groundwave service. In addition, substantial dislocations would obtain of present skywave service which would not be compensated by new operations. (Third Notice in Docket 6741, FCC 59–972, par. 7.)

Directionalizing of all three New York City I–A stations. 36. It must be borne in mind that an essential element in any resolution of the "KOB problem" which gives KOB a Class I or similar mode of operation is directionalization by the eastern cochannel Class I station so as to protect that operation. In other words, while there would be some gains in KOB's service through giving it greater nighttime facilities without more, the real improvement can come only if the eastern station directionalizes so as to afford KOB a high degree of protection at night, for example to its 0.5 mv/m 50-percent skywave and 0.5 mv/m groundwave contours instead of to the 2.24 mv/m groundwave contour, which is the limit imposed at Albuquerque by WABC's nondirectional operation (25 F.C.C. 691). The court of appeals suggested that the disparate treatment of WABC which it saw in the KOB/WABC decision might be corrected by requiring WNBC and WCBS, the New York City stations of the other networks, to directionalize in a similar manner as that required of ABC's station.

37. Such an approach would, obviously, yield some service benefits in the west. Directionalization of WCBS on 880 kc/s to protect the station now assigned on that channel on a II–A basis in Nebraska—assuming that that would be the location of the new Class I facility resulting—would permit that station to render skywave service and much more extensive nighttime groundwave service, with the likelihood that substantially more people now without any primary service at night would be reached. There is no II–A station assigned to NBC's channel, 660 kc/s; if a full-time station were assigned in a western State it and its area would, similarly, benefit from directionalization of WNBC's antenna. However, such directionalization by all three New York City I–A stations would result in very extensive losses of service in the densely populated northeastern part of the country, depriving large populations of three skywave services and of three groundwave services in the areas west of New York City, where "white areas" might result if the service of all three stations were lost. Such losses in service obviously could not be found to be in the public interest if the sole purpose is to equalize the New York City facilities of the three networks.

38. In the KOB/WABC hearing, the loss of service from WABC occasioned by its directionalization, with the attendant gains in service provided by KOB, was found to be in the public interest in the light of the fact that other stations provided service to all of the areas lost to WABC. This finding would no longer be valid if the existing service were substantially disrupted by the directionalization of WNBC and WCBS. The avoidance of the adverse cumulative effects of separate actions, each of which might be found in the public interest, was one of the primary considerations which led to the Commission decision, in the Clear Channel hearing, not to require directionalization of the I–A stations to whose channels second unlimited time stations were assigned.

39. This points up the fundamental defect in the suggestion by Hubbard that the rules be amended to provide for the determination of the usage of each broken-down I–A channel (either dual Class I/Class I or Class I/Class II) by individual ad hoc proceedings. This would, if implemented, negate the whole concept of a planned and coordinated evaluation of I–A channels. For instance, a 307(b) determination on an individual basis would require, on each channel, the balancing of population and area gains achieved by operation of the proposed duplicating station as a Class I station against corresponding losses sustained as a result of directionalizing the I–A station on that channel. The seriousness of this loss would be assessed in the light of the number of services provided by other stations to the loss area. However, the number of such services will inevitably be affected by decisions made in ad hoc proceedings on the other 10 I–A channels subject to duplication. This is particularly true of secondary services available, but it is also true as to primary (groundwave) service where "other services" available include other I–A services, for example, as among the three New York City and four Chicago I–A channels, and others on which the I–A stations are fairly close to each other, such as New York City-Philadelphia and Chicago-St. Louis. Similarly,

the full value of the service provided by a duplicating western station as a Class I station can only be determined if other services to the Western States are known. But what other services are or will be available will depend on decisions in other ad hoc proceedings. Because of this interdependence of one proceeding on the others, a joint hearing of applications on all channels in a consolidated proceeding would almost certainly become necessary. Such a hearing, in effect, would constitute a wasteful duplication of effort and a reploughing of ground intensively tilled in the Clear Channel hearing. We therefore, must reject Hubbard's suggestion.

40. There is also to be considered the impact this course of action would have on radio network service. We stated at various times in our consideration of the "KOB problem" the view that provision for equal network facilities, and competitive equality between networks in their service potential, did not equal in importance the service benefits which would be gained from WABC directionalization. However, it is obvious from the court of appeals 1965 decision that in the view of that court the provision of equal facilities for the "flagship" stations of the three networks is a matter of high importance, not to be cast aside without very strong countervailing reasons. Implicit in this pronouncement, we believe, even though not expressly stated, is the view that radio network service itself is a matter of importance. We ourselves have recently expressed the same view, in considering ABC's request for a ruling and partial waiver in connection with its adoption of a "four network" operation (three AM and one FM networks).[13] If ABC network service is of high importance, there is no reason to believe that the network service of CBS and NBC is less so, and therefore any course of action which would result in loss of all three of these national services to substantial areas and populations is not to be undertaken lightly.[14] This is true even though CBS and NBC, particularly the former, have both more numerous owned I–A facilities than ABC, and I–A facilities located closer to the areas around New York which would lose service (at Philadelphia and Cleveland respectively). The decision reached herein—not to pursue a course looking toward directionalization of WCBS and WNBC as well as WABC—is made essentially for reasons concerning the rendition of radio service as such and avoiding long delays, continuing uncertainties and possible disruption of service. But consideration relating to the provision of desirable network service are an added reason why such a course would not be in the public interest. In this respect, as well as with respect to the provision of radio service, we do not believe that the public interest would be served by reducing several I–A facilities, or at least the two New York City stations, to what is essentially directional I–B status, simply to justify a similar result previously reached as to WABC—adopting a "lowest common denominator" approach to equal treatment—even though the result would be some service benefits in New Mexico and elsewhere in the West.

41. For the above reasons, we do not believe that the basic findings in the Clear Channel hearing as to the method of use of the duplicated I–A channels should be disturbed, either generally or with respect to the two other New York City I–A stations. Rather, for these and other reasons, we are of the opinion that the proper and logical step at this juncture is to propose amendment of § 73.25 (b) of the rules to include 770 kc/s as one of the channels which will accommodate a Class I and an unlimited time Class II station, in this instance in the State of New Mexico, in other words, essentially to retain existing operations in the status quo.

Need for service in the Southwest; compliance with the court's mandate. 42. We are persuaded that this action, simply regularizing the status quo, can appropriately be taken despite the conclusion in the separate KOB/WABC hearing that the provision of a Class I facility for New Mexico, even at the expense of a substantial loss of service from WABC, was in the public interest. The court of appeals stated that the Commission should, early in its further consideration of this matter, make a new assessment of the public interest needs of the Southwest, in light of new and perhaps changed conditions; if it is concluded that a Class II station (as KOB presently operates) would meet these needs, the problem is resolved. As we have mentioned above, a cursory review shows that grants of new facilities on other channels since 1958 have afforded service to only a few thousand of the population which KOB would serve as a Class I but not as a Class II station, and therefore, as far as AM service is concerned, the needs in the area have not substantially lessened since 1958. We assume for present purposes that this is true and would be substantiated by a more intensive exploration.

43. This is not, however, a need that must be satisfied at whatever cost. Within the four corners of the KOB/WABC hearing the need was found to be sufficiently great to justify its satisfaction at the expense of a substantial curtailment of the existing service of WABC. However, because of the Court's remand, the decision in this matter cannot now rest within the confines of the ad hoc proceeding, but must be sought in relationship to the clear channel hearing. In this larger context, the KOB case, as an allocation problem, loses its uniqueness. In every case where a second unlimited time station was assigned to a I–A channel in the clear channel proceeding, the directionalization of the I–A station would have resulted in the new station providing service over a much greater area than would otherwise be the case. A channel by channel comparison of the gains in service achieved by each new station against the losses in service from the I–A station under these conditions would have led, on at least some of the channels, to an indicated result similar to that reached in the KOB/WABC case. The Commission fully realized this, and its 1958 further notice of proposed rule making in Docket 6741 (paragraph 10, above) proposed dual Class I operation on five of the I–A channels. Upon further consideration, however, it was determined that the service gains achieved by operating the duplicating stations on a Class I basis were not sufficient to justify the cumulative disruption of existing skywave and groundwave service from the I–A stations which would result from their directionalization. Accordingly, the clear channel decision provided only for Class II operation by the duplicating stations.

44. As mentioned, the course which Hubbard urges, and which the court of appeals appeared to regard as an appropriate approach, would involve a very substantial loss and disruption of existing service, a restructuring at least in substantial part of the Clear Channel decision and a result at variance that decision and the principles underlying it. We also point out that—aside from the very substantial question as to whether any such result would be in the public interest—there is the matter of the extensive delay, for an extended period, which would be involved before such a reallocation could be effectuated. There is nothing in our experience with the "KOB case" or other AM matters (e.g., the matter of new Class II–A assignments) which indicates that Class I status for KOB, on a basis consistent with the court's decision, could be attained in less than 5 years, and the time involved might well be much greater. It is not to be supposed that NBC or CBS, to name only two of the other I–A licensees potentially involved, would be any more acquiescent to directionalization than ABC has been. During this extended period there would be continuing uncertainty as to what the ultimate effect on other assignments might be, for example the fate of the new Class II–A assignment on 880 kc/s in Nebraska. This is certainly not to be desired.[15] We do not now believe it appro-

[13] See American Broadcasting Companies, Inc., FCC 67–1390, 11 F.C.C. 2d 163, 12 R.R. 2d 72 (Dec. 1967), paragraphs 3–4.

[14] This is particularly true in light of the tendency in recent years of many radio stations (other than those network-owned) to operate without presenting any substantial amount of network programing.

[15] This II–A assignment is now occupied by Station KRVN, Lexington, Nebr., not yet so operating. If 880 kc/s were broken down on a dual Class I basis, this station might become a Class I but it is not clear that that would be the optimum use of the western Class I assignment, since it would mean two Class I stations in Nebraska and three in the 500 miles between Omaha and Denver. If 880 kc/s were used elsewhere, another frequency would have to be found for the Nebraska II–A assignment, which might be difficult since 770 kc/s would be used by KOB and thus not available. This illustrates the complexities involved. In 1967 we expressed the importance of quick activation of this assignment, to bring a first nighttime primary service to some 159,000 persons, greater than the population which KOB would similarly serve as a Class I but not as a Class II station. Nebraska Rural Radio Association, Inc., 10 F.C.C. 2d 345, 11 R.R. 2d 436 (1967).

priate to embark on a course involving these burdens, all in pursuit of something which is contrary to what we have already decided is the best use of the clear channels and which, ultimately, we might well decide could not be justified in the public interest.

45. Hubbard, of course, has here and previously urged its "equities" in this matter—that, since the Commission had once accorded Class I status to KOB, it is obligated to provide KOB with an operating assignment consistent with that status. The Commission has heeded these urgings, not as such but because considerations of improving radio service in the Southwest indicated the same course of action, and has made every reasonable effort to do just this. At this juncture, however, we are faced with a situation in which the approaches toward achieving this end lead inevitably to a restructuring at least in part, of the clear channel decision, involving both loss of existing service and further expense, delay, and uncertainty. This is a price which is not worth the benefit. The assignment principles established in the clear channel decision were adopted only after a most intensive and comprehensive examination of various alternative plans for usage of the clear channels. That these principles should be compromised solely for the purpose of making possible the implementation of an allocations decision which is inconsistent with them, is, in our view, clearly contrary to the public interest.[16]

46. In any event, neither KOB nor the public interest will be ill-served by its permanent assignment to the channel 770 kc/s with a II–A classification. Operating with a power of 50 kw., day and night, on a basis which will protect WABC's present operation, KOB can serve extensive areas and populations. The conditions for groundwave propagation on 770 kc/s are considerably more favorable than on 1180 kc/s, the channel on which KOB operated unduplicated as a Class I station for a brief period, and the primary service KOB would provide on 770 kc/s as a Class II–A station appoaches that which it delivered on 1180 kc/s in its Class I status. While KOB will have no secondary service as a II–A station, this lack should not appreciably affect the viability of its operation.

47. We do not believe that our proposed action is inconsistent with the conditions of the court's remand; these cases were remanded to the Commission "for further proceedings not inconsistent with this opinion". The higher court found error in the "self-apparent" inequity in the treatment of WABC, which it found unsupported by adequate public interest reasons in the decisions in Docket 6584 and Docket 6741. It is evident that any further order disposing of the KOB/WABC problem must rectify the error. The procedure which we proposed will lead to that result. We do not believe that the court meant to, even if it properly could, require that the Commission continue to seek the same basic solution for the problem. Indeed, we were invited to "make a fresh assessment of the needs of the Albuquerque area in respect of KOB in the light of the increased service then being made available, and other changed conditions". In a sense one change in conditions resulted from the action by the court itself—the delineation in its 1965 remand of the nature of its requirement for equitable treatment of WABC. This requirement precludes the solution of the KOB–WABC problem in a limited adjudicatory proceeding, and necessitates its consideration in relationship to the pattern of channel usage set by the decision in the Clear Channel hearing. As a result of this consideration, we have arrived at a solution at variance with that adopted in the 1958 decision. While the reasons we do not now proposed Class I facilities for KOB are not those which the court suggested we explore, we believe they are legally sufficient to support the proposed action, and in our tentative view the decision we reach based thereon—maintenance of the status quo with KOB as a Class II station on 770 kc/s—is what will best serve the overall public interest.[17]

48. We also emphasize that the decision tentatively reached herein is not adopted because it serves "administrative convenience" or is "an easy way out", which Hubbard claims to be the motivation of the Broadcast Bureau in its suggestion. The Commission and its staff have many problems and duties and these have certainly not decreased in recent years; but considering directionalization on one or two other I–A channels in addition to 770 kc/s would not be an insuperable burden. We are persuaded, rather, by the overall burden to the various parties who would be actually or potentially involved—in terms of delay and uncertainty—and thus to the public and the cause of prompt improvement in radio service in other areas, all in the interest of reaching a result which, if not maintenance of the status quo, would be at most a gain in service in the Southwest (to a population which is not extremely large) at the expense of disruption of existing service in the East. The potential gain is simply not worth the cost.

49. We have reached the foregoing conclusions with respect to the approach suggested by the court of appeals and urged by Hubbard—that KOB might be accorded Class I status on 770 kc/s and similar arrangements reached on 660 and 880 kc/s. Another conceivable approach, urged often in the past by ABC although not presently mentioned by Hubbard, would be to consider some other I–A channel for Class I operation by KOB, with the eastern I–A station thereon directionalizing. We find this, likewise, an unattractive alternative, involving as it would the loss of service of whatever other I–A station would be affected and the continuing delays and uncertainties involved, as well as the very considerable uncertainty as to which of the channels should be chosen, in all likelihood making a complex and lengthy proceeding necessary (see footnote 7, above).

The Commission's proposal. 50. For the foregoing reasons, we propose to resolve the "KOB problem" by rule amendments simply removing Note 3 from § 73.25(a), and adding 770 kc/s to the list of channels specified in § 73.22, on which full-time operation by Class II–A stations is provided for, with the II–A assignment thereon in New Mexico.

51. We recognize that the approach mentioned varies from conclusions reached earlier as to the need for improved AM nighttime primary and secondary service in the Southwest, a need which, as far as AM service alone is concerned, does not appear to have changed substantially since the KOB decision. We are also aware that Hubbard and previous licensees of the station have lived with the "KOB problem" for more than a quarter of a century, and it appears conceivable, even though not likely, that Hubbard could present a counterproposal meriting exploration not only in light of the improvement of service in the Southwest but taking into account all of the other considerations mentioned. If such a proposal is presented, it will be given the consideration it appears to warrant.

52. In view of the foregoing: *It is ordered*, Pursuant to sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended, that Docket 6741, In the Matter of Clear Channel Broadcasting in the Standard Broadcast Band, is reopened only for consideration of the matters mentioned hereinabove, i.e., amendment of §§ 73.25(a) and 73.22 of the rules to specify 770 kc/s as a I–A channel on which a Class II–A station in New Mexico (KOB) may be assigned, and whatever counterproposals concerning the mode of operation of KOB, on 770 kc/s or as a Class I station on another channel, may be presented.[18]

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[16] On the subject of KOB's equities, the court has said: "The circumstance that KOB had, prior to 1941, a Class I–A status is hardly persuasive when it has had only a Class II status since that time, and when WABC has always had that status and has up to the 1958 decision been licensed to operate as a Class I–A station on an exclusive clear channel basis on 770 kc., the channel in question." (345 F. 2d 959, 4 R.R. 2d 2012.)

[17] In mentioning the court's mandate as one of the controlling factors in our decision herein, we do not say that we would have reached a different result in the absence of any court pronouncement. Had consideration of 770 kc/s proceded pari passu with that of the other I–A channels in Docket 6741—which we initially attempted in 1946 to do—the result might well have been to reach the same decision as to duplication by a Class II–A instead of a Class I station.

[18] We note in this connection the pendency of Hubbard's application for the facilities of WABC, filed in opposition to that station's application for renewal of license and proposing to directionalize the New York station in a manner consistent with our earlier decision, so as to accommodate dual New York City-Albuquerque Class I operation. If the rules are adopted herein as proposed, it will of course be without prejudice to whatever later actions appear appropriate in connection with consideration of these applications.

53. Pursuant to applicable procedures set out in § 1.415 in the Commission's rules, interested parties may file comments on or before June 9, 1969, and reply comments on or before July 9, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in the 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.

54. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

55. As noted in paragraph 13, above, KOB now operates with 50 kw. at night, directionalized at night on a basis which would protect WABC if it operated directionally also as contemplated by our 1958 and 1963 decisions, but does not protect WABC's present nondirectional nighttime skywave service to the extent Class II stations are usually required to do so. This operation will be permitted to continue pending resolution of the present rule making proceeding; whatever action with respect to it is necessary will be considered later.

Adopted: April 22, 1969.

Released: April 25, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[19]
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 69-5065; Filed, Apr. 28, 1969; 8:49 a.m.]

[19] Concurring statement of Commissioner Cox filed as part of original document; Commissioners Johnson and H. Rex Lee concurring in the result.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2491]

IDAHO

Notice of Public Sale

APRIL 22, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 2 p.m., on Wednesday, June 11, 1969, at the Idaho Land Office, Room 380, Federal Building, 550 West Fort Street, Boise, Idaho 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 3 S., R. 33 E.,
Sec. 18, W½SE¼.

The area described contains 80 acres.

The appraised value of the tract is $2,400 and the publication costs to be assessed are $10.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702 prior to 2 p.m. on Wednesday, June 11, 1969. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I-2491 sale of June 11, 1969".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the second day following the sale.

If no bids are received for the sale tract on Wednesday, June 11, 1969, the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning July 2, 1969.

Any adverse claimants to the above described lands should file their claims or objections, with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-5026; Filed, Apr. 28, 1969; 8:46 a.m.]

[Serial No. I-841]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 22, 1969.

Notice of an application Serial No. I-841, for withdrawal and reservation of lands was published as F.R. Doc. 67-1770 on page 2979 of the issue for February 16, 1967. The Bureau of Reclamation has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311, such lands will be at 10 a.m., May 8, 1969, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 17 E.,
Sec. 24, E½SE¼;
Sec. 25, W½E½, SE¼SE¼.
T. 12 S., R. 17 E.,
Sec. 3, lot 3 and SE¼NW¼, N½SW¼.

The areas described aggregate 439.88 acres.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-5027; Filed, Apr. 28, 1969; 8:46 a.m.]

Fish and Wildlife Service

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking To Seasonally Protect Domestic Livestock in Certain Montana Counties

Pursuant to authority in the Act of October 24, 1962 (76 Stat. 1246; 16 U.S.C. 668a), as amended, and in accordance with regulations under Part II, Title 50, Code of Federal Regulations, and in response to written request from the Governor of Montana, the Secretary of the Interior has authorized the taking of golden eagles during the period from April 15, 1969, through June 30, 1969, in Montana, subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the following counties:

Silver Bow.	Powell.
Cascade.	Rosebud.
Yellowstone.	Deer Lodge.
Missoula.	Teton.
Lewis and Clark.	Stillwater.
Gallatin.	Treasure.
Flathead.	Sheridan.
Fergus.	Judith Basin.
Powder River.	Daniels.
Carbon.	Glacier.
Phillips.	Fallon.
Hill.	Sweet Grass.
Ravalli.	McCone.
Custer.	Carter.
Dawson.	Broadwater.
Roosevelt.	Wheatland.
Beaverhead.	Prairie.
Chouteau.	Granite.
Valley.	Meagher.
Toole.	Liberty.
Big Horn.	Park.
Musselshell.	Garfield.
Blaine.	Jefferson.
Madison.	Wibaux.
Pondera.	Golden Valley.
Richland.	Petroleum.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 25, 1969.

[F.R. Doc. 69-5152; Filed, Apr. 28, 1969; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NEWARK COLLEGE OF ENGINEERING ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

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

Docket No. 69-00520-01-72000. Applicant: Newark College of Engineering, 323 High Street, Newark, N.J. 07102. Article: Rheogoniometer, Weissenberg Model R.18. Manufacturer: Sangamo Controls Ltd., United Kingdom. Intended use of article: The article will be used to establish the capability in rheology that will aid in carrying out sophisticated research on the behavior of molten polymers (polyethylene, polyester, polymer solutions, polymethyl-methacylate, carboxy methyl cellulose, and biological fluids (blood, mucus). Application received by Commissioner of Customs: April 7, 1969.

Docket No. 69-00521-75-40600. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: MP—Penning ion source. Manufacturer: Dr. E. Heinecke, Physics Department, University of Heidelberg, West Germany. Intended use of article: The article will be used as a source of negative ions at energies of approximately 20 to 80 Kev. in energy. These ions will then be injected into the Yale MP Tandem accelerator for further acceleration up to energies of 40 Mev. depending on the type of ion. Application received by Commissioner of Customs: April 7, 1969.

Docket No. 69-00524-61-46040. Applicant: Cornell University, New York State Agricultural Experiment Station, Geneva, N.Y. 14456. Article: Electron Microscope, Model JEM 100-B and accessory. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for agricultural research in the following areas:

1. Determination of the size, morphology, and configuration of a large number of phytopathogenic viruses that induce economically important diseases of horticultural crops.
2. Determination of capsid structure and triangulation number of satellite virus (SV) and details of surface morphology of various SV isolates and their corresponding tobacco necrosis virus activators.
3. Examination of the ultrastructure of the casual agent of X-disease of cherry and other stone fruits to determine whether it is a true virus or a mycoplasm.
4. Infection processes, population dynamics, morphology and ultrastructure of several phages infecting phytopathogenic bacteria, particularly those attaching Erwinia amylovora, the cause of pear fire blight.
5. Morphology and microstructure of several polyhedrosis viruses of economically important insects, including details of lattice spacing and structural envelope of virus crystals produced in host cells.
6. Determination of purity of virus preparations (both plant and insect origin) prepared by density gradient techniques or zone electrophoresis.
7. Determination of sites of virus synthesis and multiplication in infected plant and insect tissues.

Application received by Commissioner of Customs: April 10, 1969.

Docket No. 69-00526-33-46040. Applicant: University of Washington Medical School, Department of Pathology, Seattle, Wash. 98105. Article: Electron microscope, Model EM6B/801 and accessories. Manufacturer: Associated Electrical Industries Ltd., United Kingdom. Intended use of article: The article will be used for research and training by present and future trainees, as well as by the principal instructors who are experienced electron microscopists. A number of the projects concerned with research require the highest resolution available in electron microscopes. These include studies of fibrils, collagen, the components of elastic fiber, and bacteriophage. In addition, high resolution microscopy will be used for studying elementary particles of mitochondrial membranes and isolated ribosomes after negative staining procedures. Application received by Commissioner of Customs: April 10, 1969.

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

[F.R. Doc. 69-5015; Filed, Apr. 28, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION III (ATLANTA)

Redelegation of Authority With Respect to Fair Housing

SECTION. A. *Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3601-3619, except the authority to:

1. Make studies and publish reports under section 808(e) of the Act.
2. Issue rules and regulations.

SEC. B. *Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to subordinate employees the authority of the Secretary to administer oaths under section 811(a) of the Act, 42 U.S.C. 3611(a).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Jan. 15, 1969 (34 F.R. 946, Jan. 22, 1969))

Effective date. This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 69-5074; Filed, Apr. 28, 1969; 8:50 a.m.]

CERTAIN HUD EMPLOYEES IN REGION III (ATLANTA)

Redelegation of Authority To Administer Oaths Under Title VIII (Fair Housing) of Civil Rights Act of 1968

Each of the following named employees in the Department of Housing and Urban Development, Region III (Atlanta), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90-284, 42 U.S.C. 3611(a):

1. Linwood G. Whitlaw.
2. Grady J. Norris.
3. Donald G. Webster.
4. James P. Parks.
5. Richard E. Primm.
6. Andrew J. Webb.
7. Ernest Brown.
8. Randolph McMillan.
9. Augustus Clay.
10. Donald Watts.
11. Robert A. Thompson.
12. W. Thomas Hendrix.

(Redelegation of authority by Regional Administrator, effective Apr. 29, 1969 (34 F.R. 7043, Apr. 29, 1969))

Effective date. This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

ALBERT L. THOMPSON,
Assistant Regional Administrator for Equal Opportunity, Region III.

[F.R. Doc. 69-5075; Filed, Apr. 28, 1969; 8:50 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION I (NEW YORK, N.Y.)

Redelegations of Authority; Revocation

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and Assistant to Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, and the Assistant to the Assistant Regional Administrator for Renewal Assistance, Region I (New York, N.Y.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance, published at 31 F.R. 8966–8967, June 29, 1966, as amended at 32 F.R. 11391, August 5, 1967, with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note) except the power and authority to:

a. Find that a State or local low-rent housing program in connection with which urban renewal project land is to be used as a site for a State or locally assisted low-rent housing project has the same general purposes as the Federal low-rent program, and find that under such State or local program there are assurances equivalent to those under the Federal program that the local contribution to such project will be made during the entire period the project is used as low-rent housing, pursuant to section 107 of the Housing Act of 1949, as amended (42 U.S.C. 1457).

b. Make determinations with respect to the uncollectibility of Federal advances in accordance with subsection 103(b) of the Housing Act of 1949, as amended (42 U.S.C. 1453(b)).

c. Make determinations that the objectives of an Urban Renewal Plan could not be achieved through rehabilitation of the project area, under subsection 110(c) of the Housing Act of 1949, as amended (42 U.S.C. 1460(c)).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, the Assistant to the Assistant Regional Administrator for Renewal Assistantce, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Assistant to the Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region I (New York, N.Y.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance, published at 31 F.R. 8966–8967, June 29, 1966, as amended at 32 F.R. 11391, August 5, 1967, with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (43 U.S.C. 1452b).

SEC. C. *Revocation.* The redelegation of authority to the Assistant Regional Administrator for Renewal Assistance and Deputy Regional Administrator for Renewal Assistance, published at 32 F.R. 6224, April 20, 1967, is hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance published at 31 F.R. 8966–8967, June 29, 1966, as amended at 32 F.R. 11391, Aug. 5, 1967)

Effective date. The redelegations of authority in sections A and B above shall be effective as of September 1, 1968.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 69-5076; Filed, Apr. 28, 1969; 8:50 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION VI (SAN FRANCISCO)

Designation

The officers named herein and appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Model Cities, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Model Cities, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Model Cities: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Model Cities, Region VI, unless all other officers whose names and titles precede his in this designation are unable to serve by reason of absence:

1. Tad T. Masaoka, Federal Agency Liaison Specialist.
2. Earl G. Singer, Urban Planner.

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

Effective as of the 5th day of January 1969.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 69-5077; Filed, Apr. 28, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-43]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from February 11, 1969, to February 27, 1969 (List No. 6-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the date issued

unless sooner canceled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/93/0, Lifeboat winch, Type 35G-MKII; approval is limited to mechanical components only and for a maximum working load of 7,500 pounds pull at the drums (3,750 pounds per fall); identified by general arrangement drawings No. W1-F-003, revision B, dated January 9, 1969, and No. W1-F-005, revision A, dated January 10, 1969, and drawing list, revision A, dated January 23, 1969, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 26, 1969.

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.024/2/1, aluminum shell No. 52 pistol-projected parachute red flare distress signal, assembly dwg. No. MS-11 dated April 8, 1957, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective February 18, 1969. (It is an extension of Approval No. 160.024/2/1, dated Apr. 3, 1964, and change of name of manufacturer.)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS FOR MERCHANT VESSELS

Approval No. 160.028/9/0, Kilgore marine signal pistol, Model A, assembly dwg. No. MSP-1, Rev. 1 dated January 28, 1953, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective February 18, 1969. (It is an extension of Approval No. 160.028/9/0, dated Apr. 3, 1964, and change of name of manufacturer.)

Approval No. 160.028/10/0, Kilgore Model B signal pistol, assembly dwg. No. SP-150, revised June 31, 1956, manufactured by Kilgore Corp., Toone, Tenn. 38381, formerly Harvell-Kilgore Corp., effective February 18, 1969. (It is an extension of Approval No. 160.028/10/0, dated Apr. 3, 1964, and change of name of manufacturer.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/54/2, Rottmer type, size D mechanical disengaging apparatus, approved for a maximum working load of 25,000 pounds per set (12,500 pounds per hook), identified by general arrangement dwg. No. 1504 Rev. F, dated November 25, 1968, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective February 27, 1969. (It supersedes Approval No. 160.033/54/1, dated May 23, 1968, to show change in construction.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/231/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Swan Products Co., Inc., 130-30 180th Street, Springfield Gardens, N.Y. 11434, effective February 20, 1969. (It is an extension of Approval No. 160.048/231/0, dated Apr. 14, 1964.)

Approval No. 160.048/232/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Swan Products Co., Inc., 130-30 180th Street, Springfield Gardens, N.Y. 11434, for Viking Products Co., 130-30 180th Street, Springfield Gardens, N.Y. 11434, effective February 20, 1969. (It is an extension of Approval No. 160.048/232/0, dated Apr. 14, 1964.)

INFLATABLE LIFERAFTS

Approval No. 160.051/1/0, inflatable life raft, 4-person capacity, identified by general arrangement dwg. No. SEC/MN/4001, Alt. 6, dated October 24, 1966, 4-person capacity size not permitted on a cargo, passenger, or tank vessel engaged in an international voyage (see 46 CFR 75.10-5(b)(4), 94.10-5(b)(3), or 33.01-30(f)), manufactured by C. J. Hendry Co., 139 Townsend Street, San Francisco, Calif. 94107, effective February 20, 1969. (It is an extension of Approval No. 160.-051/1/0, dated Apr. 9, 1964.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approved No. 160.052/280/0, Type II, Model No. BDA, adult unicellular plastic foam buoyant vest with vinyl dip coating, Billy Boy dwg. Nos. 1 and 5, dated October 9, 1962, manufactured by Billy Boy Products, Inc., Quincy, Mich. 49082, for Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago, Ill. 60636, effective February 11, 1969. (It reinstates Approval No. 160.052/280/0 which expired Jan. 15, 1969.)

Approval No. 160.052/281/0, Type II, Model BDM, child medium unicellular plastic foam buoyant vest with vinyl dip coating, Billy Boy dwg. Nos. 2 and 5, dated, October 9, 1962, manufactured by Billy Boy Products, Inc., Quincy, Mich. 49082, for Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago, Ill. 60636, effective February 11, 1969. (It reinstates Approval No. 160.052/281/0 which expired Jan. 15, 1969.)

Approval No. 160.052/282/0, Type II, Model BDC-1, child small unicellular plastic foam buoyant vest with vinyl dip coating, Billy Boy dwg. Nos. 3 and 5, dated October 9, 1962, manufacturer by Billy Boy Products, Inc., Quincy, Mich. 49082, for Bulldog Marine Products, Inc., 5825 South Western Avenue, Chicago, Ill. 60636, effective February 11, 1969. (It reinstates Approval No. 160.052/282/0 which expired Jan. 15, 1969.)

Approval No. 160.052/387/0, Type II, Model AP, adult unicellular plastic foam buoyant vest, dwg. No. 68-102, dated December 11, 1968, manufactured by Mermatic, Inc., 3332 Industrial Court, San Diego, Calif. 92121, effective February 25, 1969.

Approval No. 160.052/388/0, Type II, Model CPM, child medium unicellular plastic foam buoyant vest, dwg. No. 68-101, dated December 11, 1968, manufactured by Mermatec, Inc., 3332 Industrial Court, San Diego, Calif. 92121, effective February 25, 1969.

Approval No. 160.052/389/0, Type II, Model CPS, child small unicellular plastic foam buoyant vest, dwg. No. 68-100, dated December 11, 1968, manufactured by Mermatec, Inc., 3332 Industrial Court, San Diego, Calif. 92121, effective February 25, 1969.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/9/0, unicellular plastic foam work vest as per Military Specification MIL-L-17653A and U.S.C.G. Specification Subpart 160.053, manufactured by The Safegard Corp., Box 14037, Post Office Annex, Cincinnati, Ohio 45214, for Safety First Supply Corp., 526 Island Avenue, McKees Rocks, Pa. 15136, effective February 18, 1969. (It is an extension of Approval No. 160.053/9/0, dated Apr. 1, 1964, and change of address of distributor.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/8/1, Detex Newman Watchclock and Models D, FKDS, FKDL, SK, and SKL Watchclock Key Stations, Detex Newman Watchclock data sheet N-10-67 and Detex Watchclock Stations data sheet S-10-67, components for a watchman's supervisory system, manufactured by Detex Corp., 53 Park Place, New York, N.Y. 10007, effective February 25, 1969. (It supersedes Approval No. 161.002/8/0, dated Apr. 17, 1964, to show minor changes and change of name and address of manufacturer.)

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/95/1, 4" vacuum relief valve, Models 94103-35-04 and 94103-45-04, for liquefied flammable gas and anhydrous ammonia at a minimum temperature of −50° F. and a maximum operating pressure of 20 p.s.i.g., manufactured by GPE Controls Inc., 6511 Oakton Street, Morton Grove, Ill. 60053, formerly Shand and Jurs Co., 2600 Eighth Street, Berkeley, Calif., effective February 20, 1969. (It reinstates and supersedes Approval No. 162.017/95/0, dated Jan. 21, 1964, to show minor changes and change of name and address of manufacturer.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/70/0, 2600 series pop safety relief valve, liquefied compressed gas service, full nozzle type, metal-to-metal seat, type Nos. 26DA10-120 through 26RA10-120; 26DA11-120 through 26RA11-120; 26DA12-120 through 26RA12-120; 26DA60-120 through 26RA60-120; 26DA61-120 through 26RA61-120; 26DA62-120 through 26RA62-120; 26FB10-120 through 26RB10-120; 26FB11-120 through 26RB11-120; 26FB12-120

through 26RB12–120; 26FB60–120 through 26RB60–120; 26 FB61–120 through 26RB61–120; 26FB62–120 through 26RB62–120, identical to 162.018/56/2 except for plain caps, manufactured by Farris Engineering Corp., Palisades Park, N.J. 07650, effective February 24, 1969.

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/18/0, "B–E–H 6-pound felt", mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.007/18/0, dated April 28, 1967, to show change of name of manufacturer.)

Approval No. 164.007/19/0, "B–E–H loose wool", mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 11 pounds per cubic foot density, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.007/19/0, dated Apr. 28, 1967, to show change of name of manufacturer.)

Approval No. 164.007/22/0, "B–E–H 8-pound felt", mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 8 pounds per cubic foot density, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.007/22/0, dated Dec. 13, 1967, to show change of name of manufacturer.)

Approval No. 164.007/23/0, "B–E–H Mono-Block", mineral wool type structural insulation identical to that described in National Bureau of Standards Test Reports Nos. TG3619–47:FR1820, dated January 7, 1941, and TG3610–1493: EP2569, dated November 10, 1947, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cubic foot density, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 19669. (It supersedes Approval No. 164.07/23/0, dated Dec. 13, 1967, to show change of name of manufacturer.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/28/1, "B–E–H Spun Felt", mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Reports Nos. TG10210–1921:FP3257, dated December 16, 1954, and TG10210–2021:FP3448, dated May 6, 1958, approved in a density of from 2½ to 4 pounds per cubic foot, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.009/28/1, dated Apr. 23, 1968, to show change of name of manufacturer.)

Approval No. 164.009/49/0, "Thermasil", asbestos-hydrous calcium silicate type pipe and block insulation identical to that described in Ehret Magnesia Manufacturing Co.'s letter of October 18, 1957, to the Commandant, U.S. Coast Guard, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602 (plant: Valley Forge, Pa.), formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.009/49/0, dated Mar. 26, 1968, to show change of name of manufacturer.)

Approval No. 164.009/50/0, "Thermalite", 85 percent magnesia type pipe and block insulation identical to that described in Ehret Magnesia Manufacturing Co.'s letter of October 18, 1957, to the Commandant, U.S. Coast Guard, manufactured by Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, N.J. 08602, formerly Baldwin-Ehret-Hill, Inc., effective February 25, 1969. (It supersedes Approval No. 164.009/50/0, dated June 3, 1968, to show change of name of manufacturer.)

Dated: April 23, 1969.

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

[F.R. Doc. 69–5069; Filed, Apr. 28, 1969; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–155]

CONSUMERS POWER CO.

Notice of Issuance of Facility License Amendment

The Commission has issued Amendment No. 3, as set forth below, to Facility License No. DPR–6. The license authorizes Consumers Power Co. of Jackson, Mich., to possess and operate its Big Rock Point Nuclear Plant ("the reactor") located in Charlevoix County, Mich. The amendment, effective as of the date of issuance, amends the license to (1) authorize the receipt, possesison and use of 50 kilograms of plutonium contained in PuO_2–UO_2 fuel rods, and (2) incorporate Change No. 17 to the Technical Specifications which permits operation of the reactor with fuel rods containing oxides of plutonium and uranium inserted in the Reload "E" or "E–G" fuel bundles. This amendment is in accordance with Consumers Power Co.'s application for license amendment dated February 11, 1969, as supplemented March 17, 18, and 20, 1969.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application dated February 11, 1969, and supplements thereto dated March 17, 18, and 20, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) Change No. 17 to the Technical Specifications, all of which are available for public inspection at the Commission's Public Documents Room, 1717 H Street NW., Washington, D.C. Copies of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 18th day of April 1969.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License DPR–6, Amdt. 3]

The Atomic Energy Commission ("the Commission") has found that:

1. The application for license amendment dated February 11, 1969, as supplemented March 17, 18, and 20, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

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

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

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

Facility License No. DPR–6, as amended, issued to Consumers Power Co. for operation of its Big Rock Point Nuclear Plant ("the reactor") located in Charlevoix County, Mich., is hereby further amended by:

1. Revising paragraph 2.D in its entirety to read:

"D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, to receive, possess, and use in connection with operation of the reactor (1) five curies of plutonium encapsulated as a plutonium-beryllium neutron source and (2) 50 kilograms of plutonium contained in PuO_2–UO_2 fuel rods."

2. Adding to paragraph 2.B the following subparagraph: "The Technical Specifications contained in Appendix A are modified by Change No. 17 appended hereto [1] to authorize operation of the reactor with one or two removable fuel rods containing PuO_2–UO_2 in accordance with the application for amendment dated February 11, 1969, and supplements thereto dated March 17, 18 and 20, 1969.

This amendment is effective as of the date of issuance.

Date of issuance: April 18, 1969.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 69-5014; Filed, Apr. 28, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-4-65]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Rate Transportation for Cargo Sales Agents

Issued under delegated authority April 14, 1969.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB agreement numbers.

By Order 69-2-26, dated February 6, 1969, the Board proposed to approve IATA agreements establishing a new cargo agency program and extending the existing program, as amended to conform in major respects to the new program, for a 2-year period of application for existing cargo sales agents who would not elect to become subject to the new program prior to January 1, 1971. The subject agreements would amend the IATA resolutions relating to reduced fares for cargo sales agents so as to insure that the transitional circumstances, provided for in the aforementioned agreements, will not alter the present allotment of reduced fare privileges, namely two tickets per year per approved location.

The agreements would also (1) preclude the use of inclusive tour fares as part of an agent's annual allotment, (2) prohibit agents from reimbursing a carrier for a ticket already used so as to reinstate part of the annual allotment for use on a longer journey, and (3) clarify that an involuntary rerouting of an agent over the routing of a different carrier shall not necessitate a further deduction from the agent's annual allotment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is tentatively not found that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolutions*
20805	100(Mail 570)203a and 203d.
	200(Mail 873)203a and 203d.
	300(Mail 285)203a and 203d.
	JT12(Mail 570)203a and 203d.
	JT23(Mail 209)203a and 203d.
	JT31(Mail 156)203a and 203d.
	JT123(Mail 570)203a and 203d.
20885	100(Mail 578)203a and 203d.
	200(Mail 880)203a and 203d.
	300(Mail 289)203a and 203d.
	JT12(Mail 578)203a and 203d.
	JT23(Mail 213)203a and 203d.
	JT31(Mail 159)203a and 203d.
	JT123(Mail 578)203a and 203d.

Accordingly, it is ordered, That:

Action on Agreements CAB 20805 and 20885 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-5063; Filed, Apr. 28, 1969; 8:49 a.m.]

[Docket No. 20665]

ACQUISITION OF AIR WEST, INC., BY HUGHES TOOL CO.

Notice of Reopened Hearing

On April 25, 1969, the Board, in response to a motion filed by Western Air Lines, reopened the hearing in the above-entitled proceeding for the purpose of inquiring into certain alleged relationships which may be subject to the Board's jurisdiction under sections 408 and 409 of the Federal Aviation Act of 1958, as amended. In reopening the record, the Board stated that it would leave to the Examiner the determination of appropriate procedures for expediting the reopened hearing in a manner consistent with an adequate development of the record of such issues.[1]

Notice is hereby given that a further hearing with respect to the matter hereinabove set forth is assigned to be held on May 6, 1969, at 9 a.m., d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Notice is also given that in lieu of briefs to the Examiner, the Examiner may hear oral argument at the conclusion of the reopened hearing.

Dated at Washington, D.C., April 25, 1969.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 69-5146; Filed, Apr. 28, 1969; 8:51 a.m.]

CIVIL SERVICE COMMISSION

PROFESSOR OF ECONOMICS, WRIGHT-PATTERSON AIR FORCE BASE, OHIO

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on April 7, 1969, for a single position of Professor of Economics, GS-110-13, HQ 2750th Air Base Wing (AFLC) Wright-Patterson Air Force Base, Ohio. The finding is self-canceling when used.

Assuming other legal requirements are met, an appointee may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 69-5060; Filed, Apr. 28, 1969; 8:49 a.m.]

SECOND AND THIRD MATE, HOPPER DREDGES, CERTAIN COASTAL WATERS, DEPARTMENT OF THE ARMY

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on April 3, 1969, for positions of Second and Third Mate, Hopper Dredges, Coastal Waters of Washington, Oregon, California, and Hawaii and Pacific Ports, Department of the Army, U.S. Army Corps of Engineers.

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 69-5061; Filed, Apr. 28, 1969; 8:49 a.m.]

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

[1] The Board's order did not stay further review procedures with respect to the Examiner's recommended decision issued Apr. 14, 1969.

FEDERAL MARITIME COMMISSION

[Docket No. 69-19]

PACIFIC COAST EUROPEAN CONFERENCE

Rates, Practices, Rules, and Regulations Relating to Movement of Cargo in Containers; Investigation

The Pacific Coast European Conference (PCEC) is a group of common carriers by water operating under Commission approved Agreement No. 5200 in the trade from ports in the States of Alaska, Washington, Oregon, and California to ports in the United Kingdom of Great Britain and Northern Ireland, Ireland, the Scandinavian Peninsula, Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas bordering thereon, and French Morocco and to the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes and by transshipment at such ports to ports in West, South, and East Africa. PCEC currently has on file with the Commission its Freight Tariff FMC-14, which sets forth the rates, charges, rules, and regulations of its member carriers for the ocean transportation of freight in the trade covered by Agreement No. 5200.

Rule 34 of the PCEC tariff provides for a reduction of $1.50 per ton in the applicable port handling charge. Said rule, under the heading "Exclusive or Maximum Utilization of Containers", further provides that containerized shipments are subject to a minimum charge of $25 per 40 cubic feet based on the inside measurement of the container. This minimum revenue provision results in the assessmment of higher freight charges on certain commodities when loaded in containers than would otherwise be applicable.

By comparison with the above, Tariff Rule 1 indicates that unit loads (palletized cargo) are entitled to the following reductions:

(a) A "rebate" of $2 per ton or 10 cents per 100 pounds.

(b) A freight rate reduction of $2 per ton or 10 cents per 100 pounds provided all packages are securely affixed to the pallet by strapping, gluing, or other adhesive, and

(c) An allowance of $1.50 per ton on the applicable port handling charge.

Neither the so-called "rebate" of $2 per ton/10 cents per 100 pounds or the rate reduction in the same amounts is extended to containerized cargo. This fact plus the application of the minimum charge may subject containerized traffic to an undue or unreasonable prejudice or disadvantage in relation to unit load (palletized) cargo.

Further, it has been alleged that one or more of the conference carriers have containerized vessels and are able to effect substantial cost savings as well as improved service through the handling of containerized cargo. It has been averred that said carrier or carriers are willing to pass along some of these savings to shippers through rate reductions or other tariff changes governing container shipments but are unable to do so because of the refusal of the PCEC to approve such action. Johnson Line (a PCEC member) has complained to the Commission that by concerted action the PCEC is impeding its ability to develop a full containership operation in the trade. Under the circumstances there is a question whether the current tariff provisions related to container shipments constitute an unreasonable interference to the development of an improved transportation service.

Finally it has been represented that some of the PCEC carriers have refused to transport certain cargoes pursuant to their tariff provisions in derogation of their common carrier duties. It is alleged that this inability to secure vessel accommodation for certain cargoes has been aggravated by the current tariff provisions related to containerized traffic.

The Commission is of the opinion that an investigation should be undertaken into the above matters and it is so ordered pursuant to the authority of section 22, Shipping Act, 1916. In the event the tariff matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation.

Therefore, an investigation is ordered to determine if the provisions of the PCEC tariff related to containerized and/or palletized cargoes violate the Shipping Act, 1916, by: (1) Constituting unfair treatment or unjust discrimination against shippers in the matter of cargo space accommodations or other facilities, contrary to section 14, Fourth; (2) causing undue or unreasonable preference or advantage to particular persons or descriptions of traffic or subjecting particular persons or descriptions of traffic to undue or unreasonable prejudice or disadvantage, contrary to section 16, First; (3) constituting an unjust or unreasonable practice related to the receiving, handling, storing, or delivery of property, contrary to section 17; (4) constituting a rate or charge which is unjustly discriminatory between shippers, contrary to section 17, and unjustly discriminatory between shippers or unjustly discriminatory or unfair between carriers, contrary to section 15; or (5) being detrimental to the commerce of the United States or inconsistent with the public interest, contrary to section 15.

Further, the investigation shall determine if any member of the PCEC has refused vessel accommodation to any shipper or refused to accept cargo for ocean transportation in the order tendered in violation of section 14, Fourth or as an unreasonable practice relating to receiving cargo in violation of section 17.

Further, it is ordered, That in the event the rates, practices, rules or regulations of the PCEC as they concern containerized shipments are found to violate the provisions of the Shipping Act, 1916, the investigation shall determine what action would best ameliorate the condition. In such event consideration should be given but not limited to the possibility of withdrawing from the PCEC its authority over rates governing the movement of containerized traffic by requiring that such rates be declared "open" or that Agreement 5200 be appropriately modified.

It is further ordered, That the Pacific Coast European Conference and its member lines, as set forth in Appendix A hereto, be named as respondents in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That: (I) A copy of this order shall forthwith be served on the respondents herein; (II) the said respondents be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondents;

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72); with copy to the Chairman, Pacific Coast European Conference.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Anglo Canadian Shipping Co., Ltd./Anglo Canadian Shipping (Westship), Ltd., 837 West Hastings Street, Vancouver 1, B.C.

Blue Star Line, Blue Star Line, Ltd., Albion House, Leadenhall Street, London, E.C. 3, England.

d'Amico Mediterranean Pacific Line, d'Amico Societa di Navigazione per Azioni, Corso d'Italia 35/B, Rome, Italy.

East Asiatic Line, The East Asiatic Co., Ltd. (A/S Det Ostasiatiske Kompagni), 2 Holbergsgade, Copenhagen, Denmark.

French Line, Compagnie Generale Transatlantique, 6 rue Auber, Paris 9e, France.

Furness Line, Furness, Withy & Co., Ltd., Furness House, Leadenhall Street, London, E.C. 3, England.

Hamburg-American Line, Hamburg-Amerika Linie, Ballindamm 25, Hamburg 1, Germany.

Hanseatic-Vaasa-Line, Vaasa Line Oy, Arkadiankatu 21, Helsinki, Finland.

Holland-America Line, N. V. Nederlandsch-Amerikaansche, Stoomvaart Maatschappij, Wilhelminakade 86, Rotterdam, Holland.

Interocean Line, Westfal-Larsen & Co., A/S, Olav Kyrresgate 11, Bergen, Norway.
Italian Line, "Italia" Societa Per Azioni di Navigazione, Piazza de Ferrari 1, Genoa, Italy.
Italpacific Line, Gemstone Shipping Corp., Goldstone Shipping Corp., Silverstone Shipping Corp., Starstone Shipping Corp. (As one Member only), 27 Boulevard d'Italie, Monte Carlo, Monaco.
Johnson Line, Rederiaktieboiaget Nordstjernan, Stureplan 3, Stockholm 7, Sweden.
North German Lloyd, Norddeutscher Lloyd, Gustav-Deetjen-Allee 2/6, Bremen, Germany.
Fred. Olsen Line, Fred. Olsen & Co., Fred. Olsens gt. 2, Oslo, Norway.
Royal Mail Lines Ltd., Royal Mail House, Leadenhall Street, London, E.C. 3, England.
Weyerhaeuser Line, Division of Weyerhaeuser Co., Tacoma Building, Tacoma, Wash.
United Yugoslav Lines, Splosna Plovba, Zupanciceva 24, Piran, Yugoslavia.
Zim Israel Navigation Co., Ltd., Zin Israel Navigation Co., Ltd., 7/9 Ha'atzmaut Road, Haifa, Israel.

[F.R. Doc. 69-5071; Filed, Apr. 28, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2666]

BANGOR HYDRO-ELECTRIC CO.

Notice of Application for License for Constructed Project

APRIL 22, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Bangor Hydro-Electric Co. (correspondence to: Earle R. Webster, Vice President, Bangor Hydro-Electric Co., 33 State Street, Bangor, Maine 04401) for constructed Project No. 2666, known as the Hydro-Electric Medway Project, located on West Branch of Penobscot River, in Penobscot County, Maine, town of Medway in vicinity of Millinocket and Mattawamkeag.

The existing project consists of: (1) A main dam portion, concrete gravity type, including a log sluice, a fishway, and a 343-foot long overflow spillway section approximately 20 feet high and topped with 4.83 feet of flash boards; (2) a 170-foot long integral powerhouse section; (3) a reservoir covering approximately 120 acres at normal maximum pond elevation of 259.3 feet (U.S.G.S. datum), extending upstream a distance of 1.8 miles; (4) an indoor powerhouse, containing five installed generating units with a total name plate rating of 3,440 kw., and construction provision for a sixth unit; (5) three identical 2,000 kv.-a. step-up transformers; and (6) appurtenant facilities. According to the application, as supplemented, only limited future recreational development is planned due to water pollution. Such recreational facilities as are planned consist of a boat ramp, two comfort stations, two picnic areas, and a trail and parking area.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 6, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5016; Filed, Apr. 28, 1969; 8:45 a.m.]

[Dockets Nos. RP69-28—RP69-33]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Proposed Changes in Rates and Charges

APRIL 22, 1969.

Columbia Gulf Transmission Co., RP 69-28; United Fuel Gas Co., RP69-29; Kentucky Gas Transmission Corp, RP69-30; Atlantic Seaboard Corp., RP69-31; Home Gas Co., RP69-32; The Manufacturers Light and Heat Co., RP69-33.

Notice is hereby given that the six respondents in the above-captioned proceedings, each of which is an affiliate of the Columbia Gas System, Inc., on April 15, 1969, by separate applications tendered for filing proposed changes in their FPC Gas Tariffs to become effective June 1, 1969. The changes filed by Columbia Gulf would increase its charges to United Fuel for transportation service under a cost of service tariff formula, while the changes filed by the remaining five respondents would increase rates and charges for gas sold for resale, based upon operations and sales for the year ended December 31, 1968, as adjusted. The proposed increases are in the following approximate annual amounts: Columbia Gulf $7.3 million, United Fuel $9.2 million, Kentucky $2.3 million, Atlantic Seaboard $5.5 million, Home $153,000, and Manufactures $1.8 million.

In support of its proposed rate filing, Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard each states there are three principal causes necessitating its tariff changes: (1) The claimed need for a 7.5 percent rate of return due to changed economic conditions; (2) experienced increases in costs of labor, supplies, expenses, and construction; and (3) continuation of the current inflationary trend of the economy.

In addition, United Fuel states that its proposed increase includes the increase in Columbia Gulf's transportation charges, and Kentucky Gas, Atlantic Seaboard, Manufacturers, and Home indicate that they are also tracking the increases in purchased gas costs resulting from their upstream suppliers' rate filings.

Manufacturers and Home, relying upon the statements in their filings in Dockets Nos. RP69-16 and RP69-17, which among other things include a claim for a 7.5 percent rate of return, and are under suspension until July 10, 1969, request waiver of the Commission's regulations to permit filing of the claimed tracking increases here submitted.

Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard states that the rate of return testimony to be submitted in their proceedings, listed above, will be identical to that which has been the subject of hearings held in Dockets Nos. RP69-16 and RP69-17, and that such testimony is based upon Columbia Gas System experience. They further assert that they are agreeable to the Commission applying the same rate of return in their cases that is finally determined in Dockets Nos. RP69-16 and RP 69-17. However, in the event that this procedure is not satisfactory to the Commission, or to any intervener, they reserve the right to update the rate of return testimony filed in their respective proceedings.

Columbia Gulf, United Fuel, Kentucky Gas, and Atlantic Seaboard also propose certain changes in rate schedules and in general terms and conditions of their FPC gas tariffs, as specifically set out in their rate filings.

Any person desiring to be heard or to make any protest with reference to these rate filings should on or before May 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The rate filings are on file with the Commission and available for public inspection.

Any person filing a petition to intervene shall also clearly state therein whether the procedure regarding determination of the rate of return issue, as proposed by the respondent companies and briefly noted above, is acceptable, or if not acceptable, the specific further procedural steps he deems necessary on this issue.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5017; Filed, Apr. 28, 1969; 8:45 a.m.]

[Docket No. CP69-266]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

APRIL 22, 1969.

Take notice that on April 14, 1969, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1348, Kansas City, Mo. 64141, filed an application in

Docket No. CP69-266, pursuant to section 7(c) of the Natural Gas Act, requesting authority to construct and operate certain facilities for transportation of natural gas, all as more fully described in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 19.3 miles of 30-inch line looping a portion of its Western Oklahoma Supply Line (Elk City Line) together with a 6,500 horsepower engine-compressor unit at its proposed Seiling Compressor Station.

Applicant states that the facilities are needed to provide increased capacity for its Elk City Line. Applicant estimates the cost of the proposed facilities at $4,764,000, which it proposes to finance initially from short-term bank loans and later from present permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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. 69-5018; Filed, Apr. 28, 1969; 8:45 a.m.]

[Docket No. RI68-677, etc.]

SUN OIL CO. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

APRIL 17, 1969.

Sun Oil Co. (Operator), et al., Docket No. RI68-677 etc.; Sunset International Petroleum Corp. et al., Docket No. RI68-683.

In the order accepting contract amendment, providing for hearings on and suspension of proposed changes in rates, issued June 20, 1968, and published in the FEDERA REGISTER July 2, 1968, 33 F.R. 9633, in Appendix A, page 3, Docket No. RI68-683, Sunset International Petroleum Corp. et al. (opposite Rate Schedule No. 41), under column headed "Rate in Effect", change "18.107" to read "17.0" and delete footnote "19". Under column headed "Proposed Increased Rate" change "20.607" to read "19.5" and delete footnote "19". In Appendix A, page 5, under "Footnotes": Delete footnote "19" from the list of footnotes.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5019; Filed, Apr. 28, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MARINE MIDLAND BANKS, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Marine Midland Banks, Inc., Buffalo, N.Y., for approval of acquisition of at least 80 percent of the voting shares of Tinker National Bank, East Setauket, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Marine Midland Banks, Inc., Buffalo, N.Y., a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of Tinker National Bank, East Setauket, N.Y.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

As discussed in the accompanying Statement, the New York State Banking Board approved an application involving the same proposal in accordance with the recommendation of the New York State Superintendent of Banks, and advised this Board of its action.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 11, 1968 (33 F.R. 18414), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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

Dated at Washington, D.C., this 16th day of April 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5022; Filed, Apr. 28, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

APRIL 24, 1969.

On January 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 276) a letter dated December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting Statements of Governors Robertson and Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Maisel, and Sherrill. Voting against this action: Governors Robertson and Brimmer.

for the 12-month period beginning January 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent, and for administrative arrangements. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of April 23, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs increasing the charges previously made against the level of restraint for cotton textile products in Category 46, produced or manufactured in the Republic of Korea and exported to the United States prior to January 1, 1969, and reducing the charges previously made against the level for Category 50, produced or manufactured in the Republic of Korea and exported to the United States prior to January 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 23, 1969.

DEAR MR. COMMISSIONER: On December 27, 1968, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, for the 12-month period beginning January 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, you are directed to increase by 811 dozen the charges previously made against the level of restraint for cotton textile products in Category 46, produced or manufactured in the Republic of Korea and exported to the United States prior to January 1, 1969, and to reduce by 4,304 dozen the charges previously made against the level of restraint for cotton textile products in Category 50, produced or manufactured in the Republic of Korea and exported to the United States prior to January 1, 1969.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69-5062; Filed, Apr. 28, 1969; 8:49 a.m.]

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

OFFICE OF EMERGENCY PREPAREDNESS

ARKANSAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Arkansas, dated February 19, 1969, and published February 25, 1969 (34 F.R. 2572), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 15, 1969:

Carroll.
Pulaski.
Union.
Washington.

Dated: April 22, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-5028; Filed, Apr. 28, 1969; 8:46 a.m.]

NEVADA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85–763, Public Law 87–296, and Public Law 90–608; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g) as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated April 19, 1969, reading in part as follows:

I have determined that the damage in those areas of the State of Nevada, adversely affected by flooding beginning on or about March 28, 1969, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81–875.

I do hereby determine the following area in the State of Nevada to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 19, 1969:

The County of White Pine.

Dated: April 23, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-5029; Filed, Apr. 28, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4741]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks and to Dealers in Commercial Paper and Exemption From Competitive Bidding Requirements

APRIL 23, 1969.

Notice is hereby given, that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof and Rule 50(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Columbia requests that the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereof, relating to the issue and sale of short-term notes, be increased from 5 percent to approximately 15 percent of the principal amount and par value of the other securities of Columbia then outstanding in order to permit Columbia to have outstanding $155 million principal amount of proposed short-term notes, consisting of bank notes and commercial paper, of which $75 million principal amount will mature no later than May 31, 1970, and $25 million will mature on February 27 and March 31, 1970, and $30 million on April 30, 1970. Generally, Columbia will make the proceeds from the sale of these notes available to its subsidiary companies for construction, for the purchase of underground storage gas during the summer months, and for other short-term seasonal requirements, in accordance with the terms of another filing with this Commission (File No. 70-4742). Of the maximum of $155 million to be borrowed, $75 million will be used for the subsidiary companies' underground storage gas and other short-term seasonal requirements and will be repaid from cash generated during the winter months. The balance is to be used for the subsidiary companies' construction and will be repaid through the sale of debentures and/or additional short-term notes. The subsidiary companies' construction expenditures are estimated to aggregate $198,676,000 during 1969.

Prior to any bank borrowings pursuant to the authorization requested herein, a list of participating banks, the amount of their participations, and the terms of the borrowings will be filed by post-effective amendment.

Columbia proposes to issue and sell, from time to time, commercial paper in the form of promissory notes to one or more dealers in commercial paper, up to $155 million face amount to be outstanding at any one time. The aggregate amount of commercial paper notes and of bank notes outstanding at any one time will not exceed $155 million. It is Columbia's intention to issue and sell commercial paper and continue to do so as long as the effective interest rate is less than the prime commercial bank rate which Columbia would have to pay to banks for an equivalent amount of funds as of the date of borrowing, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 60 days from the date of issue with an effective interest cost in excess of such prime bank rate. It is further anticipated that $80 million of such commercial paper will be converted to bank notes on or before November 1, 1969.

The commercial paper notes will be of varying maturities, not to exceed 270 days, and none will be prepayable prior to maturity. The actual maturities will be determined by market conditions, effective interest cost to Columbia, and Columbia's anticipated cash requirements at the time of issue. Each commercial paper note will be issued in denominations of not less than $50,000 and not more than $1 million, and will be sold to the dealers at a discount which will be not in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of the particular maturity.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. Each dealer, as principal, will reoffer such notes at a discount rate of one-eighth of 1 percent per annum less than the discount rate to Columbia. The notes will be reoffered to no more than 100 customers of each dealer identified and designated in a list (nonpublic) prepared in advance. No additions will be made to this customer list, which consists of institutional investors which invest funds in commercial paper. It is expected that Columbia's commercial paper notes will be held by customers to maturity, but, if they wish to resell prior thereto, the dealers, pursuant to a repurchase agreement, will repurchase the notes and reoffer the same to others in the group of 100 customers.

Columbia requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. Columbia states that the proposed commercial paper notes will have a maturity of 9 months or less, that it is not practical to invite competitive bids for commercial paper, and that current rates for commercial paper for such prime borrowers as Columbia are published daily in financial publications.

The fees and expenses to be paid by Columbia in connection with the proposed transactions are estimated at $700. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 14, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-5030; Filed, Apr. 28, 1969; 8:46 a.m.]

HOOVER BALL & BEARING CO. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 23, 1969.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Hoover Ball & Bearing Co. (Delaware), File No. 7-3076.

Upon receipt of a request, on or before May 8, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one request a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-5031; Filed, Apr. 28, 1969; 8:46 a.m.]

[70-4743]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exemption From Competitive Bidding

APRIL 23, 1969.

Notice is hereby given that Louisiana Power & Light Co. ("Louisiana"), 142

Delaronde Street, New Orleans, La. 70114, a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell short-term notes to banks and to Lehman Commercial Paper, Inc., a dealer in commercial paper ("dealer"), from time to time during the period commencing on the effective date of this declaration and ending on December 31, 1970. The aggregate face amount of all such notes to be outstanding at any one time will not exceed $30 million. The proceeds from the issue and sale of the notes are to be used by Louisiana to finance its construction program, the costs of which are estimated at $73 million in 1969 and $67,500,000 in 1970, and for other corporate purposes.

The proposed notes to be issued to banks will not exceed an aggregate face amount of $30 million and will mature not more than 9 months from the date of issue. Such notes will bear interest at the prime rate in effect at the lending bank either from time to time or at the date of issue, depending upon the specific arrangement negotiated by Louisiana with the bank. The notes will be subject to prepayment in whole at any time or in part from time to time without penalty or premium. The maximum amounts expected to be borrowed from each of the banks participating in the bank loans are as follows:

Chase Manhattan Bank, N.A., New York, N.Y.	$8,000,000
Whitney National Bank, New Orleans, La.	3,500,000
National Bank of Commerce, New Orleans, La.	4,050,000
Hibernia National Bank, New Orleans, La.	1,700,000
National American Bank, New Orleans, La.	750,000
Total	18,000,000

The proposed commercial paper will be in the form of unsecured bearer notes, will be sold to the dealer, and the face amount of commercial paper outstanding at any one time will not exceed $15 million. The commercial paper will mature not later than 9 months after the respective dates thereof, will be issued in denominations of not less than $50,000 and not more than $1 million, and will be sold to the dealer at a discount which will not exceed the discount rate per annum prevailing at the respective dates of issuance for the particular maturities involved for sales of prime commercial paper of comparable quality by public-utility issuers to commercial paper dealers. No other costs, fees, commissions, or additional charges will be payable by Louisiana to the dealer in connection with the issuance and sale of the commercial paper. The rate for the commercial paper will not exceed the commercial bank rate which the company could obtain on the date of issue on notes to banks of equal principal amounts except for commercial paper of maturity not exceeding 60 days issued to refund outstanding commercial paper if, in the judgment of the company, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper. The commercial paper will not be prepayable prior to maturity. The dealer, as principal, will initially reoffer the commercial paper, at a discount rate no greater than one-eighth of 1 percent per annum less than the discount rate to Louisiana, to corporations and institutional investors from a list of 100 such proposed offerees.

Louisiana expects to effect permanent financing during the period through December 31, 1970. Such permanent financing shall not, however, reduce the aggregate principal amount of short-term notes for which the company seeks authorization to have outstanding at any one time during said period through December 31, 1970. Louisiana expects to retire the short-term notes covered by this declaration on or before December 31, 1970, from the proceeds of the sale of first mortgage bonds and/or preferred stock and/or other securities.

Louisiana requests exemption from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. It is stated that current rates for commercial paper issued by such prime borrowers as Louisiana are published daily in financial publications and that it is not practical to invite bids for commercial paper. The company further states that the proposed commercial paper will have a maturity not in excess of 9 months. Louisiana also requests that it be granted authority to file on a quarterly basis its certificates under Rule 24 with respect to the issue and sale of commercial paper.

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

Notice is further given that any interested person may, not later than May 16, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-5032; Filed, Apr. 28, 1969; 8:46 a.m.]

[File No. 24B-1517]

TAX MAN, INC.

Order Permanently Suspending Exemption

APRIL 23, 1969.

I. The Tax Man, Inc. ("issuer"), 4 Maple Street, Quincy, Mass., a Massachusetts corporation located at 4 Maple Street, Quincy, Mass., filed with the Commission on October 16, 1968, a notification on Form 1-A and an offering circular relating to a proposed offering of 34,500 shares of its $1 par value common stock at $2.50 per share with gross proceeds to the issuer of $98,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was begun on November 18, 1968, and concluded on December 13, 1968. The shares were offered and sold by officers of the issuer.

II. The Commission on March 18, 1969, temporarily suspended the Regulation A exemption of The Tax Man, Inc., stating that it had reasonable cause to believe from information reported to it by the staff that:

A. The offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading in the following respects:

1. Failure to disclose the name and stockholdings of a promoter;

2. False statements with respect to the stockholdings of officers and directors;

3. Failure to disclose the right to acquire options by a promoter;

4. False statements with respect to the rights of officers and directors to acquire stock pursuant to options;

5. Failure to disclose that the president of the issuer had disposed of some of his stockholdings.

B. The issuer filed a false and misleading notification on Form 1-A by failure to disclose the existence of a promoter.

C. The issuer filed a false report on Form 2–A by failing to disclose changes in stockholdings by insiders.

D. The issuer violated Rule 255 of the regulation by soliciting written purchase orders and collecting money from investors during the 10-day waiting period specified by the rule, and such period had not been shortened by the Commission.

E. The issuer violated Rule 256 of the regulation by selling stock and accepting payment prior to the delivery of an offering circular to investors.

F. The issuer effected sales of its stock by use of written sales material which was not filed as required by Rule 258.

G. The use of the offering circular by the issuer operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933.

III. A hearing was requested by the issuer on March 24, 1969, and the Commission ordered that a hearing for the purpose of taking evidence commence at 11 a.m. on April 24, 1969, however, on April 17, 1969, the issuer withdrew unconditionally its request for hearing and communicated its intent to abide by the decisions made by the Commission. The Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

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

By the Commission.

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

[F.R. Doc. 69–5033; Filed, Apr. 28, 1969; 8:47 a.m.]

TEXAS URANIUM CORP.

Order Suspending Trading

APRIL 23, 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 24, 1969, through May 3, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69–5034; Filed, Apr. 28, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rocky Mountain Area) Amdt. 1]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Rocky Mountain Area

Pursuant to the Authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Rocky Mountain Area), 33 F.R. 10680, is hereby amended by:

(1) Revising Item I.E.1, to read as follows:

I. *Area Coordinators.* * * *

E. *Financial Assistance Coordinator—*

1. *Eligibility Determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

(2) Revising Items II.B. 4 and 5 and adding thereto a new Item II.B.6, to read as follows:

II. *Regional Directors.* * * *

B. *Development company assistance.* * * *

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator,

By: ----------

Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

(3) Revising Items II.C., II.D., II.F.2, and II.G.12, to read as follows:

II. *Regional Directors.* * * *

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* * * *

2. *Eligibility determinations for Financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

G. *Supervisory Loan Officer and/or Assistance Team Leader.* * * *

12. *Eligibility determinations for Financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community

emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

(4) Revising Items II.I 3 and 4 and adding thereto a new Item II.I.5, to read as follows:

II. *Regional directors.* * * *

I. *Chief, Development Company Assistance Division.* * * *

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator
By: ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

* * * * *

Effective date: February 12, 1969.

GEORGE E. SAUNDERS,
Area Administrator.

[F.R. Doc. 69-5035; Filed, Apr. 28, 1969; 8:47 a.m.]

MISSOURI FUND FOR BUSINESS CAPITAL, INC.

Surrender of License

Notice is hereby given that Missouri Fund for Business Capital, Inc. (Missouri), 819 Broadway, Kansas City, Mo. 64105, has, pursuant to § 107.105 of the Regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), surrendered its license to operate as a small business investment company.

Missouri was incorporated on February 13, 1962, under the laws of the State of Missouri, and issued license No. 09-0013 by the Small Business Administration on March 26, 1962.

Missouri was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

Under the authority vested by the Act and regulations promulgated thereunder, the surrender of the license is hereby accepted and, accordingly, Missouri is no longer licensed to operate as a small business investment company.

Dated: April 18, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-5036; Filed, Apr. 28, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 704]

SOUTH CAROLINA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1969, because of the effects of floods, damage resulted to residences and business property located in Aiken County, S.C.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Application for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods beginning on or about April 15, 1969.

OFFICE

Small Business Administration Regional Office, 1801 Assembly Street, Columbia, S.C. 29201.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1969.

Dated: April 21, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-5037; Filed, Apr. 28, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 24, 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. 41618—*Sugar, beet or cane to Pewaukee, Wis.* Filed by Southwestern Freight Bureau, agent (No. B-32), for interested rail carriers. Rates on sugar, beet or cane, as described in the application, in carloads, from Hereford and Sugarland, Tex., also points in Louisiana, to Pewaukee, Wis.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 113 to Southwestern Freight Bureau, agent, tariff ICC 4514, and supplement 23 to Southern Freight Association, agent, tariff ICC S-772.

FSA No. 41619—*Fertilizer compounds from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-24), for interested rail carriers. Rates on fertilizer compounds, as described in the application, in carloads, between points in southwestern territory; also between points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, on the one hand, and points in Wyoming, on the other.

Grounds for relief—Market competition and modified short-line distance formula.

Tariff—Supplement 48 to Southwestern Freight Bureau, agent, tariff ICC 4780.

FSA No. 41620—*Ammonium nitrate fertilizer between points in southwestern, IFA, and WTL territories.* Filed by Southwestern Freight Bureau, agent (No. B-31), for interested rail carriers. Rates on ammonium nitrate fertilizer, in bulk in covered hopper cars, in carloads, as described in the application, between points in southwestern territory, on the one hand, and points in Illinois Freight Association and western trunkline territories on the CMStP&P, GB&W, MN&S, and Soo Line, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 48 to Southwestern Freight Bureau, agent, tariff ICC 4780.

By the Commission:

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5057; Filed, Apr. 28, 1969; 8:49 a.m.]

[Notice 821]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 24, 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 47142 (Sub No. 102 TA), filed April 18, 1969. Applicant: C. I. WHITTEN TRANSFER COMPANY, 4417 Earl Court, Post Office Box No. 1833, Huntington, W. Va. 25719. Applicant's representative: George Joline, Fort Ward Towers, Suite 117, 2500 Van Dorn Street, Alexandria, Va. 22302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, from Badger Army Ammunition Depot, Baraboo, Wis., to Aberdeen Proving Ground, Aberdeen, Md., for 180 days. NOTE: Applicant does intend to tack this TA if granted with the other authority issued to it in Docket No. MC 47142 and Subs, at common service points. Supporting shipper: Leonard P. Hynes, Military Traffic Managements & Terminal Service, 5611 Columbia Pike, Bailey's Crossroads, Va. 20315. Send protests to H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 94201 (Sub-No. 68 TA), filed April 18, 1969. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 2188, East Gadsden, Ala. 35903. Applicant's representative: Maurice Bishop, 325-29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and corrugated boxes*, from the plansite, storage and warehouse facilities of Brockway Glass Co., Inc., located at Montgomery, Ala., and its commercial zone, to points in Kentucky, for 180 days. Supporting shipper: Brockway Glass Co., Inc., Post Office Box 8038, Montgomery, Ala. 36110. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107496 (Sub-No. 728 TA), filed April 18, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydroflousilicic (HFS) acid*, in bulk, from Gary, Ind., to Milwaukee, Wis., and Muscatine, Iowa, for 150 days. Supporting shipper: Conservation Chemical Co., Box 6066, Gary, Ind. 46406. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 653 TA), filed April 18, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina, for 150 days. Supporting shipper: Standard Candy Co., 443 Second Avenue North, Nashville, Tenn. 37202. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 109689 (Sub-No. 204 TA), filed April 18, 1969. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite* (other than crude), in bulk, from Antonito, Colo., to Westvaco, Wyo., for 180 days. Supporting shipper: General Refractories Co., 1520 Locust Street, Philadelphia, Pa. 19102. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 111467 (Sub-No. 17 TA), filed April 18, 1969. Applicant: ARTHUR J. PAPE, doing business as PAPE TRANSFER, 1381 Rockdale Road, Dubuque, Iowa 52001. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, other than liquid, from Webster City, Iowa, to points in Illinois, Minnesota, Nebraska, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 115162 (Sub-No. 171 TA), filed April 18, 1969. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum building materials* (except in bulk) and *materials and accessories* used in the installation thereof, from Port Clinton, Ohio, to points in Kentucky, Tennessee, Georgia, and Alabama, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 116519 (Sub-No. 5 TA), filed April 17, 1969. Applicant: FREDERICK TRANSPORT LIMITED, Post Office Box 10, Merlin, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bags, from ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich., to points in Michigan, Ohio, and Indiana, for 150 days. Supporting shipper: Canadian Industries Limited, C-I-L Building, 130 Bloor Street, West, Toronto 5, Canada. Send Protests to: District Supervisor Gerald J. Davis, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 118159 (Sub-No. 66 TA), filed April 18, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers (except in bulk, in tank vehicles), from Tulsa, Okla., to points in Kentucky, for 180 days. Supporting shipper: Sun Oil Co. DX Division, Tulsa, Okla. 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 118458 (Sub-No. 1 TA), filed April 18, 1969. Applicant: ROBERT G. FRAZIER, doing business as FRAZIER MOTOR COMPANY, 2012 Gihon Road, Parkersburg, W. Va. 26103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials and waste materials*, commonly dealt in by junkyard dealers, from Parkersburg, W. Va., to points in Kentucky, Ohio, Pennsylvania, and Virginia; from points in Washington County, Ohio, to points in Kentucky, Pennsylvania, and Virginia, for 180 days. NOTE: Applicant does not

intend to tack with its existing authority in MC 118458. Supporting shipper: City Iron & Metal Co., Corner of George and Jeanette Streets, Parkersburg, W. Va. 26101. Attention: Albert Corra, Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 124328 (Sub-No. 33 TA), filed April 18, 1969. Applicant: BRINK's, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: D. R. Hoagland (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency and coin*, between Boston, Mass., on the one hand, and on the other, Burlington, Winooski, Essex Junction, Montpelier, Barre, St. Johnsbury, White River Junction, and Rutland, Vt., for 150 days. Supporting shipper: Federal Reserve Bank of Boston, Boston, Mass. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129254 (Sub-No. 3 TA), filed April 18, 1969. Applicant: E. T. USHER, Post Office Box 495, Chiefland, Fla. 32626. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dolomite*, in bulk, from points in Citrus, Levy, and Suwannee Counties, Fla., to Bainbridge, Ga.; (2) *Dry fertilizer*, in bulk, in tank or hopper type vehicles, from Bainbridge, Ga., to Branford, Fla., for 180 days. Supporting shipper: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Corp., Post Office Box 246, Savannah, Ga. 31402. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133240 (Sub-No. 2 TA), filed April 17, 1969. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, for the account of Holly Stores, Inc., between Secaucus, N.J., on the one hand, and, on the other, Toledo and Oregon, Ohio; Monroe, Woodhaven, Melvindale, Ypsilanti, Ann Arbor, Mount Clemens, Utica, and Pontiac, Mich., for 180 days. Supporting shipper: Holly Stores, Inc., 550 West 59th Street, New York, N.Y. 10019. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 133641 (Sub-No. 1 TA), filed April 17, 1969. Applicant: C. D. SAUNDERS, INC., Post Office Box 70, Bedford, Va. 24523. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Greensboro, N.C., to points in Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Campbell, Carroll, Charlotte, Craig, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Rockingham, Smyth, Tazewell, Washington, and Wythe Counties, Va.; and Greenbrier, Mercer, Monroe, Pocahontas, and Summers Counties, W. Va., for 150 days. Supporting shipper: Agrico Chemical Co., Post Office Box 346, Memphis, Tenn. 38101. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 133643 TA, filed April 17, 1969. Applicant: JAMES W. MOORE, doing business as FORT WORTH TRANSFER CO., 1510 Jones Street, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods and personal effects*, between points in Tarrant County, Tex., on the one hand, and, on the other, points in Tarrant, Dallas, Ellis, Hood, Johnson, Parker, Wise, Denton, Collin, and Palo Pinto Counties, Tex., for 180 days. Supporting shippers: Sunpak International Movers, 534 Westlake Avenue North, Seattle, Wash. 98109; Moller-up Freight Forwarding Co., 2900 South Main Street, Salt Lake City, Utah; Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119; Northwest Consolidators, Inc., 427 Third Avenue West, Seattle, Wash. 98119. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

By the Commission.

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

[F.R. Doc. 69-5058; Filed, Apr. 28, 1969; 8:49 a.m.]

[Notice 335]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 24, 1969.

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

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

No. MC-FC-71150. By order of April 23, 1969, the Motor Carrier Board approved the transfer to McCallum Motors, Inc., doing business as McCallum Motors, Inc., Hudson, N.H., of the operating rights in No. MC-123870 issued on July 20, 1962, to Leonard F. McCallum, doing business as McCallum Motors, Hudson, N.H., authorizing the transportation of: Wrecked or disabled motor vehicles, by wrecker-type equipment, between points in New Hampshire, on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, and New York. Andre J. Barbeau, 795 Elm Street, Room 510, Manchester, N.H. 03101, attorney for applicants.

No. MC-FC-71264. By order of April 22, 1969, the Motor Carrier Board approved the transfer to Van Strien Transit, Inc., Grand Rapids, Mich., of permit No. MC-129703, issued November 12, 1968, to Robert Van Strien, Grand Rapids, Mich., authorizing the transportation of: Dairy products and byproducts and milk when moving at the same time and in the vehicle with the above-named commodities, from Milwaukee, Wis., to Grand Rapids, Mich., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with The Borden Co., of Grand Rapids, Mich. Karl L. Gotting, 117 West Allegan Street, Lansing, Mich. 48933, attorney for applicants.

No. MC-FC-71259. By order of April 23, 1969, the Motor Carrier Board approved the transfer to Virginia R. Redshaw, doing business as Rushville Truck Lines, 301 North Liberty Street, Rushville, Ill. 62681, of certificate of registration No. MC-96935 (Sub-No. 1), issued October 15, 1963, to Leslie Redshaw, doing business as Rushville Truck Line, 301 North Liberty Street, Rushville, Ill. 62681, authorizing the transportation of general commodities between Rushville and Peoria, Ill., in both directions, via U.S. Route 24, serving all intermediate points and off-route points Bader, Vermont, Table Grove, Ipava, Bryant, St. David, Canton, Glasford, Pekin, and Morton, Ill., and between Rushville and Quincy, Ill., in both directions, via certain specified highways.

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

[F.R. Doc. 69-5059; Filed, Apr. 28, 1969; 8:49 a.m.]

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