FEDERAL REGISTER

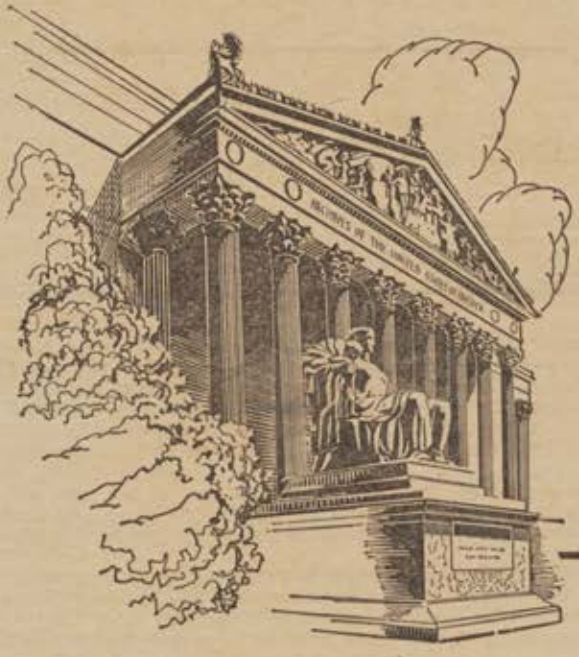
VOLUME 34 • NUMBER 101

Tuesday, May 27, 1969 • Washington, D.C.

Pages 8187–8222

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15 per year, payable in advance. The charge for individual copies varies in proportion to the size of the issue (15 cents for the first 80 pages and 5 cents for each additional group of 40 pages, as actually bound). Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

(*Continued on next page*)

List of CFR Parts Affected

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

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

3 CFR

EXECUTIVE ORDERS:
11412 (amended by EO 11469) ... 8191
11469 ... 8191

5 CFR

213 (3 documents) ... 8193
451 ... 8193

7 CFR

319 ... 8194
908 ... 8195
PROPOSED RULES:
777 ... 8205

14 CFR

71 (2 documents) ... 8195
95 ... 8196
PROPOSED RULES:
71 (2 documents) ... 8206

16 CFR

500 ... 8198
PROPOSED RULES:
501 (2 documents) ... 8207

19 CFR

4 ... 8200
14 ... 8201

21 CFR

121 (2 documents) ... 8201
144 ... 8202
PROPOSED RULES:
3 ... 8205
19 ... 8205
29 ... 8206

32 CFR

103 ... 8202
1801 ... 8203

33 CFR

204 ... 8203

49 CFR

1033 ... 8204

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11469

EXTENDING THE LIFE OF THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

By virtue of the authority vested in me as President of the United States, Executive Order No. 11412 of June 10, 1968, entitled "Establishing a National Commission on the Causes and Prevention of Violence", is hereby amended by substituting for the last sentence thereof the following: "The Commission shall terminate thirty days following the submission of its final report or on December 10, 1969, whichever is earlier."

Richard Nixon

THE WHITE HOUSE,
May 23, 1969.

[F.R. Doc. 69-6373; Filed, May 26, 1969; 10:54 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

U.S. Information Agency

Section 213.3328 is amended to show that the positions of Deputy Director (Policy and Plans), and Associate Director (Policy and Plans), are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (g) and (h) are added to § 213.3328 as set out below.

§ 213.3328 U.S. Information Agency.

* * * * *

(g) Deputy Director (Policy and Plans).

(h) Associate Director (Policy and Plans).

(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. 69-6267; Filed, May 26, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy Assistant Secretary for Metropolitan Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (15) is added to paragraph (d) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

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

(15) Deputy Assistant Secretary for Metropolitan Development.

* * * * *

(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. 69-6268; Filed, May 26, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Chauffeur to the Secretary and one position of Chauffeur to the Under Secretary are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (14) and (15) are added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

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

(14) One Chauffeur to the Secretary.

(15) One Chauffeur to the Under Secretary.

* * * * *

(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. 69-6285; Filed, May 26, 1969; 8:49 a.m.]

PART 451—INCENTIVE AWARDS

Miscellaneous Amendments

Sections 451.201, 451.302, and 451.303 are amended to provide a new scale of incentive awards, and to require use of normal management review processes for identification of contributions warranting award consideration.

§ 451.201 Agency plans.

* * * * *

(c) *Agency administration.* * * *

(5) Use of the normal management review processes for identification of program areas with superior results that warrant award consideration, and use of this data by management to obtain award recommendations for employees who have made a significant contribution to program success.

§ 451.302 Cash award, tangible benefits.

(a) *The award.* An agency may grant an employee a cash award for a contribution that exceeds job requirements and that results in tangible benefits exceeding a minimum level selected by the agency. The amount of the award is based on the estimated net money benefit for the first year the contribution is used, and is determined by the table in paragraph (c) of this section, except that an agency head for special reasons may decide a different amount is justified. He shall document his reasons in support of the different amount.

(b) *Optional minimum award levels.* (1) Three minimum award levels are provided to allow agencies to choose the minimum level which would be most appropriate to the circumstances in which the agency operates. The minimum award level selected by the agency must be incorporated in the agency plan.

(2) The optional minimum award levels are:

	Minimum award	Based on minimum tangible benefits totaling
Option A	$25	$250
Option B	50	500
Option C	100	1,000

A cash award shall not be granted for a contribution which does not meet the minimum award level selected by the agency. A cash award at the rate shown in paragraph (c) of this section shall be granted for a contribution which meets the minimum award level selected by the agency.

(c) *Award scale.* The amount of a cash award for tangible benefits shall be based on the following table, except when a different amount is justified for special reasons.

Tangible benefits	*Amount of award*
$250–$1,000	Minimum award in accord with agency plan, plus $5 for each additional $50 of tangible benefits, or fraction thereof, above the minimum benefits required by agency plan.
$1,001–$10,000	$100 for the first $1,000 in benefits plus $5 for each additional $100 or fraction thereof.
$10,001–$20,000	$550 for the first $10,000 in benefits plus $5 for each additional $200, or fraction thereof.
$20,001–$100,000	$800 for the first $20,000 in benefits plus $5 for each additional $1,000, or fraction thereof.
$100,001 or more	$1,200 for the first $100,000 in benefits plus $5 for each additional $5,000 or fraction thereof.

(d) *Award over $5,000.* An agency head may not grant a cash award above $5,000 without prior approval of the Commission. The maximum cash award is $25,000.

§ 451.303 Cash award, intangible benefits.

* * * * *

(b) *Amount of award.* The amount of a cash award under this section shall be

based on the benefit or value of the contribution to Government operations, considering the extent and scope of the contribution, its significance, and the importance of the programs it affects. The minimum cash award is the same for either tangible or intangible benefits. The minimum award for intangible benefits may be granted when the contribution compares favorably with the minimum level of tangible benefits selected by the agency under § 451.302.

(c) *Award scale.* The amount of a cash award must be based on the table below, except that the head of an agency may specify in his agency's award plan a lesser award amount that must be used.

EXTENT OF APPLICATION

Value of benefit	Limited Affects functions, mission, or personnel of one office, facility, installation, or an organizational element of a headquarters. Affects a small area of science or technology.	Extended Affects functions, mission, or personnel of several offices, facilities, or installations. Affects an important area of science or technology.	Broad Affects functions, mission, or personnel of an entire regional area or command. May be applicable to all of an independent agency or a large bureau. Affects a broad area of science technology.	General Affects functions, mission, or personnel of several regional areas or commands, or an entire department or large independent agency, or is in the public interest throughout the Nation or beyond.
Moderate value. Change or modification of an operating principle or procedure which has moderate value sufficient to meet the minimum standard for a cash award; an improvement of rather limited value of a product, activity, program, or service to the public.	25-50 [1]	50-100	100-200	200-400.
Substantial value. Substantial change or modification of an operating principle or procedure; an important improvement to the value of a product, activity, program, or service to the public.	50-100	100-200	200-400	400-1000.
High value. Complete revision of a basic principle or procedure; a highly significant improvement to the value of a product, major activity, or program, or service to the public.	100-200	200-400	400-1000	1000-2500.
Exceptional value. Initiation of a new principle or major procedure; a superior improvement to the quality of a critical product, activity, program, or service to the public.	200-400	400-1000	1000-2500	2500-5000.[2]

1. The minimum award for tangible benefits can be granted only when the benefits reach or exceed $250. The minimum award for intangible benefits should require a comparably high standard. In determining cash awards for contributions with intangible results, the value to the Government must be comparable to those contributions receiving equivalent awards on the basis of tangible results.
2. Awards in excess of $5,000 must be certified to the U.S. Civil Service Commission for approval.

* * * * * * *

(5 U.S.C. 4506)

[SEAL]

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

[F.R. Doc. 69-6284; Filed, May 26, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

FOREIGN NURSERIES CERTIFIED AS PRODUCING SPECIFIED DISEASE-FREE MATERIAL

Pursuant to § 319.37-28 of the regulations supplemental to the Nursery Stock, Plants, and Seeds Quarantine (Notice of Quarantine No. 37, 7 CFR 319.37-28), issued under the authority of sections 7 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 160, 162), administrative instructions designated as § 319.37-28a (7 CFR 319.37-28a, 34 F.R. 5373) are hereby revised to read as follows:

§ 319.37-28a Administrative instructions designating foreign nurseries eligible to ship disease-free Malus, Prunus, and Pyrus material to the United States.

The following nurseries have been designated by the Director of the Plant Quarantine Division as eligible to ship disease-free Malus, Prunus and Pyrus material to the United States.

BRITISH NURSERIES

Blackmoor Estate, Ltd.; Blackmoor, Liss, Hampshire, England.

Brinkman Bros., Ltd., Walton Nurseries; Bosham, Chichester, Sussex, England.

Coates Co., Ltd., The Firs; Emneth, Wisbech, Cambs., England.

Darby Bros., Broad Fen Farm; Methwold Hythe, Thetford, England.

East Malling Research Station; Maidstone, Kent, England.

Hammond, D. H.; Ware Street, Bearsted, Maidstone, Kent, England.

Hilling, T. & Co., Ltd., The Nurseries; Chobham, Woking, Surrey, England.

Lauritzen, H., Epping Green Orchard; Epping, Essex, England.

Long Ashton Research Station; University of Bristol, Long Ashton, Bristol, England.

Matthews, F. P., Ltd.; Berrington Court, Tenbury Well, Worcestershire, England.

Matthews Fruit Trees Ltd.; Thurston, Bury St. Edmunds, Suffolk, England.

Roger, R. V., Ltd., The Nurseries; Pickering, Yorkshire, England.

CANADIAN NURSERIES

Blue Mountain Nurseries & Orchards Ltd.; Clarksburg, Ontario, Canada.

Brookdale-Kingsway Ltd.; 145 Duke Street, Bowmanville, Ontario, Canada.

Byland's Nursery; Rural Route No. 1, Westbank, British Columbia, Canada.

Day Nursery; Rural Route No. 4; Kelowna, British Columbia, Canada.

Downham, H. C., Nursery Co., Ltd.; Strathroy, Ontario, Canada.

Hertel Gagnon; Compton, Quebec, Canada.

Kelowna Nurseries; Post Office Box 178, Kelowna, British Columbia, Canada.

V. Kraus Nurseries, Ltd.; Carlisle, Ontario, Canada.

Mori Nurseries, Ltd.; Rural Route No. 2, Niagara-on-the-Lake, Ontario, Canada.

Okanagan Nurseries; Rural Route No. 4, Kelowna, British Columbia, Canada.

Oliver Nursery; Oliver, British Columbia, Canada.

Ottawa Research Station, Canada Department of Agriculture; Ottawa, Ontario, Canada.

Reimer's Nursery; 4586 Dyke Road, Yarrow, British Columbia, Canada.

Research Branch, Canada Department of Agriculture; Saanichton, British Columbia, Canada.

Research Branch, Canada Department of Agriculture; Smithfield, Ontario, Canada.

Research Branch, Canada Department of Agriculture; Summerland, British Columbia, Canada.

Research Branch, Canada Department of Agriculture; Vineland Station, Ontario, Canada.

Hans Rhenisch, Fairview Orchards Ltd.; Keremeos, British Columbia, Canada.

Scott-Whaley Nurseries, Ltd.; Ruthven, Ontario, Canada.

Stewart Bros. Nurseries, Ltd.; 1546 Bernard Avenue, Kelowna, British Columbia, Canada.

Traas Nursery, Ltd.; 24120 48th Avenue, Rural Route No. 7, Langley, British Columbia, Canada.

Western Ontario Fruit Testing Association; Harrow, Ontario, Canada.

DUTCH NURSERIES

Gebroeders Janssen; Nederweert, Limburg, Netherlands.

Jan Kloosterhuis en Zoon; Winschoten, Groningen, Netherlands.

F. Kuiper; Veendam, Groningen, Netherlands.

Gebroeders Oosterwijk; Sappemeer, Groningen, Netherlands.
J. J. Saes; Nederweert, Limburg, Netherlands.
Firma P. Slits-Brouns; Venray, Limburg, Netherlands.
Plantenziektekundige Dienst; Wageningen, Netherlands.

GERMAN NURSERIES

W. Bornholdt, Baumschulen; 2082 Tornesch, West Germany.
H. Cordes, Baumschulen; 2 Wedel/Holstein, West Germany.
H. Neuhoff, Baumschulen; 2084 Rellingen, Ellerbeker Weg 4–6, West Germany.
Claus Stahl, Baumschulen; 2082 Tornesch, Ahrenloher Strasse, West Germany.
G. Strobel & Co., Baumschulen; 20 Pinneberg, Wedeler Weg, West Germany.
F. Timmermann KG., Baumschulen; 2 Wedel/Holstein, West Germany.
Walther Uhl, Baumschulen; 208 Kummerfeld/Kra. Pinneberg, West Germany.
W. Walper, Baum- und Rosenschulen; 2082 Uetersen, Lesekampstr 11, West Germany.
Hans Wunderlich, Obstbaumschulen; 208 Pinneberg, Schulenhorn 10, West Germany.

(Secs. 7, 9, 37 Stat. 317, 318; 7 U.S.C. 160 162; 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 319.37-28)

These administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

These instructions add 3 additional Canadian nurseries and 7 nurseries from the Netherlands and 9 nurseries from West Germany to the list of nurseries designated as eligible to ship disease-free Malus, Prunus, and Pyrus material to the United States. Section 319.37-28 of the regulations provides for such designation of nurseries certified by the plant protection service of the country of origin as producing such material from parent plants that have been tested and found to be free of significant diseases, when such certification is satisfactory to the Director of the Plant Quarantine Division. Such admissible material may enter under permit. The above list includes all foreign nurseries that have been certified to date by their respective plant protection services as fulfilling the prescribed conditions.

Determination of the satisfactory compliance of the listed nurseries with the conditions imposed by § 319.37-28 depends entirely upon facts within the knowledge of the Department of Agriculture. These instructions relieve a restriction and in order to be of maximum benefit to persons desiring to import this material, they should be made effective promptly. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on the instructions are impracticable and unnecessary and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 21st day of May 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 69-6263; Filed, May 26, 1969; 8:47 a.m.]

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

[Valencia Orange Reg. 276, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 908.576 (Valencia Orange Reg. 276, 34 F.R. 7697) are hereby amended to read as follows:

§ 908.576 Valencia Orange 276.

* * * * *

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

(i) District 1: 588,000 cartons;
(ii) District 2: 437,000 cartons;
(iii) District 3: 225,000 cartons.

* * * * *

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

Dated: May 22, 1969.

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

[F.R. Doc. 69-6266; Filed, May 26, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-EA-43]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Dover, Del. control zone (34 F.R. 4577).

The Dover Airpark has been abandoned and therefore its exclusion from the control zone is no longer necessary.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Dover, Del. control zone the phrase "excluding a 1-mile radius of the center 39°11'15" N., 75°32'00" W. of Dover Airpark, Dover, Del.,".

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

Issued in Jamaica, N.Y., on 15 May, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6252; Filed, May 26, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-54]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Fort Devens, Mass., control zone (34 F.R. 5430).

The Fort Devens, Mass., control zone description includes a reference to the Ayer, Mass., radio beacon. The name of the facility has been changed to Devens radio beacon and requires alteration of the Fort Devens, Mass., control zone to reflect this change.

Since the amendment is editorial in nature, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Fort Devens, Mass., control zone, "Ayer, Mass., RBN" and insert in lieu thereof "Devens, RBN".

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

Issued in Jamaica, N.Y., on 15 May, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6253; Filed, May 26, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9606; Amdt. 95-180]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, 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 consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective June 26, 1969 as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.1001 *Direct routes—United States* is amended to delete:

Chattanooga, Tenn., VOR; Georgetown INT, Tenn.; 3,000.
Crossville, Tenn., VOR; Little Tennessee, Tenn.; 5,000.
Etowah INT, Tenn.; Knoxville, Tenn., VOR; *4,000. *3,200—MOCA.
Georgetown INT, Tenn.; *Etowah INT, Tenn.; 3,500. *5,500—MCA Etowah INT, southeastbound.
Laurel, Miss., VOR; Louin INT, Miss.; *2,300. *18,000—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Beatty, Nev., VORTAC; Lee INT, Nev.; *15,000. Via BTY R 115 and LAS R 267. *13,100—MOCA.
Flaxman, Alaska, NDB; Barter Island, Alaska, NDB; *2,000. *1,200—MOCA.
Lee INT, Nev.; *Las Vegas, Nev., VORTAC; eastbound, 7,000; westbound, 13,000; *10,200—MCA Las Vegas VORTAC westbound.
Lonley, Alaska, NDB; Oliktok, Alaska, NDB; *2,000. *1,300—MOCA.
Oliktok, Alaska, NDB; Flaxman, Alaska, NDB; *2,000. *1,300—MOCA.
Point Barrow, Alaska, NDB; Lonley, Alaska, NDB; *2,000. *1,200—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Fairbanks, Alaska, LFR; Beaver INT, Alaska; *7,000. *5,300—MOCA.
Gainesville, Fla., VOR; Navy Cecil Field, Fla., VOR; *2,000. *1,900—MOCA.
Greenhead INT, Fla.; Marianna, Fla., VOR; 2,000.
Homestead, Fla., VOR; Harvey INT, Fla.; *1,500. *1,300—MOCA.
Juniper INT, Alaska; Flaxman Island, Alaska, NDB; 2,000.
Prudhoe Bay, Alaska, NDB; Hills INT, Alaska; *3,000. *1,200—MOCA.
Prudhoe Bay, Alaska, NDB; Toolik INT, Alaska; 3,000.
Sagwan, Alaska, NDB; Juniper INT, Alaska; 4,000.
*Sagwan, Alaska, NDB; Prudhoe Bay, Alaska, NDB; 4,000. *4,000—MCA Sagwan NDB, southeastbound.

Bahama Routes is amended to read in part:

4 Lima:
Nassau, Bahama, RBN; King INT, Bahama; *2,000. *1,400—MOCA.

Puerto Rico Routes

Route 11:
*Ponce, P.R., VOR; Vega INT, P.R.; 5,000. *3,500—MCA Ponce VOR, northbound.
*Vega INT, P.R.; San Juan, P.R., VORTAC; 2,500. *5,000—MCA Vega INT, southbound.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Mullan Pass, Mont., VOR; Alberton DME Fix, Mont.; *9,600. *9,300—MOCA.
Alberton DME Fix, Mont.; Missoula, Mont., VOR; 9,000.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Daytona Beach, Fla., VOR; *Bunnell INT, Fla.; **2,000. *3,000—MRA. **1,300—MOCA.
Bunnell INT, Fla.; St. Augustine INT, Fla.; *2,000. *1,200—MOCA.
St. Augustine INT, Fla.; Jacksonville, Fla., VOR; 2,000.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Hill City INT, Idaho, via N alter.; *Kinzie INT, Idaho, via N alter.; **12,500. *11,200—MCA Kinzie INT, northwestbound. **9,200—MOCA.
Kinzie INT, Idaho, via N alter.; Burley, Idaho, VOR, via N alter.; *8,000. *7,000—MOCA.
Boise, Idaho, VOR via S alter.; Canyon Creek INT, Idaho; via S alter.; 7,000.
Canyon Creek INT, Idaho, via S alter.; Jerome INT, Idaho, via S. alter.; 8,000.
Jerome INT, Idaho, via S alter.; Burley, Idaho, VOR via S alter.; 6,500.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Dublin, Ga., VOR via W alter.; Macon, Ga., VOR via W alter.; 2,300.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Birmingham, Ala., VOR; Johney INT, Ala.; *2,800. *2,200—MOCA.
Johney INT, Ala.; Muscle Shoals, Ala., VOR; *2,700. *2,000—MOCA.
Birmingham, Ala., VOR via E alter.; Trimble INT, Ala., via E alter.; *2,800. *2,200—MOCA.
Trimble INT, Ala., via E alter.; Rountree INT, Ala., via E alter.; *3,000. *2,300—MOCA.
Rountree INT, Ala., via E alter.; Muscle Shoals, Ala., VOR via E alter.; *2,400. *2,000—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to delete:

Scotland, Ind., VOR via E alter.; Paragon INT, Ind., via E alter.; *2,600. *2,200—MOCA.
Paragon INT, Ind., via E alter.; Brooklyn INT, Ind., via E alter.; *2,400. *2,200—MOCA.
Brooklyn INT, Ind., via E alter.; Indianapolis, Ind., VOR via E alter.; *2,400. *2,000—MOCA.
Scotland, Ind., VOR via W alter.; Cloverdale INT, Ind., via W alter.; *2,600. *2,100—MOCA.
Cloverdale INT, Ind., via W alter.; Indianapolis, Ind., VOR via W alter.; *2,500. *2,300—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

*Grabill INT, Ind.; Edgerton INT, Ohio; **3,000. *4,000—MRA. **2,600—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Union INT, Iowa, via E alter.; Ackley INT, Iowa, via E alter.; *3,000. *2,400—MOCA.
Ackley INT, Iowa, via E alter.; Mason City, Iowa, VOR via E alter.; *3,000. *2,500—MOCA.
Lufkin, Tex., VIR via E alter.; Logansport INT, La., via E alter.; *5,500. *1,700—MOCA.
Lydia INT, Minn., via W alter.; Minneapolis, Minn., VOR via W alter.; *2,500. *2,100—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Independence INT, Tex., via W alter.; College Station, Tex., VOR via W alter.; *3,500. *1,800—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Sweetwater INT, Tenn., via S alter.; Knoxville, Tenn., VOR via S alter., *3,000. *2,400—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Monroe, La., VOR; *Redwood INT, Miss.; **2,000. *3,800—MOCA. **1,900—MOCA.
Redwood INT, Miss.; *Flora INT, Miss.; **2,000. *3,600—MRA. **1,400—MOCA.
Girard INT, La., via N alter.; *Phoenix INT, Miss., via N alter.; 2,300. *2,800—MRA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Palacios, Tex., VOR via N alter., Rosenberg INT, Tex., via N alter.; *2,000. *1,400—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Ventura, Calif., VOR; Henderson INT, Calif.; *5,000. *4,800—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Albany, Ga., VOR; Macon, Ga., VOR; *2,000. *61,800—MOCA.
Anderson, S.C., VOR; Clemson INT, S.C.; 2,500.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

Flint, Mich., VOR via E alter.; Bloomer INT, Mich., via E alter.; *3,000. *2,500—MOCA.

Section 95.6049 *VOR Federal airway 49* is amended to read in part:

Vanleer INT, Tenn.; Thomasville INT, Tenn.; *4,000. *2,200—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Daytona Beach, Fla., VOR; *Bunnell INT, Fla.; **2,000. *3,000—MRA. **1,300—MOCA.
Bunnell INT, Fla.; St. Augustine INT, Fla.; *2,000. *1,200—MOCA.
St. Augustine INT, Fla.; Jacksonville, Fla., VOR; 2,000.
Georgetown INT, Tenn.; Norma INT, Tenn.; 3,000.
Norma INT, Tenn.; Crossville, Tenn., VOR; 5,000.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Crandall INT, Ga.; Murphy INT, N.C.; *7,000. *6,000—MOCA.
Murphy INT, N.C.; Harris, Ga., VOR; *7,000. *5,700—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Augusta, Ga., VOR; Columbia, S.C., VOR; 2,300.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Abilene, Tex., VOR; Clyde INT, Tex.; 3,200.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Hobbs, N. Mex., VOR via S alter.; Goldsmith INT, Tex., via S alter.; *5,200. *5,000—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Biscoe INT, Ark.; Hillemann INT, Ark.; *3,000. *1,700—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended by adding:

Eufaula, Ala., VOR; via N alter.; Macon, Ga., VOR via N alter.; *3,000. *2,000—MOCA.
Macon, Ga., VOR via N alter.; Dublin, Ga., VOR via N alter.; 2,300.
Dublin, Ga., VOR via N alter.; Oconee INT, Ga., via N alter.; *2,000. *1,700—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

*Butler INT, Tex.; Paige INT, Tex.; **2,500. *3,000—MRA. **1,700—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Shep INT, Tex.; Abilene, Tex., VOR; 3,800.
*Wichita Falls, Tex., VOR; Fort Sill INT, Okla.; **2,900. *3,000—MCA Wichita Falls VOR, southwestbound. **2,500—MOCA.

Section 95.6079 *VOR Federal airway 79* is amended to read in part:

Hobbs, N. Mex., VOR; *Welch INT, Tex.; **7,000. *7,000—MRA. **5,400—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Plainview, Tex., VOR via E alter.; *Palo Duro INT, Tex., via E alter.; **5,000. *8,500—MRA. **4,800—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Farmington, Minn., VOR; Rochester, Minn., VOR; *3,000. *2,600—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Bethany INT, Tex.; Elm Grove, La., VOR; *1,800. *1,500—MOCA.
Elm Grove, La., VOR; Jamestown INT, La.; *1,800. *1,500—MOCA.

Section 95.6096 *VOR Federal airway 96* is amended by adding:

Waterville, Ohio, VOR; United States-Canadian border; 3,000.

Section 95.6101 *VOR Federal airway 101* is amended by adding:

Burley, Idaho, VOR; Kinzie INT, Idaho; *8,000. *700—MOCA.
Kinzie INT, Idaho; Int 305° M rad, Burley VOR and 269° M rad, Pocatillo VOR; *12,500. *9,200—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended by adding:

Chattanooga, Tenn., VOR via W alter.; Sweetwater INT, Tenn., via W alter; 3,000. Sweetwater INT, Tenn., via W alter.; Knoxville, Tenn., VOR via W alter.; *3,000. *2,400—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Chattanooga, Tenn., VOR; Knoxville, Tenn., VOR; 3,000.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Whitman, Mass. VOR; Skipper INT, Mass.; *2,000. *1,400—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Dayton INT, Md.; Woodstock INT, Md.; 6,000.
Woodstock INT, Md.; Towson INT, Md.; 7,000.
Dyersburg, Tenn., VOR; Burns INT, Tenn.; *3,500. *2,300—MOCA.
Burns INT, Tenn.; Nashville, Tenn., VOR; 3,000.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

Ipswich INT, Mass.; Manchester, N.H., VOR; *2,500. *1,900—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

Macon, Ga., VOR; Dublin, Ga., VOR; 2,300.
Dublin, Ga., VOR; Oconee INT, Ga.; *2,000. *1,700—MOCA.
Oconee INT, Ga.; Lotts INT, Ga.; 2,000.
Lotts INT, Ga.; Savannah, Ga., VOR; *2,000. *1,500—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Alma, Ga., VOR; Allendale, S.C., VOR; 2,000.
Allendale, S.C., VOR; Vance, S.C., VOR; 2,000.

Section 95.6158 *VOR Federal airway 158* is amended to read in part:

Savanne INT, Ill.; *Wacker INT, Ill.; **2,700. *4,000—MRA. **2,000—MOCA.
Wacker INT, Ill.; Polo, Ill., VOR; *2,700. *2,000—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Louisville, Ky., VOR via N alter.; Martinsburg, INT, Ind., via N alter.; 2,900.
Martinsburg INT, Ind., via N alter.; Livonia INT, Ind., via N alter.; *2,700. *2,000—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to delete:

Stevens Point, Wis., VOR; Duluth, Minn., VOR; *6,000. *3,000—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended by adding:

Stevens Point, Wis., VOR; Wausau, Wis., VOR; *3,000. *2,500—MOCA.
Wausau, Wis., VOR; Duluth, Minn., VOR; *6,000. *3,500—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Brookley, Ala., VOR; Saufley, Fla., VOR; *2,000. *1,400—MOCA.
Saufley, Fla., VOR; Crestview, Fla., VOR; *2,000. *1,500—MOCA.

Section 95.6209 *VOR Federal airway 209* is amended to read in part:

Birmingham, Ala., VOR; Trimble INT, Ala.; *2,800. *2,200—MOCA.
Trimble INT, VOR; Rountree INT, Ala.; *3,000. *2,300—MOCA.
Rountree INT, Ala.; Decatur, Ala., VOR; *3,000. *2,000—MOCA.
Birmingham, Ala., VOR via E alter.; Decatur, Ala., VOR via E alter.; *3,000. *2,600—MOCA.
Birmingham, Ala., VOR via, W alter.; Johney INT, Ala., via W alter.; *2,800. *2,200—MOCA.
Johney INT, Ala., via W alter.; Decatur, Ala., VOR via W alter.; *3,000. *2,100—MOCA.
Decatur, Ala., VOR; Tanner INT, Ala.; *2,500. *2,000—MOCA.
Tanner INT, Ala.; Graham, Tenn., VOR; *3,000. *2,200—MOCA.
Graham, Tenn., VOR; Vanleer INT, Tenn.; *3,000. *2,200—MOCA.
Vanleer INT, Tenn.; Thomasville INT, Tenn.; *4,000. *2,200—MOCA.
Thomasville INT, Tenn.; Bowling Green, Ky., VOR; 3,000.

Section 95.6214 *VOR Federal airway 214* is amended to read:

Richmond, Ind., VOR; *Liberty INT, Ohio; 2,700. *3,000—MCA Liberty INT, northbound.
Int, 238° M rad, Appleton, Ohio, VOR and 277° M rad; Zanesville, Ohio, VOR; 3,000.
Zanesville, Ohio, VOR; Bellaire, Ohio, VOR; 3,000.
Bellaire, Ohio, VOR; Allegheny, Pa., VOR; 3,000.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Charlotte INT, Iowa; *Wacker INT, Ill.; **4,000. *4,000—MRA. **2,200—MOCA.
Wacker INT, Ill.; Janesville, Wis., VOR; *2,700. *2,000—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read in part:

Missoula, Mont., VOR; Arlee DME Fix, Mont.; 9,200.
Arlee DME Fix, Mont.; *Charlo INT, Mont.; **11,000. *11,000—MCA Charlo INT, southbound. **10,000—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Bowling Green, Ky., VOR; Cloverport INT, Ky.; *2,800. *2,100—MOCA.
Cloverport INT, Ky.; Apalona INT, Ind.; *4,000. *1,800—MOCA.
Alma, Ga., VOR via E alter.; Vienna, Ga., VOR via E alter.; *2,100. *1,800—MOCA.
Vienna, Ga., VOR via E alter.; Macon, Ga., VOR via E alter.; *2,000. *1,800—MOCA.

Section 95.6246 *VOR Federal airway 246* is added to read:

Nodine, Wis., VOR; Millston INT, Wis.; *3,000. *2,800—MOCA.

Millston INT, Wis.; Stevens Point, Wis., VOR; *2,900. *2,400—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Roy INT, Fla.; Shand INT, Fla.; *2,500. *1,200—MOCA.
Shand INT, Fla.; Jacksonville, Fla., VOR; 2,000.

Section 95.6325 *VOR Federal airway 325* is amended to read in part:

Gadsden, Ala., VOR via N alter.; Hobbs INT, Ala., via N alter.; *3,000.
Hobbs INT, Ala., via N alter.; Decatur, Ala., VOR via N alter.; *3,000. *2,600—MOCA.

Section 95.6330 *VOR Federal airway 330* is amended by adding:

Kinzie INT, Idaho; Alkali INT, Idaho; *8,000. *7,800—MOCA.

Section 95.6332 *VOR Federal airway 332* is amended to read in part:

Mount Pleasant, Mich., VOR; Lansing, Mich., VOR; *2,600. *2,300—MOCA.

Section 95.6337 *VOR Federal airway 337* is amended to read in part:

Bloomer INT, Mich.; Saginaw, Mich., VOR; *3,000. *2,500—MOCA.

Section 95.6345 *VOR Federal airway 345* is amended to read:

Dells, Wis., VOR; Millston INT, Wis.; *3,500. *2,400—MOCA.
Millston INT, Wis.; Eau Claire INT, Wis.; *3,500. *3,300—MOCA.

Section 95.6484 *VOR Federal airway 484* is amended by adding:

Kinzie INT, Idaho; Twin Falls, Idaho, VOR; *8,000. *7,400—MOCA.

Section 95.6485 *VOR Federal airway 485* is amended to read in part:

Hollister INT, Calif.; Gilroy INT, Calif.; *6,000. *4,000—MOCA.
Gilroy INT, Calif.; Lick INT, Calif.; *5,000. *4,000—MOCA.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

Manchester, N.H., VOR; Ipswich INT, Mass.; *2,500. *1,900—MOCA.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

*Boise, Idaho, VOR; Arrow Rock INT, Idaho; 8,000. *7,000—MCA Boise VOR, eastbound.
Arrow Rock INT, Idaho; Hill City, Idaho, VOR; *11,500. *9,800—MOCA.

Section 95.7138 *Jet Route No. 138* is amended to delete:

From, to, MEA, and MAA

San Antonio, Tex., VORTAC; Houston, Tex., VORTAC; 18,000; 45,000.

Section 95.7138 *Jet Route No. 138* is amended by adding:

San Antonio, Tex., VORTAC; Humble, Tex., VORTAC; 18,000; 45,000.

Section 95.7501 *Jet Route No. 501* is amended to delete:

Seattle, Wash., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7501 *Jet Route No. 501* is amended by adding:

Oakland, Calif., VORTAC; Ukiah, Calif., VORTAC; 18,000; 45,000.
Ukiah, Calif., VORTAC; Medford, Oreg., VORTAC; 18,000; 45,000.
Medford, Oreg., VORTAC; Hoquiam, Wash., VORTAC; #22,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Hoquiam, Wash., VORTAC; Neah Bay, Wash., RBN; 18,000; 45,000.
Neah Bay, Wash., RBN; United States-Canadian border; 18,000; 45,000.

Section 95.7502 *Jet Route No. 502* is amended to delete:

Annette Island, Alaska, VOR; United States-Canadian border; 18,000; 45,000.
United States-Canadian border; Neah Bay, Wash., RBN; 18,000; 45,000.
Neah Bay, Wash., RBN; Hoquiam, Wash., VORTAC; 18,000; 45,000.
Hoquiam, Wash., VORTAC; Medford, Oreg., VORTAC; #22,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Medford, Oreg., VORTAC; Ukiah, Calif., VORTAC; 18,000; 45,000.
Ukiah, Calif., VORTAC; Oakland, Calif., VORTAC; 18,000; 45,000.

Section 95.7502 *Jet Route No. 502* is amended to read:

Seattle, Wash., VORTAC; United States-Canadian border; 18,000; 45,000.
United States-Canadian border; Malcom Island, Alaska, VOR; 18,000; 45,000.
Malcolm Island, Alaska, VOR; Annette Island, Alaska, VOR; 18,000; 45,000.
Annette Island, Alaska, VOR; Sisters Island, Alaska, VOR; 18,000; 45,000.
Sisters Island, Alaska, VOR; Burwash Landing, Yukon Territory, LFR; #18,000; #45,000. #For that airspace over U.S. territory.
Burwash Landing, Yukon Territory, LFR; Northway, Alaska, VOR; #18,000; #45,000. #For that airspace over U.S. territory.
Northway, Alaska, VOR; Fairbanks, Alaska, VORTAC; 18,000; 45,000.
Fairbanks, Alaska, VORTAC; Kotzebue, Alaska, VOR; #27,000; 45,000. #MEA is esttablished with a gap in navigation signal coverage.

Section 95.7523 *Jet Route No. 523* is amended by adding:

Neah Bay, Wash., NDB; Sandspit, British Columbia, Canada; #18,000; #45,000. #For that airspace over U.S. territory.
Sandspit, British Columbia, Canada; Annette Island, Alaska, VOR; #18,000; #45,000. #For that airspace over U.S. territory.

Section 95.7525 *Jet Route No. 525* is added to read:

Sandspit, British Columbia, Canada, LFR; Annette Island, Alaska, LFR; #18,000; #45,000. #For that airspace over U.S. territory.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal Airway changeover points:*

Airway segment: From; To—Changeover point: Distance; from

V–7 is amended to delete:
Evansville, Ind., VOR; Lewis, Ind., VOR; 38; Evansville.
V–54 is amended by adding:
Chattanooga, Tenn., VOR; Harris, Ga., VOR; 36; Chattanooga.
V–177 is amended to delete:
Stevens Point, Wis., VOR; Duluth, Minn., VOR; 68; Stevens Point.
V–141 is added to read:
Boston, Mass., VOR; Hyannis, Mass., VOR; 22; Boston.
V–191 is amended by adding:
Ironwood, Mich., VOR; Duluth, Minn., VOR; 32; Ironwood.
V–209 is amended to read in part:
Birmingham, Ala., VOR; Decatur, Ala., VOR; 35; Birmingham.
V–430 is amended by adding:
Duluth, Minn., VOR; Ironwood, Mich., VOR; 55; Duluth.

Section 95.8005 *Jet routes changeover points:*

J–86 is amended to delete:
Houston, Tex., VORTAC; Grand Isle, La., VOR; 111; Houston.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

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

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

[F.R. Doc. 69–6199; Filed, May 26, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENT OF GENERAL POLICY OR INTERPRETATION, AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Action on Objections; Public Hearing; Partial Stay of Effective Date; Confirmation of Effective Date

The Federal Trade Commission published proposed enforcement regulations (16 CFR Part 500) with respect to the requirements of the Fair Packaging and Labeling Act (Public Law 89–755) in the FEDERAL REGISTER of June 27, 1967 (32 F.R. 9109). An order adopting the proposed regulations, as amended, was published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718).

Pursuant to the requirements of section 6 of the Fair Packaging and Labeling Act (80 Stat. 1300; 15 U.S.C. 1455), the terms of § 500.25(a) of the regulations issued under the Fair Packaging and Labeling Act (16 CFR 500.25(a) permitted any person adversely affected by the order adopting the regulations to file objections thereto within 30 days from the date of its publication, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections are deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which, if valid and factually supported, may be adequate to justify the relief sought.

The Commission has carefully reviewed and considered the objections and requests for hearings which it has received, and concludes as follows:

(1) Objection was taken to § 500.5, *Name and place of business of manufacturer, packer, or distributor,* which requires that when the person whose name appears on the label is not the manufacturer of the commodity the name be qualified with the connection that such person has with such commodity. The objection was based on an erroneous interpretation by the objector that the regulation would require that the manufacturer be identified on the label in such a case as well as the packer or distributor. It is therefore deemed not to warrant further consideration.

(2) Objections were also filed to § 500.5 which requires that (1) the actual corporate name of the manufacturer, packer, or distributor be set forth even when a packaging, manufacturing, or distributing division of the corporation also is identified on the package or label; (2) words such as "incorporated" when a part of the legal name must be included in the name that appears on the label or package and (3) in the case in which New York City is the place of business, the fact that it is in New York State also must be shown. In prescribing the method of listing the name and place of business of the manufacturer, packer, or distributor for the purpose of adequately informing consumers, the Commission has determined that the legal name and the State of location must also be shown on labels and packages. Further, the Commission has determined that the request to exempt the listing of New York City because of its common identification with New York State is more properly the subject of a request for exemption from the regulation on the basis that it is impracticable or unnecessary for adequate protection of consumers (See § 500.3(e) of FTC's FPLA regulations).

Therefore, the Commission has determined that these objections to the regulations promulgated March 19, 1968, are not based upon the reasonable and legally relevant grounds which would warrant a public hearing. Basically, these objections involve questions of law, consequently, they are not properly subjects for a public hearing inasmuch as they do not properly raise any factual issues which could be resolved through a public hearing process.

(3) An objection was also entered to § 500.5(c) which does not require inclusion of the street address of the manufacturer, packager, or distributor when such is shown in a current city or telephone directory. As to this objection, the Commission has determined that no persuasive showing was made of the inadequacy of the present requirement that the zip code must be set forth on all labels or packages of consumer commodities and that street address of the manufacturer, packager, or distributor only need be set forth if it is not listed either in a current city directory or telephone directory. (§ 500.5(c).) In addition, the Commission is of the opinion that the term "place of business" used in section 4(a)(1) of the FPLA does not require the listing of the street address of the manufacturer, packager, or distributor, particularly after the Commission has determined, as it has, that on the basis of presently available information purchasers of consumer commodities will, in fact, be able to contact the responsible packager, labeler, or distributor by use of the presently required address on labels and packages, if need therefor arises.

(4) An objection was entered to § 500.5(e) insofar as it requires initial articles (such as "the") to be included as a part of the full corporate name. The Commission has determined that this regulation may be interpreted as not requiring the inclusion of initial articles in the corporate disclosure statement; therefore, further consideration of the objection is deemed unnecessary.

(5) Objections were entered to the part of § 500.7, *Net quantity of contents, method of expression,* which indicates by way of a parenthetical example that multiunit packages of bar soap shall bear a declaration of net quantity in terms of numerical count and weight per bar. The Andrew Jergens Co. and The Soap and Detergent Association object to the parenthetical statement which declares that multiunit packages of bar soap most declare both net weight per bar and numerical count. The objections allege that § 500.7 permits net quantity statements in terms of weight, measure, or numerical count. Further, that § 500.7 permits use of a firmly established consumer usage or trade custom such as declaring a solid by numerical count and that declarations of quantity of bar soap in terms of count only ("four bars") has been uniformly permitted by all States. Finally the objections allege that the high amount of moisture in the formulation of soap results in subsequent moisture loss (resulting in weight loss of up to 10%) during storage and distribution under normal room temperature and moisture conditions. This, it was alleged, will frequently cause a net weight statement on a package of soap to be inaccurate on the date of retail purchase. The Commission has determined that the objections are supported by reasonable grounds and that the objections merit a public hearing. Therefore, § 500.7 is stayed as to its effective date, insofar as by parenthetical expression a declaration of both numerical count and net weight per bar is required for multiunit packages of bar soap.

(6) Objection was entered to the requirements of § 500.12, *Measurement of commodities by length and width, how expressed,* in that subsection (c) requires declaration of length, and width measuring more than 24 inches, to be stated in terms of the largest whole unit or units of measure. The Commission has determined that no legally sufficient or reasonable grounds were forwarded to support this objection. This section fulfills the express mandate of section 4 of FPLA which requires that the net quantity declaration be stated in terms of the largest whole unit, and an objection to a requirement of the Act may not be made through the procedures provided for in section 6(b) of FPLA and § 1.16 (g) of the Commission's rules of practice. Therefore, a public hearing on the objection is not merited.

(7) An objection was entered to § 500.12 on the erroneous assumption that a declaration of square area was required for narrow fabric products such as ribbon, as well as length and width measurements. Subsection (c)(1), however, excludes bidimensional commodities of less than 4 inches in width from the requirement of a square measure declaration. The objection is therefore deemed not to warrant further consideration.

(8) An objection was entered to § 500.18, *Type size in relationship to the area of the principal display panel,* subsection (a), which stated that the regulation would prohibit the petitioners from utilizing larger type sizes on cartons of a similar size which contained commodity rolls of different net contents. The Commission has determined that the intent of the Act is to regulate the minimum type size required and that, in the case described, the regulation in question does not prohibit the use of type sizes larger than the minimum size prescribed by the regulations. The objection is therefore deemed not to warrant further consideration.

(9) Objection was entered to § 500.18 (a)(3) in that the provision that states that tops, bottoms, flanges, shoulders, and necks be excluded in calculating the principal display area, as positioned, is misleading in that it seems to apply to § 500.18(a)(3) only instead of to all of the subparts of § 500.18(a). The Commission is in accord with the argument set forth, and the regulation has been rewritten to correct this section. The corrected subsection appears as part of the Commission's final order.

(10) An objection was entered to § 500.20, *Supplemental statements,* which stated that requiring supplemental statements of quantity to appear at locations other than the principal display panel was an arbitrary and unreasonable interpretation of sections 4(a)(2) and 4(b) of the Fair Packaging and Labeling Act. The Commission has determined that the specific requirement of the Act for a separate statement of net quantity in a uniform location on the principal display panel, unaccompanied by any qualifying words or phrases permits the Commission to implement the requirement by prohibiting supplemental quantity statements from the principal display panel. Section 4(b) of the Act permits such statements at "other places" on the package and the Commission interprets "other places" to be places other than the principal display panel. It is the determination of the Commission that reasonable grounds were not forwarded by the petitioners, as are required by section 6(b) of the Act and § 1.16(g) of the Commission's rules of practice,

and, therefore, the objection does not warrant a public hearing.

(11) Objection was also made to § 500.20 on the grounds that the applicable section of FPLA (section 4(b)) was self-executing and the regulation went beyond the authority given to the Commission by the Act. The Commission has determined that specific legislative authority is present in sections 4 and 6 of the Act which empowers the Commission to promulgate regulations implementing the interpreting section 4 of the Act, and, therefore, the objection is not based on reasonable grounds and does not warrant a public hearing.

(12) A further objection was entered to § 500.20 which stated that the regulation required the use of all length panels—as opposed to width panels or end flaps—of aluminum foil cartons as principal display panels. The Commission has determined that this interpretation is erroneous and that only those length panels used as principal display panels will be considered such and that supplemental statements of a nondeceptive nature may be placed on other panels including other length panels. Therefore, the Commission has determined that the objection does not warrant further consideration.

(13) Objection was entered to § 500.21, *Metric equivalent*, which was based upon the "free space" requirement of § 500.6 (b), *Net quantity of contents declaration, location*. The petitioner stated that the "free space" requirement should not apply to statements of metric equivalents, which § 500.21 of the regulations permits to be placed on the principal display panel. The Commission has determined that the "free space" requirement is necessary in this instance in order to maintain the intent of the Fair Packaging and Labeling Act to establish a standard declaration of net quantity statements which is easily ascertainable and undestandable to the consumer. Therefore, the Commission has determined that the objection is not based on reasonable grounds and does not warrant a public hearing.

(14) An objection was entered to § 500.22, *Net quantity, average quantity, permitted variations*, insofar as subsection (b) places the responsibility on the manufacturer, packer, or distributor for stated weight or measure until the goods are introduced into interstate commerce. The Commission has determined that the regulation recognizes that the manufacturer, packer, or distributor has physical control over his commodity up to the time he relinquishes possession of it as it enters interstate commerce. The regulation, therefore, prescribes that the manufacturer should be reasonably expected to assure that the stated weight or measure without variation should be the initial weight or measure of the commodity stated on the package or label until it leaves his possession and enters interstate commerce. Therefore, the Commission has determined that the objection is not based upon legally sufficient and reasonable grounds and does not warrant a public hearing.

(15) An objection was entered to § 500.23, *Representations of servings, uses, applications*, which stated that "servings" was only applicable to foods and beverages and that the Commission had no authority to issue the regulation. The Commission has determined that the clear intent of section 4(a)(4) of FPLA is to cover all commodities which fall under the Act and, if the nonfood or nonbeverage commodity has a statement on the label or package which indicates numbers or amounts of servings (uses or applications), that the requirements of section 4(a)(4) of FPLA should apply. Therefore, the Commission has determined that the objection is not based on legally sufficient and reasonable grounds and that a public hearing is not warranted.

(16) Objections were filed against § 500.25, *Filing of objections and effective date*, insofar as it does not provide procedures for requesting extensions of the time in which to comply with the FPLA and the regulations. The Commission has determined that the Act does not give the authority to provide for such extensions and that, therefore, the objections are not based on legally sufficient and reasonable grounds which would merit a public hearing.

It is ordered, That the regulations as published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718), are adopted pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4 and 6, 80 Stat. 1297, 1299, 15 U.S.C. 1453, 1455) except for that portion the effective date of which is stayed as specified above. Section 500.18 is amended and adopted to read:

§500.18 Type size in relationship to the area of the principal display panel.

(a) The statement of net quantity of contents shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package or commodity and shall be uniform for all packages or commodities of substantially the same size. For this purpose, "area of the principal display panel" means the area of the side or surface that bears the principal display panel, exclusive of tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles and jars. This area shall be:

* * * * *

(3) In the case of any otherwise shaped container or commodity, 40 percent of the total surface of the container or commodity: *Provided, however*, That where such container or commodity presents an obvious "principal display panel" such as the top of a triangular or oval shaped contanier, the area shall consist of the entire top surface.

* * * * *

Pursuant to the authority vested in the Commission by section 6(b), Fair Packaging and Labeling Act (80 Stat. 1300) notice is hereby given that a public hearing will be held for the purpose of receiving evidence relevant and material to the issues as set forth above with respect to the labeling of multiunit packages of bar soap both as to numerical count and weight per bar.

The hearing will commence on June 30, 1969, in Room 532, of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., at 10 a.m., e.d.t.

Interested persons are hereby invited to file notice of intention to participate in the proceeding with the Secretary, Federal Trade Commission, as is specified in § 3.13, *Adjudicative hearings on issues arising in rule-making proceedings under the Fair Packaging and Labeling Act*, of the Commission's rules of practice.

Written data, views, or arguments concerning the subject matter of the hearing may be filed with the Secretary, Federal Trade Commission, not later than June 10, 1969. Twenty copies shall be filed, in accordance with § 4.2, *Requirements as to form and filing of documents other than correspondence*, of the Commission's rules of practice.

If any interested person desires to be heard through a representative, such person or representative should file with the Secretary, Federal Trade Commission, a written notice of appearance setting forth the name, address, and employment of such person. These written notices of appearances should be filed on or before June 15, 1969.

The data, views, or arguments presented orally or in writing will be available for examination by interested persons at the Federal Trade Commission, Washington, D.C.

All notices of appearance and all written submissions should be filed with the Secretary, Federal Trade Commission, Washington, D.C. 20580.

This order shall become effective upon publication. The subject order, insofar as subsection (c)(1) of § 500.25, *Filing of objections and effective date*, refers to an effective date of January 1, 1969, for all new packages, new label designs, and labels being reordered, is revised to agree with the date of publication of this final order.

(Secs. 4, 6, 80 Stat. 1297, 1299, 1300, 15 U.S.C. 1453, 1455)

Issued: May 21, 1969.

By direction of the Commission.

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

[F.R. Doc. 69-6250; Filed May 26, 1969; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-127]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Containers, etc., by Certain Finnish Vessels

On the basis of information obtained and furnished by the Department of

State, it is found that the Government of Finland extends to vessels of the United States in ports of Finland privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of Finland are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and stevedoring equipment and material under the conditions specified in the applicable proviso to 46 U.S.C. 883.

Accordingly, § 4.93(b)(2), Customs Regulations, is amended by the insertion of "Finland" in appropriate alphabetical order in the list of nations in that section.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

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

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: May 20, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-6279; Filed, May 26, 1969; 8:48 a.m.]

[T.D. 69-123]

PART 14—APPRAISEMENT

Antidumping; Azobisformamide From Japan

MAY 16, 1969.

The Bureau of Customs published a notice of intent to revoke the finding of dumping with respect to Azobisformamide from Japan for the reasons stated in that notice. No comments were received in response thereto.

The finding of dumping was made in Treasury Decision 56414 which was published in the FEDERAL REGISTER on May 28, 1965 (30 F.R. 7187). The notice of intent to revoke the finding of dumping was published in the FEDERAL REGISTER on March 13, 1969 (34 F.R. 5186).

Accordingly, it having been found that Azobisformamide from Japan is no longer being, nor is likely to be, sold in the United States at less than fair value, the finding of dumping as to such merchandise is hereby revoked.

Section 53.43 of the Customs Regulations is amended by deleting the following from the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Azobisformamide	Japan	56414

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-6278; Filed, May 26, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2313) filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance (specified below) in the formulation of paper and paperboard used in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Poly(1,2-dimethyl-5-vinylpyridinium methyl sulfate) having a nitrogen content of 5.7 to 7.3 percent and a sulfur content of 11.7 to 13.3 percent by weight on a dry basis and having a minimum viscosity in 30-percent-by-weight aqueous solution of 2,000 centipoises at 25° C., as determined by LV-series Brookfield viscometer (or equivalent) using a No. 4 spindle at 60 r.p.m.	For use only as an adjuvant employed in the manufacture of paper and paperboard prior to the sheet-forming operation.
* * *	* * *

* * * * * * *

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

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

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

Dated: May 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6241; Filed, May 26, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYMER MODIFIERS IN SEMIRIGID AND RIGID VINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2379) filed by Union Carbide Corp., River Road, Bound Brook, N.J. 08805, and other relevant material, concludes that § 121.2597 should be amended to provide for the safe use of the polymer modifiers listed therein as components of semirigid and rigid vinyl chloride plastic food-contact articles prepared from vinyl chloride-ethylene copolymers regulated under § 121.2609. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2597 is amended by revising the introductory text to read as follows:

§ 121.2597 Polymer modifiers in semirigid and rigid vinyl chloride plastics.

The polymers identified in paragraph (a) of this section may be safely admixed, alone or in mixture with other

permitted polymers, as modifiers in semirigid and rigid vinyl chloride plastic food-contact articles prepared from vinyl chloride homopolymers and/or from vinyl chloride copolymers complying with § 121.2608 and/or § 121.2609, in accordance with the following prescribed conditions:

* * * * *

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

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

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

Dated: May 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6240; Filed, May 26, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Antibiotics for Diagnostic Use

No comments were received in response to the notice published in the FEDERAL REGISTER of March 25, 1969 (34 F.R. 5605), proposing that § 144.14 of the antibiotic drug regulations be revised for specified reasons. The Commissioner of Food and Drugs concludes that the revision should be adopted as proposed.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 144.14 is revised to read as set forth below.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: May 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

Section 144.14 is revised to read as follows:

§ 144.14 Antibiotics for diagnostic use.

Antibiotics packaged for the withdrawal of individually weighed portions and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled shall be exempt from the certification requirements of sections 502(1) and 507 of the act if they comply with all the following conditions:

(a) The potency, moisture content, and identity comply with the standards prescribed for the antibiotic by the specific regulations issued in this chapter.

(b) It is packaged in immediate containers that are tight containers as defined by the U.S.P. Each such container shall contain not more than 1 gram.

(c) Each package bears on the label or labeling of its outside wrapper or container and the immediate container the following:

(1) The statements "For the withdrawal of individual portions of antibiotic. Each portion must be weighed before use. Diagnostic reagent. For professional use only."

(2) The number of milligrams or grams contained in each immediate container and the potency per milligram.

(3) The batch mark.

(4) The statement "Expiration date _____," the blank being filled in with the date that does not exceed the expiration date authorized for the antibiotic by this chapter.

(d) The circular or other labeling within or attached to the package bears directions adequate for the use of such drug.

CROSS REFERENCES: For tests and methods of assay and certification of antibiotic sensitivity discs for laboratory diagnosis of disease, see §§ 147.1 and 147.2 of this chapter.

[F.R. Doc. 69-6239; Filed, May 26, 1969; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 103—ENLISTMENT, APPOINTMENT AND ASSIGNMENT OF INDIVIDUALS IN RESERVE COMPONENTS

The Deputy Secretary of Defense approved the following revision to Part 103 on March 21, 1969:

Sec.
103.1 Purpose and applicability.
103.2 Policy.
103.3 Reports.

AUTHORITY: The provisions of Part 103 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 103.1 Purpose and applicability.

This part provides standards, procedures, and priority guidelines for enlistment, assignment, or appointment of individuals in units of the Reserve Components of the Military Departments.

§ 103.2 Policy.

(a) Physical and mental standards for male personnel enlisted in the basic enlistment pay grade will not be higher than those prescribed by the Military Selective Service Act of 1967, or DoD Directive 1145.1,[1] "Qualitative Distribution of Military Manpower," September 13, 1967, which establish minimum standards for acceptability into the regular services. High physical and mental standards may be specified by the appropriate Secretary for initial enlistment in a grade higher than the basic enlistment pay grade or for enlistment in a program leading to a commission.

(b) The appropriate Secretary shall, except as otherwise provided by law, prescribe physical, mental, moral, academic attainment, professional and age qualifications for appointment of reserve members of the Armed Forces of the United States.

(c) The enlistment of individuals under the provisions of section 511(d) of title 10, United States Code and the assignment of applicants in units of the Selected Reserve shall be made in the following priority:

(1) Members of the Selected Reserve who desire to reenlist.

(2) Members of Selected Reserve units applying for transfer from another locality.

(3) Members of the Selected Reserve who were relieved from assignment to units due to reorganization, inactivation, or relocation of their units.

(4) Members of the Ready Reserve Pool.

(5) Prior service applicants.

(6) Nonprior service applicants between the ages of 17 and 18½.

(7) Nonprior service applicants between the ages of 18½ and 20.

(8) Nonprior service applicants over age 20, only after the unit commander concerned has determined that qualified applicants in higher priority categories are not available.

(d) Within each of the above priority categories, it shall be normal practice to accept the earliest applicant for enlistment in a unit of the Reserve Components who meets the minimum qualifications for a vacancy.

(e) Exceptions to the policies in paragraphs (c) and (d) of this section may be made when in the best judgment of those responsible for the procurement of Reserve personnel, an individual's prior active or reserve military service, or significant civilian experience in the occupational skill concerned, is considered to warrant it. Notation as to the basis of the exception shall be made on the individual's service record.

(f) All applicants now on Reserve enlistment waiting lists in the lowest priority group, who were between the ages of 18½ and 20 at the time of acceptance on the waiting list will be placed in priority group 7, as described above.

[1] Filed as part of the original document.

(g) Nonprior service applicants for Reserve enlistment who are accepted on Reserve unit waiting lists will be retained in their original priority age group regardless of subsequently exceeding the maximum age of the particular priority age group concerned. Upon enlistment, such individuals will be reported under the provisions of § 103.3 as members of their priority age group regardless of their actual age.

(h) Prior to enlisting a draft-liable individual in one of the Reserve Components, the applicant shall be required to sign a written statement to the effect that he has not received orders to report for induction, that any subsequent receipt of such orders will be reported to his unit commander, and that he understands he is subject to an induction order if issued before he enlists.

(i) An individual who enlists in a Reserve Component and who subsequently receives orders to report for induction, the issuing date of which precedes his date of enlistment, shall be discharged from his Reserve Component for the purpose of induction into the Armed Forces. The discharge should be effected concurrently with the induction so as to continue the individual's military obligation consistent with § 50.2(d) of this subchapter. The date of issuance of orders to report for induction shall be considered to be the date of mailing of such orders by appropriate authority in the Selective Service System.

(j) Individual applicants for assignment or enlistment in the Reserve Components shall not be accepted unless there is reasonable assurance that they will be available and able to participate satisfactorily in the unit concerned. In this respect careful consideration shall be given to the geographical location, future plans, and possible conflicts with the civilian occupation of the individual applicant.

(k) Reserve members who have enlisted under the provisions of section 511(d), title 10, United States Code, and who incur a legitimate temporary religious missionary obligation during their obligated period of service, may be reenlisted upon completion of an initial period of active duty for training under the provisions of section 511(a), title 10, United States Code provided:

(1) Certification as to the religious obligation is made by the recognized church body concerned;

(2) Reenlistment contracts for these individuals include an agreement to serve for a period of time which will include the missionary tour plus the remaining service left under section 511(d), title 10, United States Code. (These contracts will assure that each individual will serve a total of 6 years of reserve service in a unit of the Ready Reserve even though such period of reserve service may be interrupted for up to 30 months by a one-time bona fide missionary obligation tour); and

(3) The individual reservist concerned is carried as a member of the inactive National Guard or the Ready Reserve Pool during the period of a missionary tour (§ 100.3(c)(2) of this subchapter, as appropriate.

§ 103.3 Reports.

The Military Departments will submit to the Assistant Secretary of Defense (Manpower and Reserve Affairs) a monthly report in duplicate of the number of enlistments of nonprior service individuals in each of the Reserve Components (see format below). Reports will be forwarded not later than sixty (60) days following the month covered by the report. This reporting requirement has been assigned Report Control Symbol DD-M(M) 769.

Format:

REPORT OF ENLISTMENTS OF NONPRIOR SERVICE INDIVIDUALS IN RESERVE COMPONENTS

Month of _____, 19__

Enlistment group	*Total enlisted*	*Number enlisted as exception to policies in § 103.2 (c) and (d)*
Age 17–18½		
Age 18½–20		
Over age 20		
Totals		

Dated: May 20, 1969.

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

[F.R. Doc. 69-6235; Filed, May 26, 1969; 8:45 a.m.]

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Advances of Federal Funds for State Procurement

Section 1801.7 of Title 32 of the Code of Federal Regulations is revised to read as follows:

§ 1801.7 Advances of Federal funds for State procurement.

In those cases where the State certifies that under its laws and regulations it is required to obtain an advance of Federal funds to match the State share prior to disbursement of the funds of the State (or political subdivision, as the case may be) for the particular project, an advance of funds toward the Federal share of the proposed disbursement may be made subject to the following general criteria and such supplemental criteria and procedures as are promulgated in OCD guidance material.

(a) Advances shall be so limited in amounts and so timed as to accord with the actual cash disbursement requirements of the applicant State or, as the case may be, of a political division which joined in the project application. Advances will be withheld by the United States until such time as the amount requested is actually needed by the State or political subdivision for the payment of an obligation incurred in carrying out an OCD approved project. One of the aspects of this requirement is that advances toward the Federal share of an approved project involving a substantial period of performance (e.g., construction of a civil defense facility) shall be made only as the performance progresses.

(b) Advances shall be properly accounted for as Federal funds in the accounts of the State. In each case the State shall render regular authenticated reports to the OCD covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by OCD. The Director of Civil Defense, and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the Federal contribution or to any advances of Federal funds.

(c) Advances may be withdrawn or transferred by the State only upon the certification of its authorized official, and then only for the payment of items covered by a project application against which such funds are advanced, or for advance to a political subdivision under its agreement to accept them subject to the provisions set forth in this section.

(d) Advances not timely expended as provided under the criteria set forth in OCD guidance material or otherwise held contrary to the terms and conditions of the advance shall forthwith be repaid by the State to OCD.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 16, 1969.

JOSEPH ROMM,
Director of Civil Defense.

[F.R. Doc. 69-6234; Filed, May 26, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

San Pablo Bay, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.216 establishing and governing the use and navigation of a danger zone in San Pablo Bay, Calif., is hereby amended with respect to "Note" at the end of paragraph (a) to extend the period of use as follows:

§ 204.216 San Pablo Bay, Calif.; gunnery range, Naval Inshore Operations Training Center, Mare Island, Vallejo.

(a) * * *

NOTE: The danger zone shall be used until June 2, 1970, after which it shall be subject to review to determine the future need thereof.

* * * * *

[Regs., May 14, 1969, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-6233; Filed, May 26, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1023]

PART 1033—CAR SERVICE

Demurrage and Detention Charges on Freight Cars

Supersedes Revised Service Order No. 1023, Service Date April 17, 1969.

At a session of the Interstate Commerce Commission, Division 3, acting as an Appellate Division, held at its office in Washington, D.C., on the 19th day of May 1969.

It appearing, that petitions seeking modification of Revised Service Order No. 1023 to require that demurrage computations at Atlantic and Gulf ports be on a comparable basis as at other ports have been filed with the Interstate Commerce Commission by the Chicago Association of Commerce on May 2, 1969; the Board of Harbor Commissioners of the city of Milwaukee, Wis., filed on May 12, 1969; the State of Illinois, Department of Business and Economic Development, filed on May 12, 1969; The International Association of Great Lake Ports, filed on May 12, 1969; and the Brown County Board of Harbor Commissioners (Green Bay, Wis.) filed on May 14, 1969; that because of basic differences in the underlying demurrage, storage, and detention rules, regulations, and charges lawfully in effect at the various ports, Revised Service Order No. 1023 would result in substantially higher demurrage charges on traffic subject to progressive demurrage rates than on traffic subject to nonprogressive demurrage rates.

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

§ 1033.1023 Service Order No. 1023.

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

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

(c) Exceptions:

(1) The provisions of this order shall not apply to freight cars listed in the Official Railway Equipment Register, ICC R.E.R. 371 issued by E. J. McFarland, or reissues thereof, as having the following descriptions and mechanical designations:

Mechanical designation: RA, RAM, RCD, RS, RSB, RSM, RSTC, and RSTM.
Mechanical designation: SA, SC, SD, SF, SH, SM, SP, and ST.
Mechanical designation: TA, TAI, TG, TGI, THI, TL, TLI, TM, TMI, TMU, TMUI, TP, TPI, TPA, TPAI, TR, TRI, TVI, TW, and TWI.
Mechanical designation: XT.

(2) The provisions of this order shall not apply to freight cars while subject to the provisions of Agent B. B. Maurer's Tariffs 8-0, ICC H-30; 551-F, ICC H-40; 552-0, ICC H-24; and 719-D, ICC H-27; nor to perishable protective charges published in Agent W. T. Jamison's National Perishable Protective Tariff No. 18, ICC 37; supplements thereto, or reissues thereof.

(d) Cars not subject to average demurrage agreement:

(1) When car detention or demurrage is subject to a graduated or progressive rate per car per day, the charges shall be:

(i) The lowest car detention or demurrage rates published in the applicable tariff for such period of time as is provided in the tariff.

(ii) $25 per car per day, or fraction of a day, for all cars subject to the next level of charges published in the applicable tariff for such period of time as is provided in the tariff.

(iii) $50 per car per day, or fraction of a day, for all subsequent detention.

(2) Where car detention or demurrage is subject to a nongraduated or single-factor charge, or is computed on a weight, bushel, or other measurement basis, the charges shall be:

(i) The applicable tariff rate for each of the first 4 chargeable days, or fraction of a day.

(ii) $25 per car per day, or fraction of a day, for each of the next 4 chargeable days.

(iii) $50 per car per day, or fraction of a day, for each subsequent chargeable day.

(e) Cars subject to an average agreement: When a car has accrued four debits, a charge of $25 per car per day, or fraction of a day, will be made for each of the next 4 days, or fraction of a day and $50 per car per day, or fraction of a day, will be made for all subsequent detention.

(f) If the application of the detention or demurrage rules published in any tariff lawfully in effect results in detention or demurrage charges greater than those provided in this order, such greater charges shall apply.

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

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

(i) Effective date: This order shall become effective at 7 a.m., May 26, 1969.

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

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

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

By the Commission, Division 3, acting as an Appellate Division.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6286; Filed, May 26, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 3 to the Republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed in duplicate with the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 30-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, (see sections 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide miscellaneous changes in the Processor Wheat Marketing Certificate Regulations as follows:

(1) Extend the marketing certificate cost of 75 cents per bushel through the marketing year beginning July 1, 1969.

(2) Change the conversion factor for flour derived in a 72 percent extraction rate type operation to reflect the actual average extraction of those processors reporting on the conversion factor basis during the marketing year beginning July 1, 1967.

(3) Change the conversion factor for semolina and farina to reflect the same conversion factor provided for flour since these products are often produced as coproducts of flour.

(4) Provide the refund rate for flour second clears not used for human consumption for the marketing year beginning July 1, 1969.

The proposed amendment would read as follows:

1. Section 777.5(a) is amended by changing the last sentence to read as follows:

§ 777.5 Applicability of certificate requirements.

(a) *General.* * * * The cost of domestic certificates shall be 75 cents a bushel during the marketing years beginning July 1, 1965, through the marketing year beginning July 1, 1969.

* * * * *

2. Section 777.14(c) is amended by the conversion factors of the following products to read as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors.* * * *

A—Food product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.344
Semolina	2.344
Farina	2.344

* * * * *

* * * * *

3. Section 777.19(e) is amended by changing the third sentence to read as follows:

§ 777.19 Industrial users of flour second clears.

* * * * *

(e) *Refund rate.* * * * The refund rate for the marketing years beginning July 1, 1968, and July 1, 1969, shall be $1.68 per hundredweight, which was determined on the basis of a conversion factor of 2.240 multiplied by the applicable certificate cost rounded to the nearest cent. * * *

* * * * *

Effective date. It is proposed that the provisions of this amendment shall be effective with respect to processing report periods beginning on and after July 1, 1969.

Signed at Washington, D.C., on May 21, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-6265; Filed, May 26, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

LABELING OF CERTAIN CRABMEATS

Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6441), proposing a revision of § 3.34, a statement of policy regarding the labeling of certain crabmeats, provided for the filing of comments thereon within 30 days following the publication date.

The Commissioner of Food and Drugs has received a request for an extension of such time, and good reason therefor appearing, the time for filing comments on said proposal is hereby extended to June 11, 1969.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i)(1), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343(i)(1), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 20, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6244; Filed, May 26, 1969; 8:45 a.m.]

[21 CFR Part 19]

CREAM CHEESE, IDENTITY STANDARD

Liquid, Dried, and Condensed Forms of Whey as Optional Ingredients

Notice is given that a petition has been filed by Borden, Inc., 350 Madison Avenue, New York, N.Y. 10017, proposing that the standard of identity for cream cheese (21 CFR 19.515) be amended to list cheese whey and its dried and condensed forms as optional ingredients for cream cheese. Grounds given in support of the proposal are that:

1. Cheese whey, whether an unconcentrated liquid or reconstituted liquid obtained from the condensed or dried form by addition of water, is useful to adjust the moisture content, fat content, and consistency of the product prior to packaging.

2. While certain of the presently permitted dairy ingredients for cream cheese could be used, the use of cheese whey for this purpose maintains a desirable flavor and texture in the product.

Accordingly, it is proposed that § 19.515(b)(3) be revised to read as follows:

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, cheese whey, concentrated milk, concentrated skim milk, concentrated cheese whey, nonfat dry milk, and dried cheese whey. If concentrated milk, concentrated skim milk, concentrated cheese whey, nonfat dry milk, or dried cheese whey is used, water may be added in a quantity not in excess of that removed when the milk, skim

milk, or cheese whey was concentrated or dried.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 20, 1969.

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

[F.R. Doc. 69-6242; Filed, May 26, 1969; 8:45 a.m.]

[21 CFR Part 29]

FRUIT BUTTER, IDENTITY STANDARD

Optional Addition of Sorbic Acid and Certain Salts Thereof

Notice is given that the National Tea Co., 1000 Crosby Street, Post Office Box 6970-A, Chicago, Ill. 60680, has filed a petition proposing that the definition and standard of identity for fruit butter (21 CFR 29.1) be amended to provide for optional addition of the chemical preservatives sorbic acid, sodium sorbate, and potassium sorbate, singly or in combination, so that the total quantity does not exceed 0.1 percent by weight of the finished food. Also, it is proposed that label declaration of such use be required in accordance with section 403(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(k)).

Grounds submitted by the petitioner in support of the proposal are that following the opening of a commercially sterile container of fruit butter by the consumer, conditions are favorable for mold growth and visible mold will in fact develop in 5 to 10 days. Frequently before the product can be consumed it becomes unusable. The petitioner states that the subject ingredients in the quantity proposed can prevent the mold development.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 20, 1969.

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

[F.R. Doc. 69-6243; Filed, May 26, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-EA-44]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Mount Pocono, Pa., transition area (34 F.R. 4732).

A revision to the NDB (ADF)-1 instrument approach procedure for Mount Pocono Airport, Mount Pocono, Pa., requires alteration of the Mount Pocono, Pa., transition area to provide airspace protection for aircraft executing the instrument approach procedure.

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

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

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

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to in the description of the Mount Pocono, Pa., transition area, delete all after the words "within 2 miles each side of the" and insert the following in lieu thereof, "333° bearing from the Tobyhanna RBN (41° 12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN."

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

Issued in Jamaica, N.Y., on 15 May, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6254; Filed, May 26, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-48]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area over Empire Aero Services Airport, Skaneateles, N.Y.

A new VOR/DME instrument approach procedure has been developed for the airport predicated on the Syracuse, N.Y. VORTAC. We will require designation of a 700-foot floor Skaneateles, New York transition area to provide airspace protection for aircraft executing this procedure.

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

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

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

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

SKANEATELES, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°54'50" N., 76°26'20" W. of Empire Aero Services Airport, Skaneateles, N.Y.; within 2 miles each side of the Runway 10 centerline, extended from the 5-mile radius area to 6 miles east of the lift-off end of the runway and within 2 miles each side of the Syracuse VORTAC 215° radial, extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC.

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

Issued in Jamaica, N.Y., on May 15, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6255; Filed, May 26, 1969; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 501]

SMALL ARMS AMMUNITION AND COMPONENTS

Labels of Consumer Commodities; Proposed Exemption From Certain Requirements of Fair Packaging and Labeling Act

Notice is given that the Sporting Arms Ammunition Manufacturers' Institute, New York City, N.Y., has submitted a petition requesting that the regulations for the enforcement of the Fair Packaging and Labeling Act (16 CFR Part 501) be amended to exempt small arms ammunition and components of small arms ammunition from the requirements of the regulations of Part 500 of this chapter.

Grounds given in the petition in support of the requested exemption are that technical compliance with the Act is not necessary for protection of consumers since ammunition is now packaged in a manner that satisfies the basic purposes of the Act, there is little variation in the types of packages in which a given ammunition product is marketed and the nature of the product is such that the consumer is unlikely to be confused. In addition, full compliance is impracticable because of possible conflicts with necessary safety information required by the Federal Hazardous Substances Labeling Act, and compliance with the technical requirements of the Fair Packaging and Labeling Act would impose an unnecessary and costly burden on the manufacturers while adding nothing of value for the consumer.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (Sections 5(b), 6(b), 80 Stat. 1298, 1300, 15 U.S.C. 1454, 1455) and under the Commission's procedures and rules of practice (16 CFR 1.16), it is proposed that Part 501 be amended by adding thereto a new section as follows:

§ 501.13 **Small arms ammunition.**

Small arms ammunition, including shot shells, metallic cartridges, and blanks, and components of small arms ammunition, including empty unprimed cases and shells, bullets, primers, and wads, shall be exempt from the requirements of the regulations in Part 500 of this chapter.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: May 21, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6295; Filed, May 26, 1969; 8:49 a.m.]

[16 CFR Part 501]

PAINTS PACKAGED IN PRESSURIZED CONTAINERS

Labels of Consumer Commodities; Proposed Exemption From Certain Labeling Requirements

Notice is given that Seymour of Sycamore, Inc., 917 Crosby Avenue, Sycamore, Ill. 60178, has filed a petition requesting an exemption of 1 year's duration for paints packaged in aerosol containers from the requirements of § 500.20 of the Commission's Part 500 regulations (16 CFR 500.20) prohibiting supplemental statements of net quantity from appearing on the principal display panels of packaged consumer commodities.

Grounds given in the petition in support of the requested exemption are that aerosol paint containers have traditionally been labeled in terms of weight, but that because of different specific gravities of specific paints and the great difference in specific gravities of the two basic types of propellants which may be used, the volumes of different paints mixed with one of the two basic propellants may vary greatly. It is the petitioner's position that by placing both net weight and liquid volume on the labels of pressurized paint containers, the consumer will have a better concept of the quantity of the product which is being purchased. Petitioner further feels that volume is the most meaningful declaration of quantity to the consumer and desires to be permitted 1 year in which it may continue to label in terms of liquid volume as well as net weight during which time petitioner would hope that the Commission and the industry can study the possibility of labeling pressurized containers of paint by both weight and liquid volume on a permanent basis.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5(b), 6(b), 80 Stat. 1298, 1300; 15 U.S.C. 1453, 1455), the following regulation is proposed:

§ 501.14 **Paints packaged in aerosol containers.**

Paints including lacquers and enamels packaged in aerosol containers for retail sale shall be exempt from the prohibition contained in § 500.20 of this chapter that supplemental statements of net quantity may not appear on the principal display panel of the package: *Provided*, That the only supplemental statement of net quantity which may appear on the principal display panel shall be an accurate statement of the liquid volume of the contents of the container which will appear in the manner prescribed by the regulations in Part 500 of this chapter. This section shall terminate 1 year from its effective date.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: May 21, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6296; Filed, May 26, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-126; Customs Delegation Order 1 (Rev. 1)]

ASSISTANT COMMISSIONER OF CUSTOMS, OFFICE OF REGULATIONS AND RULINGS, ET AL.

Performance of Functions

MAY 20, 1969.

1. By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), as amended, the following officers in the headquarters office of the Bureau of Customs are hereby authorized to make decisions and perform functions as follows:

A. Assistant Commissioner of Customs, Office of Regulations and Rulings:

Decisions approving requests for information under 5 U.S.C. 552 and decisions and functions relating to all matters in which authority also is delegated by this order to the Director, Division of Tariff Classification Rulings, the Director, Division of Entry Procedures and Penalties, and the Director, Division of Carriers, Drawback, and Bonds.

(a) *Director, Division of Tariff Classification Rulings.* (1) Decisions relating to the tariff classification, free and dutiable status of merchandise, including matters arising out of the Tariff Schedules of the United States, the qualification for the free entry of merchandise under section 321, Tariff Act of 1930, as amended, and the Trade Fair Act of 1959, and authorizations for liquidation or reliquidation of entries in matters relating to the above.

(2) Decisions other than those enumerated heretofore in subparagraph (a), in matters arising under provisions of law administered in the Division of Tariff Classification Rulings.

(b) *Director, Division of Entry Procedures and Penalties.* (1) Decisions with respect to the legal aspects of the entry or valuation of merchandise.

(2) Decisions with respect to (i) any claims (including liquidated damages) except as otherwise provided in Treasury Department Order No. 165, Revised, as amended (supra), (ii) mitigation or remission of claims, fines, penalties (including forfeitures) incurred or arising out of any laws administered by the Bureau of Customs in amounts not exceeding $20,000 in the aggregate in any one case and (iii) offers in compromise under 19 U.S.C. 1619, as amended, if recommended by the Chief Counsel.

(3) Decisions, other than those enumerated heretofore in this subparagraph (b), in matters arising under provisions of law administered in the Division of Entry Procedures and Penalties.

(c) *Director, Division of Carriers, Drawback, and Bonds.* (1) Decisions relating to the legal aspects of entry, clearance, use, and dutiability of vessels and aircraft, vehicles, and other carriers, their equipment and repairs and other maritime activities, connected with the administration of the laws administered by the Bureau of Customs.

(2) Decisions with respect to the legal aspects of control over instruments of international traffic.

(3) Decisions relating to legal questions about bonds, bonded warehouses, the entry of articles under items 820.40, 820.50, and Schedule 8, Part 5, Subpart C, Tariff Schedules of the United States, and drawback rates and collateral drawback matters.

(4) Decisions, other than those enumerated heretofore in this subparagraph (c), in matters arising under provisions of law administered in the Division of Carriers, Drawback, and Bonds.

B. Assistant Commissioner of Customs, Office of Operations:

Decisions and functions relating to all matters in which authority also is delegated by this order to the Director, Division of Inspection and Control, and the Director, Division of Appraisement and Collections.

(a) *Director, Division of Inspection and Control.* (1) Decisions concerning (i) requests for permission for scheduled aircraft to land elsewhere than at an international airport, and (ii) the establishment and changing of hours of service at ports of entry, stations, and offices.

(2) Decisions, other than those heretofore enumerated in this subparagraph (a), regarding procedural and operational matters relating to the functions administered by the Division of Inspection and Control.

(b) *Director, Division of Appraisement and Collections.* (1) Decisions interpreting and applying factual information concerning matters of value (value decisions, final list, etc.).

(2) Decisions regarding the proper statistical classification of merchandise.

(3) Decisions, other than those heretofore enumerated in this subparagraph (b), regarding procedural and operational matters relating to the functions administered by the Division of Appraisement and Collections.

2. Each of the officials hereby designated will perform under this authority in his own capacity and under his own title and shall be responsible for referring to the Commissioner of Customs any matter of exceptional importance or which involves some special factor requiring that action be taken by the Commissioner of Customs.

3. The delegations made by this order relate to decisions to be made and functions to be performed at the headquarters office of the Bureau of Customs, and no such delegation to these officers shall be interpreted as revoking or modifying any delegation made to the Customs field officers.

4. Customs Delegation Order No. 1 (T.D. 53161; 17 F.R. 11705), as amended by T.D. 53694, 19 F.R. 8756; T.D. 53914, 20 F.R. 7554; T.D. 54654, 23 F.R. 5962; T.D. 55431, 26 F.R. 6628; T.D. 55543, 27 F.R. 262; T.D. 55823, 28 F.R. 1267; T.D. 55946, 28 F.R. 7611; T.D. 56262, 29 F.R. 13350; T.D. 56293, 29 F.R. 14860; and T.D. 66-4, 31 F.R. 226, is rescinded. However, all delegations of authority to Customs officers and employees, whether in the headquarters office of the Bureau of Customs in Washington, or in the field, heretofore made in the Customs Regulations of 1943, as amended (19 CFR, Chapter II), or any other regulation, order, or instruction, other than those in Treasury Decisions 52209, 52330, 52331, and 52394 (14 F.R. 2244, 6533, 6534, 15 F.R. 589), heretofore superseded, are continued in effect unless and until otherwise prescribed. Further, all functions which immediately prior to the effective date of Reorganization Plan No. 26 of 1950 (15 F.R. 4935) were vested by law in Customs officers other than the Commissioner of Customs (which have been performed by such officers or by their successors under Reorganization Plan No. 1 of 1965 (3 CFR 1964-1965 Comp.) and under Treasury Order No. 120, dated July 31, 1950 (15 F.R. 6521)), shall continue to be performed by such officers or by their successors unless and until otherwise prescribed.

(191.1)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-6280; Filed, May 26, 1969; 8:48 a.m.]

Internal Revenue Service

THEODORE W. FIDLER

Notice of Granting of Relief

Notice is hereby given that Theodore W. Fidler, 7646 Southeast Morrison Street, Portland, Oreg. 97215, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 26, 1932, by the Circuit Court, Clackamas County, Oregon City, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Theodore W. Fidler because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States

Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction, it would be unlawful for Mr. Fidler to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Theodore W. Fidler's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144(c), it is ordered that Theodore W. Fidler be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 19th day of May 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-6281; Filed, May 26, 1969; 8:48 a.m.]

GEORGE NORTON

Notice of Granting of Relief

Notice is hereby given that George Norton, 2201 Wright Street, Gary, Ind., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 2, 1962, in the U.S. District Court, Northern District of Indiana of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George Norton, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Norton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George Norton's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that George Norton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 19th day of May 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-6282; Filed, May 26, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 7490]

UTAH

Notice of Proposed Withdrawal and Reservation of Land

MAY 20, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, Utah 7490, for the withdrawal of the lands described below, from all forms of appropriation except operation of the mining and mineral leasing laws.

The stated purpose of the withdrawal is to extend the boundaries of the Wasatch National Forest to include lands that are suitable for watershed management, public recreational development and fire protection under Forest Service administration.

The lands described include approximately 250 acres of nonpublic lands which the Forest Service intends to acquire. This proposed boundary modification would make valuable watershed lands in private ownership available for acquisition under existing authority for administration by the Forest Service.

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

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 2 N., R. 1 E.,
Sec. 17, SW¼SW¼SE¼;
Sec. 21, N½NW¼.
T. 1 S., R. 3 E.,
Sec. 8, N½S½.

R. D. NIELSON,
State Director.

[F.R. Doc. 69-6248; Filed, May 26, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[P. & S. Docket No. 445]

MARKET AGENCIES AT FORT WORTH STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on May 7, 1968 (27 A.D. 587), continuing in effect to and including May 31, 1970, an order issued on February 7, 1966 (25 A.D. 166), authorizing the respondents, Market Agencies at Fort Worth Stock Yards, Fort Worth, Tex., to assess the current schedule of rates and charges.

On April 23, 1969, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current rates and charges for stockyard services as indicated below:

ARTICLE II

CURRENT SCHEDULE FOR SELLING OR FOR BUYING ON ORDER

	Per head
T.B. or Bangs:	
Bulls, cattle and calves regardless of weight	$2.00
Bulls:	
One head or more	2.50
Calves:	
Consignment of one head and one head only	1.00
Consignment of more than one head:	
First 15 head in each consignment	.90
Each head over 15 in each consignment	.75
Cattle:	
Consignments of one head and one head only	1.65
Consignments of more than one head:	
First 15 head in each consignment	1.55
Each head over 15 in each consignment	1.35

The proposed schedule of rates and charges for cattle and calves under Article II is as follows:

ARTICLE II

PROPOSED SCHEDULE FOR SELLING OR FOR BUYING ON ORDER

	Per head
T.B. or Bangs:	
Bulls, cattle and calves regardless of weight	$2.50
Bulls:	
One head or more	2.75
Cattle:	
One head or more	1.65
Calves:	
One head or more	1.00

Extra service charges in Article III are modified as follows:

	Present	Proposed
Each additional check, each additional account sale, each proceeds deposit, or bank credit over one (1) per owner	$0.05	$0.25

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter should notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER.

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

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

MAY 21, 1969.

[F.R. Doc. 69-6291; Filed, May 26, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DAPSONE AND SULFABENZ MEDICATED PREMIX

Drugs for Veterinary Use, Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Sulfa Veterinary; contains 4 percent 4,4'-diaminodiphenylsulfone and 20 percent N^1-phenylsulfanilamide; by Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616.

The Academy concludes that this drug is probably effective for coccidiosis in chickens and turkeys but that the documentation furnished is adequate only for its use in the control of *E. acervulina* in chickens and *E. meleagridis* in turkeys and that label changes are needed to list species of coccidia controlled.

The Academy also concludes that this drug is probably effective as an antibacterial medicated premix for chicks but label changes are needed. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease cannot be so qualified, the claim must be dropped. The manufacturer's label should warn that treated animals must actually be consuming enough medicated feed to provide a therapeutic dosage under the conditions that prevail. As a precaution, the label should indicate the desired oral dose per unit of animal weight per day for each species as a guide to effective usage of the preparation in feed.

The Food and Drug Administration concurs with the above conclusions of the Academy.

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

INDICATIONS

For control of intestinal coccidiosis (*Eimeria acervulina*) in chickens and coccidiosis (*Eimeria meleagridis*) in turkeys.

DOSAGE AND ADMINISTRATION

Chickens: Administer 0.12 percent for 2 days, repeat 3 to 4 days later.

Turkeys: Administer 0.24 percent for 3 to 5 days.

PRECAUTION

Mix thoroughly and give only as recommended.

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

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

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

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

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

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

Dated: May 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6245; Filed, May 26, 1969; 8:46 a.m.]

OXYTETRACYCLINE HYDROCHLORIDE TABLETS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Terramcycin Pet Formula Tablets; each tablet contains 50 milligrams of oxytetracycline hydrochloride; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The Academy concludes that (1) this drug is probably effective for certain infectious diseases in caged birds and tropical fish; (2) label change is needed—each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)"; and (3) if the disease cannot be so qualified, the claim must be dropped. The Food

and Drug Administration concurs with the Academy's conclusions.

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

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

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

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

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

Dated: May 19, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6247; Filed, May 26, 1969; 8:46 a.m.]

HUMBLE OIL & REFINING 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 9B2411) has been filed by Humble Oil & Refining Co., Houston, Tex. 77001, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for the safe use of petroleum alicyclic hydrocarbon resins or the hydrogenated products thereof, complying with the identity prescribed in § 121.2526(b)(2), as components of paper and paperboard intended for use in contact with dry food.

Dated: May 19, 1969.

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

[F.R. Doc. 69-6246; Filed, May 26, 1969; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION II (PHILADELPHIA)

Designation

The officers appointed to the following listed positions in Region II (Philadelphia, Pa.) are hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region II, during the absence of the Assistant Regional Administrator for Program Coordination and Services, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services: *Provided*, That no officer is authorized to serve as Assistant Regional Administrator for Program Coordination and Services unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Assistant to the Assistant Regional Administrator for Program Coordination and Services.
2. Director, Planning Division.
3. Director, Relocation Division.

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

Effective as of the 27th day of May 1969.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 69-6292; Filed, May 26, 1969; 8:49 a.m.]

ACTING REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region VI (San Francisco), during the absence of the Regional Administrator with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Program Coordination and Services.
3. Regional Counsel.
4. Assistant Regional Administrator for Administration.

This designation supersedes the designation effective October 21, 1968 (33 F.R. 18305–06, Dec. 10, 1968).

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

Effective as of the 5th day of May 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69-6293; Filed, May 26, 1969; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION ET AL., REGION II (PHILADELPHIA)

Redelegation of Authority To Execute Legends on Bonds, Notes, or Other Obligations Evidencing Loans Under Title I of the Housing Act of 1949, as Amended

The Assistant Regional Administrator for Administration, the Deputy Assistant Regional Administrator for Administration, and the Director, Financial Review and Accounting Division, Region II (Philadelphia), Department of Housing and Urban Development, each is authorized within such Region to execute on behalf of the Secretary of Housing and Urban Development, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation supersedes the redelegation effective March 22, 1966 (31 F.R. 5849, Apr. 15, 1966).

(Secretary's delegation effective Mar. 22, 1966, 31 F.R. 4814)

Effective as of the 27th day of May 1969.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 69-6294; Filed, May 26, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21032; Order 69-5-105]

CARIBBEAN-ATLANTIC AIRLINES, INC.

Order of Investigation and Suspension Regarding Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of May 1969.

By tariff revisions[1] filed April 21, 1969, and marked to become effective May 24, 1969, Caribbean-Atlantic Airlines, Inc. (Caribair), proposes the following freight rate changes in its Puerto Rico and Virgin Islands markets:

(1) Increase the minimum charge per shipment between Puerto Rico and the Virgin Islands; and

[1] Revisions to Caribbean-Atlantic's Tariff CAB No. 13.

(2) Increase general commodity rates within Puerto Rico and the Virgin Islands and between those islands.

In support of its proposals, Caribair states that it is in dire need of additional revenues. It incurred an operating loss of $1 million in 1967 and slightly less than $3 million in 1968. In the first quarter of 1969 its operating loss after income taxes was $1.3 million; for the 12 months ended March 31, 1969, the loss was $3.3 million. The carrier claims that it has not been able to implement the new route authority granted by the Board in the United States-Caribbean-South America Route Investigation, Docket 12895 et al., because of the unwillingness of foreign governments to grant landing rights in key markets.

Upon consideration of all relevant matters, the Board finds that the proposed increased rates per pound to the extent that they involve increases exceeding 20 percent may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial or otherwise unlawful, and should be suspended pending investigation. The remaining rate proposals, involving increases per pound of lesser magnitude and the increases in minimum charges will be permitted to become effective without investigation.[2]

We shall permit to become effective without investigation Caribair's proposed increases in minimum charge per shipment from $5 to $8. This is consistent with prior actions wherein minimum charges as high as $10 or the charge for 50 pounds, whichever is higher for domestic services (Order 68-8-77, Aug. 19, 1968, and Order 68-10-116, Oct. 21, 1968).

The higher rates per pound proposed by the carrier involve increases ranging from 14 to 67 percent. Increases in excess of 20 percent appear excessive and may have a significant effect upon shippers. In these circumstances we will not permit them to become effective without investigation. By Order 69-3-94, March 26, 1969, the Board suspended, pending investigation, general commodity rates proposed by United Air Lines, Inc. (United), involving increases at certain weight breaks not exceeding 33 percent. However, we shall permit the carrier to put into effect those proposals which effect increases up to and including 20 percent.

Caribair claims that the percentage increases proposed appear large because the base is so low but that in absolute amounts the increases are small. Nevertheless, the increases will be significant to the shipper who makes recurrent use of the transportation as well as to those who pay for large shipments. For example, the current rate between St. Thomas and San Juan is 3 cents a pound for shipments 1,100 pounds and over. The proposed rate is 5 cents per pound, involving an increase of 67 percent. While the 3-cent rate appears to be an extremely small base, if a shipment involves 2,000 pounds, the shipper's current charge would be $60 and the increased charge would amount to $100. There is no valid reason why the increased rate should be proposed as whole cents and not include fractions. If the increase is limited to 20 percent, the proposed rate would be 3.6 cents.

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

It is ordered, That:

1. An investigation be instituted to determine whether the rates described in Appendix A attached hereto,[3] and rules, regulations, and practices affecting such rates, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, and rules, regulations, or practices affecting such rates;

2. Pending hearing and decision by the Board, the rates described in Appendix A hereto[3] are suspended and their use deferred to and including August 21, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

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

4. A copy of this order shall be filed with the tariff and served upon Caribbean-Atlantic Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6283; Filed, May 26, 1969; 8:49 a.m.]

[2] For technical reasons, we are suspending and setting for investigation all of Caribair's proposed per-pound increases. We shall permit the carrier, on less-than-statutory notice, to refile those proposals involving increases of 20 percent or less.

[3] Appendix A filed as part of the original document.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Title Change in Noncareer Executive Assignment

By notice of May 3, 1969, F.R. Doc. 69-5358, the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the positions of Deputy Assistant Secretary for International Trade and Financial Policy, and Deputy Assistant Secretary for Business Development Programs in the Office of the Assistant Secretary for Domestic and International Business. This is notice that the titles of these two positions have been changed to Deputy Assistant Secretary for International Trade Policy, and Deputy Assistant Secretary for Business Development.

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

[F.R. Doc. 69-6269; Filed, May 26, 1969; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Notice of Title Change in Noncareer Executive Assignment

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

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

[F.R. Doc. 69-6270; Filed, May 26, 1969; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment the position of Deputy Assistant Secretary of Metropolitan Development. This position is removed from the excepted service.

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

[F.R. Doc. 69-6271; Filed, May 26, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF MILWAUKEE ET AL.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. J. A. Seefeldt, Municipal Port Director, City of Milwaukee, Room 606, City Hall, Milwaukee, Wis. 53202.

Agreement No. T-2262-2 between the City of Milwaukee (City), Pluswood Industries (Pluswood), and Pier, Inc. (Pier), modified the basic agreement which covers the lease of certain premises at Municipal General Cargo Terminal 2, Milwaukee, Wis. The purpose of the modification is to permit Pier to sublet the leased premises to Hansen Seaway Service, Ltd., and Stearns Milwaukee Marine Terminal, Inc.

Dated: May 21, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6259; Filed, May 26, 1969; 8:47 a.m.]

ROBBINS FORWARDING CO. AND EVERETT W. FLEISIG CO.

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 15 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:

Bernard Robbins, Robbins Forwarding Co., 30 Church Street, New York, N.Y. 10007.

Agreement No. FF-3 between Bernard Robbins and Everett Fleisig provides for the merger of the Robbins Forwarding Co. (FMC No. 880) and the Everett W. Fleisig Co. (FMC No. 1230) for the purpose of forming a new corporation, Robbins Fleisig Forwarding, Inc. Mr. Fleisig will acquire 50 percent of the outstanding stock of the new corporation, and will relinquish his independent ocean freight forwarder license upon approval by the Commission of the merger. The new corporation will operate under the existing license number of the Robbins Forwarding Company.

Dated: May 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6258; Filed, May 26, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2676]

CONNECTICUT LIGHT AND POWER CO.

Notice of Application for License for Constructed Project

MAY 20, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Connecticut Light and Power Co. (correspondence to: Warren A. Greten, Vice President, The Connecticut Light and Power Co., Post Office Box 2010, Hartford, Conn. 06101) for constructed Project No. 2676, known as the Taftville Project, located on the Shetucket River in Lisbon and Sprague Townships, near the city of Norwich and the town of Taftville, all in New London County, Conn.

The existing Taftville Project consists of: (1) A composite dam structure approximately 860 feet long including: (a) A canal headgate section about 70 feet long containing five gated, masonry, arch-type openings 10 feet wide by 10 feet high, with a canal leading approximately 400 feet downstream; (b) an earthen embankment 222 feet long; (c) a fixed-crest masonry overflow section approximately 440 feet long; and (d) a fixed-crest, concrete-gravity, overflow spillway 128 feet long; (2) a reservoir covering about 107 acres and extending 1.9 miles upstream at normal full pond elevation 52.3 feet (U.S.G.S. datum) normal drawdown being 5 feet; (3) five generating units with a total capacity of 1,760 kw., one unit located in an applicant-owned powerhouse and the others owned by Applicant but located in a factory building owned by GN Papers, Inc.; (4) proposed recreational development of the Shetucket River for canoeing and construction of a ramp for small boats; and (5) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6238; Filed, May 26, 1969; 8:45 a.m.]

[Docket No. RI69-720]

SOHIO PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund; Correction

MAY 15, 1969.

In the order providing for hearing on and suspension of proposed change in rate, and allowing rate change to become effective subject to refund, issued April 23, 1969, and published in the FEDERAL REGISTER May 1, 1969 (34 F.R. 7196), in Appendix A, page 3, line 1, Docket No. RI69-720, Sohio Petroleum Co.: Under column headed "Supp. No." change "2" to read "3".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6237; Filed, May 26, 1969; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

COLORADO

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, Public Law 87-296, and Public Law 90-608; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated May 19, 1969, reading in part as follows:

I have determined that the damages in those areas of the State of Colorado adversely affected by severe storms and flooding beginning on or about May 4, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Colorado.

I do hereby determine the following areas in the State of Colorado to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 19, 1969:

The counties of:

Adams.	Jefferson.
Arapahoe.	Larimer.
Boulder.	Logan.
Clear Creek.	Morgan.
Denver.	Park.
Douglas.	Sedgwick.
El Paso.	Washington.
Gilpin.	Weld.

Dated: May 21, 1969.

FRED J. RUSSELL,
Deputy Director,
Office of Emergency Preparedness.

[F.R. Doc. 69-6272; Filed, May 26, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 21, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 22, 1969, through May 31, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6275; Filed, May 26, 1969; 8:48 a.m.]

[812-2414]

F. S. SMITHERS & CO.

Notice of Filing of Application for Exemption

MAY 21, 1969.

Notice is hereby given that F. S. Smithers & Co. ("applicant"), 45 Wall Street, New York, N.Y. 10005, prospective representative of a group of underwriters of a proposed offering of shares of Inventure Capital Corp., formerly called Ivy Capital Corp. ("Fund"), a registered closed-end investment company, has filed an application for an exemptive order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"). Applicant requests that it, and its counderwriters to the extent necessary, be exempted from section 30(f) of the Act to the extent that it adopts section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act") in connection with their transactions incident to the distribution of Fund shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund shares are to be purchased by the underwriters at a price of $18.30 per share, pursuant to an underwriting agreement to be entered into between the Fund and the underwriters represented by applicant. Upon the effective date of the Fund's registration statement under the Securities Act of 1933 the shares will be sold to the public at a maximum offering price of $20 per share, the group underwriting commission thus being $1.70 per share. Sales to selected dealers may be made by applicant, but not by other underwriters, at the offering price less a maximum concession of $1.30 per share. The several underwriters are to pay applicant a fee of 20 cents per share for its management of the offering and its assumption of certain expenses of the organization of the Fund and of the offering of the shares.

Each underwriter, irrespective of its expected underwriting commitment, will be obligated to purchase only the number of shares for which purchase orders have been received by a specified date prior to the closing. The applicant will be entitled to purchase, to cover additional purchase orders received up to the closing date, any remaining shares of its expected underwriting commitment plus any shares not purchased by other underwriters. Each underwriter, except the applicant, must pay 25 cents per share to the Fund for any excess of its expected underwriting commitment over the number of shares it actually purchases

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Exchange Act upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16(b) of the Exchange Act contains provisions for accountability for profits from purchases and sales or sales and purchases within 6 months of any equity security of the related issuer by those persons covered thereby.

It is expected that applicant and at least one other underwriter will each acquire more than 10 percent of the outstanding shares of the Fund (thereby becoming "insiders" subject to section 16(b) of the Exchange Act).

Rule 16b-2 under the Exchange Act exempts certain underwriters from the operation of section 16(b) of the Exchange Act. Applicant states that the purpose of the purchase by applicant and the other underwriters is for resale in connection with the initial distribution of shares of the Fund. It will thus be a transaction effected in connection with a distribution of a substantial block of securities within the purpose and spirit of the Commission's Rule 16b-2.

This applicant and its counderwriters, however, are not exempted from section 16(b) by the operation of Rule 16b-2. They do not meet the requirement stated in paragraph (a)(3) of Rule 16b-2, that the aggregate participation of underwriters not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of underwriters receiving the exemption under Rule 16b-2, since it is proposed that applicant and another underwriter expected to take more than 10 percent of the shares will acquire more than 50 percent of the outstanding shares of the Fund.

In addition to purchases from the Fund and sales to customers there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, overallotments, purchases to cover overallotments, and sales of shares purchased in stabilization.

Applicant states that no underwriter has any inside information, that there is no possibility of using inside information and, in fact, that there is no inside information in existence since the Fund, prior to the initial distribution, will have virtually no assets or business of any sort. No director or officer of any underwriter is a director or officer of the Fund.

Applicant represents that the requested exemption from the provisions of section 30(f) of the Act is necessary and 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. It states that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act was enacted to apply.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such 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.

Notice is further given that any interested person may, not later than June 5, 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. 69-6276; Filed, May 26, 1969; 8:48 a.m.]

[70-4753]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding and Increase in Authorized Shares of Common Stock and Sale Thereof to Holding Company

MAY 21, 1969.

Notice is hereby given that American Natural Gas Co. ("American Natural"), 30 Rockefeller Plaza, Suite 4950, New York, N.Y. 10020, a registered holding company, and one of its subsidiary companies, Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12(f) of the Act and Rules 43 and 50 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.

Michigan Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of First Mortgage Pipe Line Bonds, _____ percent Series due 1989. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be received by Michigan Wisconsin (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount thereof) are to be determined by the competitive bidding. The bonds are to be issued under Michigan Wisconsin's Mortgage and Deed of Trust dated as of September 1, 1948, between Michigan Wisconsin and First National City Bank, trustee, as heretofore supplemented and as to be further supplemented by a 20th Supplemental Indenture to be dated as of July 1, 1969.

Michigan Wisconsin also proposes to increase its authorized shares of common stock, par value $100 per share (all of which are owned by American Natural), from 1,185,000 shares to 1,255,000. Michigan Wisconsin further proposes to issue and sell, and American Natural proposes to acquire, the 70,000 additional shares of common stock of Michigan Wisconsin at a price of $100 per share, or for an aggregate price of $7 million.

Michigan Wisconsin presently has outstanding $55 million of notes payable to banks, maturing March 31, 1970. The net proceeds from the sale of the bonds and common stock will be applied to the retirement of approximately $25 million of the notes outstanding and will be used to finance, in part, Michigan Wisconsin's 1969 expansion program estimated to cost $67 million.

The fees and expenses to be paid in connection with the proposed transactions are to be filed by amendment. Michican Wisconsin has applied to the Michigan Public Service Commission for authority to issue and sell the proposed bonds and common stock. A copy of the order entered therein is to be supplied by amendment. It is represented that no other 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 June 16, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said 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 permited 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. 69-6274; Filed, May 26, 1969; 8:48 a.m.]

[70-4735]

NATIONAL FUEL GAS CO.

Notice of Filing and Order for Hearing Regarding Acquisition by Holding Company of Common Stock of Nonassociate Company

MAY 21, 1969.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed an application-declaration with this Commission pursuant to sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder regarding a proposed offer by National to exchange shares of its common stock for the outstanding common stock of Producers Gas Co. ("Producers"), a nonassociate gas utility company. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National, a New Jersey corporation, owns all of the capital stock of three gas utility companies located principally in the western portion of the State of New York and the area in the adjacent northwestern portion of the Commonwealth of Pennsylvania. A small portion is located in the adjoining State of Ohio. In addition, National owns all of the outstanding securities of a natural gas production company, which sells natural gas to one of National's gas utility subsidiary companies, and a small gasoline extraction company. At December 31, 1968, National and its subsidiary companies had consolidated gross property, plant, and equipment, stated at original cost, of $357,661,000, and related reserves for depreciation of $92,089,000, and for the year then ended consolidated operating revenues amounted to $156,004,000. National has 5,093,715 shares of common stock outstanding, par value $10 per share, which shares are traded on the New York Stock Exchange.

Producers distributes natural gas at retail in the western portion of the State of New York to approximately 4,900 residential, commercial, and industrial customers in 14 communities in Allegheny and Cattaraugus Counties. At December 31, 1968, Producers had gross property, plant, and equipment, stated at original cost, of $1,661,000, and related reserves for depreciation of $483,000, and for the year then ended operating revenues were $1,345,000. Producers has 48,000 shares of $10 par value common stock outstanding held by approximately 82 stockholders.

Pursuant to an agreement dated January 28, 1969, between National and 25 stockholders of Producers who own

39,892 shares of common stock (83 percent of those outstanding), National proposes, subject to Commission approval after a hearing, to acquire all 48,000 of the shares of common stock of Producers for 28,800 shares of National's authorized but unissued $10 par value common stock, or at the rate of 0.6 of a share of National's common stock for each share of Producers. No fractional shares will be issued by National. An agent will be designated to purchase and sell fractional shares. It is stated that the proposed exchange was the result of arm's-length bargaining between Producers and National.

Under the agreement, National will acquire the 39,892 shares of Producers common stock from the 25 stockholders and within a 15-day period after Commission authorization will offer, upon the same terms, to acquire the remaining 8,108 shares (17 percent). The offer will remain open for a period of 30 days, unless extended. It is stated that if for any reason any holders of the 17 percent remaining outstanding stock of Producers do not exchange their stock for National stock, there will exist a publicly held minority interest, and, in this event, National agrees to eliminate such minority interest pursuant to a plan under section 11(e) of the Act or pursuant to such other procedure as the Commission may direct.

The filing states that the utility assets of Producers are located in or adjacent to the same service area in which gas utility assets already owned and operated by Iroquois Gas Corp. ("Iroquois"), a gas utility subsidiary company of National, and another National gas utility subsidiary company are located. Two of Iroquois' transmission pipelines run through the center of Producers' service area, and Producers' Sanford Station is located about one-half mile from Iroquois' 24-inch transmission pipeline. Producers' natural gas requirements are purchased from Consolidated Gas Supply Corp., a nonaffiliate natural gas company, under a contract which expires July 1, 1981. It is further stated that the acquisition of Producers and its eventual merger into Iroquois will, among other things, make it possible for the companies to achieve economies in operations.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $7,250, including legal fees and expenses of $5,000. It is stated that the Public Service Commission of the State of New York has jurisdiction over the acquisition of the stock of Producers and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transaction; that the stockholders of Producers and other interested persons be afforded an opportunity to be heard in such hearing with respect to the fairness of the proposed exchange offer and other aspects of the proposed transactions; and that the application-declaration should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on June 17, 1969, at 10 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed issue and sale of common shares of National satisfy the requirements of section 7 of the Act.

(2) Whether the proposed acquisition by National of the outstanding shares of common stock of Producers meets the standards of section 10 of the Act, and particularly the requirements of sections 10(b) and 10(c).

(3) Whether exemption from compliance with the competitive bidding requirements of Rule 50 should be granted as to the common shares of National to be issued pursuant to the exchange offer.

(4) Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles.

(5) Whether the fees, commissions, and other expenses to be incurred are for necessary services and reasonable in amount.

(6) What terms or conditions, if any, the Commission's order should contain.

(7) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than applicant-declarant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before June 16, 1969, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to National, Producers, the Public Service Commission of the State of New York, and the Federal Power Commission; that National shall mail copies of this notice and order, not later than 15 days prior to the date of the hearing herein, to the stockholders of record of Producers; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6277; Filed, May 26, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

DELTA CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to §§ 107.701 and 107.903 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control and reorganization of Delta Capital Corp., 550 Pontchartrain Drive, Slidell, La. 70458, a Federal licensee under the Small Business Investment Act of 1958, as amended ("the Act"), License No. 10/10-0086.

Delta was licensed on November 29, 1961, and is registered with the Securities and Exchange Commission under the Investment Company Act of 1940, as a nondiversified, closed-end, management investment corporation. As of March 31, 1969, Delta had paid-in capital and paid-in surplus from private sources amounting to $1,711,462, and had 151,049 shares of issued and outstanding common stock. A.V.C. Corp. (A.V.C.), proposes to purchase the majority of Delta's assets. Included in this transaction will be the transfer of Delta's name and license to a wholly owned subsidiary of A.V.C. which will operate as a licensed small business investment company.

There are approximately 2,406 stockholders of A.V.C. which is presently a registered investment company under the Investment Company Act of 1940 and regulated by the Securities Act of 1933. The proposed transaction is subject to and contingent upon approval of SBA. The proposed new officers and directors are as follows:

President, director; Frank H. Reichel, Jr.
Executive vice president, secretary, director; John Laslie.
Vice president, Treasurer, and director; Alexander Wilkins, Jr.
Chairman of the Board; Frank H. Reichel, Jr.
Assistant Treasurer, Assistant secretary, and director; William R. Starnes.

All of the above persons with the exception of Mr. Laslie are either officers or employees of A.V.C. The Licensee's principal office will be initially located at 550 Pontchartrain Drive, Slidell, La. 70458, and a branch office will be located at 1200 North Carolina National Bank Building, 200 South Tryon Street, Charlotte, N.C. 28202. If SBA approves the proposed transfer of control, Delta plans to move its principal office to a major office building in downtown New Orleans, La. A.V.C.'s subsidiary will have $1,250,000 in paid-in capital and surplus. There are no plans to increase the private capital during the first few years of operations.

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

Notice is further given that any interested person may, within ten days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such comunication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW. Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in New Orleans, La., and Charlotte, N.C.

For SBA (pursuant to delegated authority).

Dated: May 20, 1969.

JAMES T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-6249; Filed, May 26, 1969; 8:46 a.m.]

SOUTH TEXAS SMALL BUSINESS INVESTMENT CO.

Notice of Approval for Transfer of Control of Licensed Small Business Investment Company

On April 2, 1969, a notice of application for transfer of control was published in the FEDERAL REGISTER (34 F.R. 6020) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of South Texas Small Business Investment Co., 204 North Brownson Street, Victoria, Tex. 77901, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 10/10-0019, to Victoria Loan and Investment Co. (Victoria), Victoria, Tex. Victoria will acquire 100 percent of the issued and outstanding common stock and move the main office of the licensee to 121 South Main Street, Victoria, Tex.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control.

Dated: May 19, 1969.

JAMES T. PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-6273; Filed, May 26, 1969; 8:48 a.m.]

[Delegation of Authority No. 30; Minot, N. Dak., Disaster]

MANAGER OF DISASTER BRANCH OFFICE, MINOT, N. DAK.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (33 F.R. 10680) as amended (34 F.R. 7054), there is hereby redelegated to the Manager of the Minot, N. Dak., Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA shares of $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans, and $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan. To approve or decline disaster Guaranteed Loans in amounts of total loan not exceeding $350,000.

2. To execute loan authorizations for Washington, area, and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
Manager, Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as acting manager of the disaster branch office.

Effective date. May 1, 1969.

ROGER B. PHELPS,
Regional Director.

[F.R. Doc. 69-6251; Filed, May 26, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 24]

SOUTHERN RAILWAY CO.

Rerouting and Diverting of Traffic

In the opinion of R. D. Pfahler, agent, the Southern Railway Co. is unable to transport traffic over its lines in the vicinity of Demopolis, Ala., because of bridge damage.

It is ordered, That:

(a) Rerouting traffic: The Southern Railway Co., being unable to transport traffic over its lines in the vicinity of Demopolis, Ala., because of bridge damage, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Southern Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 9:30 a.m., May 21, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., May 23, 1969, unless otherwise modified, changed, or suspended.

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

Issued at Washington, D.C., May 21, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS,
Agent.

[F.R. Doc. 69-6287; Filed, May 26, 1969; 8:49 a.m.]

[Notice 838]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 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 30319 (Sub-No. 138 TA), filed May 14, 1969. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Poydras Street, Dallas, Tex. 75202. Applicant's representative: R. B. Coghlan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Houma, La., and Lafayette, La., over U.S. Highway 90, serving only termini and no intermediate points, for 180 days. NOTE: Applicant intends to tack with its existing authority MC 30319 and Subs. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1314 Wood Street, 513 Thomas Building, Dallas, Tex. 75202.

No. MC 42487 (Sub-No. 718 TA), filed May 15, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden (same address above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fatty acid esters*, in bulk, in tank vehicles, from Santa Fe Springs, Calif., to Paterson, N.J., and Suffern, N.Y., for 150 days. Supporting shipper: Emery Industries, Inc., Post Office Box 54368, Terminal Annex, Los Angeles, Calif. 90054. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 69397 (Sub-No. 9 TA) (Correction), filed April 23, 1969, published FEDERAL REGISTER issue of May 6, 1969, and republished as corrected, this issue. Applicant: JAMES H. HARTMAN & SON, INC., R.F.D. 2, Box 334, Pocomoke City, Md. 21851. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and piling* from points in Somerset County, Md., to points in New Jersey and New York (except those points within 50 miles of New York, N.Y.); Connecticut, Virginia, North Carolina, and points in Pennsylvania on and west of the Susquehanna River, for 180 days. NOTE: The purpose of this republication is to include the State of New York, which was inadvertently omitted by Applicant. Supporting shipper: Chesapeake Bay Plywood Corp., Post Office Box 154, Pocomoke City, Md. 21851. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 82063 (Sub-No. 25 TA), filed May 14, 1969. Applicant: KLIPSCH HAULING CO., 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 130102 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sodium hypochlorite*, in bulk, in tank vehicles, from the plantsite of Vertex Chemical Corp., at Dupo, Ill., to Cedar Rapids and Keokuk, Iowa; Springfield, St. Louis, and Kansas City, Mo.; Springdale, Ark.; Paducah, Ky.; and Kansas City, Kans., for 180 days. Supporting shipper: Vertex Chemical Corp., Dupo, Ill. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 111729 (Sub-No. 283 TA), filed May 14, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, restricted to traffic having an immediately prior or subsequent movement by air, between Los Angeles Airport, San Diego Airport, and San Francisco Airport, Calif., on the one hand, and, on the other, points in California; (2) *blood specimens and urine specimens*, restricted to traffic having an immediately prior or subsequent movement by air, between points in Indiana; between points in Kentucky, for 180 days. Supporting shippers: (1) Cambridge Nuclear Corp., 131 Portland Street, Cambridge, Mass. 02139; (2) Biochemical Procedures, 12020 Chandler Boulevard, North Hollywood, Calif. 91607. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115826 (Sub-No. 193 TA), filed May 15, 1969. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: James F. Digby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in the *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo, Iowa; Omaha, Nebr.; Wichita, Kans.; and Trenton, Mo., to points in California, Arizona, and Nevada, for 180 days. Supporting shipper: Cudahy Co., 100 West Clarendon, Phoenix, Ariz. 85013. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116073 (Sub-No. 97 TA), filed May 15, 1969. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 601, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *pickup campers*, in initial movement, from Hillsboro, Oreg., to points in Washington, Idaho, California, Montana, Utah, and Colorado, for 180 days. Supporting shipper: Aladdin Trailer Co., Post Office Box 296, Hillsboro, Oreg. 97123. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 117698 (Sub-No. 7 TA), filed May 15, 1969. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream, ice cream products, ice confections, and ice mix*, from Suffield, Conn., to Eatontown, Mount Holly, Ocean City, Middlesex, Paterson, Newark, and Woodbridge, N.J.; Farmingdale and Holtsville, Long

Island, N.Y.; (2) *meats, seafood, and packaged entrees and food,* in refrigerated trailers and not in bulk or tank vehicles, from Boston, Mass., to points in Otsego, Delaware, Schoharie, and Chenango Counties, N.Y., for 150 days. Supporting shippers: H. P. Hood & Sons, Suffield, Conn.; Fulton Packing Co., Inc., Boston, Mass. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

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

[F.R. Doc. 69-6288; Filed, May 26, 1969; 8:49 a.m.]

[Notice 351]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 22, 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-71103. By order of May 14, 1969, the Motor Carrier Board approved the transfer to Klappert Moving & Storage, Inc., Covington, Ky., of the operating rights in certificate No. MC-649 issued May 2, 1961, to Klappert Moving & Storage, Inc., Covington, Ky., authorizing the transportation of household goods, as defined by the Commission, between points in Campbell, Kenton, and Boone Counties, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, Ohio, Tennessee, and West Virginia, James W. Hengelbrok, 805 Tri-State Building, Cincinnati, Ohio 45202, attorney for applicants.

No. MC-FC-71267. By order of May 13, 1969, the Motor Carrier Board approved the transfer to N. Geneva Vaughn, doing business as Vaughn's Transfer, Monmouth, Ill., of the certificate No. MC-68610 issued September 6, 1966, to Kenneth E. Vaughn, doing business as Vaughn's Transfer, Monmouth, Ill., authorizing the transportation of: Petroleum products, and gasoline station supplies, and household goods, between points in Illinois and Iowa. Kenneth E. Critser, 108 East Broadway, Monmouth, Ill. 61462, attorney for applicants.

No. MC-FC-71308. By order of May 14, 1969, the Motor Carrier Board approved the transfer to Bestway, Inc., Farmington, Minn., of permits Nos. MC-119784, MC-119784 (Sub-No. 2), and MC-119784 (Sub-No. 3), issued February 21, 1961, October 31, 1963, and September 21, 1965, respectively, to Austin Lively, State Center, Iowa, authorizing the transportation of: Linseed meal and linseed screenings, between specified areas in Minnesota and Iowa. Robert R. Rydell, 1020 Savings and Loan Building, Des Moines, Iowa, 50309, attorney for applicants.

No. MC-FC-71317. By order of May 13, 1969, the Motor Carrier Board approved the transfer to Brooks Terminal Co., a corporation, Oakland, Calif., of the certificate and certificate of registration in No. MC-127434 and MC-127434 (Sub-No. 1) both issued March 8, 1968, to Dale C. Hansen, doing business as Modern Transportation, Santa Clara, Calif.; the certificate authorizes the transportation of general commodities, with the usual exceptions, between points in San Francisco County, Calif., on the one hand, and, on the other, points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; between points in San Francisco County, Calif., and between points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; the certificate of registration evidences a right to engage in transportation in interstate commerce corresponding in scope to the authority granted in Decisions Nos. 50995 and 53064, as amended, and transferred by Decision No. 73331 dated November 14, 1967, issued by the Public Utilities Commission of the State of California. Marvin Handler, Esq., Handler, Baker and Greene 405 Montgomery Street, San Francisco, Calif. 94104, and Bertram S. Silver, Esq., 104 Montgomery Street, San Francisco, Calif. 94104, attorneys for applicants.

No. MC-FC-71331. By order of May 14, 1969, the Motor Carrier Board approved the transfer to H. B. Nelson & Sons, Inc., Alexandria, Minn., of the operating rights in certificates Nos. MC-100300 (Sub-No. 2) and MC-100300 (Sub-No. 3) issued February 7, 1961, and October 19, 1964, respectively, to Armand A. Hansen, doing business as A. A. Hansen, Foxhome, Minn., authorizing the transportation of used bluegrass stripping machines between designated portions of Iowa, Minnesota, Missouri, Nebraska, and South Dakota; bags for bluegrass strippings and seeds from Kansas City, Mo., and Barnsville, Minn., to portions of Minnesota and South Dakota; and malt beverages from Minneapolis, Minn., to Wahpeton, N. Dak. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

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

[F.R. Doc. 69-6289; Filed, May 26, 1969; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

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

3 CFR

Page

PROCLAMATIONS:

3911 ... 7685
3912 ... 7895
3913 ... 8019

EXECUTIVE ORDERS:

11248 (amended by EO 11468) ... 7641
11412 (amended by EO 11469) ... 8191
11467 ... 7271
11468 ... 7641
11469 ... 8191

5 CFR

213 ... 7231, 7281, 7282, 7325, 7535, 7607, 7849, 7897, 8118, 8151, 8193
338 ... 8151
451 ... 8193
550 ... 7798

7 CFR

26 ... 7282, 7800
28 ... 7959
51 ... 7498
52 ... 7133, 7860
68 ... 7862
301 ... 7643, 8043
319 ... 8194
601 ... 7569
718 ... 7649
722 ... 7231
730 ... 7441
792 ... 7369
811 ... 7325
849 ... 7442
862 ... 7326
905 ... 7897
907 ... 7134
908 ... 7135, 7442, 7697, 7866, 7959, 8043, 8195
909 ... 7282
910 ... 7283, 7326, 7569, 7607, 7866, 7897, 8151
911 ... 7867
912 ... 7284, 7443, 7569
917 ... 8151
918 ... 7649, 8043
932 ... 7570
944 ... 7898, 7959
945 ... 7499
966 ... 7135, 8152
980 ... 7570, 8043, 8119
1006 ... 7898
1079 ... 7136
1201 ... 7899
1421 ... 7370, 7698, 8045
1434 ... 7650

PROPOSED RULES:

61 ... 7705
102 ... 7868
777 ... 8205
905 ... 7168
912 ... 7452
913 ... 8120
966 ... 7170, 7578
980 ... 7170, 7578
1003 ... 7171, 7705
1004 ... 7171, 7705
1005 ... 7811
1006 ... 7455
1013 ... 7173, 7654
1016 ... 7171, 7705

7 CFR—Continued

Page

PROPOSED RULES—Continued

1033 ... 7811
1034 ... 7811
1035 ... 7811
1138 ... 7248
1041 ... 7811

8 CFR

100 ... 7327
103 ... 7570
204 ... 7328
214 ... 7571
238 ... 7328
242 ... 7327, 8037
245 ... 7328
299 ... 7327
334 ... 7571

PROPOSED RULES:

1 ... 8047
292 ... 8047

9 CFR

73 ... 7443
74 ... 7444
76 ... 8153
78 ... 7798
316 ... 7607
317 ... 7607
328 ... 7607

PROPOSED RULES:

317 ... 7823

10 CFR

8 ... 7273
20 ... 7500
150 ... 7369

12 CFR

217 ... 7899
226 ... 7571, 7607
531 ... 7651
545 ... 8021
555 ... 7609
563 ... 8021

PROPOSED RULES:

221 ... 7823
545 ... 7580

13 CFR

102 ... 7274
124 ... 7274

PROPOSED RULES:

121 ... 7386

14 CFR

39 ... 7221, 7371, 7500, 7501, 7609, 8157, 8158
71 ... 7121–7124, 7221, 7274, 7275, 7371, 7372, 7501, 7572, 7609, 7702, 7849, 7899, 7960, 7961, 8037, 8158, 8195
73 ... 7444, 7501, 7572
75 ... 7702
95 ... 8196
97 ... 7222, 7502, 7763, 8094
123 ... 8038
298 ... 7124
384 ... 7651, 7900

14 CFR—Continued

Page

385 ... 8038
387 ... 7651
399 ... 8038

PROPOSED RULES:

21 ... 7705
36 ... 7705
39 ... 7249, 7286, 7579, 8168
71 ... 7287, 7288, 7455, 7545, 7579, 7616, 7656, 7706, 7869, 7870, 7915, 7974–7977, 8206
73 ... 7656
75 ... 7545, 7706
103 ... 7455
121 ... 7175, 7333
135 ... 7580
151 ... 7455
157 ... 7657
241 ... 7706
250 ... 7915
288 ... 7707
298 ... 7708

15 CFR

200 ... 7144
379 ... 7573

PROPOSED RULES:

1000 ... 7536

16 CFR

13 ... 7232, 7233, 7275–7277, 7609–7612, 7702–7704, 7900–7903
15 ... 7145, 7234, 7235, 7278, 7445, 8093
240 ... 7235
500 ... 8198

PROPOSED RULES:

249 ... 7581
408 ... 7917, 8125
421 ... 7661
501 ... 8207

17 CFR

140 ... 8107
231 ... 7235, 7613
240 ... 7235, 7574, 8039
249 ... 8039

PROPOSED RULES:

230 ... 7175
239 ... 7175
240 ... 7250, 7458, 7547
249 ... 7662

18 CFR

2 ... 7904
3 ... 8093
620 ... 7800

19 CFR

1 ... 7445
4 ... 8200
14 ... 8201
16 ... 7328, 7445

PROPOSED RULES:

19 ... 7654

20 CFR

404 ... 7236
604 ... 7652

49 CFR—Continued

Page

174 7162
177 7162
178 ..... 7163, 7332
179 ..... 7165, 8166
375 8112
1003 8117
1033 ..... 7451, 7577, 8167, 8204
1047 8117

PROPOSED RULES:

71 ..... 7458, 7616
170–189 7545
174 7456
175 7456
177 ..... 7456, 7457
232 7289
1131 7177
1307 7177

50 CFR

28 8021
33 7704
280 ..... 7281, 7856

PROPOSED RULES:

10 7654
215 7247

U.S. government organization manual

KNOW YOUR GOVERNMENT

1968 1969

Presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

This handbook is an indispensable reference tool for teachers, librarians, researchers, scholars, lawyers, and businessmen who need current official information about the U.S. Government.

The United States Government Organization Manual is the official guide to the functions of the Federal Government.

$2.00 per copy. Paperbound, with charts

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.