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List of CFR Parts Affected

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

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

Rules and Regulations

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Turpentine

§ 15.348 Disclosure of origin of imported turpentine.

(a) The Commission advised a company that a "Packaged in U.S.A." statement standing alone would not be sufficient, and that it would be necessary to make a clear and conspicuous disclosure on the package of the foreign country of origin of the imported turpentine.

(b) Under the factual situation presented for a ruling, the company plans to import turpentine from either Portugal or the U.S.S.R. After importation, the turpentine will be repackaged here in the United States into 1 gallon, 1 quart, and 1 pint containers for resale for general consumer use.

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

Issued: May 23, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-6182; Filed, May 22, 1969; 8:50 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-359; Order 382]

PART 3—ORGANIZATION; OPERATIONS; INFORMATION AND REQUESTS; ETHICAL STANDARDS

Subpart A—Organization; Delegations of Authority

ACCEPTANCE OR REJECTION OF ALL REQUESTS FOR EXTENSION OF TIME FOR FILING SAFETY INSPECTION REPORTS

MAY 16, 1969.

The Commission has delegated to the Secretary the authority to pass upon all requests for extension of time for filing safety inspection reports required by Part 12 of the regulations under the Federal Power Act. This delegation of final authority should be reflected in the description of the Commission's organization as required by section 3 of the Administrative Procedure Act.

The Commission finds:

(1) The amendment to the Commission's general rules herein adopted is necessary and appropriate to carry out the provisions of the Federal Power Act.

(2) Since the amendment herein adopted involves matters of Commission organization and procedures, the notice, hearing and effective date provisions of section 4 of the Administrative Procedure Act are not applicable.

(3) The amendment herein adopted will effect economies, conserve manpower, and expedite the processing of the aforementioned requests for extension of time, and should be made effective forthwith.

The Commission, acting pursuant to the authority granted by the Federal Power Act, particularly section 309 thereof (49 Stat. 858, 16 U.S.C. 825h), and in accordance with section 3 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 552), orders:

(A) Paragraph (a) of § 3.5 of Part 3, Organization, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended as follows:

§ 3.5 Delegations of final authority.

The Commission has authorized:

(a) The Secretary, or in his absence the Acting Secretary, to:

* * * * *

(10) Pass upon questions of extending time for electric public utilities, licensees, natural gas companies, and other persons to file required reports, data, and information and to do other acts required or allowed to be done at or within a specific time by any rule, regulation, license, permit, certificate, or order of the Commission, not to exceed in any event an extension of 6 months beyond the time or period originally prescribed: *Provided*, That upon recommendation of the Chief, Bureau of Power, the 6-month limitation shall not apply to extensions of time for filing safety inspections reports required by Part 12 of this chapter of the regulations under the Federal Power Act: *Provided further*, The Secretary may refer such requests for extension of time to the Commission when, in his judgment, such requests should be considered by the Commission.

* * * * *

(Sec. 309, 49 Stat. 858, 16 U.S.C. 825h; sec. 3, 60 Stat. 238, 5 U.S.C. 552)

(B) The amendment herein adopted shall become effective upon the issuance of this order.

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

By the Commission.

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

[F.R. Doc. 69-6121; Filed, May 22, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Greater Metropolitan Cleveland Intrastate Air Quality Control Region

On February 12, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 2053) to amend Part 81 by designating the Greater Metropolitan Cleveland Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on February 26, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 81.22, as set forth below, designating the Greater Metropolitan Cleveland Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.22 Greater Metropolitan Cleveland Intrastate Air Quality Control Region.

The Greater Metropolitan Cleveland Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Lorain County.	Portage County.
Cuyahoga County.	Summit County.
Lake County.	Medina County.
Geauga County.	Stark County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: May 19, 1969.

ROBERT H. FINCH, *Secretary.*

[F.R. Doc. 69-6180; Filed, May 22, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9583; Amdt. 650]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				T-dn-1*	700-2	700-2	700-2
				C-dn#	700-2	700-2	700-2
				S-dn-10#	600-2	600-2	600-2
				A-dn	NA	NA	NA

Shuttle descent to 3600' in 1-minute holding pattern, right turns, 286° Outbnd, 106° Inbnd. Shuttle descent below 3600' not authorized, procedure turn required.
Procedure turn W side of crs, 286° Outbnd, 106° Inbnd, 2700' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, #1600'.
Crs and distance, facility to airport, 106°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing GST LFR, climb to 4500' on SE crs GST LFR within 20 miles, or when directed by ATC, turn right, climb to 3900' on NW crs GST LFR within 10 miles.
NOTE: Use Juneau remote altimeter, no control zone, weather observations not available.
*Turn right after takeoff.
#Descent to 800' authorized after passing GAV RBN. Maneuvering N through E of airport not authorized, terrain to 3000', 4.8 miles NE of airport, 4000', 6.1 miles NE of approach crs, and 8.7 miles NW LFR. Mountainous terrain all quadrants.
MSA within 25 miles of facility: NE, 7300'; SE, 5000'; SW, 6500'; NW, 8000'.

City, Gustavus; State, Alaska; Airport name, Gustavus; Elev., 36'; Fac. Class., SBRAZ; Ident., GST; Procedure No. LFR-1, Amdt. 13; Eff. date, 12 June 69; Sup. Amdt. No. 12; Dated, 10 Apr. 69

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

Columbus, Ga.—Muscogee County, ADF 1, Amdt. 15, 8 Oct. 1966 (established under Subpart C).
Fort Myers, Fla.—Page Field, ADF 1, Amdt. 4, 10 Nov. 1966 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, NDB (ADF) Runway 18R, Amdt. 2, 25 Apr. 1968 (established under Subpart C).
Melbourne, Fla.—Cape Kennedy Regional, ADF 1, Amdt. 1, 25 Dec. 1965 (established under Subpart C).
Columbus, Ga.—Muscogee County, VOR 1, Amdt. 9, 8 Oct. 1966 (established under Subpart C).
Dyersburg, Tenn.—Municipal, VOR 1, Amdt. 9, 6 Aug. 1966 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, VOR-1, Amdt. 1, 10 Feb. 1968 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, VOR-2, Orig., 18 Apr. 1968 (established under Subpart C).

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

Bellaire, Mich.—Antrim County, ADF 1, Amdt. 1, effective 25 May 1963, canceled, effective 12 June 1969.
Russell, Kans.—Russell Municipal, VOR 1, Amdt. 8, effective 2 May 1964, canceled, effective 12 June 1969.

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Melbourne, Fla.—Cape Kennedy Regional, TerVOR-9, Amdt. 6, 25 Dec. 1965 (established under Subpart C).
Melbourne, Fla.—Cape Kennedy Regional, TerVOR-27, Orig., 26 Feb. 1966 (established under Subpart C).

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

Fort Myers, Fla.—Page Field, VOR/DME-1, Amdt. 2, 10 Nov. 1966 (established under Subpart C).

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

Columbus, Ga.—Muscogee County, ILS-5, Amdt. 9, 8 Oct. 1966 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, ILS Runway 18R, Amdt. 2, 25 Apr. 1968 (established under Subpart C).
Huntsville, Ala.—Huntsville-Madison County, LOC (BC) Runway 36L, Amdt. 2, 18 Apr. 1968 (established under Subpart C).

7. By amending § 97.19 of Subpart B to amend radar procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
All sectors	Radar site	0-20 miles	2500	Precision approach			
		20-30 miles	3000	T-dn%	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-29L*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn%	300-1	300-1	200-½
				C-dn 11R and 29 L	500-1	500-1	500-1½
				C-dn-22	600-1	600-1	600-1½
				S-dn-29L@#	400-1	400-1	400-1
				S-dn-11R¢	400-1	400-1	400-1
				S-dn-22$	600-1	600-1	600-1
				C-dn-4	500-1	500-1	500-1½
				S-dn-4**	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 29L—climb to 2500' on NW crs MSP ILS to Loretto Int or, when directed by ATC, make left-climbing turn, climb to 2600' and return to MS LOM.
Runway 11R—climb to 2000' on SE crs, MSP ILS within 10 miles of MS LOM.
Runway 4—Climb to 2500' on NE crs, APL ILS within 10 miles.
Runway 22—Climb to 2300' on SW crs, APL ILS within 10 miles of AP LOM.
CAUTION: On approach to Runway 11R do not descend below 1400' until radar controller has advised passing tower located 2.5 miles from approach end Runway 11R.
¢400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft. Reduction not authorized for nonstandard REIL.
%RVR 2400' authorized Runway 29L.
*RVR 2000' 4-engine turbojets; 1800' other aircraft, descent below 1040' not authorized unless approach lights are visible.
#400-¾ authorized with operative high-intensity runway lights, 400-½ authorized with operative ALS, except for 4-engine turbojets.
**500-¾ authorized with operative high-intensity runway lights, 500-½ authorized wtih operative ALS, except for 4-engine turbojets.
$600-¾ authorized with operative high-intensity runway lights except for 4-engine turbojets. Reduction below ¾ mile not authorized. Reduction not authorized for nonstandard REIL.
@Do not descend below 1400' until controller advises passing the Egan Tank Radar Fix 2-miles from approach end of Runway 29L.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class., Minneapolis Radar; Procedure No. 1 Amdt. 20; Eff. date, 12 June 69; Sup. Amdt. No. 19; Dated, 11 Mar. 67

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing CSG VOR.
Lawson NDB	CSG VOR	Direct	2100	Climbing left turn to 2200' to Geneva Int via 046° bearing from CS LOM and hold: or, when directed by ATC, climbing left turn to 2200' to CSG VOR via R 148° and hold. Hold NW, 1 minute, right turns, 148° Inbnd.
Columbus LOM	CSG VOR	Direct	2100	Supplementary charting information: Geneva Int hold E, 1 minute, right turns, 265° Inbnd. H1RL Runways 5/23. Depict restricted area R-3002A.

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 2100' within 10 miles of CSG VOR.
FAF, CSG VOR. Final approach crs, 148°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over CSG VOR, 1700'; over Davis Int, 980'.
MSA: 000°-090°—3500'; 090°-180°—3300'; 180°-360°—2300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	980	1	583	980	1	583	980	1¼	583	980	2	583
	VOR/NDB Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1¼	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Facility, CSG; Procedure No. VOR-1, Amdt. 10; Eff. date, 12 June 69; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 8 Oct. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing DYR VORTAC.
				Climb to 1900' left turn direct to DYR VORTAC and hold. Supplementary charting information: Hold E, 1 minute, right turns, 254° Inbnd.

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 1900' within 10 miles of DYR VORTAC; FAF, DYR VORTAC. Final approach crs, 254°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over DYR VORTAC, 1400'.
MSA: 000°-180°—1900'; 180°-360°—1800'.

*Control zone effective 0600-2200 Local. Use MKL FSS altimeter setting when control zone not effective, and increase MDA 160'. Alternate minimums not authorized when Control zone not effective except operators having approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*.....	700	1	363	800	1	463	800	1¼	463	NA
A.....	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Dyersburg; State, Tenn.; Airport name, Municipal; Elev., 337'; Facility, DYR; Procedure No. VOR-1, Amdt. 10; Eff. date, 12 June 69; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 6 Aug. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing Azusa Int.
				Climbing right turn to 4000' heading 120° intercept and proceed via POM VOR R 256° to POM VOR and hold.* Supplementary charting information: *Hold W, 1 minute, right turn, 074° Inbnd. Chart 410' MSL antenna at 34°04'43"/118°01'57". Final approach crs to midpoint Runways 1/19.

Procedure turn not authorized. Approach crs (profile) starts at Pomona VOR.
FAF, Azusa Int. Final approach crs, 256°, Distance FAF to MAP, 6 miles.
Minimum altitude over POM VOR, 3000'; over Azusa Int, 2400'.
MSA: 075°-165°—6700'; 165°-255°—3800'; 255°-075°—11,000'.
NOTES: (1) Radar required to POM VOR. (2) Use Ontario altimeter setting except operators with approved weather reporting service.
%IFR departure procedures: Climb visually over El Monte Airport to 1000' MSL, intercept and proceed via ONT VOR R 270° to ONT VOR, cross ONT at 3500'.
$1500-3 authorized for operators with approved weather service.
CAUTION: High terrain N of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAA	VIS	VIS	VIS
C.....	1740	2¼	1450	NA	NA	NA
A.....	Not authorized.$		T 2-eng. or less—800-1.%		T over 2-eng.—800-1.%	

City, El Monte; State, Calif.; Airport name, El Monte; Elev., 290'; Facility, POM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FMY VORTAC.
R 354°, FMY VORTAC CCW	R 212°, FMY VORTAC	8-mile Arc	1500	Turn right, climb to 2000' on R 060° within 15 miles.
R 115°, FMY VORTAC CW	R 212°, FMY VORTAC	8-mile Arc	1500	
8-mile Arc	FMY VORTAC (NOPT)	R 212°	480	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from 454' displaced threshold. Runway 5, TDZ elevation, 15'.

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 1500' within 10 miles of FMY VORTAC.
Final approach crs, 032°.
MSA: 000°-180°—2100'; 180°-270°—1400'; 270°-360°—1500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	480	1	465	480	1	465	480	1	465	480	1	465
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	463	480	1	463	480	1½	463	580	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17'; Facility, FMY; Procedure No. VOR Runway 5, Amdt. 3; Eff. date, 12 June 69; Sup. Amdt. No. VOR/DME-1, Amdt. 2; Dated, 10 Nov. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: HYS VORTAC.
R 296°, HYS VORTAC CCW	R 152°, HYS VORTAC	9-mile Arc	3800	Climbing right turn to 3800'; return to HYS VORTAC.
R 077°, HYS VORTAC CW	R 152°, HYS VORTAC	9-mile Arc	3800	
9-mile DME Arc	4-mile DME Fix (NOPT)	HYS, R 152°	2700	Supplementary charting information: Final approach crs crosses runway centerline extended 1980' from threshold. Steel towers 2.5 miles NW, 2843' and 1.9 miles NW, 2310'. Runway 34, TDZ elevation, 1994'.
Dundee Int	HYS VORTAC	Direct	3800	

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 3800' within 10 miles of HYS VORTAC.
Final approach crs, 332°.
Minimum altitude over 4-mile DME Fix, *2440' (*2700' from 9-mile DME Arc).
MSA: 000°-360°—3900'.
NOTE: Use Russell, Kans., altimeter setting when control zone not effective and all MDA's increased 100' except operators with approved weather reporting service.
*Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
%IFR departure procedures: Takeoff Runway 34, climb on HYS VORTAC R 360° to 3800' before turning westbound. Takeoff Runway 16, plan route to avoid tall towers NW of the airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	2440	1	446	2440	1	446	2440	1	446	2440	1	446
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2440	1	442	2460	1	462	2480	1½	482	2620	2	622
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	2300	1	306	2300	1	306	2300	1	306	2300	1	306
A	Standard.*		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Hays; State, Kans.; Airport name, Municipal; Elev., 1906'; Facility, HYS; Procedure No. VOR Runway 34, Amdt. Orig.; Eff. date, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.8 miles after passing DCU VOR.
				Climbing right turn to 3000' to DCU VOR and hold; or, when directed by ATC, climbing right turn to 3000' proceed via S ers I HSV LOC to Bluff Int and hold S, 1 minute, right turns, 359° Inbnd. Supplementary charting information: Hold W, 1 minute, right turns, 090° Inbnd. HIRLS Runways 18 L and R/36 L and R.

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 3000' within 10 miles of DCU VOR.
FAF, DCU VOR. Final approach crs, 090°. Distance FAF to MAP, 7.8 miles.
Minimum altitude over DCU VOR, 3000'.
MSA: 000°-090°—3100'; 090°-180°—2600'; 180°-270°—2300'; 270°-360—2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	511	1140	1	511	1140	1½	511	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629'; Facility, DCU; Procedure No. VOR-1, Amdt. 2; Eff. date, 12 June 69; Sup. Amdt. No. 1; Dated, 10 Feb. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10 miles after passing HSV VOR.
Bethel Int	HSV VOR	Direct	2600	Climb to 3000' direct to DCU VOR and hold; or, when directed by ATC, climbing right turn to 2600' to CWH NDB and hold N, 1 minute, right turns, 179° Inbnd. Supplementary charting information: Hold W, 1 minute, right turns, 090° Inbnd. MAP: 0.9 mile before reaching airport. HIRLS Runways 18 L and R/36 L and R.
Market Int	HSV VOR (NOPT)	Direct	2600	

Procedure turn W side of crs. 035° Outbnd, 215° Inbnd, 2600' within 10 miles of HSV VOR.
FAF, HSV VOR. Final approach crs, 215°. Distance FAF to MAP, 10 miles.
Minimum altitude over HSV VOR, 2600'; over Atlas Int, 1700'.
MSA: 000°-180°—3100'; 180°-360°—2600'.
*Applies to Dual VOR or VOR/NDB minimums only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1½	1071	1700	1¾	1071	1700	2	1071	1700	2¼	1071
	Dual VOR or VOR/NDB Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1160	1	531	1160	1	531	1160	1¼	531	1180	2	551
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629'; Facility HSV; Procedure No. VOR-2, Amdt. 1; Eff. date, 12 June 69; Sup. Amdt. No. Orig.; Dated, 18 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MLB VOR.
MLB NDB	MLB VOR	Direct	1500	Climbing right turn to 1500' on MLB VOR R 161° within 15 miles. Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. Runway 9, TDZ elevation, 32'.

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1500' within 10 miles of MLB VOR.
Final approach crs, 082°.
Minimum altitude abeam MLB NDB, 540'.
MSA: 000°-090°—1600'; 090°-270°—1500'; 270°-360°—1700'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	540	1	508	540	1	508	540	1	508	540	1¼	508
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	528	580	1	548	580	1½	548	600	2	568
	VOR/NDB Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	400	1	368	400	1	368	400	1	368	400	1	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	528	580	1	548	580	1½	548	600	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Melbourne; State, Fla.; Airport name, Cape Kennedy Regional; Elev., 32'; Facility, MLB; Procedure No. VOR Runway 9, Amdt. 7; Eff. date, 12 June 69; Sup. Amdt. No. TerVOR-9, Amdt. 6; Dated, 25 Dec. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MLB VOR.
MLB NDB	MLB VOR	Direct	1500	Climbing left turn to 2000' on MLB VOR R 260° to Deer Park Int and hold. Supplementary charting information: Hold SE 1 minute, left turns, 319° Inbnd. Final approach crs intercepts runway centerline 3250' from threshold. Chart warning area W-497. Runway 27, TDZ elevation, 26'.

Procedure turn S side of crs, 100° Outbnd, 280° Inbnd, 1500' within 10 miles of MLB VOR.
Final approach crs, 280°.
MSA: 000°-090°—1600'; 090°-270°—1500'; 270°-360°—1700'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	580	1	554	580	1	554	580	1	554	580	1¼	554
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	548	580	1	548	580	1½	548	600	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Melbourne; State, Fla.; Airport name, Cape Kennedy Regional; Elev., 32'; Facility MLB; Procedure No. VOR Runway 27, Amdt. 1; Eff. date, 12 June 69; Sup. Amdt. No. TerVOR-27, Orig.; Dated, 26 Feb. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 21.5-mile DME Fix.
Dundee Int	HYS VORTAC	Direct (HYS R 138°)	3800	Climb to 3500', right turn to 17-mile DME Fix HYS R 076°.
R 138°, HYS VORTAC CCW	R 076°, HYS VORTAC	7-mile Arc	3800	
HYS VORTAC	7-mile DME Fix	R 076°	3800	Supplementary charting information:
7-mile DME Fix	17-mile DME Fix (NOPT)	R 076°	3500	Final approach crs crosses airport reference point.

Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 3500' within 10 miles of 17-mile DME Fix.
Final approach crs, 076°.
Minimum altitude over 7-mile DME Fix, 3800'; over 17-mile DME Fix, 3500'.
MSA: 000°-360°—3000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	2440	1	577	2440	1¼	577	2440	1½	577	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Russell; State, Kans.; Airport name, Municipal; Elev., 1863'; Facility, HYS; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 12 June 69

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing GAG VOR TAC.
				Climb to 4000', left turn direct GAG VOR TAC and hold.
				Supplementary charting information:
				Hold W of GAG VORTAC on R 289°, 109° Inbnd, right turns, 1 minute.

Procedure turn S side of crs, 289° Outbnd, 109° Inbnd, 4000' within 10 miles of GAG VORTAC.
FAF, GAG VORTAC. Final approach crs, 109°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over GAG VORTAC, 4000'.
MSA: 000°-180°—3900'; 180°-270°—4200'; 270°-360°—4000'.
* Runway lights for night operation on 17-35 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C *	2760	1	537	2760	1	537	2760	1½	537	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Gage; State, Okla.; Airport name, Gage Municipal; Elev., 2223'; Facility, GAG; Procedure No. VOR-1, Amdt. 6; Eff. date, 12 June 69; Sup Amdt. No. 5; Dated, 1 May 69

10. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing Bluff Int.
HSV VOR	CWH NDB	Direct	3000	Climb to 3000' on N crs HSV LOC to CWH NDB and hold; or, when directed by ATC, climbing left turn to 3000' direct to DCU VOR and hold W, 1 minute, right turns, 090° Inbnd.
CWH NDB	Bluff Int	Direct	3000	
Rountree Int	LOC (BC) (NOPT)	075° DR Crs	3000	
Fairview Int	LOC (BC) (NOPT)	R-148° DCU VOR	3000	
				Supplementary charting information: Hold N, 1 minute, right turns, 179° Inbnd. HIRLS Runways 18 L & R/36 L & R. Runway 36L, TDZ elevation, 624'.

Procedure turn W side of crs, 179° Outbnd, 359° Inbnd, 3000' within 10 miles of Bluff Int.
FAF, Bluff Int. Final approach crs, 359°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Bluff Int, 2600'.
NOTE: Inoperative table does not apply to HIRL's Runway 36L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36L	1020	1	396	1020	1	396	1020	1	396	1020	1	396
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	451	1080	1	451	1080	1¼	451	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629'; Facility, I-HSV; Procedure No. LOC (BC) Runway 36L, Amdt. 3; Eff. date, 12 June 69
Sup. Amdt. No. 2; Dated, 18 Apr. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing 5-mile Radar Fix.
R 341°, SJU VORTAC CW	SJU LOC (NOPT)	8-mile Arc SJU, R 060° lead radial.	1500	Climb to 1600' on LOC crs 255° to SJ NDB (LOM) and hold.
R 094°, SJU VORTAC CCW	SJU LOC (NOPT)	8-mile Arc SJU, R 088° lead radial.	1500	Supplementary charting information:
8-mile Arc	5-mile Radar Fix (NOPT)	LOC crs	1500	Hold W, 1 minute, left turns, 105° Inbnd. HIRL Runways 7/25. Runway 25, TDZ elevation, 9'.

Procedure turn not authorized.
FAF, 5-mile Radar Fix. Final approach crs, 255°. Distance FAF to MAP, 5 miles.
Minimum altitude over 5-mile Radar Fix, 1500'.
NOTE: Radar required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25	400	1	391	400	1	391	400	1	391	400	1	391
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	471	480	1	471	480	1½	471	560	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, San Juan; State, P.R.; Airport name, Puerto Rico International; Elev., 9'; Facility, I-SGU, Procedure No. LOC (BC) Runway 25, Amdt. Orig.; Eff. date, 12 June 69

11. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing Lake Tyler Int.
Mount Sylvan Int	Lake Tyler Int	GGG R 266° and TYR LOC 127°.	2000	Climb to 2000' direct to TY LOM and hold.
GGG VORTAC	White House Int	Direct	2000	Supplementary charting information:
White House Int	Lake Tyler Int (NOPT)	Direct	1800	Hold NW of TY LOM on TYR LOC 307°-127° Inbnd, 1 minute, right turns. TDZ elevation, 544'.

Procedure turn S side of crs, 127° Outbnd, 307° Inbnd, 2000' within 10 miles of Lake Tyler Int.
FAF, Lake Tyler Int. Final approach crs, 307°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over Lake Tyler Int, 1800'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	940	¾	396	940	¾	396	940	¾	396		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	416	1000	1	456	1000	1¼	456		NA	
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Tyler; State, Tex.; Airport name, Pounds Field; Elev., 544'; Facility, I-TYR; Procedure No. LOC (BC) Runway 31, Amdt. 9; Eff. date, 12 June 69; Sup. Amdt. No. 8; Dated, 12 Dec. 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing ACB NDB.
TVC VOR	ACB NDB	Direct	2600	Climb to 2600' on 020° bearing from ACB NDB and return to ACB NDB.
Jordan Int	ACB NDB	Direct	2600	
Gaylord VOR	ACB NDB	Direct	2800	

Procedure turn W side of crs, 200° Outbnd, 020° Inbnd, 2600' within 10 miles of ACB NDB.
FAF, ACB NDB. Final approach crs, 020°. Distance FAF to MAP, 5 miles.
Minimum altitude over ACB NDB, 2100'.
MSA: 045°-135°—2800'; 135°-225°—2700'; 225°-315°—2600'; 315°-045°—2700'.
NOTES: (1) Use Bellaire altimeter setting through UNICOM; when not available, use Traverse City altimeter setting and circling and straight-in MDA becomes 1420'.
(2) Inoperative component table does not apply to REIL's Runway 2.
CAUTION: Airport situated in hilly terrain, rapid rising terrain within 2 miles of airport in all quadrants.
%Takeoff Runway 2 or 20, maintain runway heading to 2000' before turning on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2	1340	1	712	1340	1	712	1340	1¼	712	1340	1½	712
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1340	1	712	1340	1	712	1340	1½	712	1340	2	712
A	Not authorized.		T 2-eng. or less—500-1%				T over 2-eng.—500-1%					

City, Bellaire; State, Mich.; Airport name, Antrim County, Elev., 628'; Facility, ACB; Procedure No. NDB (ADF) Runway 2, Amdt. Orig.; Eff. date, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing CS LOM.
Lawson NDB	CS LOM	Direct	2200	Climb to 2200′ direct to Geneva Int via 046° bearing from CS LOM and hold; or, when directed by ATC, climb to 2200′, left turn direct to CS LOM and hold. Hold SW, 1 minute, left turn, 053° Inbnd.
Columbus VOR	CS LOM	Direct	2200	
Marvyn Int	CS LOM	Direct	2200	
Geneva Int	CS LOM	Direct	2200	
Seale Int	CS LOM (NOPT)	Direct	2200	

Supplementary charting information:
Geneva Int hold E, 1 minute, right turns, 265° Inbnd.
HIRL Runways 5/23.
Depict restricted area R-3002A.
Runway 5, TDZ elevation, 379′.

Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2200′ within 10 miles of CS LOM.
FAF, CS LOM. Final approach crs, 053°. Distance FAF to MAP, 6 miles.
Minimum altitude over CS LOM, 2200′.
MSA: 000°-090°—3500′; 090°-180°—3300′; 180°-270°—1800′; 270°-360°—2300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	920	1	541	920	1	541	920	1	541	920	1¼	541
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1½	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 367′; Facility, CS; Procedure No. NDB (ADF) Runway 5, Amdt. 16; Eff. date, 12 June 69; Sup. Amdt. No. ADF 1, Amdt. 15; Dated, 8 Oct. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing FMY NDB.
FMY VORTAC	FMY NDB	Direct	1500	Turn right, climb to 2000′ on FMY NDB 057° bearing within 15 miles.

Supplementary charting information:
Final approach crs intercepts runway centerline 3000′ from 454′ displaced threshold.
Runway 5, TDZ elevation, 15′.

Procedure turn E side of crs, 218° Outbnd, 038° Inbnd, 1500′ within 10 miles of FMY NDB.
FAF, FMY NDB. Final approach crs, 038°. Distance FAF to MAP, 4 miles.
Minimum altitude over FMY NDB, 1000′.
MSA: 008°-180°—2100′; 180°-270°—1200′; 270°-360°—1500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	480	1	465	480	1	465	480	1	465	480	1	465
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	463	480	1	463	480	1½	463	580	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17′; Facility, FMY; Procedure No. NDB (ADF) Runway 5, Amdt. 5; Eff. date, 12 June 69; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 10 Nov. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.3 miles after passing CWH NDB.
HSV VOR	CWH NDB	Direct	2600	Climbing right turn to 3000' direct to DCU VOR and hold; or, when directed by ATC, climbing right turn to 2600' direct to CWH NDB and hold N, 1 minute, right turns, 179° Inbnd.
Owens Int	CWH NDB	Direct	2600	
Bluff Int	CWH NDB	Direct	2600	
DCU VOR	CWH NDB	Direct	2600	
Tanner Int	CWH NDB	Direct	2600	
Bethel Int	Toney Int	Direct	2600	Supplementary charting information:
Dellrose Int	CWH NDB (NOPT)	Direct	2600	Hold W, 1 minute, right turns, 096° Inbnd.
Toney Int	CWH NDB (NOPT)	Direct	2600	HIRL's Runways 18 L and R/36 L and R. Deplct SV LMM 219KH s on AL chart. Runway 18R, TDZ elevation, 629'.

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600' within 10 miles of CWH NDB.
FAF, CWH NDB. Final approach crs, 179°. Distance FAF to MAP, 7.3 miles.
Minimum altitude over CWH NDB, 2600'; over OM, 1220'.
MSA: 000°-180°—3100'; 180°-360°—2600'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R	1220	¾	591	1220	¾	591	1220	¾	591	1220	1	591
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	591	1220	1	591	1220	1¼	591	1220	2	591
	NDB/FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R	1120	¾	491	1120	¾	491	1120	¾	491	1120	1	491
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1120	1	491	1120	1	491	1120	1¼	491	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629'; Facility, CWH; Procedure No. NDB (ADF) Runway 18R, Amdt. 3; Eff. date, 12 June 69; Sup. Amdt. No. 2; Dated, 25 Apr. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MML NDB.
Amiret Int	MML NDB	Direct	3000	Climb to 3000' on 137° bearing from MML NDB within 10 miles; return to NDB.
Ghent Int	MML NDB	Direct	3000	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. Runway 12, TDZ elevation, 1177'.

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 3000' within 10 miles of MML NDB.
Final approach crs, 137°.
MSA: 180°-270°—3400'; 270°-180°—2600'.
NOTE: Use Redwood Falls altimeter setting.
CAUTION: TURF Runways 17/35 and 8/26 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12	1800	1	623	1800	1	623		NA			NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1800	1	621	1800	1	621		NA			NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Marshall; State, Minn.; Airport name, Marshall Municipal; Elev., 1179'; Facility, MML; Procedure No. NDB (ADF) Runway 12, Amdt. Orig.; Eff. date, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.1 miles after passing MLB NDB.
MLB VOR	MLB NDB	Direct	1500	Climbing right turn to 1500' direct MLB NDB and hold. Supplementary charting information: Hold W, 1 minute, right turns, 087° Inbnd. Runway 9, TDZ elevation, 32'.

Procedure turn S side of crs, 267° Outbnd, 087° Inbnd, 1500' within 10 miles of MLB NDB.
FAF, MLB NDB. Final approach crs, 087°. Distance FAF to MAP, 2.1 miles.
Minimum altitude over MLB NDB, 600'.
MSA: 000-270°—1600'; 270°-360°—1700'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	400	1	368	400	1	368	400	1	368	400	1	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	528	580	1	548	580	1¼	548	600	2	568
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Melbourne; State, Fla.; Airport name, Cape Kennedy Regional; Elev., 32'; Facility, MLB; Procedure No. NDB (ADF) Runway 9, Amdt. 2; Eff. date, 12 June 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 25 Dec. 65

13. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 679'; LOC 6 miles after passing CS LOM.
Lawson NDB	CS LOM	Direct	2200	Climb to 2200' direct to Geneva Int via 046° bearing from CS LOM and hold; or when directed by ATC, climb to 2200', left turn direct to CS LOM and hold. Hold SW, 1 minute, left turns, 053° Inbnd. Supplementary charting information: Geneva Int hold E, 1 minute, right turns, 265° Inbnd. HIRL Runways 5/23. Deplct restricted area R-3002A. Runway 5, TDZ elevation, 379'.
Columbus VOR	CS LOM	Direct	2200	
Marvyn Int	CS LOM	Direct	2200	
Geneva Int	CS LOM	Direct	2200	
Seals Int	CS LOM (NOPT)	CSG LOC crs	2200	

Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2200' within 10 miles of CS LOM.
FAF, CS LOM. Final approach crs, 053°. Distance FAF to MAP, 6 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2200'; at MM 630'.
Distance to runway threshold at OM, 6 miles; at MM, 0.6 mile.
MSA: 000°-090°—3500'; 090°-180°—3300'; 180°-270°— 1800'; 270°-360°—2300'.
NOTES: (1) Glide slope unusable below 679'. (2) LOC back crs unusable. (3) Inoperative component table does not apply to HIRL Runway 5.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-5	679	¾	300	679	¾	300	679	¾	300	679	¾	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	820	1	441	820	1	441	820	1	441	820	1	441
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	523	920	1	523	920	1¼	523	960	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Facility, I-CSG; Procedure No. ILS Runway 5, Amdt. 10; Eff. date 12 June 69; Sup. Amdt. No. ILS-5, Amdt. 9; Dated, 8 Oct. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 829'; LOC 7.3 miles after passing CWH NDB.
HSV VOR	CWH NDB	Direct	2600	Climb to 3000' on S crs of I HSV LOC to Bluff Int and hold; or, when directed by ATC, climbing right turn to 3000' direct to DCU VOR and hold W, 1 minute, right turns, 090° Inbnd.
Owens Int	CWH NDB	Direct	2600	
Bluff Int	CWH NDB	Direct	2600	
DCU VOR	CWH NDB	Direct	2600	
Tanner Int	CWH NDB	Direct	2600	
Bethel Int	Toney Int	Direct	2600	Supplementary charting information: Hold S, 1 minute, right turns, 359° Inbnd. HIRLS Runways 18L and R/36 L and R. Runway 18R, TDZ elevation, 629'.
Toney Int	CWH NDB (NOPT)	Direct	2600	
Dellrose Int	CWH NDB (NOPT)	Direct	2600	

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600' within 10 miles of CWH NDB.
FAF, CWH NDB. Final approach crs, 179°. Distance FAF to MAP, 7.3 miles.
Minimum glide slope interception altitude, 2600'. Glide slope altitude at OM, 1935'; at MM, 847'.
Distance to runway threshold at OM, 4.3 miles; at MM, 0.6 mile.
MSA: 000°-180°—3100'; 180°-360°—2600'.
*When ALS inoperative, increase visibility ½ mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-18R	829	½	200	829	½	200	829	½	200	829	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R*	1160	¾	531	1160	¾	531	1160	¾	531	1160	1	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1160	1	531	1160	1	531	1160	1¼	531	1180	2	551
	LOC/FM Minimums:											
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R*	1060	¾	431	1060	¾	431	1060	¾	431	1060	1	431
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1080	1	451	1080	1	451	1080	1¼	451	1180	2	551
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629'; Facility, I-HSV; Procedure No. ILS Runway 18R, Amdt. 3; Eff. date, 12 June 69; Sup. Amdt. No. 2; Dated, 25 Apr. 68

14. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 738. Localizer 4.6 miles after passing TY LOM.
Fruitvale Int	TY LOM (NOPT)	TYR LOC NW crs	2000	Climb to 2000' via LOC SE crs to Lake Tyler Int and hold.
GGG VORTAC	Whitehouse Int	Direct	2000	
Whitehouse Int	TY LOM	Direct	2000	Supplementary charting information:
Mount Sylvan Int	TY LOM (NOPT)	GGG R 266° and TYR LOC (FC).	2000	Hold SE of Lake Tyler Int on TYR LOC 127°–307° Inbnd, left turns, 1 minute.
GGG VORTAC	TY LOM	Direct	2100	TDZ elevation, 538'.

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles of TY LOM.
FAF, TY LOM. Final approach crs, 127°. Distance FAF to MAP, 4.6 miles.
Minimum glide slope interception altitude, 1900'. Glide slope altitude at OM, 1826'; at MM, 726'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.6 mile.
MSA: 000°–360°—2200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-13	738	½	200	738	½	200	738	½	200		NA	
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	860	½	322	860	½	322	860	½	322		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	416	1000	1	456	1000	1½	456		NA	
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Tyler; State, Tex.; Airport name, Pounds Field; Elev., 544'; Facility, I-TYR; Procedure No. ILS Runway 13, Amdt. 8; Eff. date, 12 June 69; Sup. Amdt. No. 7; Dated, 12 Dec. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on May 6, 1969.

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

[F.R. Doc. 69-5672; Filed, May 22, 1969; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMODITY EXCHANGE AUTHORITY

Central Office and Commodity Exchange Act

The Statement of Organization, Functions, and Procedures of the Commodity Exchange Authority, published at 32 F.R. 9643, July 4, 1967, is hereby amended by deleting the phrase "Accounting and Licensing Division," after the word "Administrator," in § 140.1(a), and substituting the phrase "Registration and Audit Division" for it, and by deleting the comma and the clause "and prepares certificates of registration issued by the Secretary (42 Stat. 1000, as amended; 49 Stat. 1495; 49 Stat. 1497; 7 U.S.C. 6f, 7, 7a).", after the word "brokers," in the first sentence of § 140.10(d), and substituting a period for it.

1. As so amended, § 140.1(a) will read as follows:

§ 140.1 Central office.

(a) *General.* The principal office of the Commodity Exchange Authority is located at Washington, D.C., in the Administration Building, U.S. Department of Agriculture, and consists of the Office of the Administrator, Registration and Audit Division, Compliance Division, and Trading Division.

* * * * *

2. As so amended, § 140.10(d) will read as follows:

§ 140.10 Commodity Exchange Act.

* * * * *

(d) The Commodity Exchange Authority reviews rules of contract markets to determine conformity with statutory requirements, and receives and considers applications for registration as futures commission merchants and as floor brokers. Application forms may be procured from the central office of the Commodity Exchange Authority or from any regional office thereof.

* * * * *

(Public Law 89-554, Sept. 6, 1966, 80 Stat. 383, Public Law 90-23, sec. 1, June 5, 1967, 81 Stat. 54, 5 U.S.C. 552; 25 F.R. 3926, 29 F.R. 339, 7 CFR 1.201; 29 F.R. 16210, sec. 40; 29 F.R. 16210, sec. 125, as amended at 33 F.R. 17856)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Issued: May 20, 1969.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[F.R. Doc. 69-6167; Filed, May 22, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 169—COMMERCIAL OR INDUSTRIAL ACTIVITIES

The Deputy Secretary of Defense approved the following revision to Part 169 on April 17, 1969:

Sec.

AUTHORITY: The provisions of this Part 169 based on title 5 U.S.C. 301 and title 5 U.S.C. 552.

§ 169.1 Purpose and applicability.

This part implements BoB Circular A–76, "Policies for Acquiring Commercial or Industrial Products and Services for Government Use," August 30, 1967, and prescribes Department of Defense policy governing the establishment and operation of DoD commercial or industrial activities by the Military Departments and Defense Agencies (hereinafter referred to collectively as "DoD Components").

§ 169.2 Definitions.

(a) *DoD commercial or industrial activities.* Activities operated and managed by DoD Components to provide products or services for Government use which are obtainable from private commercial sources.

(b) *Private commercial sources.* Private business concerns which provide products or services available to Government Agencies, and which are located in the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) *New start.* (1) The term "new start" includes the following:

(i) A newly established DoD commercial or industrial activity involving additional capital investment of $25,000 or more or additional annual costs of production of $50,000 or more.

(ii) A reactivation, expansion, modernization or replacement of an activity involving additional capital investment of $50,000 or more or additional costs of production of $100,000 or more.

(iii) Construction, replacement, or reactivation of bakery, laundry and dry cleaning facilities and scrap metal facilities subject to provisions of DoD Directive 5126.8 (20 F.R. 8551) and DoD Directive 5126.15 (21 F.R. 273).

(2) *Exemptions:* Consolidation of two or more activities without increasing the overall total amount of products or services provided is not a "new start."

(d) *Contract support services.* Services procured from private commercial sources in support of DoD functions.

§ 169.3 Policy.

(a) Bureau of the Budget Circular A–76 outlines the principle that: (1) Government Departments and Agencies will rely on the private enterprise system for the provision of required products or services to the maximum extent consistent with effective and efficient accomplishment of their programs; and (2) in some circumstances, it is in the national interest for the Government to provide directly the products and services it uses, and that only under those circumstances will a Department or Agency continue the operation of a Government commercial or industrial activity, or initiate a "new start."

(b) In conformance with this principle, the Department of Defense will depend upon both private and Government commerical or industrial sources for the provision of products and services, with the objective of meeting its military readiness requirements with maximum cost effectiveness, as follows:

(1) DoD commercial or industrial activities may be continued in operation or initiated as "new starts" only when a clear determination is made that one or more of the following circumstances exist:

(i) Procurement of a product or service from a commercial source would disrupt or materially delay an agency's program.

(ii) It is necessary for the Government to conduct a commercial or industrial activity for purposes of combat support or for individual and unit retraining of military personnel or to maintain or strengthen mobilization readiness.

(iii) A satisfactory commercial source is not available and cannot be developed in time to provide a product or service when it is needed.

(iv) The product or service is not available from another Federal Agency nor from commercial sources.

(v) Procurement of the product or service from a commercial source will result in higher total cost to the Government.

(2) Within the limitation prescribed in subparagraph (1) of this paragraph, DoD Components will be equipped and staffed to carry out effectively and economically those commercial or industrial activities which must be performed internally in order to meet military readiness requirements. All other required products or services will be obtained in the manner least costly to the Government (by contract, by procurement from other Government Agencies, or from DoD commercial or industrial activities). Decisions based upon cost considerations shall be supported by cost comparison studies conducted in accordance with BoB Circular A–76, Part 169a of this subchapter.

(3) Although DoD Components will rely primarily upon private commercial sources for required products and services, this policy will not be used as authority for methods of contract personnel procurement not authorized by law, nor as a means of avoiding Government personnel or salary limitations.

(4) DoD Components will continue to perform for themselves those basic functions of management necessary to retain essential control over the conduct of their programs.

(i) These include selection, training and direction of Government personnel, assignment of organizational responsibilities, planning of programs, establishment of performance goals and priorities, and evaluation of performance.

(ii) Where required, commercial contract sources may be used to provide managerial, advisory and other support services related to these internal functions, provided that the Government's fundamental responsibility for controlling and managing its programs is not compromised or weakened.

§ 169.4 Responsibilities and delegations.

(a) The Assistant Secretary of Defense (Installations and Logistics) will:

(1) Provide the instructions necessary to implement the requirements of this part (see Part 169a of this subchapter);

(2) Approve or disapprove all requests for new starts of DoD commercial or industrial activities;

(3) Exempt selected DoD commercial or industrial activities from review, as provided in section 7c(1) of BoB Circular A–76;

(4) Maintain an inventory of DoD commercial or industrial activities and contract support service functions; and

(5) Conduct, in collaboration with the Assistant Secretaries of Defense (Comptroller) and (Manpower and Reserve Affairs), a continuing program for improving management and cost effectiveness in the performance of DoD commercial or industrial activities and contract support service functions.

(b) DoD Components: The Secretaries of the Military Departments and the Directors of Defense Agencies:

(1) Will carry out the requirements of this Directive in accordance with the instructions issued by the Assistant Secretary of Defense (I&L) under paragraph (a)(1) of this section, and

(2) Are authorized to act for the Secretary of Defense, except for "new starts," in making decisions to continue, discontinue, or curtail commercial or industrial activities operated by their respective Departments or Agencies. Within the Military Departments, this authority may be redelegated to an Assistant Secretary, and in Defense Agencies, to a Deputy Director, or an official or equivalent rank.

§ 169.5 Objective.

(a) It is intended that the continued implementation of this policy will:

(1) Result in the maximum practicable reduction in DoD commercial or industrial activities, consistent with § 169.4 (b)(1); and

(2) Provide economies in DoD procurement of products and services.

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

MAY 16, 1969.

[F.R. Doc. 69–6119; Filed, May 22, 1969; 8:45 a.m.]

PART 169a—OPERATION OF COMMERCIAL OR INDUSTRIAL ACTIVITIES

Miscellaneous Amendments

The following miscellaneous amendments to Part 169a were approved on April 17, 1969:

1. In § 169a.1(f), changes were made which read as follows:

§ 169a.1 Purpose.

* * * * *

(f) Obtain the approval of the Assistant Secretary of Defense (Installations and Logistics) prior to making a new start of a DoD commercial or industrial activity, as outlined in § 169a.6(a).

2. In § 169a.2 *Definitions*, changes were made to (c) which read as follows:

§ 169a.2 Definitions.

* * * * *

(c) *New start.* (1) New start includes the following:

(i) A newly established DoD commercial or industrial activity involving additional capital investment of $25,000 or more or additional annual costs of production of $50,000 or more.

(ii) A reactivation, expansion, modernization, or replacement of an activity involving additional capital investment of $50,000 or more or additional annual costs of production of $100,000 or more.

(iii) Construction, replacement, or reactivation of bakery, laundry and dry cleaning facilities and scrap metal facilities subject to provisions of DoD Directive 5126.8 (20 F.R. 8551) and DoD Directive 5126.15 (21 F.R. 273).

(2) Consolidation of two or more activities without increasing the overall total amount of products or services provided is not a "new start."

* * * * *

3. In § 169a.4(d), changes were made to (d) which read as follows:

§ 169a.4 Applicability.

* * * * *

(d) Managerial advisory services such as those normally provided by an office of general counsel, a management and organization staff, automatic data processing staff, or a systems analysis staff.

4. In § 169a.5, changes were made to (e) and (f), which read as follows:

§ 169a.5 Criteria.

* * * * *

(e) Obtaining the approval of ASD (I&L) prior to making any new start of a DoD commercial or industrial activity as defined in § 169a.1(c). Requests for new start approval will be submitted in triplicate, and will include documentation showing compliance with § 169a.1 (a), (b), and (c), and will include a comparative cost analysis if approval is being sought on the basis of the criterion specified in this § 169a.5(e). Where statutory authority and funds for construction are required before a new start can be initiated, ASD(I&L) approval for the new start will be obtained as provided herein prior to inclusion of the project in an annual authorization request or the annual budget estimates submitted to the Bureau of the Budget. This requirement is assigned Report Control Symbol DD-I&L(AR)733.

(f) Making a comparative cost analysis before procuring products or services from private commercial sources when the procurement will cause the Government to finance directly or indirectly more than $50,000 for costs of facilities and equipment to be constructed to Government specifications. Cost comparison reviews are also required prior to procurement from private commercial sources under certain other circumstances to assure that commercial procurement is economically justified; see § 169a.9(c)(1)(iii).

5. In § 169a.10, changes were made to (k), (q), (r), and (t) which read as follows:

§ 169a.10 Cost elements involved in procurement from private commercial sources.

* * * * *

(k) *Civilian personnel services.* (1) Enter on line 11 the cost of civilian personnel services involved directly in the work performed. The cost of civilian personnel paid at annual rates will be gross pay as shown in current pay tables, plus the Government's contribution for civilian retirement (or social security if applicable instead of civilian retirement), disability, health, and life insurance. These contributions should be determined by multiplying the following percentage factors to the base pay:

	Percent
Retirement and Disability (for employees under civil service retirement)	[1] 7.4
Health	1.0
Life Insurance	.3

[1] A lower factor for retirement and disability should be applied if a substantial part of the work force would be permanently subject to the Social Security Act rather than the Civil Service Retirement System. The rate to be applied for employees permanently under the Social Security System is 4.4 percent of base salary up to $7,800 of salary.

(2) If labor costs are determined on the basis of direct labor hours applied, the civilian pay rate increased by 29.6 percent to include leave and other benefits should be used. The 29.6 percent acceleration of civilian pay represents the average cost of leave (20.9 percent for sick leave taken and for annual, holiday and, other paid leave accruals), plus 8.7 percent for average Government contributions for other benefits.

* * * * *

(q) *Depreciation.* Enter on line 17 depreciation for the capital investment which will be required by the Government if commercial procurement is not utilized. Depreciation should be computed as a cost for any new or additional facilities or equipment, and for any rehabilitation, modification or expansion of existing facilities or equipment which will be required if a Government activity is started or continued. Depreciation will not be allocated for facilities acquired by the Government before the cost comparison study is started. However, if reliance upon a commercial source will cause Government-owned equipment or facilities to become available for other Federal use or for disposal as surplus, the cost comparison analysis should include as a cost of the Government activity, an appropriate amount based upon a cost of the estimated current market value of such equipment or facilities. In computing the depreciation cost of new or additional facilities on equipment to be acquired if a Government activity is started or continued, and in determining the comparative costs under lease-purchase alternatives, appropriate recognition should be given to estimated residual or salvage values of the facilities or equipment. The Internal Revenue Service publication, Depreciation; Guidelines and Rules, may be used in computing depreciation. A condensed listing of these depreciation rates is provided in § 169a.12. However, these rates are maximums to be used only for reference purposes and only when more specific depreciation data are not available. Accelerated depreciation rates permitted in some instances by the Internal Revenue Service shall not be used.

(r) *Interest.* Enter on line 18 the computed interest rate for any new or additional capital to be invested by the Government. This entry is used to estimate the rate of return that could have accrued to the Government for any capital investment which must be made by the Government because of this work and which would not have been made if the work were to be performed by private enterprise. The rate of interest will be the current interest for long term Treasury obligations. Yield rates are reported in the current issue of the Treasury Bulletin (Table 1 Average Yields of Treasury and Corporate Bonds by Periods) and shall be used in these computations regardless of any rates of interest which may be used by the agency for other purposes. The method of computation should provide for reduction in the capital investment to which interest is applied over the useful life of the asset on a straight line basis.

* * * * *

(t) *Other indirect costs.* Enter on line 20 the additional indirect costs incurred or to be incurred because commercial procurement is not utilized. These indirect costs consist of the various central administrative services above the installation level, such as centralized accounting, personnel, and legal assistance or other Government-wide services of such organizations as the Public Buildings Service, General Services Administration. It is not always feasible to determine the extent to which the costs of these types of central services should be allocated to a Government commercial or industrial activity on an individual basis. To cover these services, a cost factor of two per cent should be applied to the sum of all other elements identified with the activity under review, except lines 15, 16, 17, 18, and 20, and the result will be entered on line 20 of the Worksheet. In lieu of the 2 percent factor, a higher or lower amount may be used in unusual cases provided the basis for the substitution is fully justified in the cost comparison.

§ 169a.11 [Amended]

6. In § 169a.11, *Cost analysis worksheet*, the captions of items 15, 20, and 20a, have been amended by deleting the

parenthetical phrases. They now read as follows: "15. Insurance"; "20. Other Indirect Costs,"; and "20a. Total".

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

MAY 16, 1969.

[F.R. Doc. 69-6120; Filed, May 22, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

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

PART 151—FEDERAL FINANCIAL ASSISTANCE FOR RESEARCH AND RESEARCH RELATED ACTIVITIES IN THE FIELD OF EDUCATION AND FOR CONSTRUCTION OF NATIONAL AND REGIONAL RESEARCH FACILITIES

Miscellaneous Amendments

Part 151 of Chapter I of Title 45 of the Code of Federal Regulations is amended as follows:

1. The Table of Contents is amended as follows:

(a) Section 151.10 is deleted.

(b) Section 151.11 is revised to read "Termination of a Grant."

(c) Section 151.12 is deleted.

(d) Section 151.17 is deleted.

(e) Section 151.22 is revised to read "Contracting."

§ 151.10 [Revoked]

2. Section 151.10 is revoked.

3. Section 151.11 is revised to read as follows:

§ 151.11 Termination of a grant.

(a) A grant may be terminated by the Commissioner—

(1) If he determines that the program or project supported is no longer susceptible of productive results; or

(2) If the grantee fails to comply with any grant requirement or condition.

(b) When action is taken under this section, the Commissioner may authorize the expenditure of Federal funds in such amounts as he may deem necessary for the purpose of terminating the program or project financed by the grant which is being terminated.

(20 U.S.C. 331a(a))

§ 151.12 [Deleted]

4. Section 151.12 is deleted.

§ 151.17 [Deleted]

5. Section 151.17 is deleted.

6. Paragraph (a) of § 151.18 is revised to read as follows:

§ 151.18 Records.

(a) The grantee shall provide for keeping separate, intact, and accessible and will make available to the Commissioner on request, all records supporting claims under Federal grants or relating to the accountability for Federal funds:

(1) Until audit by or on behalf of the Department; or

(2) For 5 years after the close of the budget period, whichever is the lesser.

(20 U.S.C. 331a(a))

* * * * *

7. Section 151.21 is revised to read as follows:

§ 151.21 Contracts.

In lieu of a grant under this part, the Commissioner may enter into a contract with any eligible party for the conduct of a program or project. Such contracts may include whatever provisions may be deemed necessary or desirable for the achievement of the purposes of the Act.

(20 U.S.C. 331a, 332a)

8. Section 151.22 is revised to read as follows:

§ 151.22 Contracting.

The Commissioner may authorize at the time of the grant award, or subsequently, contracting arrangements in connection with a program or project where he determines that such contracts will not be inconsistent with the objectives of the program or project, applicable provisions of the Act and this part, or other applicable Federal requirements.

(20 U.S.C. 331a, 332a)

9. Section 151.24 is revised to read as follows:

§ 151.24 Transfer of funds.

The Commissioner may, with the approval of the Secretary, transfer funds appropriated under section 3 of the Act to any other Federal agency (including any other constituent agency of the Department of Health, Education, and Welfare) for use by that agency for purposes for which the Commissioner could expend such funds under section 2 of the Act. Such a transfer will be made in accordance with an agreement between the Commissioner and the transferee agency and the transferred funds may be used by the agency alone, or in combination with its own funds. The Commissioner may also accept and expend funds transferred from any other Federal agency (including any other constituent agency of the Department of Health, Education, and Welfare) for the purposes stated in section 2 of the Act.

(20 U.S.C. 331a(c))

10. Section 151.25 is revised to read as follows:

§ 151.25 Eligible parties.

Only universities and colleges and other public or private agencies, institutions, and organizations are eligible parties under this subpart, except that no grant may be made to a private agency, institution, or organization other than a nonprofit one.

(20 U.S.C. 331a(b))

11. Paragraph (d) of § 151.29 is revised to read as follows:

§ 151.29 Assurances.

* * * * *

(d) The facility will be used only for research and research related purposes in accordance with the Act and this part for its useful life.

(20 U.S.C. 332a)

* * * * *

12. Section 151.31 is revised to read as follows:

§ 151.31 Contract performance bonds.

The grantee shall require the contractor to furnish a performance bond in the amount of the contract price and a payment bond in the amount of at least one half of the contract price and shall itself, or require the contractor to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance (unless applicant furnishes evidence of other acceptable arrangements for any and all such insurance).

(20 U.S.C. 322a)

Dated: May 19, 1969.

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

Approved:

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

[F.R. Doc. 69-6178; Filed, May 22, 1969; 8:50 a.m.]

PART 171—FINANCIAL ASSISTANCE FOR ACQUISITION OF EQUIPMENT TO IMPROVE UNDERGRADUATE INSTRUCTION IN INSTITUTIONS OF HIGHER EDUCATION

Definitions and Retention of Records

1. Paragraph (o) of § 171.1 which defines laboratory and other special equipment and materials is amended by eliminating the word "computers" from the last sentence thereof (thus making such items potentially eligible for inclusion in a project proposal). As so amended the last sentence of § 171.1(o) reads as follows:

§ 171.1 Definitions.

* * * * *

(o) * * * Not included under the term are such items as general-purpose furniture, radio or television broadcast apparatus, public address systems, or items for the maintenance and repair of equipment.

2. Section 171.8 dealing with retention of records is amended to limit the period provided for therein (in most cases to a maximum of 5 years). As so amended paragraphs (a)(1) and (b) of § 171.8 read as follows:

§ 171.8 Retention of records.

(a) *State Commissions.* (1) Accounts and documents supporting expenditures for expenses of State Commissions shall be maintained until notification of completion of Federal audits for the fiscal year concerned or for a period of 5 years

after the end of such fiscal year, whichever is sooner, except that such records shall be maintained until any questions raised on audit have been resolved.

* * * * *

(b) *Institutions.* All accounting records relating to approval of projects and to verification of the applicant's maintenance of effort, as specified in paragraph (b) of § 171.7, including bank deposit slips, canceled checks, and other supporting documents and contract awards (or microfilm facsimiles thereof), shall be retained intact for audit or inspection by authorized representatives of the Federal Government for a period of 5 years after completion of the project or until the applicant is notified of the Government's audit, whichever is sooner, except that such records shall be maintained until any questions raised on audit shall have been resolved.

Effective date: These amendments shall become effective 30 days after their publication in the FEDERAL REGISTER.

(Secs. 603, 605, 79 Stat. 1262, 1265; 20 U.S.C. 1123, 1125)

Dated: May 19, 1969.

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

Approved: April 2, 1969.

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

[F.R. Doc. 69-6179; Filed, May 22, 1969; 8:50 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 5, Amdt. 3]

PART 71—STANDARD TIME ZONE BOUNDARIES

Relocation of Central-Mountain Standard Time Zone Boundary in Cherry County, Nebr.

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing boundary line between the central time zone and the mountain time zone as it applies to Cherry County, Nebr.

On March 5, 1969, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (34 F.R. 3852) requesting comments on a proposal based on petitions received from certain citizens of Cherry County, Nebr., organized as the "Committee for Central Standard Time". The petitions requested that the Department place eight of the precincts of the county (Crookston, German, Table, Valentine, Cleveland, Wood Lake, Kewanee, and Sparks) in the central time zone. The petitions stated that most of the area concerned had historically followed central time and that the general public, business, and social activities of the area were oriented to central time. The petitions were accompanied by the results of an informal election held in Commissioner District No. 1 on November 9, 1968, in which 910 votes were cast in favor of central time and 303 votes cast in favor of mountain time. The petitions were also supported by letters from the Mayor of Valentine, the Mayor of Wood Lake, the Valentine Chamber of Commerce, the Superintendent of Public Instruction of Cherry County, the Superintendent of Valentine City Schools, and Valentine Motor Lines.

Since the Department had an indication that other precincts in the eastern part of the county might also wish to be included in the central time zone, the notice also covered the precincts of Loup, Goose Creek, Pleasant Hill, and Elsmere.

In the notice the Department stated that it was generally the policy of the Department to establish time zone boundaries along State or county lines so far as possible, but that it noted that Cherry County presented a unique problem because of its extreme size and the major population concentration in the northeast corner.

Interested persons were given a 41-day period within which to comment on the proposal. Comments were received from common carriers, business firms, chambers of commerce, county and municipal officials, and individuals. A total of 325 separate comments were received, along with the notarized results of the informal election discussed above. The Department also received a notarized petition with 260 signatures (primarily from towns west of Valentine) favoring the present time line. The individual comments are broken down as follows:

1. Two comments were received from common carriers, both favoring central time.

2. Fifteen comments were received from business firms, all favoring central time.

3. Two comments were received from chambers of commerce, both favoring central time.

4. One comment was received from a radio station, favoring central time.

5. Two hundred nineteen individual comments favoring central time were received.

6. Seventy-five comments favoring mountain time were received (43 from Valentine; 14 from Crookston; six from Cody; seven from Kilgore; and five scattered).

7. Ten comments, all favoring central time, were received from Cherry County and Valentine officials including the mayor, the city manager, the county treasurer, the superintendent of public instruction, the clerk of the district court, the county commissioner for District No. 1, and the county assessor.

As a result of its evaluation of the comments and in view of the requirement imposed by the Uniform Time Act of 1966 that time zone boundaries be fixed "having regard for the convenience of commerce and existing junction points and division points of common carriers" the Department is of the opinion that the clear preference of commercial and transportation interests, as well as that of individual citizens concerned, is for central time in the 12 named precincts in accordance with the proposal. Furthermore, the Department considers that drawing the time zone boundary along established precinct lines, as the proposed rule would do, will provide the same long-term stability to the boundary in this extremely large county as drawing it along State or county lines does in other situations.

In consideration of the foregoing, § 71.5(c) of Title 49 of the Code of Federal Regulations is amended, effective at 2 a.m. on June 29, 1969, to read as follows:

§ 71.5 Boundary line between central and mountain zones.

* * * * *

(c) *Nebraska.* From the intersection of the Third Guide Meridian, West, and the north boundary line of the State of Nebraska; thence running west along the north boundary of the State of Nebraska to the intersection of the west line of R. 30 W.; thence south along the range line between Rs. 30 and 31 W. to the southwest corner of sec. 19, T. 33 N., R. 30 W.; thence easterly along section lines to the northeast corner of sec. 29 T. 33 N., R. 30 W.; thence southerly along section lines with their offsets to the northeast corner of sec. 17, T. 32 N., R. 30 W.; thence westerly along section lines to the northwest corner of sec. 18, T. 32 N., R. 30 W.; thence southerly along the range line to the southwest corner of T. 31 N., R. 30 W.; thence easterly along the township line to the northeast corner of T. 30 N., R. 30 W.; thence southerly along the range line to the southwest corner of T. 29 N., R. 29 W.; thence westerly along the township line to the northwest corner of sec. 4, T. 28 N., R. 30 W.; thence southerly along section lines to the southwest corner of sec. 33, T. 28 N., R. 30 W.; thence easterly along the township line to the northeast corner of sec. 4, T. 27 N., R. 30 W.; thence southerly along section lines to the southwest corner of sec. 22, T. 26 N., R. 30 W.; thence easterly along section lines to the southeast corner of sec. 24, T. 26 N., R. 30 W.; thence southerly along the range line to the north line of Thomas County; thence westerly along the north line of Thomas County to the west line of Thomas County; thence south along the west line of Thomas County to the intersection of the north line of McPherson County; thence west along the north line of McPherson County to the west line of McPherson County; thence south along the west line of McPherson County to the intersection of the north line of Keith County; thence east along the north line of Keith County to the intersection of the west line of Lincoln County; thence south along the west line of Lincoln County to the intersection of the north line of Hayes County; thence west along the north line of Hayes County to the west line of Hayes County; thence south along the west line of Hayes and Hitchcock Counties to the boundary line between Kansas and Nebraska.

This amendment does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from the last Sunday in April to the last Sunday in October, but permits any State to exempt itself, by law, from observing advanced time within that State. The Department has no administrative authority with respect to this requirement.

(Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966; 15 U.S.C. 260–267; sec. 6(e)(5), Department of Transportation Act; 49 U.S.C. 1655(e)(5))

Issued in Washington, D.C., on May 19, 1969.

JOHN VOLPE,
Secretary of Transportation.

[F.R. Doc. 69-6162; Filed, May 22, 1969; 8:48 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 375—CONSUMER INFORMATION

Miscellaneous Amendments

Action on petitions for reconsideration—Amendment.

Regulations requiring manufacturers of passenger cars and motorcycles to provide information on vehicle stopping distance (§ 375.101), tire reserve load (§ 375.102), and acceleration and passing ability (§ 375.106) were issued by the Federal Highway Administrator and published in the FEDERAL REGISTER on January 25, 1969 (34 F.R. 1246). Several petitions for reconsideration of these regulations were received. In response to these petitions, and in order to clarify and simplify the requirements and the information to be provided to purchasers, these regulations are hereby amended and reissued in the form set forth below.

Section 375.101 *Vehicle stopping distance.* This section required that manufacturers state the tire size, type and size of brake, method of brake actuation and auxiliary brake equipment, and maximum loaded and lightly loaded vehicle weights. The effect of stating these requirements was to greatly restrict the grouping of vehicles and options that was permitted for the purposes of furnishing information. It has been determined that in order to reduce the required number of different information documents, manufacturers should be permitted to group vehicles at their discretion, as long as each vehicle in the group can meet or exceed the performance levels indicated, and the vehicles in each group are identified in the terms by which they are normally described to the public. The requirement for specific descriptive information is therefore deleted.

Since the information must be valid for all vehicles in the group to which it applies, the requirement that it refer to the smallest tire size offered has been found unnecessary, and deleted. It has also been determined that variations in stopping distances between different vehicles at 30 m.p.h. are not as meaningful for comparison purposes as those at 60 m.p.h., and therefore information is required only for the latter speed.

It should be noted that the regulations establish the conditions under which the performance level represented by the information provided can be met or exceeded by every vehicle to which the information applies. They do not establish the procedures by which manufacturers should generate the information, although those procedures are to be inferred from the regulations. For example, both sections contain the condition that wind velocity is zero. This does not mean that manufacturers' tests must be conducted under still air conditions; it means that the performance level established must be attainable by all vehicles in the group under those conditions. One obvious method of satisfying the condition from the manufacturer's standpoint is to conduct verification tests under adverse wind conditions (tailwind for braking, headwind for acceleration). As another example, the condition that ambient temperature be between 32° F. and 100° F. means that the information presented must be attainable by all vehicles in the group at all temperatures within that range (when other conditions are as stated).

The amended section requires that stopping distances be those attainable without lockup on any wheel. This condition is the most meaningful from a safety standpoint, since steering control tends to be lost when wheels are locked. Several petitioners submitted data showing minimal differences in maximum and lightly loaded vehicle weight stopping distances to support their request for substitution of a single test weight. Their results, however, were apparently derived from tests conducted with locked wheels, under which conditions stopping distance becomes a function largely of vehicle velocity and the friction coefficient between the tire and the road, and has no relationship to vehicle weight. It is believed that the condition of no wheel lockup will result in data showing meaningful differences in stopping distances at different test weights. Accordingly, the requirement of information covering these two vehicle weight conditions is retained, and petitions on this point are denied.

The section as issued required performance information for a partially failed service brake subsystem ("emergency brake system") only at maximum loaded vehicle weight. It has been determined that in some cases the most adverse condition may occur at lighter loads. The amended rule therefore requires information for "the most adverse combination of maximum or lightly loaded vehicle weight and complete loss of braking in one or the other of the vehicle brake subsystems."

Several petitioners suggested that information be limited to one test weight, instead of requiring it for both lightly loaded and maximum loaded vehicle weight. It has been determined, however, that information on both conditions may reveal vehicles having superior brake balance, and the advantage of antiskid or load proportioning devices, and also aid purchasers who travel mainly in one or the other of the loading conditions. The petitions to that effect are therefore denied.

Section 375.102 *Tire reserve load.* The section required that manufacturers state the number of passengers and the cargo and luggage weight for two different loading conditions, and the actual vehicle weight within a range of no more than 100 pounds under those conditions. These requirements restricted the grouping of vehicles and options that was permitted for the purposes of furnishing information. It has been determined that in order to reduce the required number of different information documents, manufacturers should be permitted to group vehicles by recommended tire size designations regardless of weight, as long as the reserve load figure is met or exceeded by every vehicle in the group. The requirements for providing weight and loading information are therefore deleted.

Section 375.102 as issued required that reserve load figures be provided for the vehicle at normal vehicle weight (two or three persons and no luggage) as well as maximum loaded vehicle weight. It also required the furnishing of a "tire overload percentage," the percentage difference between the load rating of a tire at recommended inflation pressures for normal vehicle weight and the load on the tire at maximum loaded vehicle weight. Several petitions suggested that the providing of these various percentage figures would tend to confuse persons to whom the information is furnished, and therefore decrease its usefulness to the consumer. Representatives of consumer groups have also suggested, in earlier proceedings concerning the consumer information regulations, that for maximum usability the information should be as simple and clear as possible. In light of these considerations, it has been determined that the tire reserve load figure provided should be limited to a single percentage for each recommended tire size designation, at maximum loaded vehicle weight and the manufacturer's recommended inflation pressure. The requirements for tire reserve load at normal vehicle weight and for tire overload percentage accordingly are deleted.

Two further changes in the calculation methods have been made for simplicity and clarity. Instead of using the actual load on each wheel as the basis for calculation, the wheel load figure is changed to one-half of each axle's share of the maximum loaded vehicle weight. This reflects the method used in Standard No. 110 for determining the vehicle maximum load on the tire. Also, the denominator of the fraction representing the tire reserve load percentage is changed from the load on the wheel to the load rating of the tire. A tire with a load rating of 1,500 pounds, for example,

used with a wheel load of 900 pounds, would have a reserve load percentage of 40 percent (600/1500×100) rather than 66⅔ percent (600/900×100). The former figure has been determined to be somewhat more meaningful in cases of large reserve loads.

Section 375.106 *Acceleration and passing ability.* The section as issued required that times be provided for acceleration from 20 to 35 m.p.h. and from 50 to 80 m.p.h., and times and distances for prescribed passing maneuvers involving two lane changes. On the basis of petitions submitted, and further consideration of the need for simplicity and clarity in the information presented, it has been determined that the most useful information would be in the form of passing distances and times for a simple straight-line passing maneuver at low and high speeds. In order to eliminate the difficulties of conducting a uniform passing maneuver involving a long pace vehicle and a limiting of the passing speed precisely to a specified level, the information required is to be derived on the basis of a time-distance plot of vehicle performance at maximum acceleration from 20 to 35 and 50 to 80 miles per hour.

For reasons discussed above in regard to § 375.101, the requirement of providing the weight of the vehicle is deleted from this section.

Because the amended section does not require information relating to an actual passing maneuver, but only that based on two straight-line acceleration maneuvers with a simple graphic computation, the exception of manufacturers of 500 or fewer vehicles annually from certain of the requirements is removed from this section.

Several petitioners contended that the requirement that information be provided under the condition of full-power operation of a vehicle air conditioner would lead to variable, nonrepeatable results. This may be true of the results achieved in manufacturers' tests. The information presented is not, however, to be simply the results of manufacturers' tests, but rather a minimum level of performance that can be met or exceeded by every vehicle to which the information applies. Manufacturers are free, therefore, to adjust the data to account for any variation in results that might be encountered. The degradation of acceleration ability by the use of an air conditioner may be significant in some cases, and therefore it is important from the standpoint of safety that it be reflected in the information provided. The petitions to the contrary are accordingly denied.

Some petitioners objected to the required use of a correction factor to ambient conditions in accordance with SAE Standard J816a, pointing out that the factor was designed to be applicable exclusively to engine dynamometer testing and not to road testing of vehicles. The contention has been found to have merit. In the section as amended, ranges of ambient conditions of temperature, dry barometric pressure, and relative humidity are provided, and the information is required to be valid at all points within those ranges.

In addition to the above, a new paragraph (c), containing specific definitions, is added to § 375.2 *Definitions.*

In order to allow adequate time for manufacturers to prepare the information, the three sections are effective for vehicles manufactured on or after January 1, 1970.

In consideration of the above, 49 CFR 375.101, 375.102, and 375.106 are amended, and a new paragraph (c) is added to § 375.2, to read as set forth below. This notice of action on petitions for reconsideration is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1407) and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

F. C. TURNER,
Federal Highway Administrator.

MAY 19, 1969.

§ 375.2 Definitions.

* * * * *

(c) *Definitions used in this part.*

"Brake power unit" means a mechanism installed in a motor vehicle brake system that has a primary purpose of reducing the effort required by the operator to actuate the brake system, including both full-power and power-assist units.

"Lightly loaded vehicle weight" means—

(1) For a passenger car, curb weight plus 300 pounds (including driver and instrumentation), with the added weight distributed in the front seat area.

(2) For a motorcycle, curb weight plus 200 pounds (including driver and instrumentation), with added weight distributed on the saddle and in saddle bags or other carrier.

"Maximum loaded vehicle weight" is used as defined in Standard No. 110.

"Maximum sustained vehicle speed" means that speed obtainable by accelerating at maximum rate from a standing start for 1 mile.

"Skid number" means the frictional resistance measured in accordance with American Society for Testing and Materials Method E-274 at 40 miles per hour, omitting water delivery as specified in paragraph 7.1 of that Method.

§ 375.101 Vehicle stopping distance.

(a) *Purpose and scope.* This section requires manufacturers of passenger cars and motorcycles to provide information on vehicle stopping distances under specified speed, brake, loading, and pavement conditions.

(b) *Application.* This section applies to passenger cars and motorcycles manufactured on or after January 1, 1970.

(c) *Required information.* Each manufacturer shall furnish the information in subparagraphs (1) through (5) of this paragraph, in essentially the form illustrated in Figure 1, except that with respect to subparagraphs (2) and (3) of this paragraph, a manufacturer whose total motor vehicle production does not exceed 500 annually is only required to furnish performance information for maximum loaded vehicle weight. Each vehicle in the group to which the information applies shall be capable, under the conditions specified in paragraph (d) of this section, and utilizing the procedures specified in paragraph (e) of this section, of performing at least as well as the information indicates. The document provided with a vehicle may contain more than one table, but the document must clearly and unconditionally indicate which of the tables applies to the vehicle with which it is provided.

Example 1: Manufacturer X furnishes a document containing several tables, which apply to various groups of vehicles that it produces. The document contains the following notation on its front page: "The information that applies to this vehicle is contained in Table 5." The notation satisfies the requirement.

Example 2: Manufacturer Y furnishes a document containing several tables as in Example 1, with the following notation on its front page:

"Information applies as follows:
Model P, 6-cylinder engine—Table 1.
Model P, 8-cylinder engine—Table 2.
Model Q—Table 3."

The notation does not satisfy the requirement, since it is conditioned on the model or the equipment of the vehicle with which the document is furnished, and therefore additional information is required to select the proper table.

If a vehicle is unable to reach the speed of 60 miles per hour (m.p.h.), the maximum sustained vehicle speed shall be substituted for the 60 m.p.h. speed in the requirements specified below, and in the presentation of information as in Figure 1, with an asterisked notation in essentially the following form at the bottom of the figure: "The maximum speed attainable by accelerating at maximum rate from a standing start for 1 mile." The weight requirements indicated in subparagraphs (2), (3), and (4) of this paragraph are modified by the fuel tank condition specified in paragraph (d)(4) of this section.

(1) *Vehicle description.* The group of vehicles to which the table applies, identified in the terms by which they are described to the public by the manufacturer.

(2) *Minimum stopping distance with fully operational service brake system.* The minimum stopping distance attainable, expressed in feet, from 60 m.p.h., using the fully operational service brake system, at lightly loaded and maximum loaded vehicle weight.

(3) *Minimum stopping distance with partially failed service brake system.* (Applicable only to passenger cars with more than one service brake subsystem.) The minimum stopping distance attainable using the service brake control, expressed in feet, from 60 m.p.h., for the most adverse combination of maximum or lightly loaded vehicle weight and complete loss of braking in any one of the vehicle brake subsystems.

(4) *Minimum stopping distance with inoperative brake power unit.* (Applicable only to vehicles equipped with brake power unit.) The minimum

stopping distance, expressed in feet, from 60 m.p.h., using the service brake system, at maximum loaded vehicle weight, with the brake power unit rendered inoperative by disconnection of its power supply, and with any residual power reserve capability of the disconnected system exhausted. If the vehicle has more than one independent unit, the figure shall represent the most adverse performance with any one of the units disconnected.

(5) *Notice.* The following notice: "This figure indicates braking performance that can be met or exceeded by the vehicles to which it applies, without locking the wheels, under different conditions of loading and with partial failures of the braking system. The information presented represents results obtainable by skilled drivers under controlled road and vehicle conditions, and the information may not be correct under other conditions."

(d) *Conditions.* The data provided in the format of Figure 1 shall represent a level of performance that can be equaled or exceeded by each vehicle in the group to which the table applies, under the following conditions, utilizing the procedures set forth in paragraph (e) of this section.

(1) Stops are made without lockup on any wheel, except for such momentary lockup as may occur with an automatic skid control device.

(2) The tire inflation pressure and other relevant component adjustments of the vehicle are made according to the manufacturer's published recommendations.

(3) For passenger cars, brake pedal force does not exceed 150 pounds for any brake application. For motorcycles, hand brake lever force applied 1¼ inches from the outer end of the lever does not exceed 55 pounds, and foot brake pedal force does not exceed 90 pounds.

(4) Fuel tank is filled to any level between 90 and 100 percent of capacity.

(5) Transmission is in neutral, or the clutch disengaged, during the entire deceleration.

(6) The vehicle begins the deceleration in the center of a straight roadway lane that is 12 feet wide, and remains in the lane throughout the deceleration.

(7) The roadway lane has a grade of zero percent, and the road surface has a skid number of 70.

(8) All vehicle openings (doors, windows, hood, trunk, convertible tops, etc.) are in the closed position except as required for instrumentation purposes.

(9) Ambient temperature is between 32° F. and 100° F.

(10) Wind velocity is zero.

(e) *Procedures.* (1) Burnish:

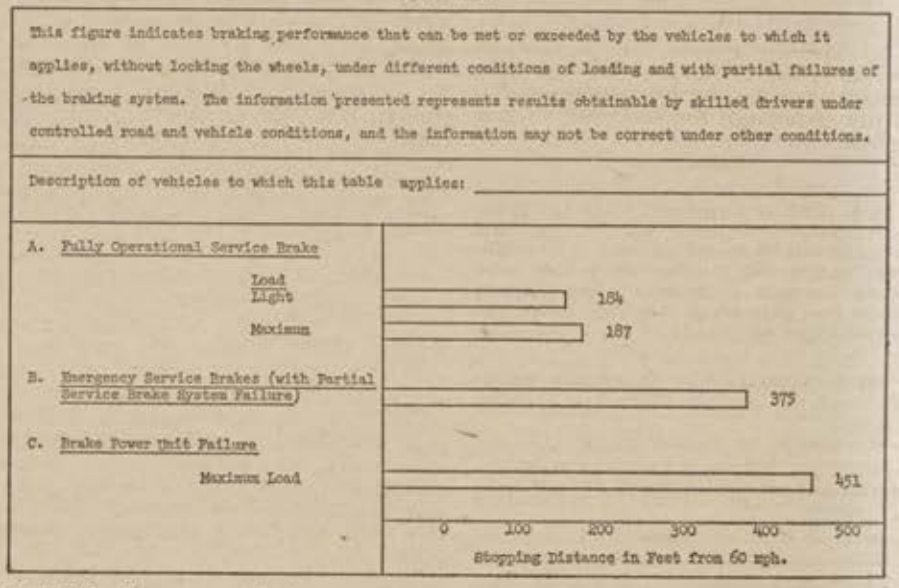
(i) *Passenger cars.* Burnish brakes once prior to first stopping distance test by conducting 200 stops from 40 m.p.h. (or maximum sustained vehicle speed if the vehicle is incapable of reaching 40 m.p.h.) at a deceleration rate of 12 f.p.s.p.s. in normal driving gear, with a cooling interval between stops, accomplished by driving at 40 m.p.h. for a sufficient distance to reduce brake temperature to 250 ° F., or for 1 mile, whichever occurs first. Readjust brakes according to manufacturer's recommendations after burnishing.

(ii) *Motorcycles.* Same as for passenger cars, except substitute 30 m.p.h. for 40 m.p.h. and 150° F. for 250° F., and maintain hand lever force to foot level force ratio of approximately 1 to 2.

(2) Insure that the temperature of the hottest service brake is between 130° F. and 150° F. prior to the start of all stops (other than burnishing stops), as measured by plug-type thermocouples installed according to SAE Recommended Practice J843a, June 1966.

(3) Measure the stopping distance as specified in paragraph (c) (2), (3), and (4) of this paragraph from the point of application of force to the brake control to the point at which the vehicle reaches a full stop.

FIGURE 1



§ 375.102 **Tire reserve load.**

(a) *Purpose and scope.* This section requires manufacturers of passenger cars to provide information as to the difference, expressed as a percentage of the tire load rating, between the load imposed on a tire at maximum loaded vehicle weight and the tire load rating set forth in Federal Motor Vehicle Safety Standard No. 109, the tire size designations recommended for use on the vehicle, and the recommended tire inflation pressures under maximum loading conditions.

(b) *Application.* This section applies to passenger cars manufactured on or after January 1, 1970.

(c) *Required information.* Each manufacturer shall furnish the information in subparagraphs (1) through (5) of this paragraph, in essentially the form illustrated in Figure 1. The table that is provided for a specific vehicle shall contain only information that is applicable to that vehicle. The tire reserve load percentage given for each tire size designation or combination of tire size designations shall not exceed the lowest value that is correct for all the vehicles in the group to which the table applies. A manufacturer may provide a document that contains more than one table, but the document must clearly and unconditionally indicate which one of the tables applies to the vehicle with which it is provided. See the examples in § 375.101(c).

(1) *Vehicle description.* The group of vehicles to which the table applies, identified in the terms by which they are described to the public by the manufacturer.

(2) *Recommended tire size designations.* All tire size designations and combinations of tire size designations, as listed in Standard No. 109, recommended by the manufacturer for use on the vehicle.

(3) *Recommended inflation pressure for maximum loaded vehicle weight.* Vehicle manufacturer's recommended inflation pressure for maximum loaded vehicle weight, for each recommended tire size designation.

(4) *Tire reserve load percentage.* The tire reserve load percentage for the vehicle, determined according to paragraph (d) of this section, for each of the tire size designations or combinations of tire size designations recommended by the manufacturer.

(5) *Warning.* The following statement, placed in proximity to the table:

WARNING. Failure to maintain the recommended tire inflation pressure or to increase tire pressure as recommended when operating at maximum loaded vehicle weight, or loading the vehicle beyond the capacities specified on the tire placard affixed to the vehicle, may result in unsafe operating conditions due to premature tire failure, unfavorable handling characteristics, and excessive tire wear. The tire reserve load percentage is a measure of tire capacity, not of vehicle capacity. Loading beyond the specified vehicle capacity may result in failure of other vehicle components.

(d) *Determination of tire reserve load percentage.* The tire reserve load percentage for a vehicle, required by paragraph (c) of this section, shall be determined as follows:

(1) Determine W_t, the vehicle maximum load on the tire, for the front and rear tires respectively. These figures are

determined by distributing to each axle its share of the maximum loaded vehicle weight and dividing that share by two.

(2) Find W_2, the load rating for each tire as installed, set forth in Standard No. 109, using the vehicle manufacturer's recommended inflation pressure for maximum loaded vehicle weight.

(3) Calculate the tire reserve load percentage for each tire as:

$$\frac{W_2 - W_1}{W_2} \times 100$$

(4) The tire reserve load percentage for the vehicle is the lowest of the percentages calculated in subparagraph (3) of this paragraph for each tire on the vehicle.

FIGURE 1

This table lists the tire size designations recommended by the manufacturer for use on the vehicles to which it applies, with the recommended inflation pressure for maximum loading and the tire reserve load percentage for each of the tires listed. The tire reserve load percentage indicated is met or exceeded by each vehicle to which the table applies.

Description of vehicles to which this table applies: ----------

Recommended tire size designations					
Recommended cold inflation pressure for maximum loaded vehicle weight	Front				
	Rear				
Tire reserve load percentage [1]					

[1] The difference, expressed as a percentage of tire load rating, between (a) the load rating of a tire at the vehicle manufacturer's recommended inflation pressure at the maximum loaded vehicle weight and (b) the load imposed upon the tire by the vehicle at that condition.

WARNING. Failure to maintain the recommended tire inflation pressure or to increase tire pressure as recommended when operating at maximum loaded vehicle weight, or loading the vehicle beyond the capacities specified on the tire placard affixed to the vehicle, may result in unsafe operating conditions due to premature tire failure, unfavorable handling characteristics, and excessive tire wear. The tire reserve load percentage is a measure of tire capacity, not of vehicle capacity. Loading beyond the specified vehicle capacity may result in failure of other vehicle components.

§ 375.106 Acceleration and passing ability.

(a) *Purpose and scope.* This section requires manufacturers of passenger cars and motorcycles to provide information on vehicle acceleration and passing ability under low and high speed conditions.

(b) *Application.* This section applies to passenger cars and motorcycles manufactured on or after January 1, 1970.

(c) *Required information.* Each manufacturer shall furnish the information in subparagraphs (1) through (3) of this paragraph, in essentially the form illustrated in Figure 1. Each vehicle in the group to which the table of performance information applies shall be capable, under the conditions specified in paragraph (d) of this section, of performing at least as well as the table indicates. A manufacturer may provide a document that contains more than one table, but the document must clearly and unconditionally indicate which one of the tables applies to the vehicle with which it is provided. See the examples in § 375.101 (c).

(1) *Vehicle description.* The group of vehicles to which the table applies, identified in the terms by which they are described to the public by the manufacturer.

(2) *Passing Time and Distance.* The time in seconds and the distance in feet hypothetically required to pass a vehicle 55 feet long traveling at 20 and 50 miles per hour (m.p.h.), under the conditions of paragraph (d) of this section. If the vehicle for which information is provided would be unable to perform a passing maneuver because it cannot exceed 20 or 50 m.p.h., the notation "not capable" shall be entered.

(3) *Notice.* The following notice, placed in proximity to the figure: "The information presented represents results obtainable by skilled drivers under controlled road and vehicle conditions, and the information may not be correct under other conditions."

(d) *Conditions and procedures*—(1) *Vehicle, road, and ambient conditions.* The data provided in the format of Figure 1 shall represent a level of performance that can be equaled or exceeded by each vehicle in the group to which the table applies, under the following conditions:

(i) Vehicle is at maximum loaded vehicle weight, except that the fuel tank is filled to any level between 90 and 100 percent of capacity.

(ii) Fuel and lubricants are selected and adjustments are made according to the manufacturer's published recommendations.

(iii) Breakin period is completed according to the manufacturer's recommendations.

(iv) Engine is at normal operating temperature.

(v) The following accessories and equipment are operating at maximum power-consuming condition: Passenger cars; air conditioner, or heater if vehicle is not equipped with air conditioner, windshield wipers, and headlamps on high beam. Motorcycles: Headlamps on high beam.

(vi) Ambient temperature is between 59° F. and 85° F., ambient dry barometric pressure is between 28.50 in. hg. and 29.50 in. hg., and relative humidity is between 30 percent and 60 percent.

(vii) The roadway lane has a grade of zero percent, and the road surface has a skid number of 70.

(viii) Wind velocity is zero.

(2) *Hypothetical maneuvers.* The data provided shall represent the performance capability of the vehicle in performing the two hypothetical maneuvers described below. The passing distances are the distances traveled by the passing vehicle during the maneuvers described in subdivisions (i) and (ii) of this subparagraph. The passing times are the times required to travel the passing distances.

(i) The vehicle for which the information is provided ("passing vehicle") follows another vehicle ("pace vehicle") that is 55 feet long, with the leading edge of the passing vehicle 40 feet behind the trailing edge of the pace vehicle, and both vehicles traveling 20 m.p.h. The pace vehicle travels at constant speed throughout. The passing vehicle is in a different lane from the pace vehicle. The passing maneuver begins when the passing vehicle accelerates at its maximum rate up to a limiting speed of 35 m.p.h., or to its maximum speed if less than 35 m.p.h. It maintains that speed, or maximum acceleration if unable to reach either the limiting or maximum speed, until the end of the maneuver, which occurs when its trailing edge is 40 feet ahead of the leading edge of the pace vehicle.

(ii) Same as subdivision (i) of this subparagraph, with the substitution of an initial speed of 50 m.p.h. (instead of 20 m.p.h.), a limiting speed of 80 m.p.h. (instead of 35 m.p.h.), and beginning and ending separation of 100 feet (instead of 40 feet).

(3) *Performance determination.* The determination of the vehicle's passing times and distances in performing the hypothetical maneuvers described in subparagraph (2) of this paragraph shall be based on the vehicle's actual performance capability in a maximum-rate acceleration, with transmission in gear and without use of clutch or brake before beginning the acceleration, as follows:

(i) Accelerate the vehicle as rapidly as possible from a constant speed of 20 m.p.h. to at least 35 m.p.h., or to the maximum speed if it is lower than 35 m.p.h.

(ii) Accelerate the vehicle as rapidly as possible from a constant speed of 50 m.p.h. to at least 80 m.p.h. or to the maximum speed if it is lower than 80 m.p.h.

(iii) Record the distance traveled (D) as a function of time (T) as determined in accordance with both subdivisions (i) and (ii) of this subparagraph.

(4) *Graphic determination of passing time and distance.* Ascertain the vehicle's capability to perform the hypothetical maneuvers by the following method.

Symbols: (All times are in seconds and all distances in feet. For the purposes of the determination speeds must be converted to feet per second.)

I = Separation between passing and pace vehicles at beginning and end of the maneuver: 40 feet for the low-speed pass and 100 feet for the high-speed pass.
L = Length of the passing vehicle.
V = Speed of the pace vehicle: 20 m.p.h. for the low-speed pass and 50 m.p.h. for the high-speed pass.
D = Distance.
T = Time.

(i) Plot a straight line having a slope equal to the speed (V) of the pace vehicle, starting at point T=0, D=2I+L+55, as illustrated in Figure 2.

(ii) Using the data obtained in subparagraph (3)(iii) of this paragraph, plot the distance vs. time curve for the passing vehicle at maximum acceleration, with starting point at T=0, D=0, and stopping at the point where the vehicle reaches the limiting speed (35 or 80 m.p.h. respectively) or its maximum speed if lower. If this curve intersects the

curve for the pace vehicle plotted in subdivision (i) of this subparagraph before the point where the passing vehicle reaches the limiting or maximum speed, it need not be plotted beyond the point of intersection.

(iii) If the curve plotted in subdivision (ii) of this subparagraph does not intersect the curve for the pace vehicle before the point where the passing vehicle reaches the limiting or maximum speed, extend the passing vehicle's curve from that point with a straight line whose slope equals either the limiting or maximum speed respectively.

(iv) The intersections of the curves for the pace vehicle and passing vehicle obtained in either subdivision (ii) or (iii) of this subparagraph, plotted for both the low-speed and the high-speed pass, represent the passing times and distances required to be provided in the form of Figure 1.

FIGURE 1

THIS FIGURE INDICATES PASSING TIMES AND DISTANCES THAT CAN BE MET OR EXCEEDED BY THE VEHICLES TO WHICH IT APPLIES, IN THE SITUATIONS DIAGRAMMED BELOW.

THE LOW-SPEED PASS ASSUMES AN INITIAL SPEED OF 20 MPH AND A LIMITING SPEED OF 35 MPH. THE HIGH-SPEED PASS ASSUMES AN INITIAL SPEED OF 50 MPH AND A LIMITING SPEED OF 80 MPH.

NOTICE: THE INFORMATION PRESENTED REPRESENTS RESULTS OBTAINABLE BY SKILLED DRIVERS UNDER CONTROLLED ROAD AND VEHICLE CONDITIONS, AND THE INFORMATION MAY NOT BE CORRECT UNDER OTHER CONDITIONS.

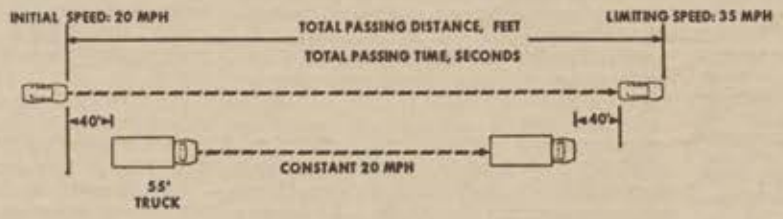
DESCRIPTION OF VEHICLES TO WHICH THIS TABLE APPLIES: _____

SUMMARY TABLE:

LOW-SPEED PASS.... ____FEET;____SECONDS

HIGH-SPEED PASS.... ____FEET;____SECONDS

LOW-SPEED



HIGH-SPEED

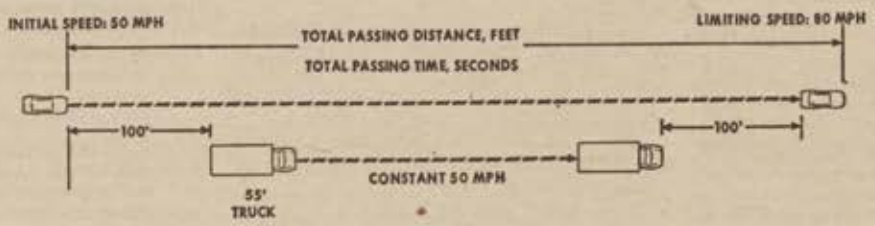
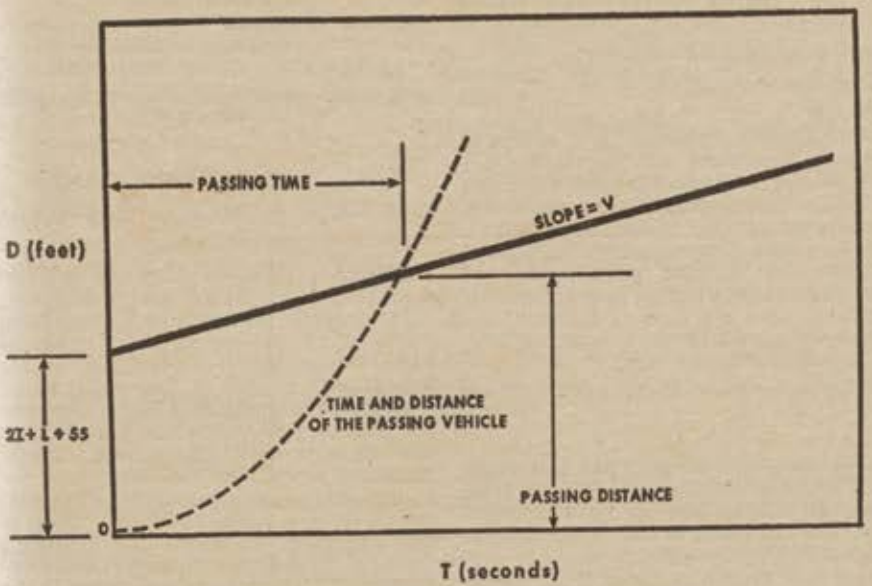


FIGURE 2

GRAPHIC DETERMINATION OF PASSING TIME AND DISTANCE



[F.R. Doc. 69-6114; Filed, May 20, 1969; 8:52 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-75]

PART 1003—LIST OF FORMS

PART 1047—EXEMPTIONS

Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of May 1969.

It appearing, that the Commission, on October 21, 1968, as corrected by notice entered October 24, 1968, issued a notice of proposed rulemaking and order in this proceeding, under the authority of part II of the Interstate Commerce Act, and more specifically sections 203(b)(5), and 204(a)(1) and (6) thereof, and sections 4 and 12 of the Administrative Procedure Act (now renumbered 5 U.S.C. 553 and 559) for the purpose of determining, in light of the provisions of sections 203(b)(5) and 220(g) of the Interstate Commerce Act, as amended July 26, 1968, whether certain proposed rules attached as an appendix to the said notice and order, or any other rules, should be prescribed to implement the provisions of Public Law 90-433 (82 Stat. 448 and 449), and for the taking of such other and further action as the facts and circumstances may require;

It further appearing, that the said notice and order entered October 21, 1968, as corrected by notice entered October 24, 1968, invited the representations of all interested persons setting forth their views with respect to the proposed rules; and that notice to all interested persons was given through publication of the said notice and order in the FEDERAL REGISTER of October 26, 1968 (33 F.R. 15876);

And it further appearing, that various parties have submitted their views and suggestions on the proposed rules and regulations and that the Commission has considered such representations and, on the date hereof, has made and filed its report setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof, and good cause appearing therefor:

It is ordered, That Part 1047 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding thereto §§ 1047.20 through 1047.23 as follows:

TRANSPORTATION AND NOTICE THEREOF BY AGRICULTURAL COOPERATIVE ASSOCIATIONS

§ 1047.20 Definitions.

As used in the regulations in this part the following terms shall have the meaning shown:

(a) *Cooperative association.* The term "cooperative association" means an association which conforms to the definition in the Agricultural Marketing Act, approved June 15, 1929, as amended (12 U.S.C. 1141j). Associations which do not conform to such definition are not eligible to operate under the partial exemption of section 203(b)(5) of the Interstate Commerce Act.

(b) *Federation of cooperative associations.* The term "federation of cooperative associations" means a federation composed of either two or more cooperative associations, or one or more cooperative associations and one or more farmers, which federation possesses no greater powers or purposes than a cooperative association as defined in paragraph (a) of this section. Federations of cooperative associations which do not conform to such definition are not eligible to operate under the partial exemption of section 203(b)(5) of the Interstate Commerce Act.

(c) *Member.* The term "member" means any farmer or cooperative association which has consented to be, has been accepted as, and is a member in good standing in accordance with the constitution, bylaws, or rules of the cooperative association or federation of cooperative associations.

(d) *Farmer.* The term "farmer" means any individual, partnership, corporation, or other business entity to the extent engaged in farming operations either as a producer of agricultural commodities or as a farm owner.

(e) *Interstate transportation.* The term "interstate transportation" means transportation by motor vehicle in interstate or foreign commerce as defined in part II of the Interstate Commerce Act, as amended.

(f) *Member transportation.* The term "member transportation" means transportation performed by a cooperative association or federation of cooperative associations for itself or for its members, but does not include transportation performed in furtherance of the nonfarm business of such members.

(g) *Nonmember transportation.* The term "nonmember transportation" means transportation performed by a cooperative association or federation of cooperative associations other than member transportation as defined in (f) above.

(h) *Fiscal year.* The term "fiscal year" means the annual accounting period adopted by the cooperative association or federation of cooperative associations for Federal income tax reporting purposes.

§ 1047.21 Computation of tonnage allowable in nonfarm-nonmember transportation.

Interstate transportation performed by a cooperative association or federation of cooperative associations for nonmembers who are neither farmers, cooperative associations, nor federations thereof for compensation, except transportation otherwise exempt under part II of the act, shall be limited to that which is incidental to its primary transportation operation and necessary for its effective performance and shall in no event exceed 15 percent of its total interstate transportation services in any fiscal year, measured in terms of tonnage. A cooperative association or federation of cooperative associations may transport its own property, its members' property, of other farmers, and the property of other cooperatives or federations in accordance with existing law, except insofar as the provisions of § 1047.22 may be applicable with respect to the limit on member/nonmember transportation.

(a) The phrase "incidental to its primary transportation operation and necessary for its effective performance" means that the interstate transportation

of the cooperative association or federation of cooperative associations for nonmembers as described above is performed with the same trucks or tractors employed in a prior or subsequent trip in the primary transportation operation of the cooperative association or federation, that it is not economically feasible to operate the trucks or tractors empty on return trips (outbound trips in cases where the primary transportation operation is inbound to the association or federation), and that the additional income obtained from such transportation is necessary to make the primary transportation operation financially practicable.

(b) The base tonnage to which said 15-percent limitation is applied is all tonnage of all kinds transported by the cooperative association or federation of cooperative associations in interstate or foreign commerce, whether for itself, its members or nonmembers, for or on behalf of the United States or any agency or instrumentality thereof, and that performed within the exemption provided by section 203(b)(6) of the act.

§ 1047.22 Overall limitation of nonmember transportation.

No cooperative association or federation of cooperative associations which is required to give notice to the Commission under § 1047.23 may engage in nonmember interstate transportation for compensation in any fiscal year which, measured in terms of tonnage, exceeds its total interstate member transportation in such fiscal year.

§ 1047.23 Notice to the Commission.

A cooperative association or federation of cooperative associations which performs or proposes to perform interstate transportation for nonmembers, who are neither farmers, cooperative associations, nor federations of cooperative associations, under section 203(b)(5) of the Interstate Commerce Act, as amended July 26, 1968, which transportation is not otherwise exempt under part II of the act, shall notify the Commission of its intent to perform such transportation. Such notification shall be given within 30 days of the effective date of the regulations in this part by those already engaged in such operations, and prior to the commencement of such operations by all others, and shall be in the form, contain the information, and be served in the manner called for in Form BOp 102, Notice to Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under Section 203(b)(5) of the Interstate Commerce Act (§ 1003.1 of this chapter). Significant changes in the information set forth in any such notice already on file with the Commission should be promptly brought to the Commission's attention by the timely filing of a supplemental Form BOp 102.

It is further ordered, That the following be, and it is hereby, added to the list of forms in paragraph (a) of § 1003.1 of Chapter X of Title 49 of the Code of Federal Regulations:

§ 1003.1 Motor carrier and broker forms.

(a) Application forms.

* * * * *

BOp 102[1]

Notice to the Commission of Intent to Perform Interstate Transportation for Certain Nonmembers Under Section 203(b)(5) of the Interstate Commerce Act, to be used by cooperative associations, or federations of cooperative associations, who or which perform or propose to perform interstate transportation for nonmembers who are neither farmers, cooperative associations, nor federations of cooperative associations.

CROSS REFERENCE: Part 1047.20 of this chapter.

* * * * *

It is further ordered, That this order shall become effective on July 7, 1969, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

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

(49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 82 Stat. 448 and 449; 49 U.S.C. 303(b)(5), 304(a)(1), (6))

By the Commission.

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

[F.R. Doc. 69-6156; Filed, May 22, 1969; 8:48 a.m.]

[1] Form BOp 102 is available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Export-Import Bank of Washington

Section 213.3342 is amended to show that one position of Private Secretary to the Special Assistant to the President and Chairman is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3342 as set out below.

§ 213.3342 Export-Import Bank of Washington.

* * * * *

(e) One Private Secretary to the Special Assistant to the President and Chairman.

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

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

[F.R. Doc. 69-6262 Filed, May 22, 1969; 11:25 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that four positions of Senior Assistant for Congressional Relations, Office of the Assistant to the Secretary for Congressional Relations, are excepted under Schedule C in lieu of the positions of Congressional Services Officer, Office of the Assistant Secretary for Model Cities and Governmental Relations; Special Assistant to the Assistant Secretary for Metropolitan Development; Director, Congressional Liaison Office, Office of the Assistant Secretary for Mortgage Credit and FHA Commissioner; and Congressional Liaison Assistant, Office of the Secretary. The section is also amended to show that one additional position of Assistant for Congressional Relations is excepted under Schedule C and that the titles of two positions of Congressional Liaison Assistant have been changed to Assistant for Congressional Relations. Effective on publication in the FEDERAL REGISTER, subparagraph (14) is revoked and subparagraphs (40) and (41) are added to paragraph (a), subparagraph (3) of paragraph (b) is revoked, subparagraph (11) of paragraph (d) is amended, and subparagraph (7) of paragraph (e) is revoked as set out below.

§ 213.3384 Department of Housing and Urban Development.

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

(14) [Revoked]

* * * * *

(40) Four Senior Assistants for Congressional Relations.

(41) Three Assistants for Congressional Relations.

(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* * * *

(3) [Revoked]

* * * * *

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(11) One Special Assistant to the Assistant Secretary.

* * * * *

(e) *Office of the Assistant Secretary for Model Cities and Governmental Relations.* * * *

(7) [Revoked]

* * * * *

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

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

[F.R. Doc. 69-6261; Filed, May 22, 1969; 11:25 a.m.]

Title 7—AGRICULTURE

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

[980.203, Amdt. 6]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Pursuant to the requirements of section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), § 980.203 Tomato Import Regulation, as amended (33 F.R. 16440, 17310, 19161; 34 F.R. 128, 6326, 7570), is hereby further amended as set forth below.

Tomato import regulation, as amended. In § 980.203, *Tomato import regulation,* paragraph (a) is amended to read as follows:

§ 980.203 Tomato import regulation.

* * * * *

(a) *Minimum grade, size, and maturity requirements.* (1) For mature green tomatoes: U.S. No. 3, or better grade, over $2\frac{6}{32}$ inches in diameter.

(2) For all other tomatoes: U.S. No. 3, or better grade, over $2\frac{17}{32}$ inches in diameter.

(3) Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

* * * * *

Findings. This amendment conforms with a simultaneous amendment to the limitation of shipments effective on domestic shipments of tomatoes (§ 966.306, Amdt. 6) under Marketing Order No. 966, as amended (7 CFR Part 966) regulating the handling of tomatoes grown in Florida. It is hereby found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of section 608e–1 of the Act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) notice of rule making regarding a proposed amendment to the import regulations was published in the FEDERAL REGISTER May 1, 1969 (34 F.R. 7170).

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

Dated May 22, 1969, to become effective May 27, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-6256; Filed, May 22, 1969; 10:18 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 913]

[Docket No. AO-353-A01-R01]

GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Lakeland, Fla., on August 14–15, 1968, and January 8, 1969, after notice thereof published in the FEDERAL REGISTER (33 F.R. 10879, 18710; 34 F.R. 151) on proposed amendment of the marketing agreement and order (7 CFR Part 913) regulating the handling of grapefruit grown in the Interior District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of evidence adduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on April 16, 1969, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 69–4714; 34 F.R. 6693).

Ruling on exceptions. Exceptions to the recommended decision were filed by Charles E. Davis of Fishback, Davis, Dominick, Troutman, and Salfi, attorneys for and on behalf of Vaughn-Griffin Packing Co. The exceptions contend that the proposed amendment of §§ 913.41, 913.42, and 913.43 is not supported by the record and is not in accordance with law. These exceptions were carefully and fully considered, in conjunction with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions set forth herein.

Also, the exceptions requested opportunity to present oral argument in support thereof. The aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and orders make no provision for oral argument at this stage of the promulgation proceeding. Such request is, therefore, denied.

To the extent that the findings and conclusions contained herein are at variance with the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

The material issues, rulings, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 69–4714; 34 F.R. 6693) are hereby approved and adopted as the material issues, rulings, findings, and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in the Interior District in Florida" and "Order Amending the Order Regulating the Handling of Grapefruit Grown in the Interior District in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1968, through April 30, 1969 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Interior District in Florida in the production of grapefruit for market to ascertain whether such producers favor the issuance of said annexed order.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated referendum agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to such referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 90.400 et seq).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

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

Dated: May 19, 1969.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Grapefruit Grown in the Interior District in Florida

§ 913.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of the 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., August 14–15, 1968, and January 8, 1969, upon a proposed amendment of the marketing agreement and Order No. 913 (7 CFR Part 913) regulating the handling of grapefruit grown in the Interior District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The order, as hereby amended, regulates the handling of grapefruit grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out

[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 orders have been met.

the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Interior District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the said Interior District shall be in conformity to, and in compliance with, the terms and conditions of this order, as hereby amended, as follows:

1. Section 913.25 *Procedure of committee* is revised to read as follows:

§ 913.25 Procedure of committee.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraphs (c) and (d) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulation for any week following 3 or more weeks of continuous regulations, except as provided in paragraph (d) of this section.

(d) Not less than 100 percent of the committee shall concur to make a recommendation for regulation for any week following 10 weeks of regulations during any fiscal period. The requirements of paragraph (c) of this section and this paragraph (d) shall not apply to recommendations to amend an existing regulation.

(e) The vote of each member cast for or against any recommendation made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(f) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(g) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

2. Paragraph (a) in § 913.41 *Recommendation for volume regulation* is revised to read as follows:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period.

* * * * *

3. Section 913.42 *Issuance of volume regulation* is revised to read as follows:

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulation during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

4. Section 913.43 *Prorate bases* is revised by revising paragraph (d) thereof to read as follows and by deleting paragraph (e) thereof:

§ 913.43 Prorate bases.

* * * * *

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51 week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

(e) [Deleted]

5. Section 913.45 *Overshipments* is revised to read as follows:

§ 913.45 Overshipment.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such total allotment or 500 boxes, whichever is greater: *Provided*, That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of grapefruit so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no shipments of grapefruit. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That any time there is no volume regulaton in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

6. Section 913.47 *Allotment loans* is revised to read as follows:

§ 913.47 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotment to another such person.

(1) In connection with a loan of allotment, each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment, and obtain the committee's approval of the agreement.

(2) In connection with a transfer of allotment, each party shall promptly notify the committee so that proper adjustment of records can be made.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

[F.R. Doc. 69-6138; Filed, May 22, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN INDIANAPOLIS INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Indianapolis Intrastate Air Quality Control Region as set forth in the following new § 81.29 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Indiana and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Indiana War Memorial, North East Room, 431 North Meridian Street, Indianapolis, Ind., beginning at 10 a.m., June 10, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.29 is proposed to be added to read as follows:

§ 81.29 Metropolitan Indianapolis Intrastate Air Quality Control Region.

The Metropolitan Indianapolis Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Boone County.	Johnson County.
Hamilton County.	Marion County.
Hancock County.	Morgan County.
Hendricks County.	Shelby County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: May 12, 1969

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69–5942; Filed, May 22, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 87]

[Docket No. 18550; FCC 69–512]

DEVELOPMENTAL PROGRAMS FOR AERONAUTICAL AND MARITIME PURPOSES

Proposed Provisional Suballocation of Certain Frequency Band

In the matter of amendment of Parts 2, 81, 83, and 87 of the Commission's rules and regulations to suballocate, provisionally, the frequency band 1535–1660 MHz in the interest of fostering developmental programs for aeronautical and maritime purposes, Docket No. 18550; in the matter of a petition for amendment of Parts 2 and 87 of the Commission's rules and regulations to provide for the use and development of an airborne collision avoidance system, RM–1201.

1. The Commission has under consideration a petition filed jointly on September 15, 1967, by the Air Transport Association of America (ATA) and Aeronautical Radio, Inc. (ARINC), for the amendment of §§ 2.106, 87.65(a)(7), 87.183(p), and 87.501(h)(3) so as to provide for the development and use of an airborne collision avoidance system.

2. Petitioners state that intensive efforts have been in progress since 1956 to develop an effective airborne collision avoidance system (CAS) and that the state of the art has now "* * * progressed to a point where a workable cooperative system can be built, whereas a self-contained system cannot. An essential requirement of a cooperative system is, of course, compatibility between the airborne CAS equipment of different manufacturers. A further necessity is freedom from any type of interference which the CAS will not be able to tolerate under the highest expected levels of use."

3. Accompanying the petition was a series of appendices dealing with: (a) A statement of airline policy requirements and a technical description of the system contemplated; (b) an analysis of spectral energy density requirements for collision avoidance systems; (c) an investigation of adjacent crosstalk level of the system; (d) bi-phase-Barker coded data transmission; and (e) analysis of warning times. Appendix A to the petition is described as reflecting the current best thinking of the industry team which has defined the system. It includes a detailed signal format and a related procedure for functionally testing collision avoidance systems. Petitioners state that, to provide an acceptable system capacity margin, four frequencies are required for the system to permit participation by a maximum of about 2,000 aircraft in any one area. They recommend center frequencies of 1575, 1580, 1585, and 1590 MHz with an overall allocated bandwidth of 30 MHz, extending from 1567.5 to 1597.5 MHz, to insure that 99 percent of all radiations would be contained therein. This would fall within the frequency band 1540–1660 MHz which is reserved on a worldwide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities in accordance with No. 352A of the International Radio Regulations.

4. Using the system proposed, petitioners state that in each three second interval, each aircraft in the community is expected to exchange data with each other aircraft in the community. This is characterized as one of the most demanding requirements ever placed on an airborne communication system proposed for use in civil aircraft. Because of the limited margin for error, the system will not be tolerant of interference and, in petitioners' view, should not share spectrum space with other devices which can provide redundant data and thus are less demanding in this regard.

5. In order to facilitate and make provision for the development and use of this system, petitioners suggest the following rule changes:

(a) The 1540–1660 Mc/s band of the Table of Frequency Allocations (§ 2.106) should be amended so as to add the notation "Airborne Collision Avoidance Systems" to columns 9 and 11 thereof.

(b) Allocation of the frequencies available to the airborne stations should be accomplished by amending § 87.183(p) to add a second sentence thereto: "Within this band, the band 1567.5–1597.5 MHz is reserved exclusively for airborne collision avoidance systems operating on center frequencies of 1575, 1580, 1585, and 1590 MHz."

(c) A similar allocation of the same frequencies to the associated ground stations should be accomplished by adding a second sentence to § 87.501(h)(3): "within this band, the band 1567.5–1597.5 MHz is reserved exclusively for ground-based facilities operating on center frequencies of 1575, 1580, 1585, and 1590 MHz which are directly associated with airborne collision avoidance systems."

(d) The required degree of tolerance should be assured by amending § 87.65(a)(7) so as to add a new footnote 8 thereto: "Airborne collision avoidance systems operating

within the band 1567.5–1597.5 MHz shall have a tolerance of 0.000001 percent." (This is the equivalent of one part in 10^8.)

(e) A new provision should be added to Part 87 defining "Collison Avoidance System" as a new class of service and providing eligibility therefor.

6. The frequency band in question, 1540–1660 MHz, has been available for many years for both Government and non-Government users in the aeronautical radionavigation service. Except for radio altimeters accommodated in accordance with footnote US39, however, there have been no operational systems in the band. In more recent years, a number of developmental programs have been undertaken in the band by both Government and non-Government entities which, if carried to fruition without further guidance, could lead to mutually exclusive operational systems. Among the several systems planned and/or under development in this band are the CAS, an improved glide slope for instrument landing systems, and the use of space techniques for communication and navigation purposes. Since any or all of these devices, along with radio altimeters now in the band, could reasonably be expected to require accommodation on the same airframe, serious questions were raised as to their mutual compatibility.

7. Through the cooperation of other interested Government agencies and the Office of Telecommunications Management, the question of possible mutual interference among the several systems has been evaluated by the Electromagnetic Compatibility Analysis Center (ECAC) at Annapolis, Md. That evaluation, confirmed in part by joint Government/Industry tests of collision avoidance systems in the presence of various types of radio altimeters in use in the band, lead to the conclusion that the CAS, glide slope and space technique systems could be accommodated compatibly on the same airframe, within the same frequency band, but that radio altimeters should be phased out of the band 1540–1660 MHz in favor of the band 4200–4400 MHz. The latter band is generally conceded to be more appropriate for radio altimeters and is used extensively for that purpose.

8. The Commission and the Office of Telecommunications Management are persuaded that the CAS, the glide slope and the use of space techniques offer the potential for significant contributions in the national interest and, accordingly, should be afforded an interference-free environment in which to develop. It is proposed, therefore, to establish a provisional suballocation of the overall band to protect these specific developmental programs from harmful interference from others wishing to develop equipment for use in the band and to make it clear that even developments within the individual subbands would have to consider compatibility with each other when employed on a common airframe. If, within a reasonable period, developments progress satisfactorily, appropriate steps can be taken to remove the "provisional" connotation from the band.

9. In this regard, it should be noted that the Commission, in its fourth notice of inquiry in Docket No. 16294, has proposed that the international Table of Frequency Allocations be modified by expanding the band in question to 1535–1660 MHz and then suballocating that band so that the segments 1535–1557.5 MHz and 1637.5–1660 MHz would be available exclusively for the application of space techniques. It is the Commission's intention to incorporate that proposal in the provisional reallocation of the national Table of Frequency Allocations dealt with herein.

10. With regard to the reaccommodation of the radio altimeter function, it is not intended that such devices be required to vacate the band 1540–1660 MHz on a crash basis but rather that no new ones be authorized in the band after a specified date. Those in the band as of that date would be grandfathered-in for an unspecified period, recognizing that it may be necessary to establish a termination date for such devices in the future. At the present time radio altimeters are permitted in the band on the basis of footnote US39, which reads as follows:

US39 Within the band 1540–1660 Mc/s, radio altimeters are permitted to use only the portion 1600–1660 Mc/s and then only until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

11. In the frequency band 4200–4400 MHz, provisions for the accommodation of radio altimeters are now found in footnote US47, which reads as follows:

US47 The band 4200–4400 MHz is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

It is proposed to retain US39 unchanged except to make it applicable to the proposed expanded band 1535–1660 MHz but to indicate in Part 87 that radio altimeters not previously licensed in the band will not be authorized therein after a date specified. On the Government side, all new procurements of radio altimeters by Government agencies will be in a frequency band other than 1535–1660 MHz. Footnote US47 would be modified to read as follows:

US47 The band 4200–4400 MHz is reserved exclusively for radio altimeters.

It should be noted that the reaccommodation of radio altimeters is intended to be on a regular, rather than a provisional basis.

12. Of the three types of system for which provisional allocations are proposed, the ECAC evaluation referred to in paragraph 7 indicated the desirability of frequency changes to improve their mutual compatibility. As a result, provisional arrangements are proposed for the use of space techniques in the bands 1535–1557.5 and 1637.5–1660 MHz; for the glide slope in the band 1557.5–1567.5 MHz; and for CAS in the band 1592.5–1622.5 MHz. The remaining portions of the overall band 1540–1660 MHz would continue to be available for the aeronautical radionavigation service under the terms now prevailing nationally and internationally. The specific details of the proposal with respect to Parts 2, 81, 83, and 87 are set forth below.

13. In summary, while not meeting fully the relief requested by petitioners, provisional arrangements are proposed for an interference free environment in which potentially significant devices can be developed. Therefore, the petition RM–1201 is granted to the extent indicated by the proposals herein but in all other aspects is denied.

14. Authority for the proposals set forth below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

15. Any interested person who is of the opinion that the proposed amendments should not be adopted in the form set forth herein may file with the Commission on or before June 20, 1969, written data, views, or arguments setting forth his comments. Comments in support of the proposals also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before June 30, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: May 14, 1969.

Released: May 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Johnson concurring in the result.

The following amendments to Parts 2, 81, 83, and 87 of the Commission's rules are proposed.

1. Section 2.106, *Table of Frequency Allocations*, is amended with respect to columns 5 through 11, in the frequency band 1535–1660 MHz, to read as follows:

Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services	(of stations)
5	6	7	8	9	10	11	
1535–1537.5	G, NG. (352E) (US39)	1535–1537.5	MARITIME MOBILE. Aeronautical mobile (R).	Satellite-borne.		MOBILE using space techniques. (provisional).	
1537.5–1557.5	G, NG. (352E) (US39)	1537.5–1557.5	AERONAUTICAL MOBILE (R). Maritime mobile.	Satellite-borne.		MOBILE using space techniques. (provisional).	
1557.5–1567.5	G, NG. (352A) (352B) (US39)	1557.5–1567.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.		Glide path. (provisional).	
1567.5–1592.5	G, NG. (352A) (352B) (US39)	1567.5–1592.5	AERONAUTICAL RADIONAVIGATION.				
1592.5–1622.5	G, NG. (352A) (352B) (US39) (US39A)	1592.5–1622.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		Collision avoidance. (provisional).	
1622.5–1637.5	G, NG. (352A) (352B) (US39) (US39A)	1622.5–1637.5	AERONAUTICAL RADIONAVIGATION.				
1637.5–1657.5	G, NG. (352F) (US39) (US39A)	1637.5–1657.5	AERONAUTICAL MOBILE (R). Maritime mobile.			MOBILE using space techniques. (provisional).	
1657.5–1660	G, NG. (352F) (US39) (US39A)	1657.5–1660	MARITIME MOBILE. Aeronautical mobile (R).			MOBILE using space techniques. (provisional).	

2. In the list of Geneva footnotes following the table, modify the texts of 352A and 352B to read as follows:

352A The bands 1557.5–1637.5 (provisionally), 4200–4400, 5000–5250 MHz, and 15.4–15.7 GHz are reserved on a worldwide basis, for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

352B The bands 1557.5–1637.5 (provisionally), 5000–5250 MHz, and 15.4–15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space communication techniques. Such use and development is subject to agreement and coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

3. Add new footnotes 352E and 352F, reading as follows:

352E Limited to transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or navigation purposes. (This note is provisional, pending the results of the ITU Space WARC 1970/1971.)

352F Limited to transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communication and/or navigation purposes. (This note is provisional, pending the results of the ITU Space WARC 1970/1971.)

4. In the list of US footnotes, modify the text of US39, add US39A and modify the text of US47, respectively, to read as follows:

US39 Within the band 1535–1660 MHz, radio altimeters are permitted to use only the portion 1600–1660 MHz and then only until such time as international standardization of other aeronautical radio-navigation systems or devices require the discontinuance of radio altimeters in this band.

US39A The band 1592.5–1622.5 MHz is allotted provisionally, but on a primary basis, for the collision avoidance function, noting the continued use of existing altimeters in the band 1600–1660 MHz.

US47 The band 4200–4400 MHz is reserved exclusively for radio altimeters.

5. Amend Parts 81 and 83 of the rules by adding, respectively, new §§ 81.503(d) and 83.433(d), each of which will read as follows:

(d) Pending subsequent rule making and/or the results of the ITU Space WARC, 1970/1971, the following frequency bands may be used on a developmental basis in conjunction with the use of space radiocommunication techniques:

(1) 1535–1557.5 MHz—The use of this band is limited to transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or navigation purposes, noting that the band segment 1537.5–1557.5 MHz is available for maritime use only on a secondary basis.

(2) 1637.5–1660 MHz—The use of this band is limited to transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communication and/or navigation purposes, noting that the band segment 1637.5–1657.5 MHz is available for maritime use only on a secondary basis.

6. Amend §§ 87.183(p) and 87.501(h)(3) to read as follows:

(p) 1535–1660 MHz: The use of this band shall be limited to the following functions:

1535–1557.5 MHz [1]—Transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or navigation purposes, noting that the band segment 1535–1537.5 MHz is available for aeronautical use only on a secondary basis.

1557.5–1567.5 MHz [1]—Reception of glidepath stations.

1567.5–1592.5 MHz—Airborne electronic aids to air navigation and any directly associated ground-based facilities.

1592.5–1622.5 MHz [1] [2]—Airborne collision avoidance systems.

1622.5–1637.5 MHz [2]—Airborne electronic aids to air navigation and any directly associated ground-based facilities.

1637.5–1660 MHz [1] [2]—Transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communication and/or navigation purposes, noting that the band segment 1657.5–1660 MHz is available for aeronautical use only on a secondary basis.

[1] Frequencies so designated are available on a developmental basis only, pending further rule making and/or the results of the ITU Space WARC, 1970/1971.

[2] Radio altimeters authorized to operate in the frequency band 1600–1660 MHz as of January 1, 1970, may continue to be so authorized, but no new authorizations will be granted after that date.

[F.R. Doc. 69-6101; Filed, May 22, 1969; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Order Extending Time for Filing Comments and Reply Comments

1. On April 25, 1969, the Commission released a notice of proposed rule making reopening the "clear channel" proceeding for the purpose of seeking a solution to the long-standing "KOB problem". The dates designated for the filing of comments and reply comments were June 9, 1969, and July 9, 1969, respectively.

2. On May 8, 1969, Hubbard Broadcasting, Inc. (Hubbard), by its attorneys, requested the Commission to extend the dates for filing comments to August 8, 1969, and for reply comments to September 8, 1969. It states that its engineering consultant requires a 2-month period for making the studies necessary for the evaluation of a counterproposal Hubbard has under consideration.

3. The Commission recognized in its notice of proposed rule making that conceivably Hubbard or another party could submit a counterproposal meriting consideration. Therefore, it appears appropriate to grant the requested extension to explore this possibility: *Accordingly, it is ordered*, That the time for filing comments and reply comments is extended to August 8, 1969, and September 8, 1969, respectively.

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

Adopted: May 15, 1969.

Released: May 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE E. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-6153; Filed, May 22, 1969; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 408]

CIGARETTES IN RELATION TO HEALTH HAZARDS OF SMOKING

Unfair or Deceptive Advertising

Correction

In F.R. Doc. 69-6040 appearing at page 7917 of the issue for Tuesday, May 20, 1969, the headings should read as set forth above.

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 30, 1969.

Dated: April 30, 1969.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 69-6132; Filed, May 22, 1969; 8:46 a.m.]

FRANK DRAKE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 5, 1969.

Dated: May 5, 1969.

FRANK DRAKE.

[F.R. Doc. 69-6133; Filed, May 22, 1969; 8:46 a.m.]

FRANKLIN STUART FEHR

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.

(2) Metropolitan Edison Co., 3.8 percent Preferred, 3 shares; First National Bank of Bernville, common, 4 shares; N.Y. State Electric & Gas Corp., common, 8 shares; General Public Utilities Corp., common, 93 shares; David Crystal Inc., common, 25 shares; Halls Motor Transport, common, 25 shares; A.T. & T., common, 10 shares; North American Rockwell Corp.,[1] common, 35 shares; Philadelphia Electric Co., common, 50 shares; Tenneco,[2] common, 30 shares.

(3) No change.

(4) No change.

This statement is made as of April 29, 1969.

Dated: April 29, 1969.

F. STUART FEHR.

[F.R. Doc. 69-6134; Filed, May 22, 1969; 8:46 a.m.]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 14, 1969.

Dated: April 30, 1969.

DONALD B. GREGG.

[F.R. Doc. 69-6135; Filed, May 22, 1969; 8:46 a.m.]

WILLIAM C. PORTER, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 30, 1969.

Dated: April 30, 1969.

W. C. PORTER, Jr.

[F.R. Doc. 69-6136; Filed, May 22, 1969; 8:46 a.m.]

[1] Purchased 25 additional shares Mar. 21, 1969.

[2] Purchased Nov. 18, 1968.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Dockets Nos. SH-275, SH-276]

SUGARCANE IN LOUISIANA AND FLORIDA

Notice of Hearings on Wages and Prices and Designation of Presiding Officers

Pursuant to the authority contained in sections 301(c)(1) and 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Houma, La., on June 26, 1969, in the Municipal Auditorium, 880 Verret Street, beginning at 9:30 a.m.;

At Belle Glade, Fla., on July 1, 1969, in the Holiday Inn, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act, whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective October 14, 1968 (33 F.R. 15013), and for Florida sugarcane fieldworkers in the wage determination which became effective November 18, 1968 (33 F.R. 16435), continue to be fair and reasonable under existing circumstances, or whether such determination(s) should be amended; and (2) pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices to be paid for the 1969 crops of sugarcane in Louisiana and Florida, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payment under the act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearings to express their views and present appropriate data in regard to wages and prices.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair wages for fieldworkers and fair prices for sugarcane:

I. *Louisiana*—(a) *Wages.* (1) Need for changes in number of worker classifications and elimination of differential in wage rates for harvest and nonharvest workers.

(2) Wage rate differentials among unskilled, semiskilled, and skilled workers.

(b) *Prices.* (1) Periods to be used to determine the season's average prices of raw sugar and blackstrap molasses.

(2) Recommendations on matters pertaining to other pricing bases, such as the delivered average price.

II. *Florida*—(a) *Wages.* (1) Need for additional worker classifications such as workers employed in mechanical harvesting operations.

(2) Wage rate differentials among different classifications of workers.

(3) Written description of method used in setting piecework rates per row for cutting sugarcane and statement of total tons of cane cut by hand, total amount of wages paid cane cutters, total hours worked, and average earnings per worker per hour, by months, for the 1968–69 crop.

(b) *Prices.* (1) Methods of determining for each producer the quantity of trash delivered with sugarcane which has been harvested mechanically.

The hearings after being called to order at the times and places mentioned herein may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officer.

T. O. Murphy, A. A. Greenwood, D. E. McGarry, C. F. Denny, R. R. Stansberry, and C. B. Domire, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C. on May 19, 1969.

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

[F.R. Doc. 69-6166; Filed, May 22, 1969; 8:49 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

Notice of Petition for Modification of Rate Order; Correction

On May 17, 1969, there was published in the FEDERAL REGISTER (34 F.R. 7872) a notice of petition for modification of rate order filed by the Union Stock Yards Company of Omaha (Ltd.). Said notice should have been captioned as set forth above.

Done at Washington, D.C., this 20th day of May 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-6168; Filed, May 22, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARGILL, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (FAP 9B2409 and 9B2410) have been filed by Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402, proposing that § 121.2522 *Polyurethane resins* (21 CFR 121.2522) be amended to provide for the safe use of caprolactone polyols and polytetramethylene ether glycols as reactants in the preparation of polyurethane resins for use in contact with dry bulk food.

Dated: May 16, 1969.

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

[F.R. Doc. 69-6129; Filed, May 22, 1969; 8:45 a.m.]

INDIAN JUTE INDUSTRIES' RESEARCH ASSOCIATION

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2415) has been filed by Indian Jute Industries' Research Association, c/o Esso Research & Engineering Co., Post Office Box 121, Linden, N.J. 07036, proposing that paragraph (d)(2) of § 121.2589 *Mineral oil* (21 CFR 121.2589) be amended to add shelled nuts (including peanuts) to the list of foods that may be used in contact with textile bags prepared from jute fiber processed with mineral oil as provided by that section.

Dated: May 16, 1969.

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

[F.R. Doc. 69-6130; Filed, May 22, 1969; 8:46 a.m.]

WARNER-JENKINSON MANUFACTURING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9A2400) has been filed by Warner-Jenkinson Manufacturing Co., 2526 Baldwin Street, St. Louis, Mo. 63106, proposing that § 121.1056 *Disodium EDTA* (21 CFR 121.1056) be amended in paragraph (b)(1) to provide for the safe use of disodium EDTA in nonstandardized, noncarbonated juice drinks to promote color retention.

Dated: May 16, 1969.

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

[F.R. Doc. 69-6131; Filed, May 22, 1969; 8:46 a.m.]

Office of the Secretary

NATIONAL INSTITUTES OF HEALTH

Statement of Organization and Functions and Delegations of Authority; Revisions and Amendments

Part 9–A of the Statement of Organization, Functions, and Delegations of Authority (34 F.R. 170) is amended (1) to replace the statement of the Division of Research Services and (2) to add the Office of Engineering Services following the Office of Administrative Services, Office of the Associate Director of Administration.

Division of Research Services (8A–0402). Provides centralized research services including laboratory, instrumentation, library, medical arts and photography, translating, animal production and care, control of environmental factors and sanitary conditions, and other scientific and technical services to the NIH.

Office of Engineering Services (8A–0706). Provides engineering, architectural, craft, and labor services required for the operation and maintenance of the NIH facility, planning of NIH facilities and improvements, administration and inspection of NIH construction performed under direct contract, and liaison and inspection of projects administered by the Public Buildings Service of GSA.

Dated: May 19, 1969.

BERNARD SISCO,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 69-6181; Filed May 22, 1969; 8:50 a.m.]

BUREAU OF THE BUDGET

CERTAIN LANDS IN KENTUCKY

Transfer of Use, Possession, and Control

Order transferring to the Tennessee Valley Authority the use, possession, and control of certain lands and interests and rights in land from the Bureau of Sport Fisheries and Wildlife of the Department of the Interior.

By virtue of the authority vested in the President of the United States by section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b)), and delegated to the Director of the Bureau of the Budget by section 1(15) of Executive Order 11230 of June 28, 1965, it is ordered that the use, possession, and control of the lands and interests and rights in land hereinafter described be, and they are hereby, transferred from the Bureau of Sport Fisheries and Wildlife of the Department of the Interior to the Tennessee Valley Authority, such transfer being deemed necessary and proper for the purposes of the Tennessee Valley Authority as stated in the Tennessee Valley Authority Act of 1933, as amended:

Those certain lands and interests and rights in land owned by the United States in Lyon and Trigg Counties, Ky., located within the boundaries of the Kentucky Woodlands National Wildlife Refuge as established by Executive Order 7966 of August 30, 1938, now revoked by Public Land Order 4585, and presently under the formal custody and control of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, comprising such lands and interests and rights in land within the said former Refuge boundaries as are reserved for the purposes of the Bureau of Sport Fisheries and Wildlife by Public Land Order 4560 of December 27, 1968, and also such lands and interests and rights in land within the said former Refuge boundaries as were under the formal custody and control of the Bureau of Sport Fisheries and Wildlife prior to, and were unaffected by, Public Land Order 4560.

The transfer includes all improvements on the lands hereby transferred and all rights and privileges of the Bureau of Sport Fisheries and Wildlife in and on lands reserved by Public Land Order 4560 for the purposes of the Corps of Engineers, and is subject to certain rights and privileges reserved to the Corps of Engineers by Public Land Order 4560, including the right to seep and flood the lands hereby transferred to an altitude of 378 feet mean sea level.

PHILLIP S. HUGHES,
Acting Director of the Bureau of the Budget.

MAY 17, 1969.

[F.R. Doc. 69-6118; Filed, May 22, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21025; Order 69-5-86]

BRITISH CARIBBEAN AIRWAYS, LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of May 1969.

By Order E-2381, dated January 7, 1949, and approved by the President on January 14, 1949, the Board issued a foreign air carrier permit to British Caribbean Airways, Ltd. (BCA), which authorized it to engage in foreign air transportation with respect to persons, property, and mail between the terminal point Kingston, Jamaica, British West Indies, and the terminal point Miami, Fla. The United Kingdom Board of Trade has stated that BCA was declared defunct on April 1, 1950. In addition, the Board of Trade has stated that it has no objection to the cancellation of BCA's permit by the U.S. Government.

Based on the foregoing, the Board tentatively finds that the foreign air carrier permit now held by BCA should be canceled, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by British Caribbean Airways, Ltd.

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [1]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the following: British Caribbean Airways, Ltd; and the Ambassador of the United Kingdom.

This order will be published in the FEDERAL REGISTER.

[1] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6170; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 21026; Order 69-5-87]

EAGLE AIRWAYS (BERMUDA) LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of May 1969.

By Order E-12227, adopted February 19, 1958, and approved by the President on March 6, 1958, the Board issued a foreign air carrier permit to Eagle Airways (Bermuda) Ltd. (Eagle Bermuda),[1] which authorized it to engage in foreign air transportation with respect to persons, property, and mail between a point or points in Bermuda, and the terminal point New York, N.Y. Subsequently, the route description in Eagle Bermuda's permit was changed to authorize service between a point or points in Bermuda, the intermediate points Washington, D.C., Baltimore, Md., New York, N.Y., and the terminal point Montreal, Quebec, Canada.[2]

The United Kingdom Board of Trade has stated that there is no current record of Eagle Bermuda as a legal entity in Great Britain, and it has no objection to the cancellation of Eagle Bermuda's permit by the U.S. Government.

Based on the foregoing, the Board tentatively finds that the foreign air carrier permit now held by Eagle Bermuda should be canceled, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by Eagle Airways (Bermuda) Ltd.

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [3]

[1] On Nov. 2, 1960, the Board authorized Eagle Bermuda to do business under the name "Cunard Eagle Airways" (Order E-15985).

[2] Pursuant to Order E-13381, adopted Dec. 16, 1958, and approved by the President on Jan. 12, 1959.

[3] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the following: Eagle Airways (Bermuda) Ltd.; and the Ambassador of the United Kingdom.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-6171; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 21027; Order 69-5-68]

LINEAS AEREAS TAXADER, S.A. (TAXADER)

Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of May 1969.

Lineas Aereas Taxader, S.A. (Taxader), holds a foreign air carrier permit which authorizes foreign air transportation with respect to persons, property, and mail between a point or points in Colombia and the terminal point, Miami, Fla.[1] It appears that Taxader is now defunct and has abandoned service over its authorized route. The Government of Colombia has informed the United States that it has no objection to the cancellation of Taxader's foreign air carrier permit.

Based upon the foregoing, the Board tentatively finds that the foreign air carrier permit now held by Taxader should be canceled, and that, unless objections are received within 20 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions herein, which would, subject to the approval of the President cancel the foreign air carrier permit issued to Lineas Aereas Taxader, S.A. (Taxader);

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [2]

3. That if timely and properly supported objections are filed further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the Ambassador of the Government of Colombia and Lineas Aereas Taxader, S.A.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-6172; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 20993; Order 69-5-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Cargo Matters

Issued under delegated authority, May 19, 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, which was adopted at the Athens Worldwide Cargo Conference for early effectiveness, has been assigned the above-designated CAB agreement number.

The agreement would amend the currently effective general cargo rate scale within Europe/Africa/Middle East by establishing rates between Le Havre and London/Southampton.

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.14, it is not found that the following resolution, which is incorporated in the agreement indicated and which does not directly affect air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
21006.....	552	Conference 2 General Cargo Rates-Expedited.	2

Accordingly, it is ordered, That:

Agreement CAB 21006 be and hereby is approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-6173; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-5-77]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Issued under delegated authority, May 19, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 8, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-21:

Commodity Item 0006—Foodstuffs, Spices, and Beverages, N.E.S., 30 cents per kg., minimum weight 1,000 kgs., Miami to Barbados.

R-22:

Commodity Item 1400—Floral and/or Nursery Stock and Bulbs, Flowers, Seeds, and Tubers, N.E.S., 17 cents per kg., minimum weight 200 kgs., Merida to New Orleans.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-21 and R-22, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

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.

[1] Order E-19582, served May 15, 1963.

[2] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6174; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-5-82]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Issued under delegated authority, May 19, 1969.

By Order 69-5-36, dated May 9, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-5-36 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-63 through R-67, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity-descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6175; Filed, May 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-5-76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Issued under delegated authority, May 19, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 8, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, the agreement cancels rates between New York and Luanda and between New York and Addis Ababa, as indicated in the attachment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-68 through R-73, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

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] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6176; Filed, May 22, 1969; 8:50 a.m.]

[Docket No. 20884]

AIR PANAMA INTERNATIONAL S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 10, 1969, at 10 a.m., d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

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

Dated at Washington, D.C., May 19, 1969.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 69-6177; Filed, May 22, 1969; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the positions of Chief, Business and Professional Division; Chief, Community Organization Division; Chief, Government Coordination Division in the Office of Minority Business Enterprise.

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

[F.R. Doc. 69-6147; Filed, May 22, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Assistant to the Assistant Administrator (Congressional and Legislative Affairs)" to "Director of Legislative and Congressional Affairs, Office of the Assistant Administrator".

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

[F.R. Doc. 69-6148; Filed, May 22, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

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

[F.R. Doc. 69-6149; Filed, May 22, 1969; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of General Assistant to the

[1] Filed as part of the original document.

Deputy Under Secretary for Policy Analysis and Program Evaluation.

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

[F.R. Doc. 69-6150; Filed, May 22, 1969; 8:47 a.m.]

U.S. INFORMATION AGENCY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the U.S. Information Agency to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

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

[F.R. Doc. 69-6151; Filed, May 22, 1969; 8:47 a.m.]

COMPUTER SCIENTIST, NATIONAL SECURITY AGENCY, FORT GEORGE G. MEADE

Manpower Shortage; Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on May 13, 1969, for the position of Computer Scientist, occupational specialty COSC-2414, at level GG-7 (comparable to GS-7), National Security Agency, Fort George G. Meade, Md. This finding is limited to appointees having a degree in computer science or comparable degree.

Assuming other legal requirements are met, appointees to these positions may be paid for the expenses 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. 69-6152; Filed, May 22, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18551; FCC 69-535]

RANGE UNLIMITED

Order Designating Application for Hearing on Stated Issues

In re application of Robert M. Dickman doing business as Range Unlimited, Winona, Minn., for construction permit and license in the business radio service, Docket No. 18551, File No. 02272-IB-78.

1. The Commission has under consideration the above-captioned application and a petition for reconsideration filed by KWNO, Inc., licensee of Standard Broadcast Station, KWNO, Winona, Minn. (KWNO).

2. On September 15, 1967, the Commission issued an authorization in the Business Radio Service for Station KBV-336 to Robert M. Dickman, doing business as Range Unlimited. The authorization included a construction permit to erect a 199-foot radio tower for antenna installations in Winona, Minn. On October 11, 1967, KWNO filed a petition for reconsideration of this grant. While the petition was pending, the authorized tower was constructed. Sometime thereafter, the staff, under delegated authority, granted KWNO's petition in part, and set the grant aside pending further consideration of the matters alleged in KWNO's petition.

3. KWNO supported its petition by the affidavit of its engineering consultant. It states that KWNO operates on the frequency 1230 kc/s with a tower height of 400 feet located 410 feet from Dickman's proposed tower, and places a signal of about 3000 mv/m over the location of that tower; that Dickman's tower is an effective radiator on 1230 kc/s; that it has an electrical height of 90° and it is 184 electrical degrees northeast of KWNO's tower; and that it is well within its induction field. Petitioner concludes from the foregoing that the tower in question would create "severe" reradiation problems with KWNO, "badly distorting" its circular pattern and "* * * would result in drastic change in the prohibited overlap between KWNO and several other stations on 1230 kc/s * * *". The applicant has denied KWNO's allegations, but has not submitted any technical evidence to support his position. On the basis of the information before us, we find that a substantial and material question has been presented and we are unable to find that the public interest would be served by the grant of that above-captioned application.

4. *Accordingly, it is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Robert M. Dickman is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the tower proposed by the applicant will reradiate signals of Radio Station KWNO and distort its authorized omnidirectional pattern.

(2) To determine, in the event the foregoing issue is resolved in the affirmative, whether such distortion in the radiation pattern of Radio Station KWNO adversely affects the authorized operation of that station or the authorized operation of any other operating standard broadcast station.

(3) To determine, if it is found on the basis of the evidence adduced pursuant to Issues (1) and (2) above, that adverse problems of reradiation occur, what steps, if any, must be taken by the applicant to eliminate or minimize it.

(4) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

5. *It is further ordered*, That KWNO, Inc., is made a party to this proceeding.

6. *It is further ordered*, That the burden of proceeding with the introduction of evidence on Issues 1, 2, and 3 shall be on KWNO, Inc., since facts are available to it or it can obtain them without undue burden, but the burden of proof on all of the issues shall be on the applicant.

7. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicant and any party hereto, pursuant to § 1.221 (c) and (e) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Adopted: May 14, 1969.

Released: May 20, 1969.

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

[F.R. Doc. 69-6154; Filed, May 22, 1969; 8:48 a.m.]

[Dockets Nos. 18552, 18553; FCC 69-542]

RCA GLOBAL COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of the application of RCA Global Communications, Inc., ITT World Communications Inc., and Western Union International, Inc., for construction permit to establish a new satellite earth station in the Territory of Guam, Docket No. 18552, File No. 48-CSG-P-68; in the matter of the application of Communications Satellite Corp. for construction permit to establish a new satellite earth station in the Territory of Guam, Docket No. 18553, File No. 62-CSG-P-69.

Preliminary statement. 1. The Commission has before it the two above-captioned competing applications for authority pursuant to the Communications Act of 1934 and the Communications Satellite Act of 1962 to construct and operate satellite communications earth stations in the Territory of Guam.

2. Application File No. 48-CSG-P-68 (joint carrier application) was originally filed by RCA Global Communications, Inc. (RCA), on March 4, 1968, proposing the initial use of a 42-foot transportable earth station and its subsequent upgrading to a standard earth station.[1] This

[1] The Intelsat consortium has specified the characteristics of a standard earth station.

application was subsequently amended on August 8, 1968, to propose the initial construction of a standard earth station, and to include both ITT World Communications Inc. (ITT Worldcom), and Western Union International, Inc. (WUI), as additional applicants with ownership to be divided 53.4 percent, 23.3 percent, and 23.3 percent among RCA, ITT Worldcom, and WUI, respectively.

3. On May 1, 1968, Comsat filed a petition to deny the original RCA application, asserting that the public interest does not require the construction of a Guam earth station and alleging that requirements to serve Guam through 1973 can be provided by existing submarine cables to Guam and through satellite facilities, including those under construction, in the Pacific Ocean area. However, Comsat also contended that, if the application were granted, Comsat should share in the ownership and act as manager of the earth station.[2]

4. On May 21, 1968, RCA filed an opposition to the Comsat petition, and Comsat filed a reply thereto on May 29, 1968. On July 17, 1968, the Office of Judge Advocate General, Department of the Army, filed a letter on behalf of the Department of Defense (DoD) strongly supporting the need for an earth station at Guam. The DoD letter stated that it was placing heavy reliance on the existing Hawaii-Guam submarine cable and that multiple communication access media into areas of major military interests such as Guam are vital to the interests of the United States and the national defense. Comsat, by letter filed on August 7, 1968, conceded that DoD could have communications requirements to Guam which had not been divulged to Comsat, but again asserted that nothing in the DoD letter changed Comsat's conclusion that the Guam earth station may well be uneconomic. Comsat maintained its assertion that, if a Guam earth station were authorized, it should share in its ownership and act as manager.

5. On August 9, 1968, an informal meeting, sponsored by the Commission, was held among the interested parties in an effort to resolve the matter. At this meeting, both RCA and ITT Worldcom contended that the Guam earth station should be licensed only to them and WUI. WUI, however, indicated that it would agree to joint ownership with Comsat and management by Comsat, provided that this would not result in higher costs to WUI and it would obtain a meaningful participation in the station (i.e., that its share of the station ownership would not be unreasonably diluted beyond the range of 15 to 25 percent).[3]

6. Thereafter, on September 16, 1968, Comsat filed an application (File No. 62–CSG–P–69) for authority to construct a Guam earth station. Comsat stated that it was willing to set aside its basic objections to the construction of the Guam station if the issue of ownership and operation could be resolved by extension of the principles contained in the Commission's second report and order in Docket No. 15735, issued in 1966, concerning earth station ownership.[4] Comsat also stated that it had just completed a new study of Guam traffic requirements for the period 1969–73, which showed a demand signficantly greater than theretofore anticipated, and now believes that the public interest requires the establishment of a Guam earth station.

7. On October 3, 1968, Comsat filed a petition to deny the joint carrier application, asserting that construction, ownership, and operation of the Guam earth station should be in accordance with the principles of the Commission's second report and order; that Comsat's application was technically superior and economically preferable to that of the joint carriers; and that it could operate the proposed station more efficiently and at a lower cost than could the joint carriers.

8. Petitions to deny the Comsat application were filed by RCA and ITT Worldcom on October 18 and 31, 1968, respectively. Comsat's opposition was filed on November 12, 1968. Replies of ITT Worldcom and RCA were filed December 6 and 9, 1968, respectively.[5]

Need for earth station at Guam.

9. Guam, as is shown below, is a vital hub for transpacific communications, having cables extending to other points as follows:

(a) A 3,842-nautical-mile cable to Hawaii having 142 equivalent voice circuits, all in use. RCA has indefeasible right of user (IRU) in 15 circuits, ITT Worldcom in 12 circuits, and WUI in 5.5 circuits.

(b) A 1,403-nautical-mile cable to Japan having 138 circuits, of which approximately 33 are spare. RCA has IRU in 12 circuits, ITT Worldcom in 7.5 circuits, and WUI (which does not operate with Japan) in none.

(c) A 1,470-nautical-mile cable to the Philippines having 128 circuits, of which 41 are spare. RCA has IRU in 25 circuits, ITT Worldcom in 14 circuits, and WUI in 4 circuits.

(d) A 2,999-nautical-mile cable to Australia owned by British Commonwealth partners and having 160 circuits. The record carriers have interests in this cable, which can be connected at Australia to a 5,537-nautical-mile Commonwealth 80-circuit cable from Australia, via New Zealand, to Hawaii. The U.S. carriers have been authorized to lease Guam-Hawaii circuits by this diverse route since the Hawaii-Guam cable is filled.

(e) A 2,060-nautical-mile 80-circuit cable to Hong Kong which extends 1,975 nautical miles from Hong Kong via Borneo to Singapore. The record carriers have interests in this cable, which is also owned by the British Commonwealth.

10. All applicants agree that additional facilities are needed at Guam, and we also agree, in view of the critical importance of Guam and its strategic position in the Pacific communications complex. As shown above, there are four cables extending west and south from Guam (to Japan, Hong Kong, the Philippines, and Australia, and points beyond) with a total capacity of some 506 circuits. These are linked by a single 128-circuit cable extending from Guam to Hawaii, which latter point is a hub for four cables having a total capacity of some 336 circuits. Two of such cables extend to the Mainland, another to Canada, and a fourth to Australia. Thus, the Guam-Hawaii cable, a link between several cables at each end, serves as a vital conduit for traffic between points west and south of Guam, on the one hand, and points east and south of Hawaii, on the other. As we have noted, there is presently no spare capacity on the Hawaii-Guam cable, so that additional cable circuits between such points cannot be activated via the Guam-Hawaii route. While there is an alternative cable route available, i.e., via the Commonwealth cables extending between Hawaii and Guam via Australia, the cost to U.S. carriers of using such route is greater than that of the Hawaii-Guam link, and apparently greater than that of the proposed satellite facilities. Similarly, it is possible to reach Guam from Hawaii or the Mainland via satellite to the Philippines or Japan and then backhaul by cable, but this also appears to be a relatively costly routing. Obviously, to the extent such alternative routes are used, their higher costs will be reflected in rates to the public.

11. The Commission is also aware that the cables at Guam are required to provide critically important circuits for our Defense Department as well as for the general public, and that actual or potential interruptions to such circuits are a matter of great concern to the users.

12. Turning now to the proposals to establish an earth station at Guam, Comsat, and RCA estimate that the Guam earth station will be required to provide circuits to and from all points reached via Guam, as follows:

	Comsat estimates	RCA estimates
1969	25	26
1970	35	31
1971	45	33
1972	55	34
1973	67	35
5-year average	45.4	31.8

[2] Comsat also contended that the earth station should meet all criteria for a standard earth station, but this contention was rendered moot by the amended application of RCA, ITT Worldcom, and WUI filed on Aug. 8, 1968.

[3] RCA and ITT Worldcom confirmed their positions by letters dated Sept. 16, 1968.

[4] 5 FCC 2d 812. This provides that Comsat shall own 50 percent of all the existing and then proposed U.S. earth stations, with the remaining 50 percent being owned by U.S. carriers providing overseas service in proportion to the use each such carrier expects to make of each station.

[5] Subsequent to the filing of the foregoing pleadings the parties revised their capital investment, expense and revenue estimates. Accordingly, the substance of their present position is set forth in paragraphs 13 through 19 infra.

13. As recently as April 11, 1969, Comsat revised downward its estimated capital costs of the proposed station from $5.5 million to $4.6 million. The joint carriers, on April 17, 1969, have also revised their estimated capital costs to a figure of not over $4.4 million. The foregoing revisions have resulted in reductions in revenue requirements. While the financial estimates may bear further examination, a preliminary analysis indicates that they appear to be reasonable and that the operation of a Guam earth station should be competitive with existing cable facilities. It appears, therefore, that an earth station at Guam would be an economically viable undertaking.

14. On the basis of an 11-year service life, depreciation expense may be estimated at approximately $400,000 annually. We find in one application an estimate of preoperating costs of $300,000. Such an intangible cost to a going corporation should be amortized on a straight-line basis over a relatively short period, say 3 years. This produces an expense of $100,000 annually. In the light of conflicting claims in the applications as to operating and maintenance costs we will take Comsat's higher figure of $500,000 annually. There is even greater conflict in the competing applicants' estimates of general and administrative expenses and we will settle on $100,000 annually (which is a higher figure than estimated by either applicant) for present purposes. The average investment after accumulated depreciation in the earth station should be about $2,250,000, which we will use as the rate base. Without committing ourselves in any way as to what may be finally determined as a proper rate of return, we will use, arguendo, the high rate of 10 percent, which must be doubled to produce a return before income taxes. This calculation comes to 20 percent of $2,250,000 or $450,000 annually for income taxes and return. In summary, the annual revenue requirements accumulate as follows:

Depreciation	$400,000
Preoperating costs	100,000
Operations and maintenance	500,000
General and administrative	100,000
Taxes and return	450,000
Total	1,550,000

From the traffic demand estimates contained in paragraph 12 herein, we will assume an average annual demand for 35 circuits through the proposed earth station. With this we arrive at an indicated annual cost per circuit for earth station use of $44,300. We understand that Comsat is paying the owners of a one-half interest in one of its existing earth stations almost $1,200 per month per circuit established, or $14,400 per year which, doubled as it must be to reflect the half interest being compensated for, comes to $28,800 per year per circuit. This calculation and comparison indicates that service through the proposed earth station will be expensive. We are persuaded, however, that where the need is as great as in Guam the cost is not excessive.

15. An indication of this may be obtained by making comparisons with existing rates for service in the cables crossing Guam to various points. Thus, the present through voice channel rates in the cable are $192,000 and $144,000 annually between Guam, on the one hand, and California and Hawaii, on the other, respectively. Rates between Guam, on the one hand, and Japan and the Philippines, on the other, are published in tariffs for half-way only and such half rate is $54,000 annually on each of those routes. We would assume that most of the circuits which would be established through the proposed station would be to Hawaii and the U.S. mainland, with an average $160,000 annual rate on the cable. One half of this, or $80,000 annually, is assignable to Guam and there, for comparison, to costs of the proposed station plus the satellite space segment associated with it. The present space segment charge is $20,000 annually, which added to $44,300 for the earth station, totals $64,300, which, as will be readily seen, is well below the $80,000 cable half circuit charge.

Discussion of ownership. 16. Comsat and the joint carrier applicants are legally, technically, and financially qualified to construct the facilities and to render the services proposed. However, while Comsat is agreeable to a license being issued jointly to it and the carrier applicants, under the terms of our interim earth station policy (scheduled for review at the end of 1969) the carrier applicants, except for WUI, take the position that such policy should not be applied. Under our outstanding second report and order, establishing an interim earth station ownership policy, the six existing U.S. earth stations are licensed jointly to Comsat, which holds a 50 percent interest in each station and acts as manager, and the carriers, including the joint carrier applicants, directly serving the public, who hold the remaining 50 percent interest in proportion to their use, as follows:

QUOTAS FOR OWNERSHIP (PERCENT)

Company	Conterminous States	Hawaii	Puerto Rico-Virgin Islands
Comsat	50.0	50.0	50.0
American Telephone & Telegraph	28.5	.....	.....
Hawaiian Telephone Co.	.....	30.0	.....
ITT Puerto Rico-ITT Virgin Islands	.....	.....	30.0
ITT World Communications, Inc.	7.0	6.0	11.5
RCA Global Communications, Inc.	10.5	11.0	4.0
Western Union International	4.0	3.0	4.5

17. RCA and ITT Worldcom assert that the major consideration which led to the formulation of the policy, i.e., the need for unified control in the operation of earth stations during the initial stage of satellite communications, no longer exists. In support, they refer to the proliferation of earth stations throughout the world, the rapid developments in satellite communication techniques, the establishment of a frequency plan for the global system, and the forthcoming availability of additional space segment capacity through use of the Intelsat III series satellites. Accordingly, they contend that the success of Comsat's early mission to establish a global system is not dependent on Comsat operation of an earth station on Guam.

18. RCA and ITT Worldcom emphasize that they do not now seek a reconsideration of the interim policy as it applies to the six U.S. earth stations. They believe, however, that a grant of their application would afford a useful opportunity to develop facts relevant to whether the existing policy should be continued or a new arrangement established. Since, under their proposal each of the carriers participating in ownership of the Guam station would render services directly through use of its respective share of those facilities, they feel that the Commission would be provided with a yardstick against which to measure Comsat's costs and performance as manager of the six stations against their own performance under their proposed operation.

19. Comsat, on the other hand, believes that the underlying rationale of the policy applies to any application for additional stations during the interim period. Accordingly, it reasons that the joint carriers raise the question of whether the arrangements prescribed by the interim policy are to be continued in force until late 1969, or are now to be prematurely reviewed. It denies that the need for unified earth station control will cease to exist with the implementation of the Intelsat III series satellites because the capacity they will provide for the Atlantic and Pacific Ocean areas will shortly be saturated. Thus, Comsat maintains that the operating conditions requiring unified earth station control will continue for the foreseeable future. Moreover, until the definitive Intelsat international agreements are concluded and operational experience thereunder is gained, it believes it unwise to depart from the earth station arrangement prescribed by the interim policy.

20. With regard to the so-called yardstick theory, Comsat contends that a cost and performance comparison of the existing earth stations with a Guam station under carrier ownership and operation would serve no useful purpose. It argues that since such a comparison would involve early generation earth station cost and operating factors with late generation earth station experience, absent the problems associated with the earlier developmental period, the results obtained would be meaningless. By way of example, Comsat notes that the Andover station cost approximately $13 million, the Brewster Flat and Paumalu stations approximately $10 million each, and the Jamesburg and Etam stations approximately $7 million each. Comsat states that this declining cost pattern is the result of advancing technology, in which it has played a part, and that it demonstrates that the developmental phase is largely completed. It asserts, therefore, that a Guam earth station should cost less than its predecessor stations and could be built either by Comsat or the

carriers at equivalent costs. Accordingly, Comsat concludes that its application, subject to carrier participation consistent with the outstanding policy, should be granted.

21. In view of the opposing views presented as to whether our interim earth station policy should be applied in this matter, we believe that further consideration is desirable. We do not intend that the hearing on the subject applications prematurely determine or supplant the need for a comprehensive review to be made of the interim earth station policy in late 1969, a date which will precede the operation of a station at Guam. On the other hand, we believe that the hearing herein ordered should provide useful and complementary information and data to such review without in any way prejudicing the outcome. We therefore will afford the competing applicants an opportunity to further develop their positions in this, and other respects, in the context of a comparative hearing on the competing applications.

22. While the divergent views of the applicants raise issues the resolution of which requires an evidentiary hearing, it is our strong desire to avoid any undue delay in the establishment of an earth station on Guam. The urgent requirement for multiple communication media access throughout the area of Guam, the inevitable saturation of existing facilities in the not-too-distant future, and the serious impact occasioned by interruptions of service in that area, strongly support prompt and expeditious action.

23. Accordingly, while we will order an expedited hearing, we think that the competing applicants should reach an agreement on the technical parameters of the station, and should agree among themselves on an arrangement under which construction can go forward while the hearing is being conducted. We therefore will require that they promptly meet under our aegis to immediately enter into negotiations to this end. If successful in this endeavor—and we most seriously stress our strong desire that every effort be made to reach agreement—they can then present us with a joint application for temporary authority to so proceed. This will benefit all concerned in advancing by a considerable time the date when the needed facilities are available. Should efforts toward this objective not result in success within a reasonable time, we shall be constrained to take such other measures as may be at our disposal to have construction started at the earliest possible time.

24. To expedite matters, we would expect to receive a joint application for authority to enter into joint construction of the earth station within 30 days from the release of this memorandum opinion and authorization. The urgency of reaching such agreement is underlined by the application of RCA filed May 16, 1969, to provide on an interim basis earth station facilities at Guam and requesting special temporary authority to proceed promptly with the construction of such facilities. The facilities are intended to provide the DoD by November 1, 1969, with a leased circuit via satellite facilities of 48 KHz bandwidth between Hawaii and Guam, usable either for a wide band data service or for alternate voice/record service, subdivided into voice grade circuits, in accordance with the needs of military operations. RCA anticipates that the DoD will communicate with the Commission to document the urgency of the proposed service.

25. In order to meet the DoD requirement, RCA proposes to install portable electronics equipment to be connected to a 97-foot antenna. RCA estimates that it can meet the DoD required service date if its application is granted promptly. It appears that the 97-foot antenna, which would be employed to meet the DoD November 1 requirement, is the same facility that would be used to furnish permanent service should the subject joint-carrier application be granted, and is similar to that proposed by Comsat in its application. In light of this, together with the need for additional facilities at Guam as soon as possible, and the competing posture of the subject applications, we think that the first step to be taken by the competing applicants is to reach agreement on the procurement of the antenna. In this connection it is to be noted that RCA informs us that this equipment must be ordered immediately if service is to be provided on or before November 1. Upon such agreement and necessary filing with us, we can issue an appropriate order permitting this step, which would be necessary for regular service whether or not we grant the new RCA application for interim authority.

26. Discussions to the above ends shall be conducted under the auspices of the Chief of our Common Carrier Bureau, who shall promptly convene on Monday, May 19, a meeting of the parties to start such discussions. Within 7 days of adoption of this order we shall expect agreement by the parties on the procurement of the station antenna, as well as such other matters as must be agreed on within that time period to allow construction to commence on a station operable by November 1 on an interim basis, should we grant authority for an interim station at Guam. During this period we shall hold in abeyance action on the new RCA application for interim authority. If no agreement is reached we will take such action as we find necessary to satisfy urgent and important national defense requirements.

27. Hopefully, the parties will reach agreement within such period on all other matters necessary to an immediate start of construction of the regular station pending the outcome of the hearing ordered herein. However, should such agreement not be reached within the 30 days mentioned above, we stress our determination to take such action as we believe to be appropriate.

28. Accordingly, in view of the foregoing, *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934 and section 201 (c) of the Communications Satellite Act of 1962, the captioned applications are designated for hearing, in a consolidated proceeding at the Commission's offices in Washington, D.C., before an examiner and on a date to be hereafter specified by separate order.

29. *It is further ordered*, That, without in any way limiting the scope of the proceeding, it shall include inquiry into the following issues, and into such other issues as the Commission may set out by further order:

(a) To determine, on a comparative basis, whether and to what extent, the joint application of RCA, ITT Worldcom, and WUI, or the application of Comsat would best serve the public interest with respect to the following:

(1) Capital investment, and operating, maintenance, depreciation, and other relevant costs, including administrative expenses, station personnel required, and corporate overheads;

(2) The effect on efficiency of operation and the quality, reliability, and cost of service;

(3) The charges, terms, and conditions, under which the facilities of the proposed earth station will be made available to others authorized to render communication-satellite services.

(b) To determine whether, and to what extent, if at all, the terms, conditions, and principles of the Commission's interim earth station ownership policy should be incorporated in any grant issued herein; or whether another licensing policy should be adopted, and if so, the terms and conditions thereof.

30. *It is further ordered*, That Communications Satellite Corp., RCA Global Communications, Inc., ITT World Communications Inc., Western Union International, Inc., and the Chief, Common Carrier Bureau, are made parties to the proceeding;

31. *It is further ordered*, That the Hearing Examiner designated to preside at the hearing shall take appropriate measures to expedite these proceedings;

32. *It is further ordered*, That the Hearing Examiner shall certify the record to the Commission for a final decision without preparing either an initial or a recommended decision;

33. *It is further ordered*, That the parties desiring to participate herein shall file notice of appearances in accordance with § 1.221 of the Commission's rules;

34. *It is further ordered*, That the parties are allowed 30 days after the record is closed to file proposed findings and conclusions in the form of a proposed final decision, and to file replies within 15 days thereafter;

35. *It is further ordered*, That oral argument be held before the Commission en banc commencing at a date and time hereafter to be specified on the matters placed in issue herein;

36. *It is further ordered*, That each party intending to participate in oral argument shall file a notice of intention to appear within 15 days after the record is closed;

37. *It is further ordered*, That, except to the extent granted herein, the petitions to deny filed by Comsat and RCA, ITT, and WUI are denied.

Adopted: May 16, 1969.

Released: May 20, 1969.

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

[F.R. Doc. 69-6155; Filed, May 22, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

VILLAIN AND FASSIO E COMPAGNIA INTERNAZIONALE DE GENOVA SOCIETÁ RIUNITE DI NAVIGAZIONE S.P.A. AND COSTA ARMATORI, S.P.A.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9797, between Villain & Fassio e Compagnia Internazionale de Genova Societá Riunite di Navigazione S.p.A. (Fassio Line) and Costa Armatori S.p.A. (Costa Line), establishes a joint service which will operate under the trade name of "Costa-Fassio Joint Service" in the eastbound and westbound trades between U.S. Atlantic ports and Mediterranean ports and ports on the Atlantic coasts of Spain, Portugal, and Morocco. The subject Agreement will, upon approval, cancel and supersede Agreement No. 9687, a sailing arrangement between these parties in the eastbound and westbound trades between Italian and U.S. North Atlantic ports.

[1] Commissioners Cox and Johnson absent.

Dated: May 20, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6163; Filed, May 22, 1969; 8:49 a.m.]

CEYLON/U.S.A. CONFERENCE

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William L. Hamm, Secretary, Ceylon/U.S.A. Conference, New York Committee, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8050-6, between the member lines of the Ceylon/U.S.A. Conference, modifies Article 3 of the basic agreement to provide that no brokerage shall be paid except as set forth in the conference tariff and except as authorized by the members.

Dated: May 20, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6164; Filed, May 22, 1969; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 814]

VAN OPPEN & CO., INC.

Order of Revocation

By letter dated May 8, 1969, Mr. Samuel A. Briggs, Jr., former vice president and treasurer of Van Oppen & Co., Inc., 32 Broadway, New York, N.Y., advised that said corporation has been changed to a sole proprietorship; that the latter is not conducting business as an independent ocean freight forwarder; and that Van Oppen & Co., Inc., license Number 814 will be relinquished voluntarily.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, Section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 814 of Van Oppen & Co., Inc., be and is hereby revoked effective May 8, 1969.

It is further ordered, That Independent Ocean Freight Forwarder License No. 814 be returned promptly to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-6165; Filed, May 22, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-299]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MAY 16, 1969.

Take notice that on May 9, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP69-299 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale of natural gas to two industrial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a measuring station to serve the Lexington Alfalfa Dehydrators, Inc., alfalfa dehydration plant near Darr, Nebr., and a measuring station to serve the Elm Creek De-Hy, Inc., alfalfa dehydration plant near Elm Creek, Nebr. Applicant states that the service to both of these customers will be during off-peak months and service to them will not affect service to any of Applicant's other customers.

The total estimated cost of the proposed facilities is $7,800, which will be financed from current working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6122; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP69-300]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 16, 1969.

Take notice that on May 9, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69-300 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing August 7, 1969, and the operation of certain natural gas facilities to enable Applicant to take into its certificated pipeline system additional natural gas supplies which will be purchased from producers thereof, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in the producing areas into which its system now extends.

Applicant states that some of the projects to be constructed under the requested authorization will be offshore and, as a consequence, will be more expensive than onshore projects, and, therefore, it requests waiver of the cost limitations of section 2.58(a)(2) of the rules of practice and procedure and § 159.7(b)(1)(ii) of the regulations in order to permit expenditures of up to $1 million for any single offshore project.

The application indicates that the total cost of the facilities covered by this application will not exceed a maximum of $5 million, with the cost of any single onshore project not to exceed $500,000 and the cost of any single offshore project not to exceed $1 million.

Applicant proposes to finance the proposed project with cash on hand or cash which will be available from current operations.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 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 in 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. 69-6123; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP69-297]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MAY 16, 1969.

Take notice that on May 9, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-297 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate facilities to connect natural gas reserves in Ship Shoal Block 154 Field, Offshore Louisiana, to the offshore supply system to be constructed by Applicant pursuant to the authorization received in Docket No. CP65-356. The facilities required are approximately 4.4 miles of 12-inch pipeline.

The total estimated cost of the proposed facilities is $906,900, which will be financed from general funds or revolving credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practices and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6124; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP69-298]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 16, 1969.

Take notice that on May 9, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-298 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale and delivery of natural gas to the city of Reklaw and the surrounding area in Cherokee, Nacogdoches, and Rusk Counties, Tex.,

all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a positive sales meter station and appurtenant facilities near mile post 31.3 on its existing Jacksonville to Longview main line. The facilities will be utilized in the sale and delivery of natural gas to the city of Reklaw, Tex., for distribution and resale.

The estimated third year peak day and annual requirements of the Reklaw system are 1,425 Mcf and 102,900 Mcf at 14.9 p.i.s.a., respectively.

The total estimated cost of Applicant's proposed facilities is $15,600, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6125; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP67-26]

UNITED GAS PIPE LINE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

MAY 16, 1969.

Take notice that on May 8, 1969, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La. 71102, and Texas Eastern Transmission Corp. (Texas Eastern), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP67-26 a joint petition to amend the order issued in said docket on September 23, 1966, by requesting authorization to construct and operate two additional delivery points for the exchange of natural gas under exchange agreements dated August 5, 1948, and March 29, 1954, all as more fully set forth in the joint petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order of September 23, 1966, United and Texas Eastern were authorized to construct and operate facilities for the exchange of natural gas in Lafourche Parish, La., and Jackson County, Tex. The parties now seek to have the order amended so as to authorize the construction and operation of the following facilities:

United to construct a measuring station and appurtenant facilities to connect Texas Eastern's 30-inch main line to a point of United's Leesville lateral, near Gillis, Beauregard Parish, La.

Texas Eastern to construct a tap and appurtenant facilities on its Beaumont-Kosciusko line to connect with United's facilities, Beauregard Parish, La.

United to construct a measuring station, 2,200 horsepower compressor station and appurtenant facilities to connect United's South Louisiana-North Louisiana 30-inch main line to Texas Eastern's 30-inch main line, St. Landry Parish, La.

Texas Eastern to construct a tap and appurtenant facilities on its 30-inch Beaumont-Kosciusko line to connect with United's facilities, St. Landry Parish, La.

The total estimated cost of the proposed facilities is $958,000, which will be financed by both parties from general funds.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6126; Filed, May 22, 1969; 8:45 a.m.]

[Docket No. CP69-301]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

MAY 19, 1969.

Take notice that on May 12, 1969, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP69-301 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate (1) taps and tap valves in its existing pipeline in Mansfield, Conn., (2) approximately 1.1 miles of 4-inch lateral pipeline, and (3) a metering and regulating station. The facilities will be utilized to meet the requirements of Connecticut Natural Gas Corp. in supplying gas service to the University of Connecticut.

The total estimated cost of the proposed facilities is $143,185, which will be financed on an interim basis with cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6140; Filed, May 22, 1969; 8:47 a.m.]

[Docket No. CP69-302]

TOWN OF HOPE, IND., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 19, 1969.

Take notice that on May 14, 1969, the town of Hope, Ind. (Applicant) filed in Docket No. CP69-302 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan-Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the town of Hope and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is undertaking the construction and operation of a natural gas distribution system to serve the community of Hope and environs. In order to supply the system with its natural gas requirements, Applicant seeks by this application an order of the Commission directing Respondent to establish physical connection of its transmission facilities with Applicant's proposed system and to sell and deliver to Applicant its natural gas requirements.

The third year peak day and annual requirements of Applicant's system are estimated to be 1,623 Mcf and 86,635 Mcf, respectively.

The total estimated cost of Applicant's proposed facilities is $410,000, which will be financed through the sale of gas revenue bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6141; Filed, May 22, 1969; 8:47 a.m.]

[Docket No. CP69-296]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MAY 19, 1969.

Take notice that on May 9, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-296 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate facilities required to connect natural gas reserves in Grand Isle Block 41 and 43 Fields, Offshore Louisiana, to the offshore supply system constructed by Applicant pursuant to the authorization received in Docket No. CP66-180. The facilities required are approximately 6.2 miles of 16-inch pipeline and 1,000 feet of 12-inch pipeline.

The total estimated cost of the proposed facilities is $2,224,900, which will be financed from general funds or revolving credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1969, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6142; Filed, May 22, 1969; 8:47 a.m.]

FEDERAL TRADE COMMISSION

AUTOMOBILE PRICE ADVERTISING

Notice of Public Hearing and Opportunity To Submit Data, Views, or Arguments

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11 through 1.16, will hold a public hearing on the subject of price advertising for automobiles.

The Commission is initiating this preliminary proceeding because it has reason to believe that some automobile manufacturers may be engaged in the following practices which, if they exist, may warrant issuance of a Trade Regulation rule or rules prohibiting unfair and deceptive acts and practices, or other appropriate enforcement actions.

1. Announcing or advertising prices of new automobiles which make comparisons, express or implied, with prices of previous corresponding models of a different year, or to corresponding models of the same model year, when such comparisons are not entirely based upon actual differences in price, but instead, at least in part, upon an undisclosed redesignation of items of standard equipment to optional at extra cost to the consumer;

2. Announcing or advertising of reduced prices on current models as compared to prices charged for previous models "comparably equipped" when such comparison is based upon a previous model differently equipped or upon a choice of certain selected items of optional equipment as predetermined by the manufacturer without a clear disclosure of the limited choices available to the consumer;

3. Announcing or advertising pricing actions with respect to new automobiles in such a manner as to conceal the fact that actual price increases, or the amount of such increases, have been hidden by concurrent reductions in warranty coverage, with resulting savings to the manufacturer and added costs to the consumer;

4. Advertising prices for new automobiles which do not include all the charges imposed for accessories depicted or described and which do not include all charges imposed for delivery, exclusive of taxes;

5. Announcing, advertising, or preticketing new automobiles with prices, including manufacturer's suggested retail prices which are required to be affixed to new automobiles by the Automobile Information Disclosure Act, 72 Stat. 325 (Public Law 85-506; July 7, 1958) which appreciably exceed the highest prices at which substantial sales are made at retail, such retail prices being determined, at least in part, in order to allow fictitiously high trade-in allowances for used cars in excess of their fair market value.

As a result of this practice, it would appear that manufacturers may be engaged in direct misrepresentation of prices as well as placing in the hands of dealers the means and instrumentality for deceiving consumers as to savings at the retail level.

For purposes of these proceedings:

(1) "Automobile" is defined as a motor vehicle with motive power designed primarily for carrying ten (10) persons or less.

(2) "Announcing" is defined as including statements of any kind which are intended to be made public and includes "news releases" or "press conferences" designed to be reproduced in whole or in part in news media.

(3) "Advertising" includes radio and television commercials and other oral or visual representations, newspaper and magazine advertisements, brochures and other manuals, and all other printed, graphic or other material used in promoting the sale of new passenger cars.

(4) "Standard equipment" is defined as those parts or pieces of apparatus with which an automobile is normally equipped and which are included in the basic price of the vehicle.

(5) "Optional equipment" is defined as those parts or pieces of apparatus with which an automobile may be equipped and which may be purchased at an additional cost over and above the basic vehicle price.

(6) "Manufacturer's suggested retail price" will be interpreted as is set forth in Guide III of the Guides Against Deceptive Pricing, adopted by the Commission December 20, 1963 (16 CFR 233.3).

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such rules and regulations express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

In this industry the Commission has taken notice of the number and variety of practices which have been brought to its attention and has determined to institute this preliminary proceeding for the purpose of affording members of the industry and other interested and affected parties, particularly those having special knowledge of the practices listed above, with an opportunity to present orally or in writing their views with respect to such practices and with any data and evidence they may have in their possession with respect to the same. Following receipt and evaluation of this material, plus such other information as the Commission may gather from its own efforts during the pendency of these proceedings, a decision will then be reached as to the form and nature of any rule-making proceedings which may follow.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the practices described herein, as well as to suggest forms for rules to cover the same, with Joseph W. Shea, Secretary, Federal Trade Commission, Washington, D.C. 20580, not later than August 21, 1969. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are given notice of opportunity to orally present data, views, or arguments with respect to these practices at a public hearing to be held at 10 a.m., e.d.t., on September 16 and 17, 1969, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Secretary not later than September 5, 1969, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time alloted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Secretary of the Commission on or before September 11, 1969.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission.

All persons, firms, corporations, or others engaged in the sale or distribution of automobiles in commerce as "commerce" is defined in the Federal Trade Commission Act will be subject to the requirements of any Trade Regulation rules which may grow out of this proceeding, or such other regulatory action as the Commission may subsequently elect to take.

All interested parties, including the consuming public, are urged to express their views with respect to these practices, to the extent that they may exist and to submit any data or evidence which they may have or can obtain with respect to the same.

Issued: May 23, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6066; Filed, May 22, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

MAY 20, 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, 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 May 20, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs reducing the charges previously made against the level for Category 49, produced or manufactured in the Republic of Korea and exported to the United States for the 12-month period which began on January 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

May 20, 1969.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive supplements and amends but does not cancel the directives issued to you on December 27, 1968, and April 28, 1969, regarding imports of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1969. You were advised in the directive of December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee, that in the event 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

[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.

Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph (7) of 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 reduce by 1,144 dozen the charges previously made against the current level of restraint for cotton textile products in Category 49, produced or manufactured in the Republic of Korea and exported to the United States during the period January 1, 1969, and extending through December 31, 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. 69-6139; Filed, May 22, 1969; 8:46 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority Regarding National Summer Youth Sports Program

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964, as amended (hereinafter the "Act"), I hereby delegate to the Secretary of Health, Education, and Welfare (hereinafter the "Secretary") such authority pursuant to section 222(a) of the Act as may be necessary for the purpose of carrying out a program to provide sports instruction and competition and supplemental health and nutrition services during the summer of 1969 to youth living in metropolitan areas of concentrated poverty. The program shall be known as the "National Summer Youth Sports Program." The Director of the Office of Economic Opportunity (hereinafter the "Director") shall transfer to the Secretary such funds as the Director and the Secretary agree are necessary to finance this program.

2. In connection with the foregoing delegation, I further delegate to the Secretary authority under section 225(b) to provide a separate allotment, assuring an equitable distribution of funds reflecting the relative incidence in each State of the needs to which this program is directed, of the funds transferred to him for this program.

3. I further delegate to the Secretary such authority under sections 242, 244(2), 602, and 610–1(c) of the Act as may be necessary and appropriate in order to carry out his functions under this delegation.

4. The powers hereby delegated shall be exercised in accordance with the provisions of the Economic Opportunity Act and with such memoranda of understanding as may be entered into between the Secretary and the Director.

5. All operating information, evaluation reports, and other data concerning the program administered under this delegation shall be freely exchanged between the Department of Health, Education, and Welfare and the Office of Economic Opportunity pursuant to sections 602(d) and 633 of the Act.

6. The powers hereby delegated may be redelegated by the Secretary, with or without authority for further redelegation. The Director shall be advised of all such redelegations.

Dated: March 28, 1969.

BERTRAND M. HARDING,
Acting Director, Office of Economic Opportunity.

Approved: April 25, 1969.

RICHARD NIXON,
President of the United States.

[F.R. Doc. 69-6137; Filed, May 22, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

BARTEP INDUSTRIES, INC.

Order Suspending Trading

MAY 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., 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 May 20, 1969, through May 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6143; Filed, May 22, 1969; 8:47 a.m.]

[70-4755]

NORTHEAST UTILITIES ET AL.

Notice of Proposed Issue and Sale of Notes to Bank by Subsidiary Company and Issue and Sale of Subordinated Notes by Subsidiary Company to Holding Company

MAY 16, 1969.

Notice is hereby given that Northeast Utilities ("Northeast"), Post Office Box 270, Hartford, Conn. 06101, a registered holding company, and The Connecticut Light & Power Co. ("CL&P"), The Hartford Electric Light Co. ("HELCO"), and Western Massachusetts Electric Co. ("WMECO"), each an electric-utility subsidiary company of Northeast, and The Millstone Point Co. ("Millstone Point"), a subsidiary company of Northeast, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(d), and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P, HELCO, and WMECO (referred to collectively as the "Owners") own as tenants-in-common the Millstone Nuclear Power Station ("Station") with 53 percent, 28 percent, and 19 percent interests, respectively. Millstone Point is acting as their agent with respect to the construction and operation of the Station. The Owners have entered into a fuel contract with respect to their nuclear fuel requirements, and the estimated fabrication cost of the first nuclear fuel core is $9,250,000. The estimated cost of the second and third cores is $26,700,000 and $25 million, respectively.

The Owners propose to transfer and assign to Millstone Point their respective interests in the fuel contract and Millstone Point will reimburse Owners for all amounts theretofore paid by them under such contract. As of May 9, 1969, the amount so required to be reimbursed by Millstone to Owners was approximately $6,939,000 and the balance required to be paid for the nuclear fuel for the first core was approximately $2,313,000. The Owners have also agreed, in accordance with their respective ownership interests in the Station, to reimburse Millstone Point each month for all amounts paid or accrued by it during the month with respect to nuclear fuel other than amounts paid to the nuclear fuel contractor under the fuel contract.

Millstone Point, in order to temporarily finance this undertaking, proposes to issue and sell from time to time up to an aggregate principal amount of $7,500,000 of short-term notes to banks and up to an aggregate principal amount of $2,750,000 of short-term subordinated notes to Northeast. The aggregate

amount of such short-term notes at any one time outstanding, including both the bank notes and the subordinated notes, will at no time exceed $10,250,000. The proceeds of such notes will be used to finance its capital requirements until such time as permanent financing for nuclear fuel is completed. When permanent financing for nuclear fuel arrangements are completed, Millstone Point will retransfer and reassign to Owners, all of Millstone Point's interests in the fuel contract and in the nuclear fuel acquired thereunder and Owners will pay to Millstone Point an amount equal to its aggregate costs with respect to the fuel less any amount theretofore reimbursed by Owners. Such permanent financing, reassignment, and retransfer will be the subject of a future filing with the Commission.

The $7,500,000 of notes to banks will each be dated as of the date of issue, will have maximum maturity dates of 9 months with the right of renewal, will bear interest at the prime rate in effect at the lending bank on the date of issue, and will be subject to repayment at any time at Millstone Point's option without premium. The notes are to be sold to the following banks in the respective amounts shown:

The Connecticut Bank & Trust Co	$6,000,000
The Connecticut National Bank	1,500,000
Total	7,500,000

The $2,750,000 of short-term subordinated notes will be similar in all respects to the notes to be sold to banks except that they will be subordinated to bank borrowings and any other indebtedness issued by Millstone Point to third parties.

Millstone Point presently has outstanding $150,000 aggregate principal amount of long-term unsecured notes which were acquired by Northeast in accordance with the Commission's order (Holding Company Act Release No. 15691). Millstone Point, prior to any bank borrowing, proposes to issue new long-term notes in substitution for the outstanding long-term notes. The substitute long-term notes will have the same terms as the outstanding notes, except that they will be subordinated to bank borrowings and any other indebtedness by Millstone Point to third parties.

Fees and expenses incident to the proposed transactions are estimated at $500, including legal fees of $300. The application-declaration states 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 29, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from 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. 69-6146; Filed, May 22, 1969; 8:47 a.m.]

PHOTO MARK COMPUTER CORP.

Order Suspending Trading

MAY 19, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer Corp. 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 May 20, 1969, through May 29, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6144; Filed, May 22, 1969; 8:47 a.m.]

[812-2492]

PIONEER FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

MAY 19, 1969.

Notice is hereby given that Pioneer Fund, Inc. ("Applicant"), 28 State Street, Boston, Mass. 02109, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of the Comac Corp. ("Comac"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Comac, a Delaware corporation, is a personal holding company, all of whose outstanding stock is owned beneficially by two individuals. Comac is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Comac, substantially all of the assets of Comac which had total assets with a market value of over $3 million as of December 31, 1968, will be transferred to Applicant in exchange for shares of Applicant's stock. The number of shares of Applicant to be issued to Comac is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the Plan and Agreement of Reorganization) of the assets of Comac to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the close of the New York Stock Exchange on the business day preceding the date of transfer. When received by Comac, the shares of Applicant are to be distributed to the Comac shareholders and Comac will be dissolved. Applicant may sell a portion of the assets received from Comac.

There is no affiliation or relationship between Comac, or any officer, director or stockholder of Comac and the Applicant. The agreement was negotiated at arms-length by the two companies.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from the provisions of section 22(d) if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the granting of the application is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because the proposed transaction will enable Applicant to obtain securities at a better price than would otherwise be possible and also will increase the size of Applicant and thereby result in improved services and eventually in economies to stockholders of Applicant on a per share basis.

Notice is further given that any interested person may, not later than June 4, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. 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. 69–6145; Filed, May 22, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 35099]

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Investigation of Rate Restrictions on Candy or Confectionery, etc.

MAY 14, 1969.

Notice is hereby given that the Industrial Traffic Committee of the Tulsa Chamber of Commerce, by its Secretary, C. D. Tidmore, 616 South Boston, Tulsa, Okla. 74119, has filed a petition with the Interstate Commerce Commission praying that the Commission enter into an investigation of the lawfulness of certain portions of Southwestern Motor Freight Bureau Tariff 1–Y, Supplement No. 32, MF–ICC No. 447. The portions of the tariff in question are note 1 of item 15005–A, note 7 of item 15160–A, note 6 of item 15365–A, note 1 of item 15540–A, note 9 of item 15570–B, and note 8 of item 15573–B.

The petitioner alleges that by virtue of the above tariff items, shipments moving between points in the Southwest and Oklahoma points take higher rates than shipments moving between points in all other Southwestern States, excluding Oklahoma. It is stated, in the instant petition, that class rates are applicable on the former shipments, whereas lower commodity rates apply on the latter described shipments. This situation is caused by rate restrictions contained in the tariff items set forth above, which are, therefore, allegedly unjustly discriminatory or unduly preferential and prejudicial in violation of section 216 of the Interstate Commerce Act.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon the above-named Secretary for the petitioner. Thereafter, a determination will be made as to whether an investigation is warranted in this matter.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69–6157; Filed, May 22, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 20, 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. 41635—*Iron and steel articles from Kansas City, Mo.* Filed by Western Trunk Line Committee, agent (No. A–2585), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from Kansas City, Mo., to Kenner, La.

Grounds for relief—Market competition.

Tariff—Supplement 136 to Western Trunk Line Committee, agent, tariff ICC A–4393.

FSA No. 41636—*Soda ash to points in Louisiana and Texas.* Filed by Western Trunk Line Committee, agent (No. A–2586), for interested rail carriers. Rates on soda ash, as described in the application, in carloads, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in Louisiana and Texas.

Grounds for relief—Market competition.

Tariffs—Supplement 96 to Western Trunk Line Committee, agent, tariff ICC A–4374, and supplement 6 to Southwestern Freight Bureau, agent, tariff ICC 4832.

FSA No. 41637—*Class and commodity rates from and to Holcomb, N.C., and Hatch, Ga.* Filed by O. W. South, Jr., agent (No. A–6097), for interested rail carriers. Rates on property moving on class and commodity rates, between Holcomb, N.C., and Hatch, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New stations and grouping.

By the Commission.

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

[F.R. Doc. 69–6158; Filed, May 22, 1969; 8:48 a.m.]

[Notice 836]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 20, 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 112822 (Sub-No. 114 TA), filed May 13, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Garland, Utah, and Idaho Falls, Idaho, to points in Missouri on and west of U.S. Highway 65 (except Kansas City, Mo.), for 180 days. Supporting shipper: W. H. Cowles, Traffic Manager, Utah-Idaho Sugar Co., Post Office Box 2010, Salt Lake City, Utah. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 123392 (Sub-No. 15 TA), filed May 15, 1969. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid*

natural gas, from Memphis, Tenn., and Birmingham, Ala., to points in Ohio, Pennsylvania, and West Virginia, for 90 days. Supporting shipper: Robert E. Petsinger, President, LNG Service University Science Center, 3113 Forbes Avenue, Pittsburgh, Pa. 15213. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 126514 (Sub-No. 13 TA), filed May 13, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheets, pillow cases, blankets, bathrobes, spreads, and textiles*, from Biddeford and Lewiston, Maine; New York, N.Y.; and Avenel, N.J., to Los Angeles and San Francisco, Calif., for 180 days. Supporting shipper: West Point Pepperell, Post Office Box 55, 111 West 40th Street, Midtown Station, New York, N.Y. 10018. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 126276 (Sub-No. 16 TA), filed May 13, 1969. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from the plantsite of Crown Cork & Seal Co., Inc., at Bradley, Ill., to Munster, South Bend, and Indianapolis, Ind., and St. Paul, Minneapolis, and Faribault, Minn., for 150 days. Supporting Shipper: Crown Cork & Seal Co., Inc., 3501 West 31st Street, Chicago, Ill. 60623. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133276 (Sub-No. 1 TA), filed May 13, 1969. Applicant: BERRY TRANSPORT, INC., 5315 Northwest St. Helens Road, Portland, Oreg. 97210. Applicant's representative: F. Brock Miller, 480 Pittock Block, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers and their contents; general commodities* shipped in steamship cargo containers, having prior or subsequent movement by water transportation, no service to be performed for shippers served under permit authority, between points in Oregon and Washington, for 180 days. Supporting shippers: Johnson Line, 511 Board of Trade Building, Portland, Oreg. 97204; American Mail Line, 522 Pacific Building, Portland, Oreg. 97204. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 133565 (Sub-No. 1 TA), filed April 30, 1969. Applicant: TRUE TRANSPORT, INC., 839 River Road, Edgewater, N.J. 07020. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in containers or trailers which have a prior or subsequent by water, between Edgewater and Weehawken, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction with U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, those in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York State Highway 17 to Horseheads, N.Y., thence along New York State Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York State Highway 5 to Schenectady, N.Y., thence along New York 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glen Falls, N.Y., to junction with New York State Highway 149, thence along New York State Highway 149 to junction with U.S. Highway 4, at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., and points in Rhode Island, for 180 days. Supporting shippers: Raymond International, Inc., 2 Pennsylvania Plaza, New York City, N.Y. 10001, plus 20 other shippers attached to application, which may be examined at the field office named below. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133710 TA, filed May 8, 1969. Applicant: MALAN VAN & STORAGE, 715 South California Street, Stockton, Calif. 95203. Applicant's representative: Ray Malan, 715 South California Street, Stockton, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; between points in San Joaquin, San Mateo, Santa Clara, Amador, Stanislaus, Solano, Alameda, Calaveras, Merced, Contra Costa, Sacramento, and Tuolumne Counties, Calif., for 180 days. Supporting shippers: Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Alexandria, Va. 22304; Trans-American World Transit, Inc., 7540 South Western Avenue, Chicago, Ill. 60620. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 133712 TA, filed May 9, 1969. Applicant: CONLEE BROTHERS MOVING & STORAGE, 600 South Bryan, Bryan, Tex. 77801. Applicant's representative: J. D. Conlee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Brazos, Grimes, Madison, Walker, Milam, Washington, Burleson, Robertson, and Lee Counties, Tex., for 180 days. Supporting shippers: VanPac Carriers, Inc., 2114 MacDonal Avenue, Richmond, Calif. 94801; The Texas A. & M. University System, College Station, Tex. 77843; Red Ball Motor Freight, Inc., 3177 Irving, Post Office Box 47407, Dallas, Tex. 75247; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y. 11378. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 133714 TA, filed May 9, 1969. Applicant: MOELLER BROS. TOWING, 539 Lewelling Boulevard, San Leandro, Calif. 94579. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled and inoperative motor vehicles, trucks, buses, and trailers* (except mobile homes or house trailers designed to be drawn by passenger vehicles) and *replacements thereof*, in towaway service by wrecker equipment only, between points in the counties of Santa Clara, San Mateo, Contra Costa, Alameda and the city and county of San Francisco, Calif., on the one hand, and points in Nevada and Oregon, on the other hand, for 180 days. Supporting shippers: Gillig Bros., Post Office Box 330, Hayward, Calif. 94543; East Bay Ford Truck Sales, Inc., 333 Filbert Street, Oakland, Calif. 94607; Universal Leaseway System, Inc., 2366 Alvarado Street, San Leandro, Calif. 94577; General Transport Equipment Co., Inc., 1221 Third Street, Oakland, Calif. 94607; Bay Area Kenworth Co., 1366 Doolittle Drive, San Leandro, Calif. 94577; Mack Trucks, Inc., 425 Market Street, Oakland, Calif. 94604; ENGS

Motor Truck Co., 295 Hegenberger Road, Oakland, Calif. 94621; International Harvester Co., Motor Trucks, 390 Doolittle Drive, San Leandro, Calif. 94577. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIERS OF PASSENGERS

No. MC 133726 TA, filed May 13, 1969. Applicant: CREATIVE SERVICES CORPORATION, 714 Ninth Avenue, Salt Lake City, Utah 84103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers (students and teachers of Travel Institute School, Inc.)*, between points in Utah, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii, for 180 days. Supporting shipper: Travel Institute School, 714 Ninth Avenue, Salt Lake City, Utah 84103 (John C. Josephson, Board President). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133727 TA, filed May 13, 1969. Applicant: WILLIAM EDWARD LILLISTON, doing business as OCEAN CITY TOUR CO., Box 1409, Ellegood Street, Route 5, Salisbury, Md. 21801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, from Ocean City, Md., to Crisfield, Md., Tangier, Va., and Wallops-Chincoteague-Assateague, Va., and return; and Seaford, Del. (Delmarva Chicken Festival) and return, for 180 days. Supporting shippers: Town of Ocean City—Mayor and City Council of Ocean City, Md.; Charles J. Jackson, President, Ocean City Chamber of Commerce, Ocean City, Md., and statement of need for service signed by 26 supporters from Ocean City, Md. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

By the Commission.

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

[F.R. Doc. 69-6159; Filed, May 22, 1969; 8:48 a.m.]

[Notice 349]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 20, 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-71279. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Murtha Trucking, Inc., Naugatuck, Conn., of certificate of registration No. MC-99958 (Sub-No. 1), issued March 23, 1964, to Lawrence Leo Beck, doing business as Larry's Refrigerated Service, Waterbury, Conn., authorizing the transportation of meat and packinghouse products from Waterbury, Conn., on the one hand, to various points in Connecticut, on the other hand, including return damaged, rejected, or refused shipments. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

No. MC-FC-71333. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Cressona Trucking Co., a Pennsylvania corporation, Cressona, Pa., of the certificates in Nos. MC-25954 and MC-25954 (Sub-No. 3), issued February 7, 1961, and July 29, 1968, respectively, to McKinley Hoover, doing business as Cressona Trucking Co., Cressona, Pa., authorizing the transportation of various specific commodities from and to various points and areas in Pennsylvania, New Jersey, New York, Maryland, and Connecticut. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-71350. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Shima Transfer Co., a corporation, San Francisco, Calif., of the certificate of registration in No. MC-99463 (Sub-No. 1) issued August 9, 1965, to Motor Transport Terminals, Inc., San Francisco, Calif., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of California, corresponding in scope to the service authorized by certificate of public convenience and necessity granted in decision No. 51026, as amended by decision No. 51531, as transferred by decision No. 65634, dated July 2, 1963, issued by the Public Utilities Commission of the State of California. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94102, attorney for applicants.

No. MC-FC-71352. By order of May 9, 1969, the Motor Carrier Board approved the transfer to W. M. Burnett Truck Line, Inc., Haleyville, Ala., of the certificates of registration in Nos. MC-85578 (Sub-No. 1) and MC-85578 (Sub-No. 2) issued November 20, 1963, and March 29, 1966, respectively, to W. M. Burnett, doing business as Burnett Truck Lines, Haleyville, Ala., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Alabama, corresponding in scope to the service authorized in certificate of public convenience and necessity No. 496 dated September 11, 1942, and amendment thereto authorized by order dated February 3, 1964, issued by the Alabama Public Service Commission. J. Douglas Harris, 409-412 Bell Building, Montgomery, Ala. 36104, attorney for applicants.

No. MC-FC-71357. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Junior W. Tschache, doing business as O-Bar-J Trailers, 900 North Seventh Street, Bozeman, Mont. 59715, of certificates Nos. MC-124790 and MC-124790 (Sub-No. 1) issued June 28, 1963, and December 20, 1963, to William Potts, doing business as Commercial Towing Service, Bozeman, Mont. 59716, authorizing the transportation of: mobile homes and house trailers, between specified points in Idaho, Montana, and Wyoming.

No. MC-FC-71358. By order of May 9, 1969, the Motor Carrier Board approved the transfer to John H. Smith, Inc., Allen Park, Mich., of the certificates in Nos. MC-125390, MC-125390 (Sub-No. 1), MC-125390 (Sub-No. 2), and MC-125390 (Sub-No. 3), issued November 29, 1963, March 16, 1964, May 6, 1964, and November 12, 1965, respectively, to J. A. McIntosh, Jr., doing business as McIntosh Bulk Haulers, New Baltimore, Mich., authorizing the transportation of coal tar pitch, coal, coke, and briquets from and to points and areas in Michigan, Ohio, Indiana, and New York. William B. Elmer, 22644 Gratiot Street, East Detroit, Mich. 48021, attorney for applicants.

No. MC-FC-71359. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Van Natta Trucking, Inc., Vesper, Wis., of the permit in No. MC-127590, issued January 19, 1968, to Maurice Leonard Conlon, Shiocton, Wis., authorizing the transportation of malt beverages, from St. Paul, Minn., to Milwaukee, Wis. Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705, attorney for applicants.

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

[F.R. Doc. 69-6160; Filed, May 22, 1969; 8:48 a.m.]

[Notice 349A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 20, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71406. By application filed May 19, 1969, WILEY TRANSFER AND STORAGE CO., 325 Elder Avenue, Seaside, Calif. 93955, seeks temporary authority to lease the operating rights of M. HARDY TRUCKING CO., 2338 Del Monte Avenue, Monterey, Calif. 93940, under section 210a(b). The transfer to WILEY TRANSFER AND STORAGE CO., of the operating rights of M. HARDY TRUCKING CO., is presently pending.

By the Commission.

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

[F.R. Doc. 69-6161; Filed, May 22, 1969; 8:48 a.m.]

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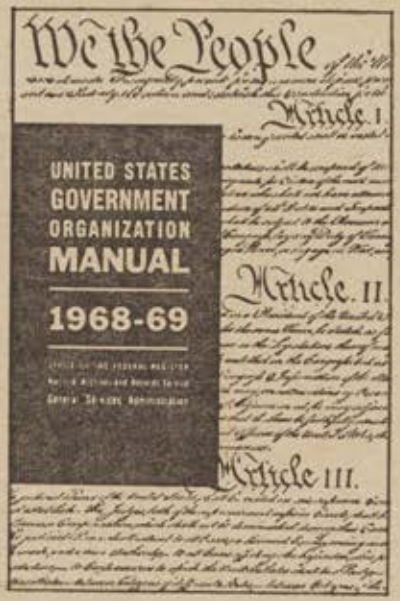

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