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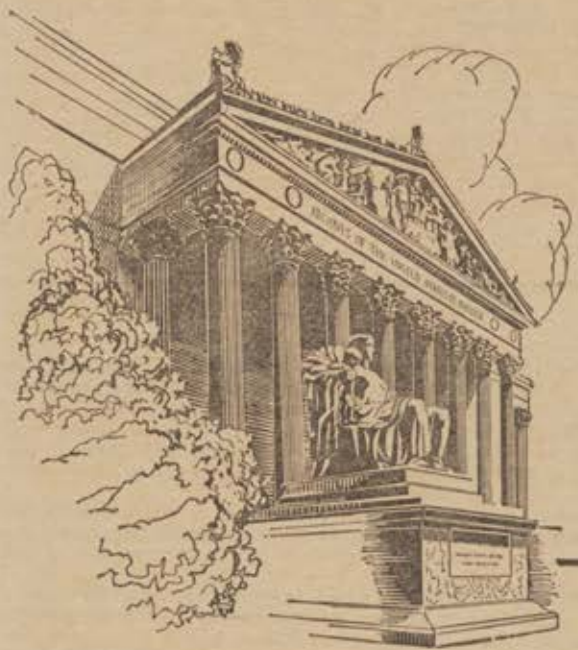

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 3]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969 crop year in the following respects:

1. Section 406.2 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

§ 406.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 406.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

2. Section 406.3 of this chapter is amended effective beginning with the 1969 crop year by adding a sentence at the end thereto reading as follows:

§ 406.3 Application for insurance.

* * * The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 406.6 [Amended]

3. Section 3(a) of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

3. *Insured crop.* (a) Application for insurance may be made with respect to both navel or valencia oranges or with respect to either navel or valencia oranges, produced by the insured, except that the insured may, subject to approval of the Corporation, elect to insure or exclude from insurance for any crop year any definitely described and designated insurable acreage having a potential of less than 200 standard field boxes per acre. Acreage so excluded with approval of the Corporation shall be disregarded for all purposes of this contract for the crop year involved. If the insured fails to report, elect, and designate any defined acreage, the Corporation will disregard such acreage if the minimum potential is not produced. However, if the production meets the minimum, the Corporation shall determine the percent of damage on all of the insurable acreage for the unit but will not permit the percent of damage for the insurance unit to be increased by reason of the use of such undesignated acreage. The potential to be used to determine the percent of damage under section 14 shall never be less than 200 standard field boxes per acre. Except as otherwise provided herein, the insured acreage for each crop year shall be all that acreage in the county of the variety or varieties of oranges for which the insured has applied for insurance, which is shown as insurable acreage on the actuarial table and not excluded otherwise because of risk, and in which the insured has an interest on the date insurance attaches.

4. Section 7(b) of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

(b) The total annual premium for the insured crop on all insurance units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any insurance unit immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive years with no loss*
5 percent after	1 year.
5 percent after	2 years.
10 percent after	3 years.
10 percent after	4 years.
15 percent after	5 years.
20 percent after	6 years.
25 percent after	7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made.

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

5. Section 9 of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

9. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that as to any amount thereof not paid by the September 30 of the crop year in which earned, it shall be increased by 10 percent. It is further agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the U.S. Department of Agriculture.

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(Signature of applicant) (Date)

(Witness to signature)

6. Section 13(b) of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

(b) If damage occurs within the 7-day period before the begining of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately. The insured shall not harvest any oranges on any acreage damaged by freeze until the Corporation has inspected such damage.

7. Section 14 of the Application and Policy shown in § 406.6 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of oranges on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the average percent of damage (determined in accordance with subsection (c) of this section) in excess of 10 percent, and (3) multiplying the result by the insured interest.

(c) The average percent of damage to oranges on any unit shall be the ratio of the number of standard field boxes of oranges lost as a result of freeze to the total number

of standard field boxes which would have been produced (herein called the "potential"). The potential shall not be less than 200 standard field boxes per acre and shall include (1) oranges picked before the freeze damage occurred, (2) oranges remaining on the trees after the freeze damage occurred, (3) oranges lost from freeze, and (4) any other oranges not included in items (1) through (3), including oranges lost from causes not insured against other than normal dropping, "rots," and "splits." Oranges lost as a result of freeze shall be oranges to which damage from freeze is serious as defined in the Agricultural Code of California as determined by the Corporation from grove inspections or sampling fruit which has been harvested: Except, that the Corporation shall consider (1) any portion of the insured crop, which is seriously damaged by freeze to the extent that none of the fruit is or can be packed as fresh fruit and but for such damage such portion could be packed as fresh fruit, as being damaged 70 percent in the case of valencia oranges, and 85 percent in the case of navel oranges, unless the actual damage determined by the Corporation is in excess thereof; (2) as lost due to freeze only the fruit that is seriously damaged by freeze in any portion of the fruit which has been or would be eliminated by a packinghouse in packing fresh fruit for reasons other than damage by freeze (determinations under item (1) immediately above and under this item (2) shall be made on the basis of the cuts made in the grove or other cuts made by the Corporation); (3) any fruit on the ground as a result of freeze which is not marketed as being 90 percent damaged; (4) any fruit which is or could be packed as fresh fruit as being undamaged; and (5) any portion of the insured crop which is harvested and disposed of prior to inspection by the Corporation as fruit not damaged.

The Corporation reserves the right to delay the determination of the extent of damage from freeze and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year. It shall be a condition precedent to payment of any claim that the insured furnish any production records and any other information required by the Corporation regarding the manner and extent of damage or loss.

(d) If the Corporation determines that frost protection equipment was not properly utilized or was improperly reported the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction given for frost protection equipment.

(e) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 4, 1969.

[SEAL] MORRIE S. HILL,
Acting Secretary, Federal Crop Insurance Corporation.

Approved on June 6, 1969.

CLARENCE D. PALMBY,
Acting Secretary.

[F.R. Doc. 69-6987; Filed, June 12, 1969; 8:46 a.m.]

[Amdt. 1]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1969 crop year in the following respects:

1. Section 409.21 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

§ 409.21 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per standard box which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 409.25 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

2. Section 409.22 of this chapter is amended effective beginning with the 1969 crop year by adding a sentence at the end thereto reading as follows:

§ 409.22 Application for insurance.

* * * The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however*, That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 409.25 [Amended]

3. The table following the colon in section 1 of the Application and Policy set forth in § 409.25 of this chapter is amended effective beginning with the 1969 crop year in the following respects:

The lines reading "II—Orlando Tangelos, Algerian Tangerines, Sweet Oranges, and Temple Oranges." are changed to read "II—Orlando Tangelos, Sweet Oranges, and Temple Oranges."

4. Section 6 of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

6. *Insurance period.* For each crop year insurance shall attach on November 1, unless the application is accepted after October 31 in which event insurance shall attach on the 10th day after the date of acceptance of the application by the Corporation, and as to any portion of the citrus crop shall cease upon harvest, or on January 31 for types I and II and on March 31 for types III, IV, V, and VI of the following calendar year, whichever occurs first.

5. Section 7(b) of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

(b) The total annual premium for the insured crop on all insurance units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any insurance unit (hereinafter called "unit") immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive years with no loss*
5 percent after	1 year
5 percent after	2 years
10 percent after	3 years
10 percent after	4 years
15 percent after	5 years
20 percent after	6 years
25 percent after	7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made.

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

6. Section 8 of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that as to any amount thereof not paid by the October 31 of the crop year in which earned, it shall be increased by 10 percent. It is further agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the U.S. Department of Agriculture.

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(Signature of applicant) (Date)

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(Witness to signature)

7. Section 13(b) of the Application and Policy shown in § 409.25 is amended effective beginning with the 1969 crop year by deleting the last sentence thereto.

8. Section 14 of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by multiplying the amount of insurance for the unit (determined in accordance with subsection 7(c)) by the average percent of damage (determined in accordance with subsection (c) of this section) in excess of 10 percent.

(c) The average percent of damage to the insured crop on any unit shall be the ratio of the number of boxes of the crop lost as a result of freeze to the total number of boxes which would have been produced (herein called the "potential"). The potential shall include (1) citrus picked before the freeze damage occurred, (2) citrus remaining on the trees after the freeze damage occurred, (3) citrus lost from freeze, and (4) any other citrus not included in items (1) through (3), including citrus lost from causes not insured against other than normal dropping, "rots," and "splits." Citrus lost as a result of freeze shall be citrus to which damage from freeze is serious as defined in the laws of the State in which the county is geographically located as determined by the Corporation from grove inspections or sampling fruit which has been harvested: Except, that the Corporation shall consider (1) any portion of the insured crop, which is seriously damaged by freeze to the extent that none of the fruit is or can be packed as fresh fruit and but for such damage such portion could be packed as fresh fruit, as being damaged 70 percent in the case of type III fruit (Valencia oranges), and 85 percent in the case of all other insured types of fruit, unless the actual damage determined by the Corporation is in excess thereof; (2) as lost due to freeze only the fruit that is seriously damaged by freeze in any portion of the fruit which has been or would be eliminated by a packinghouse in packing fresh fruit for reasons other than damage by freeze (determinations under item (1) immediately above and under this item (2) shall be made on the basis of the cuts made in the grove or other cuts made by the Corporation); (3) any fruit on the ground as a result of freeze which is not marketed as being 90 percent damaged; (4) any fruit which is or could be packed as fresh fruit as being undamaged; and (5) any portion of the insured crop which is harvested and disposed of prior to inspection by the Corporation as fruit not damaged.

The Corporation reserves the right to delay the determination of the extent of damage from freeze and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year. It shall be a condition precedent to payment of any claim that the insured furnish any production records and any other information required by the Corporation regarding the manner and extent of damage or loss.

(d) If the Corporation determines that frost protection equipment was not properly utilized or was improperly reported the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction given for frost protection equipment.

(e) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within 1 year after the date notice of denial of the claim is mailed to and received by the insured.

9. Section 22(h) of the Application and Policy shown in § 409.25 of this chapter is amended effective beginning with the 1969 crop year to read as follows:

(h) "Types of citrus" means any one of six types as follows: Type (I) Navel oranges; Type (II) Orlando tangelos, Sweet oranges, and Temple oranges; Type (III) Valencia oranges; Type (IV) Grapefruit; Type (V) Lemons; and Type (VI) Kinnow mandarin, Dancy tangerines, and Minneola tangelos.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 4, 1969.

[SEAL] MORRIE S. HILL,
Acting Secretary, Federal Crop Insurance Corporation.

Approved on June 6, 1969.

CLARENCE D. PALMBY,
Acting Secretary.

[F.R. Doc. 69-6988; Filed, June 12, 1969; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Table of Organ Doses

Correction

In F.R. Doc. 69-6640 appearing at page 9025 in the issue for Friday, June 6, 1969, § 32.24 should read as set forth below:

§ 32.24 Same: table of organ doses.

Part of body	Column I (rem)	Column II (rem)	Column III (rem)	Column IV (rem)
Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye	0.001	0.01	0.5	15
Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than 1 square centimeter	0.015	0.15	7.5	200
Other organs	0.003	0.03	1.5	50

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 22,938]

PART 523—MEMBERS OF BANKS

Liquidity

JUNE 10, 1969.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the desirability of amending § 523.12 of the regulations for the Federal Home Loan Bank System (12 CFR 523.12) for the purpose of reducing from 6½ percent to 6 percent the required amount of cash and obligations of the United States that institutions which are members of the Federal Home Loan Bank System must have on hand, hereby amends said § 523.12 to read as follows, effective June 12, 1969:

§ 523.12 Holdings of cash and obligations of the United States by members.

No member insurance company shall make or purchase any loan, other than loans on the company's insurance policies at any time when the aggregate of its cash and obligations of the United States is not at least equal to 6 percent of its policy reserve required by State law, and no other member shall make or purchase any loan, other than advances on the sole security of its withdrawable accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the obligation of the member on withdrawable accounts. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor.

(b) The term "cash" means cash on hand, unpledged deposits in a Federal Home Loan Bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" shall mean all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since the Board determines it desirable in the present

economic climate for institutions which are members of the Federal Home Loan Bank System to have available as soon as possible the reduction in the required holdings of cash and obligations of the United States which is made available by this amendment, the Board finds that notice and public procedure on the amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date as specified in 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary; and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-7014; Filed, June 12, 1969; 8:48 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 22,939]

PART 545—OPERATIONS

Liquidity

JUNE 10, 1969.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the desirability of amending § 545.8-2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8-2) for the purpose of reducing from 6½ percent to 6 percent the required amount of cash and obligations of the United States that Federal savings and loan associations must have on hand, hereby amends said § 545.8-2 to read as follows, effective June 12, 1969:

§ 545.8-2 Holdings of cash and obligations of the United States.

A Federal association shall not make or purchase any loan, other than advances on the sole security of its savings accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the association's capital. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor.

(b) The term "cash" means cash on hand, unpledged deposits in a Federal Home Loan Bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" means all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended, sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1437, 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948, Comp. p. 1071)

Resolved further that, since the Board determines it desirable in the present economic climate for Federal savings and loan associations to have available as soon as possible the reduction in required holdings of cash and obligations of the United States which is made available by this amendment, the Board finds that notice and public procedure on the amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date as specified in 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary; and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-7015; Filed, June 12, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-6-AD; Amdt. 39-774]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 300 Series and 400 Series Airplanes

An airworthiness directive was adopted on June 4, 1969, and made effective as to all known owners of Cessna Models 310 G, H, I, J, K, L, N, and P; E310H; E310J; T310P; 320 A, B, C, D, E, and F; 401 and 401A; 402 and 402A; 411 and 411A; 421 and 421A airplanes. The airworthiness directive was issued because as a result of tests conducted by the manufacturer and the Administration in certain of these model airplanes it has been determined that fuel starvation will occur during high angle descent in certain aircraft configurations with substantial quantities of otherwise useable fuel in each main tank. High angles of nose-down inclination cause the fuel port in the tank to be exposed to air and results in engine stoppage. A shallow angle of nose-down inclination will lessen the possibility of fuel starvation. It has been determined that limiting air speeds while flaps are fully extended will aid in shallowing the angle of nose-down inclinations. Additionally, slight power applications will have a marked effect in shallowing nose-down inclinations.

In order to prevent this condition, the airworthiness directive prohibits operation with less than 10 gallons of fuel in each main tank and requires prior to further flight the installation of placards reading: "Operation with less than 10 gallons of fuel in each main tank is prohibited" and "Maintain power within green arcs during descent". The directive further requires on Cessna Models 310 L, N, P; T310P; 320E, F; 401, 401A; 402, 402A; 411, 411A; 421 and 421A airplanes prior to further flight the installation of a placard reading: "Maximum speed with 15° to full flaps shall not exceed 140 MPH". On Cessna Models 310 G, H, and 320A airplanes the airworthiness directive will also require prior to further flight the installation of a placard reading: "Flap position shall not exceed 35 degrees". The manufacturer and the Administration are conducting further tests to determine what design changes are necessary to assure proper fuel system operation during the aforementioned flight attitudes. When the necessary changes are developed an additional airworthiness directive will be issued relieving these restrictions.

Since it was found that immediate corrective action was required, notice and public procedure thereon was not practical and contrary to the public interest and good cause existed for making this airworthiness directive effective immediately as to the owners of the Cessna Model Airplanes listed herein by individual letters dated June 4, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons in addition to those to whom it was made effective by letter dated June 4, 1969.

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

CESSNA. Applies to Models 310 G, H, I, J, K, L, N, and P; E310H and E310J; T310P; 320 A, B, C, D, E, and F; 401 and 401A; 402 and 402A; 411 and 411A; and 421 and 421A Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent fuel starvation during high angle descent, accomplish the following:

(A) Effective immediately, operation of the airplane with less than 10 gallons of fuel in each main tank is prohibited.

(B) Prior to further flight on all models listed above, install a placard in full view of the pilot as near as possible to the main fuel quantity indicator with the following wording:

"Operation with less than 10 gallons of fuel in each main tank is prohibited".

(C) Prior to further flight on all models listed above, install a placard in full view of the pilot as near as possible to the manifold pressure gauge, with the following wording:

"Maintain power within green arcs during descent".

(D) Prior to further flight on Cessna Models 310 L, N, P; T310P; 320 E, F; 401, 401A; 402, 402A; 411, 411A; 421 and 421A install a

placard in full view of the pilot as near as possible to the airspeed indicator with the following wording:

"Maximum speed with 15° to full flaps shall not exceed 140 MPH".

(E) Prior to further flight on Cessna Models 310G, 310H, and 320A, install a placard in full view of the pilot as near as possible to the flap position indicator with the following wording:

"Flap position shall not exceed 35 degrees".

NOTE: The operator may make and install the above placards. Minimum ⅛ inch high letters must be used.

This amendment becomes effective June 17, 1969, for all persons except those to whom it was made effective by letter dated June 4, 1969.

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

Issued in Kansas City, Mo., on June 6, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6976; Filed, June 12, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1532]

PART 13—PROHIBITED TRADE PRACTICES

Greater United Steel, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-30 Connections or arrangements with others; § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155-33 Demonstration reduction; 13.-155-100 Usual as reduced, special, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees:* § 13.1663 *Individual's special selection or situation;* Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Greater United Steel, Inc., et al., Kansas City, Mo., Docket C-1532, May 14, 1969]

In the Matter of Greater United Steel, Inc., a Corporation, and Interstate Aluminum, Inc., a Corporation, and Joseph P. Simon, Individually and as an Officer of Said Corporations

Consent order requiring two affiliated Kansas City, Mo., home improvement companies to cease falsely representing that prospective purchasers' homes have been selected as "model homes" and after installation of their products such homes will be used for demonstration purposes and purchasers will receive a reduced price or discount, misrepresenting that their products are reduced in price, indestructible, and fully guaranteed, and falsely claiming business connections with United States Steel Co.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Greater United Steel, Inc., a corporation, and Interstate Aluminum, Inc., a corporation, and their officers, and Joseph P. Simon, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertisings, offering for sale, sale or distribution or installation, of residential siding, or other home improvement products or service or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been selected to be used or will be used as a model home, or otherwise, for advertising purposes.

2. Representing, directly or by implication, that any reduced price, allowance, discount, commission, or other compensation is granted by respondents to purchasers in return for permitting or agreeing to allow the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

3. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

4. Representing, directly or by implication, that respondents or their salesmen are connected or affiliated with the United States Steel Co.; or misrepresenting, in any manner, the identity of the manufacturer or the source of any of respondents' products or the business connections or affiliations of respondents or their salesmen.

5. Representing, directly or by implication, that respondents' products will never require painting or repair; or misrepresenting, in any manner, the efficacy, durability, efficiency, composition, or quality of respondents' products.

6. Representing, directly or by implication, that respondents' products are everlasting or are made of indestructible materials.

7. Representing, directly or by implication, that storms, hail, fire, or other elements will not damage respondents' products.

8. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

9. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 14, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-6964; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. C-1534]

PART 13—PROHIBITED TRADE PRACTICES

Magid Glove Manufacturing Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Magid Manufacturing Co., Inc., trading as Magid Glove Manufacturing Co., Inc., et al., Chicago, Ill., Docket C-1534, May 16, 1969]

In the Matter of Magid Manufacturing Co., Inc., a Corporation, Trading as Magid Glove Manufacturing Co., Inc., and Abe Cohen, Individually and as an Officer of Said Corporation

Consent order requiring a Chicago, Ill., manufacturer of industrial work gloves to cease misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Magid Manufacturing Co., Inc., a corporation, also trading as Magid Glove Manufacturing Co., Inc., or under any other name or names and its officers, and Abe Cohen, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly

or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to set out all parts of the required information on the same side of the label in such a manner as to be clearly legible and readily accessible to the prospective purchaser and in type or lettering of equal size and conspicuousness.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 16, 1969.

By the Commission.

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

[F.R. Doc. 69-6965; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. C-1533]

PART 13—PROHIBITED TRADE PRACTICES

Seymour Feldman, Inc., and Seymour Feldman

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Seymour Feldman, Inc., et al., New York, N.Y., Docket C-1533, May 14, 1969]

In the Matter of Seymour Feldman, Inc., a Corporation, and Seymour Feldman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Seymour Feldman, Inc., a corporation, and its officers, and Seymour Feldman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Seymour Feldman, Inc., a corporation, and its officers, and Seymour Feldman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compiled with this order.

Issued: May 14, 1969.

By the Commission.

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

[F.R. Doc. 69-6966; Filed, June 12, 1969; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-297]

PART 14—REPORTING NET INVESTMENT IN LICENSED PROJECTS TO THE COMMISSION

Hydroelectric Project Licenses; Order Granting Motion for Extension of Time for Compliance

JUNE 6, 1969.

Hydroelectric project licenses: Calculation of "net investment" under section 3(13) of the Federal Power Act; Docket No. R-297.

On May 26, 1969, South Carolina Electric & Gas Co. (South Carolina) filed with the Commission a motion for extension of time until December 31, 1969, in which to comply with ordering paragraph (B) of Order No. 370, issued in this proceeding on September 27, 1968. By order No. 370A, which granted rehearing for the purpose of further consideration, this Commission earlier extended the time for compliance with that ordering paragraph until July 27, 1969.

Since less than 2 months remain before the presently set date for compliance, we believe South Carolina's motion to be well taken, and that the time for compliance should be extended until December 31, 1969.

The Commission finds: The amendment of Part 14 of the Commission regulations and the Federal Power Act set forth in Title 18 of the Code of Federal Regulations, prescribed herein, is necessary and appropriate for the administration of the Federal Power Act.

The Commission orders: Paragraph (a) of § 14.1 of Part 14 of Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations shall be amended by

substituting "By December 31, 1969" for "Within 10 months from the issuance of these regulations" in the first sentence thereof.

By the Commission.

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

[F.R. Doc. 69-6955; Filed, June 12, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Certain Human-Use Penicillin-Streptomycin Combination Products for Injection

In the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6006), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Durycin F.A. (for aqueous injection); contains procaine penicillin G, buffered penicillin G crystalline-sodium, and streptomycin sulfate; marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206.

2. Durycin A.S. (aqueous suspension); contains procaine penicillin G and streptomycin sulfate; marketed by Eli Lilly & Co.

3. Mycillin; contains procaine penicillin G and streptomycin sulfate; marketed by Maurry Biological Co., Inc., 6109 South Western Avenue, Los Angeles, Calif. 90047.

4. PenStrep 4:1 and PenStrep 4:½; contain procaine penicillin G, penicillin G potassium, and streptomycin sulfate; marketed by Merck & Co., Inc., Rahway, N.J. 07065.

5. Strep-Combiotic Aqueous Suspension (multidose); contains procaine penicillin G and streptomycin sulfate; marketed by Charles Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

6. Strep-Combiotic for Aqueous Suspension (single dose); contains procaine penicillin G, potassium penicillin G, and streptomycin sulfate; marketed by Charles Pfizer & Co., Inc.

7. Strep-Combiotic Aqueous Suspension—Isojet; contains procaine penicillin G and streptomycin sulfate; marketed by Charles Pfizer & Co., Inc.

8. Streptomycin-Bipenicillin; contains procaine penicillin G, sodium penicillin G, and streptomycin sulfate; by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

9. Pentocin; contains procaine penicillin G, potassium penicillin G, and streptomycin sulfate; marketed by Pure Laboratories, Inc.

10. Procaine Penicillin in Streptomycin Sulfate Solution; contains procaine penicillin G and streptomycin sulfate; marketed by Roehr Products Co., Inc., A Subsidiary of Brunswick Corp., 2010 New Daytona Road, De Land, Fla. 32720.

11. Strep-Dicrysticin, Strep-Dicrysticin-800, Strep-Dicrysticin Fortis, and Strep-Dicrysticin Fortis-800 (four strengths, for suspension); contain procaine penicillin G, sodium penicillin G, and streptomycin sulfate; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

12. Strep-Distrycillin A.S. (sterile suspension); contains procaine penicillin G and streptomycin sulfate; marketed by E. R. Squibb & Sons, Inc.

13. Penicillin-Streptomycin Readimixed Sterile Aqueous Suspension; contains procaine penicillin G and streptomycin sulfate; marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

14. Cer-O-Strep—ONE-HALF and Cer-O-Strep—ONE (sterile powders); contain chloroprocaine pencillin O, sodium penicillin O, and streptomycin sulfate; marketed by The Upjohn Co.

15. Bicillimycin All-Purpose Injection; contains benzathine penicillin G, potassium penicillin G, procaine penicillin G, and streptomycin sulfate; marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

16. Wycillin SM Injection 400 and Wycillin SM Injection 600; contain procaine penicillin G and streptomycin sulfate; marketed by Wyeth Laboratories, Inc.

The announcement stated that the Academy found these products to be ineffective or ineffective as a fixed combination for those indications in the labeling that were specific enough to be evaluated and that the Food and Drug Administration concurred that there is a lack of substantial evidence that each drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. All interested persons were invited to submit within 30 days pertinent data bearing on the proposal to amend the antibiotic drug regulations where necessary to delete the above antibiotic combinations from the list of drugs acceptable for certification.

Wyeth and Pfizer submitted responses to the announcement, and these have been reviewed. These submissions contained no new clinical data. It has been concluded that they do not provide substantial evidence of the effectiveness of such combination drugs.

Accordingly, the Commissioner concludes that in the absence of substantial evidence of effectiveness for the fixed combinations of drugs and in recognition of the known hazards associated with the use of each component of such combination, e.g., deafness from streptomycin and allergenicity from penicillin, the regulations for certification of antibiotic drugs should be amended as follows to delete the above-listed antibiotic combinations, and all other parenteral dosage forms for human use containing penicillin and streptomycin, from the list of drugs acceptable for certification. The Commissioner further concludes that the certificates of safety and effectiveness heretofore issued for the combination drugs should be revoked on the basis of unwarranted hazards.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), the antibiotic drug regulations are amended as follows to remove provision for certification of such drugs for human use, and certificates previously issued for such drugs for human use under these regulations are revoked. Accordingly, Parts 141a and 146a are amended:

1. In § 141a.38, by changing the section heading to read as follows:

§ 141a.38 Procaine penicillin and streptomycin in oil veterinary; procaine penicillin and dihydrostreptomycin in oil veterinary.

* * * * *

2. In § 141a.39, by changing the section heading to read as follows:

§ 141a.39 Penicillin-streptomycin veterinary; penicillin-dihydrostreptomycin veterinary.

* * * * *

3. In § 141a.46, by changing the section heading to read as follows:

§ 141a.46 Procaine penicillin in streptomycin sulfate solution veterinary; procaine penicillin in dihydrostreptomycin sulfate solution veterinary.

* * * * *

4. In § 141a.67, by changing the section heading to read as follows:

§ 141a.67 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution veterinary; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

* * * * *

5. In § 141a.68, by changing the section heading to read as follows:

§ 141a.68 Benzathine penicillin G and streptomycin veterinary; benzathine penicillin G and dihydrostreptomycin veterinary.

* * * * *

6. In § 141a.71, by changing the section heading to read as follows:

§ 141a.71 Penicillin-streptomycin powder veterinary; penicillin-dihydrostreptomycin powder veterinary.

* * * * *

7. In § 141a.74, by changing the section heading to read as follows:

§ 141a.74 Dibenzylamine penicillin and streptomycin in oil veterinary; dibenzylamine penicillin and dihydrostreptomycin in oil veterinary.

* * * * *

8. In § 141a.80, by changing the section heading to read as follows:

§ 141a.80 Benzathine penicillin G-procaine penicillin G-streptomycin in oil veterinary; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary.

* * * * *

9. By revising § 141a.88 to read as follows:

§ 141a.88 Benzathine penicillin G in streptomycin sulfate solution veterinary; benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

Proceed as directed in § 141a.68 (a), (b), and (d).

§§ 141a.113, 141a.114 [Revoked]

10. By revoking § 141a.113 *Clemizole penicillin G* and § 141a.114 *Clemizole penicillin G-streptomycin sulfate aqueous suspension.*

§§ 146a.4, 146a.5 [Revoked]

11. By revoking § 146a.4 *Clemizole penicillin G* and § 146a.5 *Clemizole penicillin G-streptomycin sulfate aqueous suspension.*

12. In § 146a.57, by revising the section title and the introductory text of paragraph (a) to read as follows:

§ 146a.57 Procaine penicillin and streptomycin in oil veterinary; procaine penicillin and dihydrostreptomycin in oil veterinary.

(a) Procaine penicillin and streptomycin in oil veterinary and procaine penicillin and dihydrostreptomycin in oil veterinary conform to all requirements and to all procedures prescribed in § 146a.45 for procaine penicillin in oil for udder instillations of cattle or subcutaneous infection in fowl, except that:

* * * * *

13. In § 146a.58:

a. By revising the section heading and paragraphs (a), (b), and (c) to read as follows.

§ 146a.58 Penicillin-streptomycin veterinary; penicillin-dihydrostreptomycin veterinary.

(a) *Standards of identity, strength, quality, and purity.* Penicillin-streptomycin veterinary and penicillin-dihydrostreptomycin veterinary are procaine penicillin, crystalline sodium penicillin, potassium penicillin, *l*-ephenamine penicillin G, or diethylaminoethyl ester penicillin G hydriodide, or a mixture of two or more such salts and streptomycin sulfate or dihydrostreptomycin sulfate, with or without suitable and harmless buffer substances and suspending or dispersing agents. Each drug is sterile, nontoxic, and nonpyrogenic. Its moisture content is not more than 3.5 percent, except if it contains procaine penicillin its moisture content is not more than 4.2 percent. When prepared for injection as directed in its labeling, its pH is not less than 5.0 and not more than 7.5. The penicillin used conforms to the requirements of § 146a.24(a), § 146a.44(a), § 146a.64(a), or § 146a.74(a). The streptomycin sulfate used conforms to the requirements prescribed for streptomycin sulfate by § 146b.101(a) of this chapter. The dihydrostreptomycin sulfate used conforms to the requirements prescribed for dihydrostreptomycin sulfate by § 146b.103 of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium. Penicillin-streptomycin is also the drug described in § 146a.84 of this chapter if it conforms to all requirements of that section and of § 141a.60 of this chapter, except that it contains streptomycin in lieu of a mixture of streptomycin and dihydrostreptomycin.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container may be packaged in combination with a container of a solvent consisting of water for injection U.S.P., dextrose injection U.S.P., or sodium chloride injection U.S.P.

(c) *Labeling*—(1) *It is packaged for dispensing.* In addition to the labeling requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date ——————", the blank being filled in with the date that is 48 months after the month in which the batch was certified, except that the blank may be filled in with the date that is 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section, and except that in no case shall the blank be filled in with the date that is more than 24 months after the month in which the batch was certified if it contains diethylaminoethyl ester penicillin G hydriodide.

(ii) In lieu of the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(iii) If it does not cotain diethylaminoethyl penicillin G hydriodide and is intended for use in the treatment of food-producing animals, the labeling shall bear the statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food," and, if the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement required by § 148.5 of this chapter.

(iv) If it contains diethylaminoethyl penicillin G hydriodide, the labeling shall bear the statement "Warning—Not for use in animals which are raised for food production."

(2) *It is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(i) The number of units of each salt of penicillin in each gram.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin in each gram.

(iii) The statement "Caution: Federal law prohibits dispensing without prescription."

(iv) The statement "For maufacturing use," "For repacking," or "For manufacturing use or repacking."

(v) The information required by subparagraph (1)(i) of this paragraph.

* * * * *

b. Paragraph (d)(1) is amended by inserting the word "veterinary" after the word "streptomycin" in the first place it occurs.

14. In § 146a.67, by revising the section heading, the introductory text of paragraph (a), paragraph (b), and paragraph (c) (1) and (2) to read as follows:

§ 146a.67 Procaine penicillin in streptomycin sulfate solution veterinary; procaine penicillin in dihydrostreptomycin sulfate solution veterinary (procaine penicillin in crystalline dihydrostreptomycin sulfate solution veterinary).

(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin in streptomycin sulfate solution veterinary is procaine penicillin G suspended in an aqueous solution of streptomycin sulfate. Procaine penicillin in dihydrostreptomycin sulfate solution veterinary is procaine penicillin suspended in an aqueous solution of dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate. Such solution shall contain one or more suitable and harmless buffer substances, preservatives, and suspending or dispersing agents, and it may contain one or more suitable and harmless stabilizing agents, procaine hydrochloride in a concentration not exceeding 2 percent, a suitable antihistaminic, a suitable anticholinergic and cortisone, or

a suitable derivative of cortisone. It is so purified that:

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of transparent glass closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is packaged to contain a single dose. Each such container shall contain not less than 1.0 milliliter, and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and administration of the volume indicated, whether administered in either single or multiple dose.

(c) *Labeling*—(1) *It is packaged for dispensing and it contains an antihistaminic, and anticholinergic, or cortisone or a derivative of cortisone.* In addition to the labeling requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container, the statement "Store in refrigerator not above 15° C. (59° F.)."

(ii) On the outside wrapper or container and the immediate container, the statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, or 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(iii) On the label and the labeling, the statement "For use only in cats, dogs, and horses; not for use in horses to be slaughtered for human consumption."

(iv) After the name "procaine penicillin in streptomycin sulfate solution veterinary," or "procaine penicillin in dihydrostreptomycin sulfate solution veterinary," wherever such name appears, the words "with _____," in juxtaposition with such name, the blank being filled in with the established name of the antihistaminic, the anticholinergic, the cortisone, or the derivative of cortisone.

(2) *It is packaged for dispensing and it does not contain an antihistaminic, an anticholinergic, or cortisone or a derivative of cortisone.* It shall comply with the requirements of subparagraph (1) of this paragraph, except:

(i) In lieu of the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(ii) If it contains dihydrostreptomycin, an expiration date of 48 months or 60 months may be used if data have been submitted as described in subparagraph (1)(ii) of this paragraph.

(iii) In lieu of the statement required by subparagraph (1)(iii) of this paragraph, the labeling shall bear the statement "Warning—The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food," and, if the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement required by § 148.5 of this chapter.

* * * * *

15. In § 146a.90, by revising the section heading and the introductory text of the section to read as follows:

§ 146a.90 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution veterinary; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution veterinary and procaine penicillin G and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary," or "procaine penicillin in and are subject to all procedures prescribed by § 146a.67 for procaine penicillin in streptomycin sulfate solution veterinary and procaine penicillin in dihydrostreptomycin sulfate solution veterinary, except that:

* * * * *

16. In § 146a.91, by revising the section heading and the introductory text of the section to read as follows:

§ 146a.91 Benzathine penicillin G and streptomycin veterinary; benzathine penicillin G and dihydrostreptomycin veterinary.

Benzathine penicillin G and streptomycin veterinary and benzathine penicillin G and dihydrostreptomycin veterinary conform to all requirements prescribed by § 146a.77 for the dry mixture of benzathine penicillin G for aqueous injection and are subject to all procedures prescribed by that section for benzathine penicillin G for aqueous injection, except that:

* * * * *

17. In § 146a.93, by revising the section heading and the introductory text of the section to read as follows:

§ 146a.93 Penicillin-streptomycin powder veterinary; penicillin-dihydrostreptomycin powder veterinary.

Penicillin-streptomycin powder veterinary and penicillin-dihydrostreptomycin powder veterinary conform to all the requirements and are subject to all procedures by § 146a.88 for penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets, except that:

* * * * *

18. By § 146a.96 to read as follows:

§ 146a.96 Dibenzylamine penicillin and streptomycin in oil veterinary; dibenzylamine penicillin and dihydrostreptomycin in oil veterinary.

Dibenzylamine penicillin and streptomycin in oil veterinary and dibenzylamine penicillin and dihydrostreptomycin in oil veterinary conform to all the requirements prescribed by § 146a.57 for procaine penicillin and dihydrostreptomycin in oil veterinary and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil veterinary and procaine penicillin and dihydrostreptomycin in oil veterinary, except that dibenzylamine penicillin is used in lieu of procaine penicillin. The dibenzylamine penicillin used conforms to the requirements of § 146a.94 (a), except § 146a.94(a) (2), (3) (unless it is intended for subcutaneous injection in fowl), and (4).

19. In § 146a.102, by revising the section heading and the introductory text of paragraph (a) to read as follows:

§ 146a.102 Benzathine penicillin G-procaine penicillin G-streptomycin in oil veterinary; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary.

(a) Benzathine penicillin G-procaine penicillin G-streptomycin in oil veterinary and benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary conform to all requirements and are subject to all procedures prescribed by § 146a.101 for benzathine penicillin G and procain penicillin G in oil, except that:

* * * * *

20. By revising § 146a.110 to read as follows:

§ 146a.110 Benzathine penicillin G in streptomycin sulfate solution veterinary; benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

Benzathine penicillin G in streptomycin sulfate solution veterinary and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary conform to all requirements and are subject to all procedures prescribed by § 146a.67 for procaine penicillin in streptomycin sulfate solution veterinary and procaine penicillin in dihydrostreptomycin sulfate solution veterinary, except that benzathine penicillin G is used in lieu of procaine penicillin and the label and labeling shall bear the statement "Warning—Not for use in animals which

are raised for food production." The benzathine penicillin G used conforms to the requirements of § 146a.68(a).

Any person who will be adversely affected by the removal of any such drugs from the market may file, within 30 days of publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the National Academy of Sciences—National Research Council evaluation or the Administration conclusions and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the combination drug would have the effectiveness claimed and would be safe for their intended uses.

Effective date. This order shall become effective 40 days after the date of its publication in the FEDERAL REGISTER to allow time for a recall to be completed. Certification of new stocks has been discontinued.

Dated: May 27, 1969.

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

[F.R. Doc. 69-6989; Filed, June 12, 1969; 8:46 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline-Amphotericin B Combination Drugs

In the FEDERAL REGISTER of December 24, 1968 (33 F.R. 19204), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903, and containing tetracycline and amphotericin B: Mysteclin "F" Capsules, Mysteclin "F"-125 Capsules, Mysteclin "F" Syrup, and Mysteclin "F" Pediatric Drops.

The announcement stated that the Academy evaluated these drugs as ineffective as a fixed combination in the prevention of disease due to monilial organisms when used as a prophylaxis against the overgrowth of fungi; further, it stated that the Food and Drug Administration concurred in the views expressed by the Academy and concluded there is a lack of substantial evidence that the fixed combination products will have the effect which they purport or are represented to have.

All interested persons who might be adversely affected by removal of the drugs from the market were invited to submit, within 30 days of publication of the announcement, any pertinent data bearing on the proposal to amend the antibiotic drug regulations, where necessary, to delete from the list of drugs acceptable for certification those that contain the above-listed antibiotic combination.

E. R. Squibb & Sons, Inc., requested an extension of time to permit them to assemble, analyze, and submit in an orderly fashion additional material bearing on the effectiveness of the combinations. The firm was granted an additional 120 days to supply the data.

A submission was duly received and reviewed and the Food and Drug Administration concludes that there remains a lack of substantial evidence that the combination drugs containing tetracycline-amphotericin B will have the effect they purport or are represented to have for the prevention of disease due to monilial organisms when used as a prophylaxis against overgrowth of fungi.

In addition to the listed products, for which the conditions of certification are described in §§ 141c.260, 141c.262, 146c.260, and 146c.262, other sections, 141c.257 and 146c.257, describe the conditions for certification of other oral dosage forms of tetracycline with amphotericin B. The data submitted in support of these preparations, though not evaluated by the National Academy of Sciences, have been reviewed by the Food and Drug Administration and have been found to lack substantial evidence of effectiveness that the fixed combinations will have the previously stated effect.

Accordingly, the Commissioner concludes: (1) That the regulations for the certification of antibiotic drugs should be amended to delete combination preparations containing tetracycline and amphotericin B from the list of drugs acceptable for certification because of a lack of substantial evidence that such combinations have the clinical effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling; and (2) that all outstanding certificates heretofore issued for such combination drugs should be revoked.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner (21 CFR 2.120), Parts 141c and 146c are amended by repealing §§ 141c.257, 141c.260, 141c.262, 146c.257, 146c.260, and 146c.262 and all antibiotic certificates issued under those regulations are revoked.

Any person who will be adversely affected by the removal of any such drugs from the market may file, within 30 days of publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing should identify the claimed errors in the National Academy of Sciences-National Research Council evaluation and the Administration's conclusions as to the effectiveness of the combination drug and identify any adequate and well controlled investigations on the basis of which it reasonably could be concluded that the drug would have the effectiveness claimed for its intended uses. Objections should be filed, preferably in quintuplicate, with 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.

If objections accompanied by reasonable grounds are received, the Commissioner will promptly announce a hearing. If a hearing is scheduled, it will be held under the provisions of section 507(f) of the Act, employing the hearing procedures set forth in Subpart F of Part 2 (21 CFR Part 2), as amended by § 146.1 of the regulations published April 8, 1969, in the FEDERAL REGISTER.

Effective date. This order will become effective 40 days from its date of publication in the FEDERAL REGISTER unless stayed by the filing of proper objections. The Commissioner will announce in the FEDERAL REGISTER whether or not requests for hearing with reasonable grounds have been received during the 30-day period. At that time the Commissioner will specify how the outstanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: May 27, 1969.

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

[F.R. Doc. 69-6990; Filed, June 12, 1969; 8:46 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Certain Penicillin-Sulfonamide Combination Products for Oral Administration

In the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6006), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

A. Combination drugs containing potassium penicillin G and sulfisoxazole: Gantricillin "100" Tablets, Gantricillin "200" Tablets, and Gantricillin "300" Tablets; marketed by Hoffmann-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110.

B. Combination drugs containing potassium penicillin G, sulfadiazine, sulfamerazine, and sulfamethazine:

1. Neopenzine Suspension; marketed by Eli Lilly & Co., Indianapolis, Ind. 46206.

2. Neopenzine "150" Tablets and Neopenzine "300" Tablets; marketed by Eli Lilly & Co.

3. Trisem-Pen Powder; marketed by S. E. Massengill Co., Bristol, Tenn. 37620.

4. Trisem-Pen Tablets; marketed by The S. E. Massengill Co.

5. Penicillin with Triple Sulfas Tablets; marketed by Biocraft Laboratories, Inc., 92 Route 46, East Paterson, N.J. 07407.

6. K-cillin Sulfa Powder for Syrup; by Biocraft Laboratories, Inc.

7. Sulfa-Sugracillin 125M Granules and Sulfa-Sugracillin 250M Fortified Granules; marketed by The Upjohn Co., Kalamazoo, Mich. 49002.

8. Flavocillin-CS Powder; marketed by Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114.

9. Potassium Penicillin G with Triple Sulfonamides Tablets; Philadelphia Laboratories, Inc.

10. Biosulfa 125M and 250M Tablets; marketed by The Upjohn Co.

11. Pell-Biotic-250 Tablets; by Richlyn Laboratories, Inc., Castor Avenue at Kensington Avenue, Philadelphia, Pa. 19124.

12. Penicillin with Triple Sulfas No. 1, No. 2, and No. 3; marketed by Richlyn Laboratories, Inc.

13. Potassium Penicillin G Tablets with Triple Sulfonamides; by Vitamix Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pa. 19132.

14. Penicillin 100,000 (also 200,000, 250,000, and 300,000) Units with Triple Sulfonamides Tablets; marketed by Zenith Laboratories, Inc., 150 South Dean Street, Englewood, N.J. 07631.

15. Penicillin with Triple Sulfas Tablets; marketed by Supreme Pharmaceutical Co., Inc., 354 Mercer Street, Jersey City, N.J. 07302.

16. Pentid-Sulfas Tablets; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

17. Pentid-Sulfas for Syrup and Pentid "400" Sulfas for Syrup; marketed by E. R. Squibb & Sons, Inc.

18. Penicillin-Three Sulfonamide Tablets "100" and Penicillin-Three Sulfonamide Tablets "300"; marketed by Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106.

19. Buffered Potassium Penicillin G with 3 Sulfas Powder for Syrup; marketed by Nysco Laboratories, Inc.

C. Combination drugs containing potassium penicillin G, sulfadiazine, sulfamerazine, and sulfacetamide:

1. Flavored Penicillin G Powder with Triple Sulfonamides; by Vitamix Pharmaceuticals, Inc.

2. Penicillin with Sulfonamides Powder for Solution; marketed by Biocraft Laboratories, Inc.

D. Combination drugs containing phyenoxymethyl penicillin (as the base or benzathine salt), sulfadiazine, and sulfamerazine:

1. Pen-Vee Sulfas, Tablets; marketed by Wyeth Laboratories, Inc., Philadelphia, Pa. 19101.

2. Pen-Vee Sulfas, Suspension; marketed by Wyeth Laboratories, Inc.

E. Combination drugs containing phenoxymethyl penicillin (as the base or potassium or benzathine salt), sulfadiazine, sulfamerazine, and sulfamethazine:

1. Compocillin-VK with Sulfas Filmtab; marketed by Abbott Laboratories, North Chicago, Ill. 60064.

2. Compocillin-VK with Sulfas Granules for Oral Suspension; marketed by Abbott Laboratories.

3. V-Cillin Sulfa Tablets; marketed by Eli Lilly & Co.

4. V-Cillin Sulfa Pediatric for Oral Suspension; marketed by Eli Lily & Co.

5. V-Cillin K Sulfa Tablets; marketed by Eli Lilly & Co.

6. V-Cillin K Sulfa Pediatric for Oral Suspension; marketed by Eli Lilly & Co.

F. Combination drugs containing benzathine penicillin G, sulfadiazine, sulfamerazine, and sulfamethazine:

1. Bicillin-Sulfas Suspension; marketed by Wyeth Laboratories, Inc.

2. Bicillin-Sulfas Tablets; marketed by Wyeth Laboratories, Inc.

The announcement stated that the Academy found these products to be ineffective or ineffective as fixed combinations for those indications in the labeling that were specific enough to be evaluated and that the Food and Drug Administration concurred that there is a lack of substantial evidence that each drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. All interested persons were invited to submit within 30 days pertinent data bearing on the proposal to amend the antibiotic drug regulations where necessary to delete the above antibiotic combinations from the list of drugs acceptable for certification.

E. R. Squibb and Sons submitted material in response to the announcement and this has been reviewed. The submission proposed labeling changes and included one controlled study of the drug in pediatric use, but it has been concluded that it does not provide substantial evidence of the effectiveness and evidence of the safety of such combination drug.

Accordingly, the Commissioner concludes that in the absence of substantial evidence of effectiveness for the fixed combination drugs and in recognition of the known hazards associated with each component of such combinations, e.g., hypersensitivity and blood dyscrasias with sulfonamides and allergenicity with penicillin, the regulations for the certification of antibiotic drugs should be amended as follows to delete the above-listed antibiotic combinations, and other oral dosage forms for human use containing penicillin and any sulfonamide, from the list of drugs acceptable for certification. The Commissioner further concludes that the certificates of safety and effectiveness heretofore issued for the combination drugs should be revoked on the basis of unwarranted hazards.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 146a of the antibiotic drug regulations is amended as follows to delete the provisions for the inclusion of sulfonamides, in so far as they apply to such drugs for human use, and certificates previously issued for such drugs for human use under these regulations are revoked:

1. In § 146a.27 *Penicillin tablets*, the second sentence of paragraph (a) is revised to read "They may also contain probenecid, and, if they are intended solely for veterinary use, they may contain one or more suitable sulfonamides."

2. In § 146a.28 *Crystalline penicillin G oral suspension, crystalline penicillin G sodium oral suspension, potassium penicillin G oral suspension*, the first sentence of paragraph (a) is amended by deleting "or one or more suitable sulfonamides".

3. In § 146a.51 *Buffered penicillin powder, penicillin powder with buffered aqueous diluent:*

a. Paragraph (a) is amended in the first sentence by deleting "with or without one or more suitable sulfonamides,".

b. Paragraph (b) is amended by changing the last sentence to read "Each immediate container may be packaged in combination with a container of a suitable and harmless aqueous vehicle and with or without probenecid."

4. In § 146a.69 *Benzathine penicillin G oral suspension, benzathine penicillin G for oral suspension (benzathine penicillin G powder):*

a. Paragraph (a) is amended in the first sentence by deleting "with or without one or more suitable sulfonamides".

b. Paragraph (c) (1) (ii) is deleted.

5. In § 146a.95 *Dibenzylamine penicillin and potassium penicillin powder, buffered:*

a. Paragraph (a) is amended in the first sentence by deleting "with or without one or more suitable sulfonamides, and".

b. Paragraph (c) (1) (ii) is deleted.

6. In § 146a.104 *Phenoxymethyl penicillin for oral suspension, potassium phenoxymethyl penicillin for oral solution:*

a. Paragraph (a) is amended in the first sentence by changing the comma after "preservatives" to a period and by deleting "and with or without one or more suitable sulfonamides."

b. Paragraph (c) (1) (ii) is deleted.

Any person who will be adversely affected by the removal of any such drugs from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the National Academy of Sciences-National Research Council evaluation or the Administration's conclusions and identify

any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the combination drugs would have the effectiveness claimed and would be safe for their intended uses.

Effective date. This order shall become effective 40 days after the date of its publication in the FEDERAL REGISTER to allow time for a recall to be completed. Certification of new stocks has been discontinued.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: May 27, 1969.

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

[F.R. Doc. 69-6991; Filed, June 12, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 81–C for the children's dress and related products industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 81–C are hereby published, to be effective June 29, 1969, in this order amending § 610.2 of Title 29, Code of Federal Regulations, by revising paragraph (a) (1) (i) and (2) (i). As amended, § 610.2 reads as follows:

§ 610.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Hand-embroidery classification.* (i) The minimum wage for this classification is $1.15 an hour.

* * * * *

(2) *Other operations classification.* (i) The minimum wage for this classification is $1.44 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 6th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-6983; Filed, June 12, 1969; 8:46 a.m.]

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and by means of Administrative Order No. 606 (34 F.R. 5434), the Secretary of Labor appointed and convened Industry Committee No. 81–A for the men's and boys' clothing and related products industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Division of the Department of Labor a report containing its findings of fact and recommendation with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 81–A are hereby published, to be effective June 29, 1969, in this order amending § 615.2 of Title 29, Code of Federal Regulations, by revising paragraphs (a) (1) (i), (2) (i), and (3) (i), and (b) (1). As amended, § 615.2 reads as follows:

§ 615.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *The work clothing and separate trousers classification.* (i) The minimum wage for this classification is $1.45 an hour.

* * * * *

(2) *The military-style hats and caps classification.* (i) The minimum wage for this classification is $1.55 an hour.

* * * * *

(3) *The general classification.* (i) The minimum wage for this classification is $1.34 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.25 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 9th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-6984; Filed, June 12, 1969; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Hawaii Volcanoes National Park, Hawaii

A proposal was published at page 16121 of the FEDERAL REGISTER of November 2, 1968, to revise § 7.25 of Title 36 of the Code of Federal Regulations. The purpose of this revision is to revoke special regulations limiting the speed of vehicles on park roads, prohibiting camping, picnicking, and fishing at certain locations within the park, and controlling the use of bicycles within the park. None of these regulations are needed since regulations contained in Parts 2 and 4 of this chapter adequately provide for regulation of all these matters. The revised regulation on fishing continues to carry out the provisions of the Act of June 20, 1938, and makes clear the location of the park boundary along the seacoast. The provision relating to the possession and use of throw nets within the park makes no substantive change in the existing regulatory material. The new regulation on mountain climbing and exploration provides supervision and control in these hazardous areas.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions or objections have been received and the proposed regulation is hereby adopted with the addition of the words "location of the climb" in paragraph (b) (1) as set forth below.

These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 5; and the Act of August 1, 1916 (39 Stat. 432), as amended; (16 U.S.C. 395c), and the Act of June 20, 1938 (52 Stat. 784; 16 U.S.C. 396a))

Section 7.25 is revised to read as follows:

§ 7.25 Hawaii Volcanoes National Park.

(a) *Fishing—(1) Commercial fishing.* Commercial fishing from parklands

(above the high waterline) other than as provided for below is prohibited.

(2) *Nets.* The use of nets in fishing from parklands (above the high waterline) except for throw nets, is prohibited.

(3) *Kalapana extension area; special fishing privileges.* (i) Pursuant to the act of June 20, 1938 (52 Stat. 781; 16 U.S.C. 391b and 396a) Native Hawaiian residents of the villages adjacent to the Kalapana extension area added to the park by the above act and visitors under their guidance are granted the exclusive privileges of fishing or gathering seafood from parklands (above the high waterline) along the coastline of such extension area. These persons may engage in commercial fishing under proper State permit.

(ii) For the purposes of this section, the term "native Hawaiian" means any descendent of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 (Act of June 20, 1938; 52 Stat. 784; 16 U.S.C. 396a).

(b) *Mountain climbing; exploration.* (1) No person shall climb the slopes of Mauna Loa without first registering with the Superintendent and indicating the location of the climb, approximate duration, and the number of people in the climbing party.

(2) No person shall explore or climb about the lava tubes or pit craters in the park without first registering with the Superintendent and indicating the approximate length of time involved in the exploration and the number of people in the party. This section does not apply to the maintained trail through Thruston Lavo Tube, nor the maintained trail down and across Kilauea Iki pit crater.

DANIEL J. TOBIN, Jr.,
Superintendent,
Hawaii Volcanoes National Park.

[F.R. Doc. 69-6967; Filed, June 12, 1969; 8:45 a.m.]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Oregon Caves National Monument, Oreg.

A proposal was published at page 7240 of the FEDERAL REGISTER of May 16, 1968 to amend § 7.49 of Title 36 of the Code of Federal Regulations. The effect of the amendment is to clarify the purpose and intent of the regulation and to eliminate unnecessary material.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

§ 7.49 Oregon Caves National Monument.

(a) *Admission to caves.* No person or persons shall be permitted to enter Oregon Caves unless accompanied by an approved National Park Service or concessioner employee who has successfully completed the training prescribed by the National Park Service. Children under the age of 6 are not permitted to enter the caves.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

DONALD M. SPALDING,
Superintendent, Crater Lake National Park and Oregon Caves National Monument.

[F.R. Doc. 69-6968; Filed, June 12, 1969; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. The center title immediately preceding § 17.30 is changed to read: "Definitions and Active Duty"

2. In § 17.30, that portion preceding paragraph (a) and paragraph (c) are amended to read as follows:

§ 17.30 Definitions.

When used in Veterans Administration Medical regulations, each of the following terms shall have the meaning ascribed to it in this section:

* * * * *

(c) *Active military, naval, or air service.* See §§ 17.31 and 17.32.

* * * * *

3. Sections 17.31 and 17.32 are added to read as follows:

§ 17.31 Duty periods defined.

Definitions of duty periods applicable to eligibility for medical benefits are as follows:

(a) *Active military, naval, or air service.* The term "active military, naval, or air service" includes active duty, any period of active duty for training during which the individual concerned was disabled from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled from an injury incurred or aggravated in line of duty.

(b) *Active duty.* The term "active duty" means

(1) Full-time duty in the Armed Forces, other than active duty for training;

(2) Full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits";

(3) Full-time duty as a commissioned officer of the Coast and Geodetic Survey (or as a commissioned officer of the Environmental Science Services Administration who was commissioned in the Coast and Geodetic Survey before July 13, 1965, and was transferred to such Administration) (i) on or after July 29, 1945, or (ii) before that date while either on transfer to one of the Armed Forces, or while in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or (iii) in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter;

(4) Service as a cadet at the U.S. Military, Air Force, or Coast Guard Academy, or as midshipman at the U.S. Naval Academy;

(5) Full-time duty as a member of the Women's Army Auxiliary Corps, Women's Reserve of the Navy and Marine Corps and Women's Reserve of the Coast Guard;

(6) Authorized travel to or from such duty or service.

(c) *Active duty for training.* The term "active duty for training" means:

(1) Full-time duty in the Armed Forces performed by Reserves for training purposes;

(2) Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service during the period covered in paragraph (b)(2) of this section;

(3) In the case of members of the National Guard or Air National Guard of any State, full-time duty under section 316, 502, 503, 504, or 505 of title 32, United States Code, or the prior corresponding provisions of law; and

(4) Authorized travel to or from such duty.

(5) Active duty for training does not include duty performed as a temporary member of the Coast Guard Reserve.

(d) *Inactive duty training.* The term "inactive duty training" means:

(1) Duty (other than full-time duty) prescribed for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under section 206, title 37, United States Code, or any other provision of law;

(2) Special additional duties authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

(3) Duty (other than full-time duty) for members of the National Guard or Air National Guard of any State under the provisions of law stated in paragraph (c)(3) of this section.

(4) Inactive duty for training does not include work or study performed in connection with correspondence courses, or

attendance at an educational institution in an inactive status, or duty performed as a temporary member of the Coast Guard Reserve.

§ 17.32 Certain travel and time at acceptance center deemed active duty.

In any of the following circumstances, an applicant will be deemed to have active service:

(a) *When reporting for acceptance.* Any person who has either (1) applied for enlistment or enrollment in the active military, naval, or air service and has been provisionally accepted and directed or ordered to report to a place for final acceptance in such service, or (2) who has been selected or drafted for service in the Armed Forces and has reported pursuant to the call of his local draft board and before rejection; or (3) who has been called into the Federal service as a member of the National Guard, but has not been enrolled for the Federal service; and who has suffered an injury or contracted a disease in line of duty while en route to or from, or at, a place for final acceptance or entry upon active duty, will, for purposes of determining service connection for disability, be considered to have been on active duty and to have incurred such disability in the active military, naval, or air service.

(b) *When reporting for or returning from active duty or inactive duty training.* Any person who when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training and is disabled from an injury incurred while proceeding directly to or returning directly from such active duty for training or inactive duty training shall be deemed to have been on active duty for training or inactive duty training as the case may be, at the time such injury was incurred.

(c) *When returning home from active duty.* Whenever a person is discharged or released from a period of active duty, he shall be deemed to continue on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release.

4. Immediately preceding § 17.33, a new center title is added to read as follows: "Presumption Relating to Psychosis"

5. In § 17.35, the headnote is amended to read as follows:

§ 17.35 Emergency hospitalization.

* * * * *

6. In § 17.46, paragraph (a), that portion of paragraph (b) preceding subparagraph (1) and paragraph (e) are amended to read as follows:

§ 17.46 Persons entitled to hospital or domiciliary care.

Hospital or domiciliary care may be provided:

(a) Subject to the provisions of §§ 17.46b through 17.48, for persons eligible as veterans or on the basis of service in the uniformed services.

(b) Not subject to the eligibility provisions of §§ 17.46b through 17.48, for:

* * * * *

(e) The authorization of services under any provision of this section, except services for eligible veterans, is subject to charges as required by § 17.62.

7. Section 17.46a is reserved and § 17.46b is added to read as follows:

§ 17.46a [Reserved]

§ 17.46b Hospital care for certain retirees with chronic disability (Executive Orders 10122 and 10400).

Hospital care may be furnished when beds are available to members or former members of the uniformed services (Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service) temporarily or permanently retired for physical disability or receiving disability retirement pay who require hospital care for chronic diseases and who have no eligibility for hospital care under laws governing the Veterans Administration, or who having eligibility do not elect hospitalization as Veterans Administration beneficiaries. Care under this section is subject to the following conditions:

(a) Persons defined in this section who are members or former members of the active military, naval, or air service must agree to pay the subsistence rate set by the Administrator of Veterans Affairs, except that no subsistence charge will be made for those persons who are members or former members of the Public Health Service, Coast Guard, Coast and Geodetic Survey, and enlisted personnel of the Army, Navy, Marine Corps, and Air Force.

(b) Under this section, the term "chronic diseases" shall include chronic arthritis, malignancy, psychiatric disorders, poliomyelitis with residuals, neurological disabilities, diseases of the nervous system, severe injuries to the nervous system, including quadriplegia, hemiplegia and paraplegia, tuberculosis, blindness and deafness requiring definitive rehabilitation, disability from major amputation, and other diseases as may be agreed upon from time to time by the Chief Medical Director and designated officials of the Department of Defense and Department of Health, Education, and Welfare. For the purpose of this section, blindness is defined as corrected visual acuity of 20/200 or less in the better eye, or corrected central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that its widest diameter subtends the widest diameter of the field of the better eye at an angle no greater than 20°.

(c) In the case of persons who are former members of the Coast and Geodetic Survey, care may be furnished under this section even though their retirement for disability was from the Environmental Science Services Administration, provided any such person was transferred to that organization from the Coast and Geodetic Survey pursuant to Reorganization Plan No. 2 of 1965 (30 F.R. 8819; 3 CFR 1965 Supp.).

8. In § 17.47, paragraphs (b)(2) and (c)(2) are amended to read as follows:

§ 17.47 Eligibility for hospital, domiciliary or nursing home care of persons discharged or released from active military, naval, or air service.

* * * * *

(b) Hospital care for:

* * * * *

(2) Persons defined in § 17.46b who require hospitalization for chronic diseases incurred in line of duty.

(c) Hospital or domiciliary care:

* * * * *

(2) Hospital care for persons defined in § 17.46b who require hospital care for chronic diseases not incurred in line of duty.

* * * * *

9. In § 17.48, paragraph (b) is revoked and paragraphs (c) through (g) are redesignated (b) through (f) so that the redesignated material reads as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

* * * * *

(b) Under paragraph (c)(3) of § 17.47:

(1) "No adequate means of support." When an applicant is receiving an income of $200 or more per month from any source for his own use, this fact will be considered prima facie evidence that he has adequate means of support. This is subject to rebuttal by a showing that his income is not adequate to provide the care required by reason of his disability or that the income is not available for his use because of other obligations such as contributions in whole or in part to the support of a spouse, child, mother, or father. In all such cases of alleged inadequate means of support, the circumstances will be submitted to the Director for decision.

(c) Under paragraph (d) of § 17.47:

(1) "A disability, disease, or defect" will comprehend any acute, subacute, or chronic disease (of a general medical, tuberculous, or neuropsychiatric type) or any acute, subacute, or chronic surgical condition susceptible of cure or decided improvement by hospital care; or any condition which does not require hospital care for an acute or chronic condition but requires domiciliary care. Domiciliary care, as the term implies, is the provision of a home, with such ambulant medical care as is needed. To be entitled to domiciliary care, the applicant must consistently have a disability, disease, or injury which is essentially chronic in type and is producing disablement of such degree and probable persistency as will incapacitate from earning a living for a prospective period.

(2) "Unable to defray the expense of hospital or domiciliary care (including the expense of transportation to and from a Veterans Administration facility)"—the affidavit of the applicant on

VA Form 10–P–10 that he is unable to defray the expenses of hospital or domiciliary care (including transportation to and from a Veterans Administration facility) will constitute sufficient warrant to furnish hospitalization or domiciliary care (including Government transportation to cover transportation to the facility).

(d) Persons hospitalized pursuant to paragraph (c)(1) or (d) of § 17.47, who it is believed may be entitled to hospital care or medical or surgical treatment or to reimbursement for all or part of the cost thereof by reason of any one or more of the following:

(1) (i) Membership in a union, fraternal or other organization;

(ii) Rights under a group hospitalization plan, or under any of the prepay medical care or insurance contracts or plans which provide for payment or reimbursement in whole or in part, for the cost of medical or hospital care, and conditions the obligation of the insurer to pay upon payment or incurrence of liability by the person covered;

(iii) "Workmen's Compensation" or "employer's liability" statutes, State or Federal; and

(iv) Right to maintenance and cure in admiralty, or

(2) By reason of statutory or other relationships with third parties, including those liable for damages because of negligence or other legal wrong;

will not be furnished hospital care, medical or surgical treatment, without charge therefor to the extent of the amount for which such parties, referred to in subparagraph (1) or (2) of this paragraph, are, or will become liable. Such patients will be requested to execute an appropriate assignment as prescribed in this paragraph. Patients who, it is believed, may be entitled to care under any one of the plans in subparagraph (1) of this paragraph, will be requested to execute VA Form 10–2381, Power of Attorney and Agreement. Those patients who, it is believed, may be entitled to hospital care under the circumstances prescribed in subparagraph (2) of this paragraph will be requested to complete SF 96A. Notice of this assignment will be mailed promptly to the party or parties believed to be liable. When the amount of charges is ascertained, bill therefor will be mailed such party or parties.

(e) Women veterans will not be entitled to hospital care for pregnancy and parturition unless it is complicated by a pathological condition.

(f) Within the limits of Veterans' Administration facilities, any veteran who is receiving hospital care in a hospital under the direct and exclusive jurisdiction of the Veterans' Administration, or in a Federal hospital under agreement, may be furnished medical services to correct or treat any non-service-connected disability in addition to treatment for the disability for which he is hospitalized: *Provided*, The veteran is willing, and furnishing the services would (1) be in the veteran's interest, (2) not prolong his hospitalization, and (3) not interfere with the furnishing of medical services under other provisions of Part 17 to other veterans.

10. In § 17.115(b), subparagraph (4) is amended to read as follows:

§ 17.115 Prosthetic and similar appliances.

* * * * *

(b) *As part of hospital care.* The appliances or repairs are a necessary part of inpatient care for any service-connected disability or any non-service-connected disability, if:

* * * * *

(4) The non-service-connected disability is one for which treatment may be authorized under the provisions of § 17.48(f), or

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: June 9, 1969.

[SEAL] FRED B. RHODES,
Acting Administrator.

[F.R. Doc. 69-6992; Filed, June 12, 1969; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SPECIAL SERVICES; DOMESTIC AND INTERNATIONAL MAIL

In the daily issue of Saturday, May 3, 1969 (34 F.R. 7285), the Department published a notice of proposed rule making proposing increases in the fees for registry, C.O.D., special delivery, and return receipts. The proposed increases were designed to improve the Department's financial posture in the operation of these special services. Proposed effective date was July 1, 1969.

Interested persons were given 30 days within which to submit comments on the proposals. After consideration of all comments received it has been determined to adopt the proposed increases as published in the notice of proposed rule making, without change, except for the effective date.

Accordingly, the following amendments to Title 39, Code of Federal Regulations, are hereby made, to be effective July 14, 1969.

PART 161—REGISTRY

In § 161.2 *Fees and liability*, paragraph (a) is amended to read as follows:

§ 161.2 Fees and liability.

(a) *Fees.*

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.00 to $100	$0.80	$0.80
$100.01 to $200	1.05	1.05
$200.01 to $400	1.30	1.30
$400.01 to $600	1.55	1.55
$600.01 to $800	1.80	1.80
$800.01 to $1,000	2.05	2.05
$1,000.01 to $2,000	2.35	
$2,000.01 to $3,000	2.60	$2.05 plus handling charge of 15 cents per $1,000 or fraction over first $1,000.
$3,000.01 to $4,000	2.85	
$4,000.01 to $5,0000	3.10	
$5,000.01 to $6,000	3.40	
$6,000.01 to $7,000	3.65	
$7,000.01 to $8,000	3.90	
$8,000.01 to $9,000	4.20	
$9,000.01 to $10,000	4.45	
$10,000 to $1,000,000	$4.45 plus handling charge of 15 cents per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$152.95 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.	$151.90 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.	

ADDITIONAL SERVICES	*Extra fee*
C.O.D. (Maximum amount collectible is $200)	$0.70
Restricted Delivery	.50
Return Receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	.15
Showing to whom, when, and address where delivered	.35
Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 161.21.

* * * * *

PART 162—INSURANCE

In § 162.2 *Fees*, paragraph (c) is amended to read as follows:

§ 162.2 Fees.

* * * * *

(c) *Return receipts.*

(Not available for mail insured for $15 or less)

	Fee
(1) Requested at time of mailing:	
Showing to whom and when delivered	$0.15
Showing to whom, when, and address where delivered	.35
(2) Requested after mailing:	

	Fee
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 162.23.

PART 163—C.O.D.

Section 163.1 *Fees (in addition to postage)*, is amended to read as follows:

§ 163.1 Fees (in addition to postage).

Amount to be collected or insurance coverage desired	*C.O.D. fee*
$0.01 to $10	$0.70
$10.01 to $25	.80
$25.01 to $50	.90
$50.01 to $100	1.00
$100.01 to $200	1.10
Restricted delivery	.50
Notice of nondelivery	.10
Alteration of charges or delivery	.35

NOTE: The corresponding Postal Manual section is 163.1.

PART 166—SPECIAL DELIVERY

In § 166.2 *Payment for special delivery*, paragraph (a) is amended to read as follows:

§ 166.2 Payment for special delivery.

(a) *Special delivery fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
First class, air, and priority mail	$0.45	$0.60	$0.75
All other classes	.65	.75	.90

NOTE: The corresponding Postal Manual section is 166.21.

* * * * *

PART 168—CERTIFIED MAIL

Section 168.3 *Fees*, is amended to read as follows:

§ 168.3 Fees.

Fee in addition to postage	$0.30
Restricted delivery	.50
Return Receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	.15
Showing to whom, when, and address where delivered	.35
Requested after mailing:	
Showing to whom and when delivered	.25

NOTE: The corresponding Postal Manual section is 168.3.

PART 242—REGISTRATION

1. Section 242.3 *Fees*, is amended to read as follows:

§ 242.3 Fees.

For Postal Union mail, the fee is 80 cents. The same fee applies to parcel post. See country items in the appendix of this subchapter. (See § 272.2 of this chapter for indemnity provisions.)

NOTE: The corresponding Postal Manual section is 242.3.

2. In § 242.5 *Return receipts*, paragraph (a)(1) would be amended to read as follows:

§ 242.5 Return receipts.

(a) *Requested at time of mailing.* (1) Fee: 15 cents. If the mailer desires that his return receipt be sent back by airmail, the article must be prepaid an additional fee equal to the airmail postage on a single post card to the country of destination.

NOTE: The corresponding Postal Manual section is 242.511.

* * * * *

PART 245—SPECIAL DELIVERY (EXPRESS)

In § 245.3 *Payment*, paragraph (a) is amended to read as follows:

§ 245.3 Payment.

(a) *Fees.*

Class of mail	Weight: Not more than 2 lbs.	Weight: More than 2 lbs. but not more than 10 lbs.	Weight: More than 10 lbs.
Letters, letter packages, post cards, and airmail other articles	0.45	$0.60	$0.75
Surface other articles	.65	.75	.90

NOTE: The corresponding Postal Manual section is 245.31.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 505, 507)

DAVID A. NELSON,
General Counsel.

JUNE 10, 1969.

[F.R. Doc. 69-6981; Filed, June 12, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Protests Against Award

The table of contents for Part 5A-2 is amended to add the following new entry:

Sec.
5A-2.407-8 Protests against award.

Subpart 5A-2.4—Opening of Bids and Award of Contract

Section 5A-2.407-8 is added to require that reports on protests received from the General Accounting Office shall include a statement as to the extent to which delay in award may result in significant supply difficulties.

§ 5A-2.407-8 Protests against award.

(a) Reports to the General Accounting Office (GAO) on FSS cases involving protests received through GAO are prepared by the Procurement Division, Office of General Counsel (LP), and are submitted for concurrence to the Assistant Commissioner for Procurement (FP) or the Assistant Commissioner for Automated Data Management Services (FT), as appropriate. Before concurring, the Assistant Commissioners shall review the decision to delay or to proceed with an award reflected in the statement to be furnished in accordance with paragraph (c) of this section.

(b) When preparing supporting information on protests for submission to the Procurement Division, Office of the General Counsel (LP), Contracting Officers shall ascertain the extent to which delay in award may result in significant supply difficulties.

(c) A statement dealing with the urgency of need, prepared by the Contracting Officer and signed by the Regional Director, FSS, or Director, Procurement Operations Division (FPN), or Director, Special Programs Division (FPA), or Director, ADP Procurement Division (FTP), as appropriate, shall be included with the information submitted to LP.

(1) If the need is not urgent, the statement shall include an estimate of the length of time an award may be delayed without inconvenience.

(2) If the need is urgent, the statement shall set forth the basis for that conclusion.

(3) Where the urgency is so great as to not admit of the delay involved in the preparation of a formal report, telephonic clearance may be obtained by contacting the Assistant General Counsel, Procurement Division, Office of General Counsel.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: June 4, 1969.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 69-6982; Filed, June 12, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

[Docket No. 1-21]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 114; Theft Protection—Passenger Cars

The Administrator is amending Motor Vehicle Safety Standard No. 114, Theft

Protection—Passenger Cars, for the purpose of making several clarifying changes to it. The standard was issued on April 24, 1968 (33 F.R. 6471), and becomes effective on January 1, 1970. After the standard was issued, the Administrator received a number of requests for interpretations or clarifying amendments. While each of the requests discussed below could have been disposed of by interpretation of the present standard, the Administrator has chosen to change the text of the standard in order to ensure that it is clear on its face.

Paragraph S4.1(b) of the standard, as adopted, requires each passenger car to have a key locking system that, with the key removed, will prevent "either steering or self-mobility of the car or both." Several persons pointed out that a literal interpretation of this provision would require a manufacturer who seeks to comply with the self-mobility requirement to install a system that prevents both forward and rearward self-mobility. In view of the improbability of a successful theft of a car capable only of rearward self-mobility, the Administrator agrees that such a literal interpretation would not be consistent with the general purpose of the standard. Therefore, paragraph S4.1(b) is being clarified by inserting the word "forward" before the word "self-mobility".

Several persons sought clarification of paragraph S4.4, which requires activation of a warning to the driver whenever the key has been left in the locking system and the driver's door is opened. The purpose of this provision is to prevent, as far as possible, drivers from inadvertently leaving the key in the ignition lock when the car is unoccupied. As stated in the preamble to the standard when it was adopted, "the standard requires each car to be equipped with a device to remind drivers to remove the key when leaving the car".

It was pointed out that a literal reading of the phrase "left in the locking system" would require activation of the warning regardless of the extent to which the key is inserted in the lock, even if the driver deliberately chooses to withdraw it partially from the lock. These comments argued that it was practically impossible to design a warning system that would function if, for example, the key is so far removed as to be dangling from the locking mechanism. It was the purpose of this provision to require activation of the warning device whenever the key is left in the lock in a position from which the lock can be turned. Once the driver has withdrawn the key beyond the position, he is presumably aware of the location of the key, and no warning need be given to him. Paragraph S4.4 is being amended to clarify this intent.

Paragraph S4.4 is also being amended to avoid the possibility of an interpretation that would prohibit use of a type of locking system and steering lock that has, in the past, been a successful deterrent against theft. In this system, the warning to the driver works in conjunction with the activation of the steering lock device. The steering lock is not deactivated when the key, after having been withdrawn from the ignition lock, is simply reinserted in the locking system. Nor is the warning to the driver actuated until the key is turned so that the steering lock is deactivated. As noted above, the purpose of paragraph S4.4 is not to guarantee that drivers will remove the key upon leaving the car; rather, it seeks to insure that drivers do not inadvertently leave their keys in ignition locks. In all but a very small number of cases, a driver who has withdrawn and then reinserted the key cannot be said to have inadvertently left it in the locking system when he thereafter exits from the car. Therefore, paragraph S4.4 is being amended to make it clear that the warning device need not operate after the key has been removed and reinserted in the locking system without turning the key.

Finally, several persons pointed out that the language of paragraph S4.4 would require activation of the warning device even if the locking system is in the "on" or "start" position. A positive physical act is usually required to bring the system to the "on" position or the "start" position. Moreover, a forgetful driver would not normally leave the key in the "on" position if he opened his door with the intent of leaving the car unattended. In most cases, it is impossible for him to leave the key in the "start" position without physically holding it in that position. Hence, no valid purpose would be served by requiring the warning to be activated when the locking system is in either of those positions, and the standard is being amended to omit any implication that such a requirement is imposed.

Since these changes are clarifying and interpretive in nature, and since they impose no additional burden on any person, I find that notice and public procedure thereon is unnecessary.

In consideration of the foregoing, § 371.21 of Part 371, Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 114 (33 F.R. 6741) is amended, effective January 1, 1970, as set forth below.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.4(c))

Issued on June 9, 1969.

F. C. TURNER,
Federal Highway Administrator.

1. Paragraph S4.1 is amended to read as follows:

S4.1 Each passenger car shall have a key-locking system that, whenever the key is removed will prevent—

(a) Normal activation of the car's engine or other main source of motive power; and

(b) Either steering or forward self-mobility of the car, or both.

2. Paragraph S4.4 is amended to read as follows:

S4.4 A warning to the driver shall be activated whenever the key required by S4.1 has been left in the locking system and the driver's door is opened. The warning to the driver need not operate—

(a) After the key has been manually withdrawn to a position from which it may not be turned;

(b) When the key-locking system is in the "on" or "start" position; or

(c) After the key has been inserted in the locking system and before it has been turned.

[F.R. Doc. 69-6993; Filed, June 12, 1969; 8:46 a.m.]

[Docket No. MC-5; Notice 69-11]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Tires

NOTE: The document below was inadvertently published as a Notice of Proposed Rule Making on page 9068, in the issue of Saturday, June 7, 1969.

The Federal Highway Administrator published in the FEDERAL REGISTER of June 12, 1968 (33 F.R. 8604), a notice of proposed rule making proposing amendment to § 393.75 *Tires* (formerly § 293.75), of the Motor Carrier Safety Regulations, and inviting responses from interested persons desiring to participate in the rule-making procedure. Responses from 257 persons have been received, evaluated, and given full consideration.

After studying all the comments and test data, it is concluded that tire tread groove depth is a major factor in insuring effective traction on wet surfaces and that it is in the interest of the public safety to require a minimum tread pattern groove depth for tires used on the wheels of commercial vehicles.

A number of comments submitted by truckers and retreaders argued that the proposed prohibition on the use of recapped and retreaded tires on front wheels should be deleted. These parties assert that (1) as a matter of industry practice recapped or retreaded tires are generally not used on the front wheels of commercial vehicles; and (2) in those instances where it is the practice to use recapped or retreaded tires on the front wheels the proposed prohibition would increase operating costs. The position of these parties is that the proposal is both unnecessary and unfair because, in most instances, industry voluntarily does not use recapped or retreaded tires on front wheels but those truck operators that do so would suffer an economic hardship.

The argument is also made that there is no support for the position that retreaded and recapped tires are unsafe when used on the front wheels of trucks.

It is indeed difficult to categorically state and fully support the proposition that the use of such tires on the front wheels is unsafe. On the other hand, the fact that it is the general practice not to use such tires on front wheels of trucks is certainly a strong indication that they are less safe than new tires when used in that position. The prohibition has not been included in this regulation, however, the matter is considered of great importance and is still under serious consideration and investigation.

A large number of persons involved in the retreading industry requested that regrooved tires and retreaded tires be controlled by separate regulations. The fact that the prohibition of the use of regrooved, recapped, or retreaded tires on the front wheels of buses is contained within the same section of the regulation does not indicate a lack of understanding of the substantial differences among these processes.

Section 393.75(e) of the proposed regulations spelled out specific requirements for regrooved tires used on the wheels of commercial vehicles. Because the Federal Highway Administration has issued regulations setting forth the conditions under which regroovable and regrooved tires may be sold, offered for sale, or introduced for sale or delivered for introduction into interstate commerce, 49 CFR Part 369 (34 F.R. 1149), and the requirements of § 393.75 of this regulation as amended herein apply to all tires used on the wheels of commercial vehicles, including regrooved tires, it was considered unnecessary to provide a separate subsection setting forth requirements for regrooved tires within the Motor Carrier Safety Regulations. The regulations issued as Part 369 establish criteria under which tires may be regrooved; they are not inconsistent, or in conflict, with the regulations issued herein.

In view of the above, § 393.75 of the Motor Carrier Safety Regulations (49 CFR Part 393) is amended as set forth below, effective July 1, 1969. This amendment is made under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6, of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

§ 393.75 Tires.

(a) No motor vehicle shall be operated on any tire that has fabric exposed through the tread or sidewall.

(b) Any tire on the front wheels of a bus, truck, or truck tractor shall have a tread groove pattern depth of at least $\frac{4}{32}$ of an inch when measured at any point on a major tread groove. The measurements shall not be made where tie bars, humps, or fillets are located.

(c) Except as provided in paragraph (b) of this section, tires shall have a tread groove pattern depth of at least $\frac{2}{32}$ of an inch when measured in a major tread groove. The measurement shall not be made where tie bars, humps or fillets are located.

(d) No bus shall be operated with regrooved, recapped or retreaded tires on the front wheels.

(e) No truck or truck tractor shall be operated with regrooved tires on the front wheels which have a load carrying capacity equal to or greater than that of 8.25–20 8 ply-rating tires.

Issued in Washington, D.C., June 2, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-6676; Filed, June 6, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ROCKY MOUNTAIN NATIONAL PARK, COLO.

Fishing, Trucking, Boats, Climbing, and Winter Touring

Notice is hereby given that pursuant to the authority contained in section 3 of the act of January 26, 1915 (38 Stat. 798, as amended; 16 U.S.C. 3), section 4 of the act of January 26, 1915 (38 Stat. 798, 16 U.S.C. 195), 245 DM1 (27 F.R. 6395), National Park Service Order No. 4 (31 F.R. 5769), as amended, it is proposed to revise § 7.7 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this revision is to eliminate material regulating fires, fishing, report of accidents by wrecker operators, commercial automobiles and buses, eating and drinking establishments on privately owned lands, dogs, cats, and domestic pets, boats, and sanitation in the back country, which are no longer needed in view of the provisions of Parts 2, 3, 4, and 5 of this chapter. The revision also provides an amendment to the commercial trucking regulations, and amends the required registration for climbing and winter back country trips.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Rocky Mountain National Park, Estes Park, Colo. 80517, within 30 days of publication of this notice in the FEDERAL REGISTER.

Section 7.7 is revised to read as follows:

§ 7.7 **Rocky Mountain National Park.**

(a) *Fishing.* Bear Lake and Black Canyon Creek are closed to fishing.

(b) *Trucking.* The Superintendent may issue permits for trucking on park roads by ranchers, farmers, and business concerns located in the counties of Larimer, Boulder, and Grand, Colo., when the loads carried originate and terminate within these counties. Fees will be charged for such trucking over Trail Ridge Road as provided in § 6.4(a) of this chapter.

(c) *Boats.* (1) The operation of motorboats is prohibited on all waters of the park.

(2) All vessels are prohibited on Bear Lake.

(d) *Mountain climbing.* Registration with a park ranger is required prior to all technical mountain climbing. Upon completion of climbing, the registrant is required to check out in the manner specified by the registering official. The term "technical climbing" means climbing where technical aids such as pitons, carabiners, ropes, expansion bolts, crampons, ice axes, or other mechanical equipment is used to make the climb.

(e) *Winter back country trips.* Registration with a park ranger is required prior to winter overnight travel on foot or by use of skiis, snowshoes, or other mechanical means. Upon completion of the trip, the registrant is required to check out in the manner specified by the registering official. Calendar dates when registration is required will be determined and posted by the Superintendent.

THEODORE R. THOMPSON,
Superintendent,
Rocky Mountain National Park.

[F.R. Doc. 69-6969; Filed, June 12, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 61]

COTTONSEED

Fee and Linters Factor

On May 15, 1969 a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7705) regarding the amendment of § 61.45 of the Regulations for Cottonseed Sold or Offered for Sale for Crushing Purposes (7 CFR Part 61, Subpart A) to increase the fee charged licensed cottonseed chemists for each certificate of the grade of cottonseed issued by them from 40 cents to 50 cents and § 61.102(b) of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States (7 CFR Part 61, Subpart B) to revise the table of premiums and discounts for total linters content of cottonseed.

The notice provided for interested parties to submit comments within 30 days after the date of publication in the FEDERAL REGISTER. Requests have been received to provide an additional period for submission of comments regarding the proposed amendment. Therefore, notice is hereby given to provide for an extension of time until June 30, 1969, for submitting comments. It is now proposed that these amendments would be made effective about July 15, 1969.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 30, 1969. All written submissions made pursuant to this notice shall be made available for public inspection in said office during regular business hours and in a manner convenient to the public business (7 CFR 1.27).

Dated: June 10, 1969.

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

[F.R. Doc. 69-7016; Filed, June 12, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 519]

EMPLOYMENT OF FULL-TIME STUDENTS AT SPECIAL MINIMUM WAGES

Proposed Change in Conditions for Certificates

A petition has been received from the National Restaurant Association to amend the Department of Labor's rules governing the employment of full-time students at special minimum wages less than the full minimum required under the Fair Labor Standards Act. Section 14(b) of that Act provides that under certificate the proportion of full-time student hours at special minimum wages to total hours of employment in an establishment may not exceed the proportion of student hours to total hours for the corresponding month of the base year specified in the Act.

The present rules (29 CFR Part 519) issued under section 14 (b) and (c) provide that in determining the base-month proportion, only those hours of full-time student employment at less than $1 an hour are considered creditable. The petition of the National Restaurant Association asks for an amendment of the rules to remove this $1 an hour limitation.

A review of experience under the rules indicates that the $1 an hour limitation has prevented or restricted issuance of certificates to otherwise qualified employers who paid most or all of their students $1 or more an hour during some or all of the months in the base year. While there was good and sufficient reason for providing a $1 an hour limitation in the past, it is believed that a lifting of the student wage limitation in the base year would permit additional employment of full-time students without reducing the full-time employment opportunities of other persons.

Accordingly, pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), Secretary's Order No. 19–67 (32 F.R. 12980), and 29 CFR 519.10, I propose to amend §§ 519.4(f) and 519.6 (c) of Part 519 of Title 29 of the Code of Federal Regulations. The proposal would

substitute the minimum hourly wage prescribed by the Fair Labor Standards Act, as amended, in effect at the time of an application for a certificate for the $1 an hour student wage limitation in the "base year".

1. Section 519.4 would be amended as follows:

§ 519.4 Procedure for action upon an application.

* * * * *

(f) Full-time students shall be employed at special minimum wages only in occupations of the same general classes as those in which the establishment employed full-time students in the base year at wages below the applicable minimum hourly wage prescribed by the Fair Labor Standards Act in effect at the time of application except as provided in § 519.6(e). For this purpose the applicable minimum wage in an establishment for which the 1960–61 base year applies is that prescribed by section 6(a)(1) of the Act, i.e., $1.60 an hour, but the applicable minimum wage in an establishment in Puerto Rico, the Virgin Islands, and American Samoa is for this purpose that prescribed in the relevant industry wage order published in this chapter. The applicable minimum wage for this purpose in a retail or service establishment for which the 1966–67 base year applies is that prescribed by section 6(b) of the Act, i.e., $1.30 an hour until February 1, 1970; $1.45 an hour between February 1, 1970, and January 31, 1971; and $1.60 an hour thereafter, and the applicable minimum wage for this purpose in agriculture is that prescribed in section 6(a)(5) of the Act; i.e., $1.30 an hour. As in the case of the 1960–61 base year, establishments in Puerto Rico, the Virgin Islands, and American Samoa will look to the wage orders in this chapter for the applicable minimum wage.

* * * * *

2. Section 519.6 would be amended as follows:

§ 519.6 Terms and conditions of employment under full-time student certificates.

* * * * *

(c) (1) During any month in which full-time students are to be employed at special minimum wages the percentage derived by the total number of hours worked by full-time students at special minimum wages divided by the total number of hours worked by all employees shall not exceed the same percentage computed for the base period, comparing total hours worked by full-time students at less than the applicable minimum wage in effect at the time of application with total hours for all employees.

(2) For example, Establishment A is an establishment of the type covered by the Fair Labor Standards Act before the 1966 amendments, with a base year from May 1960 through April 1961. In Establishment A, full-time students employed at less than $1.60 an hour worked 900 hours in July 1960, and the total hours of employment of all employees in the establishment in that month were 10,000; the ratio of such full-time student hours to all hours of employment therefore is 9 percent. In July 1969, if the hours of employment at Establishment A are 12,000, then not more than 9 percent, or 1,080, of these hours, may be compensated at special minimum wages for full-time students.

(3) Also, for example, Establishment B is an establishment of the type made subject to the Fair Labor Standards Act by the 1966 amendments; its base year is the 12-month period prior to February 1, 1967. Establishment B files an application in June 1969, reporting that in July 1966 its total hours of employment for all employees were 5,000 of which 450 were worked by full-time students paid less than $1.30 an hour. The percentage of such full-time student hours to all hours of employment is therefore 9 percent. In July 1969, if the total hours of employment of Establishment B are 6,000, then not more than 9 percent, or 540, of these hours may be compensated at special minimum wages for full-time students.

* * * * *

(Sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 9th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-6985; Filed, June 12, 1969; 8:46 a.m.]

[29 CFR Parts 601, 657, 671, 673, 683, 699, 720]

[Administrative Order No. 607]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.	*Industry*
84–A	Shoe and Related Products Industry in Puerto Rico (as defined in 29 CFR 601.1).
84–B	Rubber Products Industry in Puerto Rico (as defined in 29 CFR 720.1).
85	Textile and Textile Products Industry in Puerto Rico (as defined in 29 CFR 699.1).
86	Tobacco Industry in Puerto Rico (as defined in 29 CFR 657.1).
87–A	Retailing, Wholesaling, and Warehousing Industry in Puerto Rico (as defined in 29 CFR 683.1).
87–B	Communications, Utilities, and Transportation Industry in Puerto Rico (as defined in 29 CFR 671.1).
88	Food and Related Products Industry in Puerto Rico (as defined in 29 CFR 673.1).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees.

(b) Refer to each of these industry committees the question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned.

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 84–A shall meet in executive session to commence its investigation at 9:30 a.m. on August 4, 1969, in the office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m., on the same date at the same place. Following this hearing, Industry Committee No. 84–B will meet at the same place to conduct its investigation and to hold its hearing.

Industry Committee No. 85 shall meet in executive session to commence its investigation at 9:30 a.m. on August 11, 1969, in the Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place.

Industry Committee No. 86 shall meet in executive session, to commence its investigation at 9:30 a.m. on August 25, 1969, in the Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place.

Industry Committee No. 87–A shall meet in executive session to commence its investigation at 9:30 a.m. on October 13, 1969, in the Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place. Following this hearing, Industry Committee No. 87–B will immediately convene at the same place to conduct its investigation and to hold its hearing.

Industry Committee No. 88 shall meet in executive session to commence its investigation at 9:30 a.m. on October 20, 1969, in the Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R., and shall commence its hearing at 10:30 a.m. on the same date at the same place.

Each committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum rate or rates of wages for such industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. The committee shall not, however, recommend minimum wage rates in excess of $1.60 an hour for work which would have been covered by section 6 of the Act if it had been performed prior to the effective date of the Fair Labor Standards Amendments of 1966. Nor shall the committee recommend minimum wage rates in excess of $1.30 an hour for the period ending January 31, 1970, nor in excess of $1.45 an hour for the period ending January 31, 1971, nor in excess of $1.60 per hour thereafter, for work brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

Whenever any industry committtee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not substantially curtail employment in such classification and which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minmum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the national and Puerto Rican offices of the U.S. Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing, i.e., July 25, 1969, for matters to be considered by Industry Committees Nos. 84–A and 84–B; August 1, 1969, for matters to be considered by Industry Committee No. 85; August 15, 1969, for matters to be considered by Industry Committee No. 86; October 3, 1969, for matters to be considered by Industry Committee Nos. 87–A and 87–B; and October 10, 1969, for matters to be considered by Industry Committee No. 88.

Signed at Washington, D.C., this 6th day of June 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-6986; Filed, June 12, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 65]

[Docket No. 9646; Notice 69-25]

AIR TRAFFIC CONTROL TOWER OPERATOR CERTIFICATE

Proposed Reduction of Minimum Age

The Federal Aviation Administration is considering amending Part 65 of the Federal Aviation Regulations to reduce the minimum age for eligibility for an air traffic control tower operator certificate from 21 to 18 years.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 12, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 65.31 provides that a person must be at least 21 years of age or, in the case of a member of an Armed Force, at least 18 years of age to be eligible for an air traffic control tower operator certificate. There is no corresponding minimum age for an air traffic control specialist who works in an air route traffic control center or a flight service station; these positions are not included in the definition of "airman" in the Federal Aviation Act of 1958.

A shortage of qualified air traffic control tower operators exists in many sections of the country. In an effort to reduce this shortage, the Civil Service Commission has changed the applicable qualification standards to allow hiring air traffic control personnel at an earlier age. In addition, the Department of Defense notifies the FAA of the release date for military air traffic control specialists, thereby providing the FAA with a known source of qualified applicants, many of whom may be under the age of 21. However, it may not certificate them, or utilize them effectively as air traffic control tower operators until they become 21 years of age.

Minimum ages for airman certificates are established in the interest of safety after considering qualifications such as maturity and judgment that the certificate holder should possess to exercise the duties and responsibilities attendant upon the certificate. The age of 18 years has been accepted as the minimum age for a commercial pilot certificate. Also, the Armed Forces have long employed persons as young as 18 years as air traffic control tower operators controlling military and civil aircraft without encountering problems attributable to the earlier age at which they were certificated.

It is now proposed that 18 years should be fixed as the minimum age for certificating air traffic control tower operators. This would enable the FAA to utilize more effectively younger employees by making it possible for them to reach journeyman status in control tower positions, where they are urgently needed, at an earlier age. Under § 65.35, a certificated controller still would not receive a rating to control aircraft at any particular airport until he shows the qualifications to perform the duties of an operator at that airport. Therefore, the reduction of the minimum age for obtaining a certificate would not itself derogate safety.

In consideration of the foregoing, it is proposed to amend § 65.31 of the Federal Aviation Regulations as follows:

1. By amending paragraph (a) to read as follows:

§ 65.31 Eligibility requirements: general.

To be eligible for an air traffic control tower operator certificate, a person must—

(a) Be at least 18 years of age;

* * * * *

2. By striking out the flush sentence at the end of the section.

This amendment is proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-6978; Filed, June 12, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-AL-3]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the effective period of the Minchumina, Alaska, control zone.

The Minchumina control zone is effective from 0745 to 1545 local time, Wednesday through Sunday. These times coincide with the hours of operation of the Minchumina Flight Service Station.

So as to provide FSS services during the periods when Wien Consolidated Airlines operates at Minchumina, we are considering a change in the days that the FSS operates. If the days of operation of the Minchumina FSS are changed, the effective period of the control zone will require changing. Weather observations required to support the control zone designation are taken by the FSS specialist only during the period the FSS is in operation.

In order to allow for anticipated variation in times of designation, it is proposed to make the Minchumina control zone effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before final action is taken on this proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conference with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conference 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 public docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

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

Issued in Anchorage, Alaska, on June 4, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-6979; Filed, June 12, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-60]

TRANSITION AREA

Proposed Designation

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

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

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

The Orangeburg transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Orangeburg Airport; within 4 miles each side of the 226° bearing from the Orangeburg RBN (lat. 33°26'23" N., long. 80°52'41" N.), extending from the 7.5-mile radius area to 9.5 miles southwest of the RBN.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Orangeburg Airport, utilizing the Orangeburg (private) nondirectional radio beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on June 3, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-6980; Filed, June 12, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 157]

[Docket No. R-360]

RIGHTS-OF-WAY ROUTES AND ABOVEGROUND FACILITIES OF NATURAL GAS COMPANIES

Selection, Clearing, Construction, and Maintenance

JUNE 6, 1969.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission proposes to issue a statement of policy and amend the regulations under the Natural Gas Act, relating to the practices which should be followed by natural gas pipeline companies in the planning, locating, clearing, and maintenance of rights-of-way and the construction of aboveground facilities. The proposed policy statement sets forth guidelines which should be followed and provides that, if not followed, the Commission reserves the right to determine the appropriateness of those guidelines adopted by individual pipeline companies. The proposed amendments to the regulations require the filing of two new exhibits setting forth (a) the consideration given by the Applicant to the feasibility of using existing, rather than additional, rights-of-way and the effect of the proposed facilities upon scenic, historic, and recreational values and (b) whether the guidelines contained in the proposed policy statement have been adopted and, if not adopted, what guidelines have been adopted.

2. The construction of natural gas facilities can affect scenic, historic, and recreational values which are factors to be considered as part of the public interest by the Commission in determining whether facilities proposed to be constructed are required by public convenience and necessity. The Commission believes that rights-of-way should be selected to minimize conflict between the natural gas pipeline company rights-of-way and other present and foreseeable uses of the land on which they are to be located.

From our general knowledge, it appears that the proposed guidelines are consistent with the present practices of many natural gas pipeline companies. It has come to the Commission's attention, however, that some facilities authorized by certificates granted under the Natural Gas Act may not have been constructed with adequate consideration of the effect on aesthetic values. Accordingly, the Commission proposes to issue a policy statement and to amend its regulations under the Natural Gas Act to set forth guidelines for the selection, clearing, and maintenance of rights-of-way routes and the construction and maintenance of aboveground facilities and to require the filing of specific information concerning route selection and construction and maintenance practices. The proposed guidelines are adapted from those set forth in the Report of the Working Committee on Utilities which was submitted

on December 27, 1968, to the Vice President of the United States, who was Chairman of the President's Council on Recreation and Natural Beauty.

3. The Commission proposes, subject to consideration of comments by interested parties, to amend Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.66 to read as follows:

§ 2.66 Guidelines to be followed by natural gas companies in the planning, locating, clearing, and maintenance of rights-of-way and the construction of aboveground facilities.

(a) In the interest of preserving scenic, historic, and recreational values, the construction and maintenance of facilities authorized by certificates granted under section 7(c) of the Natural Gas Act should be undertaken in a manner that will minimize adverse effect on these values. Accordingly, the Commission believes that the planning, locating, clearing, and maintenance of rights-of-way and the construction of aboveground facilities should, as a general practice, conform to the guidelines set forth below.

(1) *Pipeline construction.* (i) Rights-of-way should avoid scenic, recreational, and historic areas where practical. If rights-of-way must be routed through scenic, recreational, or historic areas, they should be located in corridors least visible from areas of public view.

(ii) Rights-of-way should avoid heavily timbered areas and steep slopes, where practical.

(iii) Right-of-way clearings should be kept to the minimum width necessary to prevent interference of trees and other vegetation with the proposed transmission facilities. Trees which would interfere with construction of the proposed transmission facilities should be selectively cut and removed.

(iv) The time and method of clearing rights-of-way should take into account matters of soil stability, protection of natural vegetation and the protection of adjacent resources.

(v) Trees and other vegetation cleared from rights-of-way in areas of public view should be disposed of without undue delay. If trees and other vegetation are burned, local fire and air pollution regulations should be observed. Tree stumps which are adjacent to roads and other areas of public view should be cut close to the ground or removed.

(vi) Trees, shrubs, grass, and top soil which are not cleared should be protected from damage during construction.

(vii) Efforts should be made to prevent clearance of rights-of-way to the mineral soil, except in the ditch itself. Where this does occur in scattered areas of the rights-of-way, the top soil should be replaced and stabilized without undue delay by the planting of appropriate species of grass, shrubs, and other vegetation which are properly fertilized.

(viii) Soil which has been excavated during construction and not used should be evenly filled back onto the cleared area or removed from the site. The soil should be graded to comport with terrain of the adjacent land, and the top soil should then be replaced and appropriate vegetation planted and fertilized.

(ix) Terraces and other erosion control devices should be constructed where necessary to prevent soil erosion on slopes on which rights-of-way are located.

(x) Where rights-of-way cross streams or other bodies of water, the banks should be stabilized to prevent erosion. Construction on rights-of-way should not damage shorelines, recreational areas or fish and wildlife habitats.

(xi) Replacement of earth adjacent to water crossings should be at slopes less than the normal angle of repose for the soil type involved and sodding or seeding should be accomplished without undue delay.

(xii) Rights-of-way should cross streams or other bodies of water at low lands rather than at high banks or wild areas, where practical.

(xiii) Blasting should not be done within or near stream channels without adequate protection for fish and other aquatic life.

(xiv) Consideration should be given to use of the so-called "jacking" technique for laying pipe beneath stream beds where approach elevations and soil conditions permit, and where distance and size of pipe are suitable.

(xv) Cofferdam techniques to lay pipe across streams should be used where necessary to permit full flow in one part of the stream while construction work is being performed in another part.

(xvi) Care should be taken to avoid oil spills and other types of pollution while work is performed in streams and other bodies of water.

(xvii) Water used for pipe testing purposes and taken from streams or other bodies of water should be limited to volumes which will not cause harm to the ecology or aesthetics of the area. When the testing water is released, it should be done at least one-fourth mile from the streams or bodies of water into vegetation on levels upland so as not to cause erosion and siltation.

(xviii) Rights-of-way strips through forest and timber areas should be deflected and should follow irregular patterns, provided the overall length is not extended unduly. This will prevent the rights-of-way from appearing as tunnels cut through the timber.

(xix) Rights-of-way strips through forest and timber areas should be cleared with curved, undulating boundaries and trimmed to comport with the topography of the terrain.

(xx) Small trees and plants should be used to feather back the rights-of-way from grass and shrubbery to larger trees.

(xxi) Rights-of-way should not cross hills and other high points at the crests, particularly where such crossing is in forested areas and clearly visible from the highway.

(xxii) Roads used during construction should be stabilized without undue delay by erosion control measures and the planting of appropriate grass and other vegetation. These roads should be designed for proper drainage, and water bars to control soil erosion should be installed.

(xxiii) Rights-of-way should cross hills and mountains obliquely rather than straight up and down the sides.

(xxiv) Where rights-of-way enter dense timber from a meadow or other clearing, trees should be feathered in at the entrance of the timber for a distance of 150–200 yards.

(xxv) Native shrubs and trees should be left in place or planted randomly, with the necessary allowance for safety, near the edges of rights-of-way adjacent to roads.

(2) *Right-of-way maintenance.* (i) Once a cover of vegetation has been established on a right-of-way, it should be properly maintained.

(ii) Access roads and service roads should be maintained with grass cover, water bars and the proper slope in order to prevent soil erosion. They should be jointly used with other utilities, where practical.

(iii) In scenic areas, when chemicals are used for weed control, etc., they should be applied in late autumn or early spring to minimize the impact of temporary discoloration of the foliage. Chemical growth retardants which would cause permanent discoloration of the foliage should not be used. Care should be taken to assure that chemicals used to control the growth of tree stumps do not damage other vegetation.

(iv) During inspection of rights-of-way attention should be given to locate gullies and fallen timber and to observe the condition of the vegetation. The use of aircraft to inspect and maintain rights-of-way should be encouraged.

(3) *Construction of aboveground appurtenant facilities.* (i) The proposed design and location of compressor stations, and other aboveground facilities, including meter and regulator stations and communication towers, should be made available to local agencies which have jurisdiction over these matters sufficiently in advance of construction deadlines to permit adequate review.

(ii) Unobtrusive sites should be selected where practical for the location of aboveground facilities.

(iii) Potential noise should be considered when the location for compressor stations is being determined. Such facilities should be located in areas where sound will not be resonated.

(iv) The size of aboveground facilities should be kept to the minimum feasible.

(v) The design of the exterior of compressor stations and other aboveground facilities should comport with the surroundings and other buildings in the area.

(vi) Trees and shrubs should be planted in the areas adjacent to aboveground facilities in order to both conceal and enhance their appearance.

(vii) Storage tanks should be placed below ground where technology and economics make it feasible. If storage tanks must be placed aboveground, their

appearance should be enhanced by planting of appropriate trees and shrubs.

(viii) Yards and surrounding areas should be kept clean and free of unused or discarded materials.

(b) If an applicant requesting a certificate to construct facilities under section 7(c) of the Natural Gas Act has not adopted the guidelines in paragraph (a) of this section, the Commission reserves the right in such certificate proceeding to determine the appropriateness of the construction and maintenance guidelines that have been adopted.

4. The Commission proposes to amend § 157.14(a), Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations by adding new subparagraphs (6a) and (6b) to read as follows:

§ 157.14 Exhibits.

(a) *To be attached to each application.* * * *

(6a) *Exhibit F–I—Factors considered in location of facilities.* A statement explaining why the location of facilities shown in Exhibit F was selected. The statement shall include the following:

(i) Explanation of what consideration was given to using, enlarging or extending existing rights-of-way belonging either to applicant or to others such as pipelines, electric power lines, and railroads.

(ii) Explanation of what consideration was given to the effect of proposed facilities upon scenic, historic and recreational values. This explanation should indicate whether the proposed construction will have any effect on any of the districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, and culture, that are included in the National Register maintained by the Secretary of the Interior in accordance with Public Law 89–665 (1966), sec. 101(a)(1).

(iii) List of Federal, State and local agencies which were consulted prior to the filing of the application with respect to matters of facility location and scenic, historic and recreational values.

(6b) *Exhibit F–II—Statement of instructions to employees or agents of applicant concerning right-of-way and construction activities.* A statement indicating whether the guidelines set forth in § 2.66 of this chapter have been issued as instructions to construction personnel of applicant, contractors, subcontractors, and right-of-way agents for all right-of-way acquisition activity and construction done for applicant. If applicant has not adopted these guidelines it shall file a copy of the instructions it has issued.

* * * * *

5. These amendments to the Commission's General Policy and Interpretations and to the regulations under the Natural Gas Act are proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 7, 16, and 20 thereof (52 Stat. 825, 830, 832, 56 Stat. 84, 15 U.S.C. 717f, 717o, 717s).

6. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before July 21, 1969, data, views, and comments in writing concerning the amendments proposed herein. An original and fourteen (14) copies of any such submittals should be filed. The Commission will consider any such submittals before acting on the proposed amendments.

By direction of the Commission.

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

[F.R. Doc. 69–6954; Filed, June 12, 1969; 8:45 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-62]

UNIVERSITY OF VIRGINIA

Notice of Issuance of Facility License Amendment

The Commission has issued Amendment No. 5, as set forth below, to Facility License No. R-66 to the University of Virginia. The license authorizes the University of Virginia to possess, use, and operate a pool nuclear reactor on its campus at Charlottesville, Va. This amendment, effective as of the date of issuance, authorizes (1) an increase from 6.9 kilograms to 12.0 kilograms in the total quantity of uranium-235 which the licensee may receive, possess, and use under the license; and (2) an increase in the allocation of special nuclear material from 6.9 kilograms to 12.0 kilograms of uranium-235 to be transferred from the Commission to the licensee.

By letter dated April 24, 1969, the University of Virginia requested authorization to receive, possess, and use additional special nuclear material in the form of new fuel elements in connection with the operation of the reactor. The additional fuel elements will be stored in safe geometry racks until needed for partial refueling of the core in accordance with procedures which have previously been reviewed and approved by the Commission. Therefore, there is reasonable assurance that the health and safety of the public will not be endangered.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application dated April 24, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 4th day of June 1969.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License R-66, Amdt. 5]

The Atomic Energy Commission has found that:

1. The application for amendment dated April 24, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

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

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

Accordingly, Facility License No. R-66, as amended, is hereby further amended by revising subparagraph 3.B. and paragraph 5 thereof in their entirety as follows:

Subparagraph 3.B.

"B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70 'Special Nuclear Material', to receive, possess, and use up to 12.0 kilograms of contained uranium-235 and 16 grams of plutonium in the Pu-Be source for use in connection with operation of the reactor; and"

Paragraph 5.

"5. Pursuant to § 50.60 of the regulations in Title 10, CFR Chapter I, Part 50, the Commission has allocated to the University of Virginia for use in connection with operation of the reactor, 12.0 kilograms of uranium-235 contained in uranium at the isotopic ratios specified in the application, and 16 grams of encapsulated plutonium. Estimated schedules of special nuclear material transfers to the University of Virginia and returns to the Commission are contained in Appendix 'A' which is attached hereto. Transfers from the Commission to the University of Virginia in accordance with column (2) of Appendix 'A' will be conditioned upon return to the Commission of special nuclear material substantially in accordance with column (3) of Appendix 'A'."

This amendment is effective as of the date of issuance.

Attachment: Appendix A [1].

Date of issuance: June 4, 1969.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-6951; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Amendment to Operating License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6, set forth below, to Operating License No. DPR-4. This license applies to the demonstration power reactor owned by the Saxton Nuclear Experimental Corp. (SNEC) which is located near the Borough of Saxton in Liberty Township, Bedford County, Pa. The amendment authorizes the operation of the reactor with Core III at a power level up to 1 megawatt (thermal) in accordance with the application dated April 29, 1969, as modified by Reactor Licensing and agreed to by SNEC.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see (1) the application to operate at 1 mw. t. dated April 29, 1969, with Core III, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) Attachment A to Amendment No. 6 containing changes to the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of Item 2 above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 3d day of June 1969.

For the Atomic Energy Commission.

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

AMENDMENT TO OPERATING LICENSE

[License DPR-4, Amdt. 6]

The Atomic Energy Commission has found that:

1. The application for amendment dated April 29, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations as set forth in Title 10, Chapter I, CFR;

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

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

Operating License No. DPR-4, as amended, is hereby further amended as follows:

[1] Filed as part of the original document.

Revise paragraph 3.A. to read as follows:

A. *Maximum power level.* Saxton is authorized to operate the facility at steady-state power levels of up to a maximum of 1 megawatt (thermal).

Add following new paragraph to section 3.B. Technical Specifications:

"The above Technical Specifications are hereby changed by Attachment A appended hereto (designated as Change No. 33) for the operation up to 1 megawatt (thermal) with Core III."

This amendment is effective as of the date of issuance.

Attachment A: Change No. 33 to Technical Specifications.[1]

Date of issuance: June 3, 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-6952; Filed, June 12, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20941]

JOHN A. CHAMBERLAIN ET AL.

Notice of Proposed Approval

Joint application of John A. Chamberlain, Reid Crowder Necker, et al., for approval of control relationships under sections 408 and 409 of the Act, Docket 20941.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 10, 1969.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Joint application of John A. Chamberlain, Reid Crowder Necker, Aztec Transportation Co., Inc., doing business as Aztec Air Freight, and Aztec Forwarding, Inc., doing business as San Diego Cartage for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20941.

By application filed April 25, 1969, as amended June 2, 1969, John A. Chamberlain and Reid Crowder Necker request approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the control relationships resulting from their common ownership of all of the shares of stock of Aztec Transportation Co., Inc., doing business as Aztec Air Freight (Air Freight) and of Aztec Forwarding, Inc., doing business as San Diego Cartage (Cartage).

Air Freight is an applicant to the Board for interstate and international air freight forwarder authority. It presently operates as an intrastate motor common carrier in the State of California, and holds authority from the California Public Utilities Commission to provide intrastate air freight forwarder service. Cartage is a motor common carrier performing pickup and delivery service in the area of San Diego and contiguous municipalities. The individual applicants each own 50 percent of the outstanding shares of stock of Air Freight and Cartage.

The individual applicants also request approval, pursuant to section 409 of the Act of the interlocking relationships involving Air Freight and Cartage arising from their holdings of positions as directors and/or officers of both corporations.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following the date of such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the application, it is concluded that Air Freight is an air carrier and that Cartage is a common carrier within the meaning of section 408(a) of the Act, and that the common control of the two companies by Messrs. Chamberlain and Necker is subject to that section of the Act. However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not, essentially, present any new substantive issues.[1] It therefore appears that approval of the control relationships would be consistent with the public interest.

We also find that interlocking relationships within the scope of section 409(a) of the Act will result from the holdings by the individual applicants of positions as director and/or officer of Air Freight and Cartage. However, we conclude that such relationships would come within the scope of the exemptions from section 409 of the Act afforded by § 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of such interlocking relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, and that the application, to the extent that it requests approval of the foregoing interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the common control by Messrs. Chamberlain and Necker of Air Freight and of Cartage be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships as described above is sought, under section 409 of the Act, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after service of this order.

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

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-7006; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 16080; Order 69-6-44]

CONTAINERIZATION

Order Regarding Extension of Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of June 1969.

By Order 69-5-47, dated May 12, 1969, the Board granted the carriers 30 days (until June 12, 1969) to continue their discussions on containerization. The carriers met on May 21, 1969, and numerous areas warranting further study were identified, i.e., whether incentive discounts should be established on containers for the forthcoming jumbo jets (B-747, DC-10, L-1011); should incentive discounts be extended to Type A igloo containers owned by the shipper (present discounts apply only to carrier-owned igloos); should the tare weight allowance for shipper-owned Type B, B-2, C, and D containers be increased from 1 pound per cubic foot to 1½ pounds; should the present density incentive of one-third off for poundage in excess of 10 pounds per cubic foot be improved to accelerate dense payloads; and various administrative and procedural issues. Further meetings of the carriers are scheduled for June 11, 30, and July 1, 1969.

By a request filed on May 29, 1969, the carriers[1] ask for an additional 30 days to conclude their discussions.

No person has protested the carriers' request.

Upon consideration of the carriers' request, the Board will grant an additional 30 days for the carriers to continue their discussions on containerization.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. The discussion period granted by ordering paragraph 1 of Order 69-5-47 dated May 12, 1969, is extended through July 11, 1969; and

2. All other terms and conditions of Order 69-5-47, supra, are similarly extended and continue unchanged.

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[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[1] Cf. Herbert Cohan et al., Order 69-2-129, Feb. 25, 1969, and Trygve B. Lodrup et al., Order E-26288, Jan. 26, 1968, approving control relationships involving air freight forwarders and intrastate motor common carriers.

[1] American Airlines, Inc., Airlift International, Inc., Braniff Airways, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., The Flying Tiger Line Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7007; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 18650; Order 69-6-38]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 9, 1969.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 20, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. In addition, a rate for a new commodity description has been specified, as indicated in the attachment.

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

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-26 through R-30, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7008; Filed, June 12, 1969; 8:47 a.m.]

[1] Filed as part of the original document.

[Docket No. 18650; Order 69-6-39]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on June 9, 1969.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 20, 1969, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-78:

Commodity Item 9509—Handicraft, Namely Handloom Textiles, Brass, Copper, Iron, Wood, Bamboo, Wicker, Paper, Papier Maché and Clay Articles, 100 cents per kg., minimum weight 500 kgs., 80 cents per kg., minimum weight 1,000 kgs., Istanbul to New York.

R-79:

Commodity Item 0220—Cheese 42 cents per kg., minimum weight 500 kgs., Luxembourg to New York.

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

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-78 and R-79, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-7009; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 21010]

LAKER AIRWAYS, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 19, 1969, at 10 a.m., e.d.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Arthur S. Present.

Dated at Washington, D.C. June 9, 1969.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 69-7010; Filed, June 12, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 443]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 9, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

7091-C2-P-69—Denver & Ephrata Telephone and Telegraph Co. (New), C.P. for a new 1-way station to be located at Ephrata Township Road, 0.8 mile east of Ephrata, Pa., to operate on frequency 43.58 MHz.

7095-C2-P-69—Mobile Communication Service (New), C.P. for a new 2-way station to be located at 24 West Church Street, Harrisburg, Ill., to operate on frequency 152.84 MHz.

7093-C2-P-69—General Telephone Co. of Illinois (New), C.P. for a new 1-way station to be located at 225 East Chestnut Street, Olney, Ill., to operate on frequency 152.84 MHz.

7094-C2-P-69—General Telephone Co. of Illinois (New), C.P. for a new 1-way station to be located at 439 South Main Street, Princeton, Ill., to operate on 152.84 MHz.

7095-C2-P-69—Mobile Communication Service (New), C.P. for a new 2-way station to be located at 2810 North Walnut Street, Muncie, Ind., to operate on frequency 152.06 MHz.

7176-C2-P-69—General Telephone Co. of the Midwest (New), C.P. for a new 2-way station to be located at 0.5 mile west of Kearney, Nebr., to operate on 152.69 MHz.

7177-C2-TC-69—Coronet Enterprises, Inc., Spokane, Wash. (KOA271), Consent to transfer of control from: Harold A. Salisbury, Transferor, to: Robert H. Benesch, Arthur E. Swanson, and Norman L. Wilford, Transferees.

7178-C2-P-(4)-69—Mobile Radio Communications, Inc. (KAA275), C.P. for four (4) additional channels to operate on base frequencies 454.075, 454.225, 454.175, 454.125 MHz at station located at 922 Linwood Street, Kansas City, Mo.

7179-C2-AL-69—Mobilfone System, Inc., Consent to assignment of license from: Mobilfone System, Inc., Assignor, to: Sigma Communications Corp., Assignee. Station: KCC484 West Hartford, Conn.

7180-C2-P-69—General Communications Services, Inc. (KOF328), C.P. to change the base frequency to 152.24 MHz; replace transmitter on same; change the antenna system and correct coordinates to read: lat. 32°12'44" N., long. 111°00'19" W. Tucson, Ariz. (1-way).

6966-C2-P-(3)-69—Morrison Radio Relay Corp. (KKJ460), C.P. for an additional transmitter to operate on frequency 35.22 MHz at location No. 1: Houston Street, Fort Worth, Tex., location No. 2: Fidelity Union Towers Building, 1511 Bryan Street, Dallas, Tex., and location No. 3: 400 North East Street, Arlington, Tex. (1-way).

7283-C2-P-(3)-69—South Central Bell Telephone Co. (KIB532), C.P. for additional base channel to operate on frequency 152.81 MHz and change the antenna system operating on frequencies 152.63 and 152.69 MHz at station located at Sharps Ridge, Memorial Park, Knoxville, Tenn.

7336-C2-P-69—Communication Equipment and Service Co. (New), C.P. for a new 1-way station to be located at 1010 College Road, Fairbanks, Alaska, to operate on frequency 158.70 MHz.

7350-C2-MP-(5)-69—Lafayette Radiofone (KKO352), Modification of C.P. to replace base transmitter operating on 152.12 MHz; change the antenna systems operating on 152.03, 152.18, and 152.21 MHz and relocate facilities operating on the following frequencies 152.03, 152.09, 152.12, 152.18 and 152.21 MHz to a new site described as: North side of Southern Pacific Railroad tracks, approximately 1 mile west of Lafayette, La.

7355-C2-TC-69—Olney Communications, Inc., Olney, Ill. (KSJ770), Consent to transfer of control from First National Bank in Olney and Marilyn Walker, Transferors, to: Leslie P. Simpson, Transferee.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

7357-C2-P-69—Upper Peninsula Telephone Co. (New), C.P. for a new fixed station to be located 0.5 mile northeast of Toivola, Mich., to operate on base frequency 152.63 MHz.

7358-C2-P-(2)-69—North Shore Communications, Inc. (KCC483), C.P. for two additional channels on base frequencies 454.025 and 454.300 MHz at station located at No. 3 Sidney Street, Wakefield, Mass.

3921-C2-R-69—Pacific Northwest Bell Telephone Co. (KF2010), Renewal of (Developmental) license expiring July 14, 1969. Term: July 14, 1969 to July 14, 1970.

5588-C2-R-69—South Central Bell Telephone Co. (KLF514), Renewal of (Developmental) license expiring July 1, 1969. Term: July 1, 1969 to July 1, 1970.

Major Amendment

6265-C2-P-(2)-69—Cameron Telephone Co. (KKO357), Amend to delete: C.P. to add a second channel on base frequency 152.81 MHz. All other particulars to remain same as reported on public notice dated Apr. 28, 1969, Report No. 437.

Correction

7060-C2-P-69—Waco Communications, Inc. (KLB498), Correct frequency to read 152.06 MHz. All other particulars same as reported in public notice dated June 2, 1969, Report No. 442.

RURAL RADIO SERVICE

7337-C1-ML-69—Spohn Ranch (KVU62), Modification of license to change frequency to 157.98 MHz. All other terms of the existing license to remain the same.

7338-C1-P-69—Pacific Telephone & Telegraph Co. (KMO35), C.P. to change the antenna system operating on 454.60 MHz communicating with station KMO38 Silver City, Calif. Station location: 217 West Acequia Street, Visalia, Calif.

7355-C1-TC-69—Olney Communications, Inc. (KSQ52), Consent to transfer of control from First National Bank in Olney and Marilyn Walker, Transferors, to: Leslie P. Simpson, Transferee (Temp-Fixed).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

7096-C1-P-69—American Telephone & Telegraph Co. (KKT28), C.P. to add 4030 MHz toward Raymond, Miss., at its station located 4.3 miles south-southeast of Vicksburg, Miss.

7097-C1-P-69—American Telephone & Telegraph Co. (KKT29), C.P. to add 4070 MHz toward Jackson, Miss., at its station located 4.2 miles southeast of Raymond, Miss.

7098-C1-P-69—California Interstate Telephone Co. (KMZ88), C.P. to change antenna system, replace transmitters and change frequencies 6204.7, 6323.3 MHz to 10,915, 11,155 MHz toward Victorville, Calif., via passive reflector at its station located lot 24, Evergreen Road, Wrightwood, Calif.

7099-C1-P-69—California Interstate Telephone Co. (KNL83), C.P. to add 11,445, 11,685 MHz toward Wrightwood, Calif., via passive reflector at its station located 16461 Mojave Drive, Victorville, Calif.

7181-C1-P/ML-69—South Central Bell Telephone Co. (KJH23), C.P. and modification of license to add 6250.0 MHz toward Hawthorne School, Louisville, Ky., at its station located 521 West Chestnut Street, Louisville, Ky.

5632—C1-R-69—South Central Bell Telephone Co. (KZS92), Renewal of developmental license expiring July 1, 1969. Term: July 1, 1969 to July 1, 1970. Temporary units operating in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee.

7339-C1-AL-69—New Mexico State Telephone Co., Consent to assignment of license from New Mexico State Telephone Co., Assignor, to Western States Telephone Co., Inc., Assignee. Station: KTQ96 Espanola, N. Mex.

7340-C1-P-69—General Telephone Co. of Indiana (New), C.P. for a new fixed station to be located at 401 Crisman Road, Portage, Ind., to operate on frequencies 6108.3 and 11,325.0 MHz.

7341-C1-P-69—General Telephone Co. of the Southeast (New), C.P. for a new fixed station to be located at 57 Court Street, Welch, W. Va., to operate on frequencies 5952.6 and 6071.2 MHz.

7342-C1-P-69—General Telephone Co. of the Southeast (KZS51), C.P. to add frequencies 6323.3 and 6204.7 MHz toward Welch, W. Va., via passive reflector, at station located at East River Mountain, 3.1 miles southwest of Bluefield, W. Va.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

7343-C1-P-69—New York Telephone (KED85), C.P. to add frequency 3990 MHz toward Plainview, N.Y., and change the antenna system at station located at 199 Fulton Avenue, Hempstead, N.Y.

7344-C1-MP-69—Glacier State Telephone Co. (KWW96), Modification of C.P. to change frequency to 2162.0 MHz. All other terms of the existing C.P. to remain the same.

7346-C1-P/L-69—Michigan Bell Telephone Co. (New), C.P. and license for a new fixed station located at 1 mile west and 1 mile north of Dansville, Mich., to operate on frequency 3750 MHz.

7347-C1-ML-69—Michigan Bell Telephone Co. (KQA37), Modification of license to add frequency 3890 MHz toward Jackson, Mich., and 6256.5 and 11,155 MHz toward Potterville, Mich., to provide service previously authorized to A.T. & T. KQF60, Parma, Mich. (Informative: Applicant proposes to acquire these facilities from American Telephone & Telegraph Co. and take over the services presently provided thereby by that company. This transaction involves assignment of some, but not all, transmitters authorized for stations now licensed to American Telephone & Telegraph Co. at the above locations.)

7351-C1-ML-69—The Midland Telephone (KPT20), Modification of license to change frequency to 5995.0 MHz. All other terms of the existing license to remain the same.

7352-C1-P-69—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located 1 mile south of Stanfield, N.C., to operate on frequencies 3710 and 3790 MHz toward McKay, N.C.

7353-C1-P-69—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located at McKay, approximately 4.7 miles south of Mount Gilead, N.C., to operate on frequencies 3750 and 3830 MHz toward Stanfield and Hamlet, N.C.

7354-C1-P-69—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new fixed station to be located 2 miles east of Hamlet, N.C., to operate on frequencies 3710 and 3790 MHz toward McKay and Montrose, N.C.

3854-C1-R-69—Pacific Northwest Bell Telephone Co. (KPR65), Renewal of (Developmental) license expiring July 6, 1969. Term: July 6, 1969 to July 6, 1970.

Correction

4298-C1-ML-69—American Telephone & Telegraph Co. (KBD35), Correct frequency listed as 6123.8 MHz to read 6123.1 MHz. All other terms same as reported in public notice dated Jan. 27, 1969, Report No. 424.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

7085-C1-P-69—Telecommunications, Inc. (KPR28), C.P. to add new point of communication at Centralia, Wash., via power split. Transmitter location: West-southwest of Olympia, Wash., at lat. 46°58'15" N., long. 123°08'30" W. Frequencies: 6011.9, 6041.6, 6130.5, 6160.2, 6264.0, 382.6, and 6412.2 MHz on azimuth 154°48'. (Informative: Applicant proposes to provide the television signals of KOMO-TV, KING-TV, KIRO-TV, KCTS-TV, and KTNT-TV of Seattle and KOIN-TV and KPTV of Portland, Oreg. to Twin City Cablevision, Inc., in Centralia and Chechalis, Wash.)

7086-C1-P-69—TelePrompter Transmission of Kansas, Inc. (KLF92), C.P. to change frequencies to 6212.1, 6271.4, and 6330.7 MHz. Transmitter location: 15 miles south of Spearman, Tex., at lat. 36°09'12" N., long. 101°11'56" W.

7087-C1-P-69—TelePrompter Transmission of Kansas, Inc. (KLF93), C.P. to change frequencies to 5960.0, 6019.3, and 6078.6 MHz. Transmitter location: 10 miles north-northwest of Farnsworth, Tex., at lat. 36°27'09" N., long. 101°01'39" W.

7088-C1-P-69—TelePrompter Transmission of Kansas, Inc. (KAK39), C.P. to change frequencies to 6212.1, 6271.4, and 6330.7 MHz. Transmitter location: Liberal, Kans., at lat. 37°02'09" N., long. 100°54'36" W.

7089-C1-P-69—Microwave Service Co. (KNM56), C.P. to add frequencies 11,115 and 11,405 MHz toward Yucca Valley, Calif., on azimuth 75°30'. Location: 8.8 miles east-northeast of Banning, Calif. at lat. 34°02'17" N., long. 116°48'47" W. (Informative: Applicant proposes to provide the television signals of KMIR-TV and KPLM-TV to Hi-Desert TV Cable, Inc., in Yucca Valley, Calif.)

7090-C1-AL-69—Wentronics, Inc. (KLF26), Consent to assignment of license from Wentronics, Inc., Assignor to Television Cable Service, Inc., Assignee.

INFORMATIVE

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Virginia

Washington Mobile Telephone Co., New, 5547-C2-P-(3)-69.
Radio Phone Communications, Inc., New, 7057-C2-P-(3)-69.

[F.R. Doc. 69-7011; Filed, June 12, 1969; 8:47 a.m.]

[Docket Nos. 18458, 18459; FCC 69R-260]

NEW ERA BROADCASTING CO., INC., AND SOUTHERN UTAH BROADCASTING CO. (KSUB)

Memorandum Opinion and Order Enlarging Issues

In re applications of New Era Broadcasting Co., Inc., Cedar City, Utah, Docket No. 18458, File No. BP-17242, for construction permit. Southern Utah Broadcasting Co. (KSUB), Cedar City, Utah, Docket No. 18459, File No. BR-933, for renewal of license.

1. This proceeding involves the application of New Era Broadcasting Co., Inc. (New Era), for a construction permit for a new standard broadcast station in Cedar City, Utah, and the mutually exclusive application of Southern Utah Broadcasting Co. (Southern) for renewal of its license for Station KSUB in Cedar City, Utah. By order, FCC 69-181, 16 FCC 2d 824, released March 10, 1969, the applications were designated for consolidated hearing under issues which include, inter alia, a Carroll issue[1] and a contingent comparative issue. Presently before the Board is a petition to enlarge and modify issues,[2] filed March 28, 1969, by New Era, wherein petitioner requests the addition of the following issues:

(a) To determine whether Southern Utah Broadcasting Co., in light of the Commission's Conclusions of Law and Findings of Fact with respect to its principals in Television Company of America, Inc., 1 FCC 2d 91, 5 RR 2d 811 (1965) possesses the requisite qualifications to be a Commission licensee.

(b) To determine in the event the foregoing issue is resolved in favor of Southern Utah Broadcasting Co., the effects of the activities which were the subject of such Conclusions of Law and Findings of Fact upon the comparative qualifications of Southern Utah Broadcasting Co. in this proceeding.

Petitioner also requests that designated Issue 3[3] in the proceeding be modified to read as follows:

3. To determine in the event that Issue 2, above (Carroll issue), is resolved in the negative, whether the grant of the facilities now held by Southern Utah Broadcasting to New Era Broadcasting Co., Inc., or a grant of such facilities to Southern Utah Broadcasting Co. would better serve the public interest.

The requested issues will be treated seriatim.

2. In support of its request for enlargement of issues, New Era alleges that Southern is effectively owned and controlled by Howard Johnson and that Mr. Johnson votes all the stock of Granite District Radio Broadcasting Co. (Granite), which holds approximately 80 percent of the KSUB voting stock. Based on the findings of fact and conclusions of law with respect to Granite and Mr. Johnson in Television Company of America, supra, wherein the Commission adopted the initial decision of the Hearing Examiner and denied the renewal of the license of Station KSHO-TV, Las Vegas, Nev. New Era submits that character qualification issues must be added to the proceeding in order to determine whether KSUB possesses the requisite qualifications to be a licensee and, in the event that KSUB is found to possess such requisite qualifications, whether the activities of its principals and owners

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[1] Carroll Broadcasting Co. v. FCC, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066.

[2] Other related pleadings before the Board for consideration are: (a) Opposition, filed Apr. 10, 1969, by Southern; (b) Broadcast Bureau comments, filed Apr. 10, 1969; and (c) reply, filed Apr. 22, 1969, by New Era.

[3] Designated Issue 3 reads as follows: To determine, in the event that Issue 2, above (Carroll issue) is resolved in the negative, whether a grant of the above-captioned application of New Era Broadcasting Co., Inc., or a grant of the above-captioned application of Southern Utah Broadcasting Co. would better serve the public interest.

reflect adversely upon its comparative qualifications. In the decision referred to by petitioner, the issues inquired into a series of actions involving Mr. Johnson and Granite with respect to Station KSHO–TV, and the Examiner found that those activities involved unauthorized assumption of control, misrepresentation in reports filed with the Commission and failure to timely file. Finally, petitioner submits that willful and deliberate misrepresentation constitutes adequate basis upon which to deny a license, citing FCC v. WOKO, Inc., 329 U.S. 223 (1946).

3. In opposition, Southern alleges that the Review Board's action in KBLI, Inc., FCC 69R–118, 16 FCC 2d 809, released March 10, 1969, pet. for rev. denied FCC 69–509, released May 15, 1969, is dispositive. In that case, Southern notes, petitioner sought a basic qualifications issue against KBLI, also controlled by Howard Johnson, based on the KSHO decision. Since KBLI's application for renewal of license was granted subsequent to the KSHO decision, the Board determined that KBLI possessed requisite qualifications.[4] Southern does not object to the addition of a comparative qualifications issue, but does object to an issue phrased in terms of accepting either the findings of fact and conclusions of law or activities considered in Television Company of America, Inc., supra. Southern notes that no principal of KSUB was a party to that proceeding, although Mr. Johnson did testify as a witness. Consequently, Southern argues that the judgment is not res judicata as to Johnson and Southern and that KSUB is not estopped to deny the facts adjudicated in that case. As an alternative phrasing, Southern submits the following in lieu of New Era's second requested issue:

To determine whether the questions involved in Television Company of America, Inc., 1 FCC 2d 91, 5 RR 2d 881 (1965), involving KSHO–TV's renewal, reflects adversely upon the comparative qualifications of Southern Utah Broadcasting Co. to be a broadcast licensee.

Additionally, Southern urges that the burden of proceeding with respect to this issue should be placed on New Era.

4. The Broadcast Bureau opposes the request for the addition of a requisite qualifications issue, but is of the view that the conduct considered in Television Company of America, Inc., warrants a comparative inquiry. Noting that the licenses of both KBLI and KSUB[5] have been renewed subsequent to the proceedings referred to by New Era, the Bureau regards the renewals as determinations by the Commission that both KBLI and KSUB possess the requisite qualifications to be a broadcast licensee.

The Bureau concurs with Southern's res judicata arguments, i.e., that Johnson and Southern cannot be bound by findings and/or conclusions when they have not been parties to the decisional proceeding, and therefore urges that the wording suggested by Southern be adopted.

5. In reply, New Era alleges, in connection with its request for a disqualifying issue, that KBLI, Inc. is distinguishable from the present situation because the renewal of KSUB was set aside by the Commission and thus the addition of a disqualifying issue is warranted. Petitioner asserts, in the event its first requested issue is denied, that the basis for the comparative character issue should be the activities and conduct found in the KSHO proceeding so that the Commission has a complete record upon which to make a determination.

6. The Review Board agrees with Southern and the Broadcast Bureau that the Commission's renewal of the KSUB license is dispositive of the request for a disqualification issue. The fact that the renewal was subsequently set aside does not, in our view, permit a different conclusion since the latter action was in no way concerned with the character qualifications of the licensee. With regard to the addition of a comparative character issue, the Board also agrees with Southern and the Bureau that, while such an issue is warranted, the inquiry should encompass only the questions raised in Television Company of America, Inc., supra, rather than merely assessing the significance of the findings and conclusions adopted by the Commission. New Era's request for a comparative qualifications issue, as worded, must be denied as violative of the collateral estoppel aspect of the res judicata doctrine. Restatement, Judgments, section 68(1) defines collateral estoppel as follows:

> Where a question of fact essential to the judgment is actually litigated and determined by a valid and final judgment, the determination is conclusive between the parties in a different cause of action.

Neither Mr. Johnson nor Granite were parties to the KSHO proceeding. Consequently, the findings of fact and conclusions of law in that proceeding cannot be held as conclusive against them in the present proceeding.[6] However, issues inquiring into the questions posed in the KSHO–TV proceeding do not present the same doctrinal difficulties. Consequently, a comparative issue will be specified inquiring into the questions raised in that proceeding.

7. New Era requests modification of Issue 3, so that, if it is determined that there are inadequate revenues available to support an additional standard broadcast station in Cedar City, the daytime facility proposed by New Era and Southern's full-time facility not be a subject of comparison. New Era urges that it is ready, willing and able to supply full-time services to the area it proposes to serve; that, but for engineering considerations, it would have applied for an unlimited facility rather than a daytime-only facility; and that its engineering considerations should not work to its detriment. Rather, petitioner argues, a comparative evaluation of the applicants should "be based on an understanding that the facilities of each applicant would be the same." Petitioner cites K-Six Television, Inc., FCC 66–200, 7 RR 2d 128 (1966), in support of this request.

8. Southern opposes modification of Issue 3, arguing that New Era chose not to file for the present KSUB facility, but rather sought a new facility. Southern argues that New Era selected its course of action, and should be precluded from pursuing two mutually exclusive courses of action, i.e., prosecuting its subject application and an application for the facilities of KSUB. Moreover, Southern contends, the Commission has authorized an engineering issue in a situation where a renewal application was consolidated with an application for a new facility and a Carroll issue had been specified, citing Missouri-Illinois Broadcasting Co., FCC 65–437, 5 RR 2d 452 (1965). Also opposing modification of Issue 3, the Broadcast Bureau submits that such modification would ignore significant public interest considerations. Specifically, grant of New Era and denial of KSUB would leave Cedar City with no local nighttime broadcast service. The Bureau characterizes New Era's request as being, in effect, a contingent application for the KSUB facility. However, the Bureau suggests that the Board should authorize a comparative coverage inquiry under Issue 3.[7]

9. In reply, New Era alleges that the public interest will best be served by assuring that a ful-time operation shall continue in Cedar City. Although New Era argues that its requested modification of issues does not require a waiver of the ban against contingent applications, it requests the Board to grant such waiver if the Board deems it necessary. In the event that Issue 3 is not modified, New Era joins in the Bureau's request that any consideration of "efficiency" under the comparative issue encompass comparative coverage.

10. Petitioner's request for modification of Issue 3 will be denied. In seeking to avoid any comparison of the nature of the facilities being applied for, New Era is, in effect, requesting that its proposal be treated as an application for the facilities of KSUB. However, it did not apply for these facilities, and the Board finds no valid basis for permitting New Era to be treated as such, or to adopt the facilities of KSUB should it prevail in this proceeding. Thus, New Era's

[4] Similarly, Southern notes that on June 14, 1967, the Commission granted the renewal application of KSUB. This grant was set aside in Southern Utah Broadcasting Company, 10 FCC 2d 320, 11 RR 2d 450 (1967), solely in order to permit consideration of the Carroll issue directed against New Era.

[5] See footnote 4, supra.

[6] Similarly, the wording of the second requested issue, which provides that the "activities" in Television Company of America, Inc., supra, provide the basis for the addition of a comparative issue, must be rejected. Activities as found are tantamount to findings of fact, essential to the judgment, and, as such, do not comport with the prerequisites for application of the doctrine.

[7] New Era proposes 10 kw power in contrast to KSUB's 1 kw operation.

showing with regard to such matters as programing, financial qualification, and technical qualifications, would all be rendered obsolete if it were permitted to follow the requested course of action. Moreover, as pointed out by Southern, the Commission has in the past specifically authorized the adduction of comparative coverage evidence under circumstances similar to those present here. See Missouri-Illinois, supra.[4]

11. *Accordingly, it is ordered*, That the Petition to Enlarge and Modify Issues, filed March 28, 1969, by New Era Broadcasting Co., Inc., is granted to the extent indicated below and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issues:

To determine in connection with the operation of Station KSHO-TV, Las Vegas, Nev., whether Howard Johnson or Southern Utah Broadcasting Co. (KSUB) engaged in activities involving an unauthorized assumption of control of the licensee (KSHO-TV), misrepresentation in reports filed with the Commission, and failure to file documents or other information as required by the Commission's rules.

To determine whether the findings and conclusions under the above issue bear adversely on the comparative qualifications of Southern Utah Broadcasting Co.

12. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issues added herein will be upon New Era Broadcasting Co., Inc.; that the burden of proof under said issues will be upon Southern Utah Broadcasting Co.; and

13. *It is further ordered*, That the Hearing Examiner is authorized to receive evidence with respect to the efficiency of the respective proposals herein under the contingent comparative issue (Issue 3).

Adopted: June 6, 1969.

Released: June 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-7012; Filed, June 12, 1969; 8:47 a.m.]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on July 18, 1969, the standard broadcast applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1), § 1.591(b), and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with any application appearing on the attached list must be in direct conflict with said application, substantially complete and tendered for filing at the offices of the Commission by the close of business on July 17, 1969. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: June 6, 1969.

Released: June 10, 1969.

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

APPENDIX

Applications from the top of the processing line:

BP-18175 WCHB, Inkster, Mich.
Bell Broadcasting Co.
Has: 1440 kc, 500 w, 1 kw-LS, DA-2, U.
Req: 1440 kc, 5 kw, 1 kw-LS, DA-2, U.

BP-18194 New, Walker, Minn.
Edward P. DeLa Hunt, Jr.
Req: 1600 kc, 500 w, Day.

BP-18282 New, Oak Ridge, Tenn.
Leonard Broadcasting Co.
Req: 1550 kc, 500 w, Day.

BP-18287 New, Yabucoa, P.R.
Efrain Archilla-Roig.
Req: 1300 kc, 5 kw, DA, Day.

BP-18288 WSIB, Beaufort, S.C.
Sea Island Broadcasting Corp. of South Carolina.
Has: 1490 kc, 100 w, 500 w-LS, U.
Req: 1490 kc, 250 w, 500 w-LS, U.

BP-18295 WEUP, Huntsville, Ala.
Garrett Broadcasting Service.
Has: 1600 kc, 5 kw, Day.
Req: 1600 kc, 500 w, 5 kw-LS, DA-N, U.

BP-18300 WCMR, Elkhart, Ind.
Progressive Broadcasting System, Inc.
Has: 1270 kc, 500 w, 5 kw-LS, DA-2, U.
Req: 1270 kc, 5 kw, DA-2, U.

BP-18308 KFKF, Bellevue, Wash.
Bellevue Broadcasters.
Has: 1540 kc, 1 kw, DA-1, U.
Req: 1540 kc, 25 kw, DA-2, U.

BP-18309 WCAW, Charleston, W. Va.
Capitol Broadcasting Corp.
Has: 680 kc, 250 w, 10 kw-LS, DA-N, U.,
Req: 680 kc, 250 w, 50 kw-LS, DA-2, U.

BP-18312 New, Dunnellon, Fla.
Rainbow Communication Service, Inc.
Req: 920 kc, 500 w, Day.

BP-18363 KONE, Reno, Nev.
Lotus Radio Corp.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-18368 KSGT, Jackson, Wyo.
J-G-J Corp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-18370 New, New Bern, N.C.
V.W.B., Inc.
Req: 1380 kc, 5 kw, Day.

BP-18371 WKAC, Athens, Ala.
Limestone Broadcasting Co.
Has: 1080 kc, 1 kw, Day.
Req: 1080 kc, 5 kw (1 kw-CH), Day.

BP-18379 WIRY, Plattsburgh, N.Y.
WIRY, Inc.
Has: 1340 kc, 250 w, 1 kw-LS, DA-D, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BMP-12651 KCGO, Cheyenne, Wyo.
North Star Broadcasting Co.
Has CP: 1530 kc, 1 kw, 10 kw-LS, DA-2, U.
Req MP: 1530 kc, 1 kw, 10 kw (5 kw-CH), DA-N-CH, U.

BP-18409 WRBN, Warner Robins, Ga.
WRBN, Inc.
Has: 1600 kc, 1 kw, Day.
Req: 1600 kc, 500 w, 1 kw-LS, DA-N, U.

BP-18456 WFAG, Farmville, N.C.
The Farmville Broadcasting Co.
Has: 1250 kc, 500 w, Day.
Req: 1590 kc, 5 kw, Day.

BP-18503 KWAK, Stuttgart, Ark.
Stuttgart Broadcasting Corp.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-18571 KQIQ, Santa Paula, Calif.
Rancho Broadcasting, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, DA-D, U.

BP-18573 KREO, Indio, Calif.
Dessert Air Broadcasting, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

Application deleted from Public Notice of March 1, 1968. (Mimeo No. 13481) (33 F.R. 4284)

BP-17880 New, Oak Ridge, Tenn.
Leonard Broadcasting Co.
Req: 1540 kc, 1 kw, 500 w(CH), Day.
(Assigned new File No. BP-18282)

Application deleted from Public Notice of December 10, 1965. (Mimeo No. 77267) (30 F.R. 15443)

BP-16766 New, Bridgeton, N.C.
V.W.B., Inc.
Req: 1380 kc, 5 kw, Day.
(Assigned new File No. BP-18370)

[F.R. Doc. 69-7013; Filed, June 12, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

SEATTLE, WASH., OFFICE

Notice of Closing

The Commission's office in Seattle, Wash., will close effective June 30, 1969. Inquiries may be made to:

[4] The inquiry was directed in that case because of a substantial difference in proposed operating power of the applicants. Aside from the fact that only one of the applicants here proposes a full-time operation, a similar difference in proposed operating power exists, and therefore the Board is authorizing a comparison under the efficiency criterion of the comparative issue, which should encompass consideration of comparative coverage.

[5] Review Board Member Kessler concurring in result only.

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

Office of the Managing Director, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573.
or
Pacific Coast District Manager, Federal Maritime Commission, Post Office Box 36067, 450 Golden Gate Avenue, Room 15001, San Francisco, Calif. 94102.

Dated: June 9, 1969.

JOHN HARLLEE,
Rear Admiral,
U.S. Navy (Retired), Chairman.

[F.R. Doc. 69-6995; Filed, June 12, 1969; 8:47 a.m.]

ATLANTIC COAST PORTS SERVICE CORP. AND STOCKARD SHIPPING & TERMINAL CORP.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Francis A. Scanlan, Kelly, Deasey and Scanlan, 926 Four Penn Center Plaza, Philadelphia, Pa. 19103.

Agreement No. T-2306, between Atlantic Coast Ports Service Corp. (Atlantic) and Stockard Shipping & Terminal Corp. (Stockard), is a cooperative working arrangement for the joint operation and management of Stockard's Philadelphia Piers 3 and 5, North, including Atlantic's participation in the net profits and losses of the operation of the above described piers according to the terms of the agreement. Both parties agree at all times to work in cooperation and to the best interests of each other.

Dated: June 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6997; Filed, June 12, 1969; 8:47 a.m.]

KERR GRAIN CORP. AND PORT OF ASTORIA

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 Mairitime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Shoemaker, Jr., Shoemaker, Coleman, Bartlett and Saverude, 808 Executive Building, Portland, Oreg. 97204.

Agreement No. T-2307 between the Port of Astoria (Port) and Kerr Grain Corp. (Kerr) provides for Kerr to operate the Port's grain elevator under an agreement providing generally for the parties to evenly divide gross operating profits or losses. Kerr will charge rates which are published by the Port, and which shall be agreeable to both parties.

Dated: June 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6999; Filed, June 12, 1969; 8:47 a.m.]

NORTON, LILLY & CO., INC., AND STOCKARD SHIPPING & TERMINAL CORPORATION OF PHILADELPHIA

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Francis A. Scanlan, Kelly, Deasey and Scanlan, 926 Four Penn Center Plaza, Philadelphia, Pa. 19103.

Agreement No. T-2305 between Norton, Lilly and Co., Inc. (Norton) and Stockard Shipping & Terminal Corporation of Philadelphia (Stockard) is a cooperative working arrangement whereby Norton, after conferring with owners and obtaining their approval will remove all possible operations of the ships consigned to their agency to piers operated by Stockard in Philadelphia and Baltimore. Stockard will accomodate these vessels using the contract stevedores of the respective owners of the vessels. Norton's subsidiary clerking company, The Atlantic Coast Ports Service Corp., subject to the terms of a side agreement (T-2306), will participate in the operation and management of Stockard's terminals in Philadelphia and Baltimore. Although Norton and Stockard will continue to be operated separately, they agree that they will cooperate and work closely together in all respects to promote the business of the other party.

Dated: June 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-7000; Filed, June 12, 1969; 8:47 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C.

20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, 2d Floor, Sumitomo Seimei Yaesu Building, 3,4-Chome Yaesu, Chuo-Ku, Tokyo, Japan.

Agreement No. 150–40 between the member lines of the Trans-Pacific Freight Conference of Japan amends Article 9, entitled, "Sworn Measurers", of the basic agreement, as amended. The modification would permit certain cargoes, as set forth specifically in the Conference tariffs, to be exempted from the overall requirement that all cargoes be weighed or measured by Sworn Measurers appointed by the Conference.

Dated: June 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–7002; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 69–30]

ACME FAST FREIGHT INTERNATIONAL, INC.; PUERTO RICO DIVISION

Rates and Charges From Jacksonville to Puerto Rico; Investigation

There has been filed with the Federal Maritime Commission by Acme Fast Freight International, Inc.—Puerto Rico Division, a nonvessel operating common carrier by water in the domestic trades, certain revised pages to its Freight Tariff FMC–F No. 3 scheduled to become effective June 9, 1969, which generally increase rates and charges from Jacksonville to Puerto Rico.

Upon consideration of the said tariff pages and a protest thereto filed by the Commonwealth of Puerto Rico, there is reason to believe that the said increased rates and charges, as well as the present rates and charges, and all governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Therefore, it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the aforementioned rate increases scheduled to become effective June 9, 1969, as well as the present rates, charges, rules, regulations, and classifications with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed, amended, or reissued before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation.

It is further ordered, That Acme Fast Freight International, Inc.—Puerto Rico Division be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein and published in the FEDERAL REGISTER; and (II) the said respondent and protestant be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69–6996; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 69–29]

CONSOLIDATED EXPRESS, INC.

General Increases in Rates in U.S. North Atlantic/Puerto Rico Trade; Investigation

There has been filed with the Federal Maritime Commission by Consolidated Express, Inc., a nonvessel operating common carrier by water in the domestic trades, certain revised pages to its Freight Tariff FMC–F No. 3 scheduled to become effective June 10, 1969, which generally increase rates and charges between New York and Puerto Rico.

Upon consideration of the said tariff pages and a protest thereto filed by the Commonwealth of Puerto Rico, there is reason to believe that the increased rates and charges, and the governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether they would be unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916; and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the aforesaid tariff increases with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation;

It is further ordered, That Consolidated Express, Inc., be named as respondent in this proceeding;

It is further ordered, That the proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and protestant herein and published in the FEDERAL REGISTER; and (II) the said respondent and protestant be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69–6998; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 69–25]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Temporary Strike Surcharge in U.S. North Atlantic/Puerto Rico Trade; Correction

First Supplemental Order and Special Permission No. 5050. Change matter held in effect by reason of Suspension Waive Rule 20(c), Domestic Tariff Circular No. 3.

In First Supplemental Order served June 5, 1969, on page 2, paragraph 3, change "Second Supplemental Order" to "First Supplemental Order".

THOMAS LISI,
Secretary.

[F.R. Doc. 69–7001; Filed, June 12, 1969; 8:47 a.m.]

[Docket No. 1153]

TRUCK AND LIGHTER LOADING AND UNLOADING PRACTICES AT NEW YORK HARBOR

Order of Clarification

On February 25, 1969, an order in this proceeding was served, directing the New York Terminal Conference to include in its Truck Loading and Unloading Tariff No. 7, FMC–T No. 8, the truck detention rule set forth in that order.

Section 1 of the rules states in part:

A board of arbitration will resolve disputes concerning whether conditions on a

particular day will or will not excuse detention. The board of arbitration shall consist of a representative of the terminal conference, a representative of the truckers, and either a representative of the New York Waterfront Commission or a third party to be selected by the above-mentioned parties.

The terminal operators and truckers have indicated that they believe it more appropriate if a representative of the Commission serve as the third member of the board of arbitration. Accordingly, the District Manager, Atlantic Coast Office, Federal Maritime Commission, or his designated representative, will so serve.

On May 16, 1969, the Commission served an order setting forth, inter alia, procedures on detention claims filed by truckers. Section 8 of the procedures makes reference to the "Atlantic Coast Director, Federal Maritime Commission * * *". This title is erroneous and the address as indicated is no longer applicable.

A correct title and address are set forth below.

It is ordered, That the last sentence of section 8 to be corrected to read as follows: "The funds in such special account shall not be withdrawn except upon the signature of an official of the terminal operator and the District Manager, Atlantic Coast Office, Federal Maritime Commission, Room 4012, 26 Federal Plaza, New York, N.Y. 10007, or the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573."

It is further ordered, That since this order merely constitutes a clarification, rather than substantive change, to the original orders, it shall become effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-7003; Filed, June 12, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-792 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 5, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 21, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-792	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	46	21	United Gas Pipe Line Co. (South Cabeza Creek Field, Goliad County, Tex.) (RR. District No. 2).	$2,079	5-15-69	[3] 6-19-69	[4] 6-20-69	13.2062	[5] [6] 14.0	
RI69-793	Otis Russell (Operator) et al., Post Office Box 1447, Bay City, Tex. 77414.	[11] 3	1	Valley Gas Transmission, Inc. (Lissie Field Area, Wharton County, Tex.) (RR. District No. 3).	11,552	5-15-69	[7] 6-15-69	[4] 6-16-69	[8] [10] 14.0	[8] [9] 15.0	

[3] The stated effective date is the contractually due date.
[4] The suspension period is limited to 1 day.
[5] "Fractured" rate. Contractually due 14.2156 cents per Mcf (14-cent base+0.2156-cent tax reimbursement).
[6] Pressure base is 14.65 p.s.i.a.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Periodic rate increase.
[9] Subject to a downward B.t.u. adjustment.
[10] Permanently certificated initial rate per order issued Dec. 23, 1968, in Docket No. CI69-383.
[11] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed area initial rate ceiling of 17 cents per Mcf.

Otis Russell (Operator) et al. (Russell) requests a retroactive effective date of April 1, 1966, the contractually effective date, for his proposed rate increase but no reasons in support of such request were given. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Russell's rate filing and such request is denied.

Atlantic Richfield Co. (Atlantic) is "fracturing" its contractually due rate of 14.2156 cents and proposing an increase to 14 cents so as not to exceed the area increased rate ceiling. However, Atlantic did not submit with its notice of change a waiver of its right to file for the remaining portion of its contractually due rate. Although the proposed 14 cents per Mcf rate does not exceed the area increased rate ceiling for Texas Railroad District No. 2 as announced in the Commission's statement of general policy No. 61-1, as amended, it is suspended for 1 day from June 19, 1969, the contractually due date, since Atlantic did not submit with its increased rate filing a waiver of its right to file for the remaining increment of its contractually due rate.

The contract related to the rate filing of Otis Russell (Operator) et al., was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed 15 cents per Mcf rate exceeds the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 3, but does not exceed the initial service ceiling of 17 cents per Mcf established for the area involved. We believe, in this situation, Russell's proposed rate filing should be suspended for 1 day from June 15, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-6894; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. RI69-786 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 5, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 23, 1969.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-786	Phillips Petroleum Co., Bartlesville, Okla. 74003, Attention: Mr. W. B. Gant.	1-A	11	United Gas Pipe Line Co. (Marshall Field, Goliad County, Tex.) (RR. District No. 2).	$1,117	5-12-69	[2] 6-19-69	11-19-69	13.2002	[3][4] 14.2156	
RI69-787	Atlantic Richfield Co., Post Office Box 521, Tulsa, Okla. 74102.	[5] 371	5	United Gas Pipe Line Co. (Pistol Ridge Field, Forrest and Pearl River Counties, Miss.).	5,653	5-15-69	[6] 6-15-69	11-15-69	[5] 20.0	[7][8] 22.8	
	do	[9] 529	10	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis County, Miss.).	31,153	5-15-69	[6] 6-15-69	11-15-69	[9] 19.0	[8][10] 22.0	RI66-345
	do	[10] 442	4	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	16,042	5-15-69	[6] 6-15-69	11-15-69	14.86	[6][11] 18.0	
	do	[11] 581	2	El Paso Natural Gas Co. (North Cox Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	190	5-15-69	[6] 6-15-69	11-15-69	16.5	[6][12] 17.5	
	do	[13] 589	3	El Paso Natural Gas Co. (Sonora Field, Sutton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	358	5-15-69	[2] 8-1-69	1-1-70	15.85	[6][17] 17.7345	
RI69-788	W. H. Hunt, 1401 Elm St., Dallas, Tex. 75202, Attention: Donald K. Young, Esq.	8	3	South Texas Natural Gas Gathering Co. (El Benadito Area, Starr County, Tex.) (RR. District No. 4).	800	5-19-69	[2] 7-1-69	12-1-69	[13] 15.5	[3][13] 16.5	
RI69-789	Pan American Petroleum Corp., Security Life Bldg., Denver, Colo. 80202.	116	8	Mountain Fuel Supply Co. (Ace Unit Area, Moffat County, Colo.).	302	5-12-69	[6] 6-18-69	11-18-69	13.0	[3][14] 14.0050	
	do	467	[15][16] 7	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	6,377	5-12-69	[6] 6-12-69	11-12-69	[15] 12.2295	[3][16] 15.0536	RI68-198
RI69-790	R. H. Feuille, 11th Floor, El Paso National Bank Bldg., El Paso, Tex. 79901.	1	[15]6	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	34	5-14-69	[6] 6-14-69	11-14-69	[15] 14.0536	[3][15] 15.0578	RI64-521
	do	1	[15]7	do	140	5-14-69	[6] 6-14-69	11-14-69	[15] 14.0536	[3][15] 15.0578	RI64-521

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-791	Atlantic Richfield Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102, Attention: Mr. P. T. Davis.	[14] 488	6	El Paso Natural Gas Co. (Lancaster Hills Field, Crockett County, Tex.) (RR. District No. 7-C).	$721	5-15-69	[2] 8-1-69	1-1-70	16.48	[4] [15] 17.7067	

[2] The stated effective date is the contractually due date.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Formerly Sinclair Oil Corp. Gas Rate Schedule No. 77.
[6] The stated effective date is the effective date requested by Respondent.
[7] Redetermined rate increase.
[8] Pressure base is 15.025 p.s.i.a.
[9] Settlement rate as approved by Commission order issued July 1, 1968, in Dockets Nos. G-9291, G-9292 et al.
[10] Increase to contractually provided for periodic.
[11] Subject to a 0.5-cent compression charge by buyer.
[12] Formerly Sinclair Oil Corp. Gas Rate Schedule No. 308.
[13] Formerly Sinclair Oil Corp. Gas Rate Schedule No. 203.
[14] "Fractured" rate increase from area ceiling rate. Respondent contractually due 21.8 cents per Mcf from date of initial delivery which was Mar. 17, 1961.
[15] Formerly Sinclair Oil Corp. FPC Gas Rate Schedules Nos. 261, 304, and 372, respectively.
[16] Increase from area ceiling rate to contract rate.
[17] Increase from area ceiling rate to contract rate plus tax reimbursement.
[18] Subject to a downward B.t.u. adjustment.
[19] Initial rate.
[20] Applies only to gas from the Dakota Formation.
[21] Includes letter from the buyer providing for the increase.
[22] Favored-nation rate increase.
[23] Rate effective subject to refund in Docket No. RI68-198. Rate of 13.0536 cents suspended in Docket No. RI69-374 until June 1, 1969 applies only to Pictured Cliffs gas.
[24] Applies to gas from the Mesa Verde Formation.
[25] Includes 1-cent minimum guaranteed payment for liquids.
[26] Applies to gas from the Dakota Formation.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Atlantic Richfield Co. (Supplement No. 3 to Atlantic's FPC Gas Rate Schedule No. 589) in the Permian Basin Area which exceeds the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-6895; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. CI66-776 etc.]

ROSARIO PRODUCTION CO. ET AL.

Orders To Show Cause, Consolidating Proceedings for Further Hearing, Granting Interventions and Setting Date for Prehearing Conference

JUNE 5, 1969.

Rosario Production Co. (Operator) et al., Docket No. CI66-776; Maxwell D. Simmons, Operator, Inc. (Operator), et al., Docket No. CI67-788; Robbins Petroleum Corp. (Operator) et al., Docket No. CI67-811; H. J. Bissell et al., doing business as Key Production Co., Docket No. CI67-907; Amerada Petroleum Corp., Docket No. CI67-1375; Roosth & Genecov Production Co. (Operator) et al., Docket No. CI67-1632.

On September 14, 1966, the Commission issued orders to show cause in George Despot, Agent (Operator) et al., Docket No. CI65-974, et al., Socony Mobil Oil Co., Inc., Docket No. CI65-1227, and Superior Oil Co., Docket No. CI67-287 (36 FPC 628, 632, and 635). On October 3, 1966, and December 12, 1966, the Commission issued orders consolidating 31 dockets in these proceedings (36 FPC 714, 1027, and 1028). On October 21, 1966, the Commission granted interventions in all of the consolidated producer dockets. Hearings were held before Presiding Examiner Wenner on October 26, 1966, July 25, 26, and 27, 1967. On September 28, 1967, the Examiner issued a notice postponing briefs of the parties previously ordered until such time as new dates were to be set in a subsequent notice. The final hearing of July 27, 1967, was concluded with the view that the show cause orders and applications for certificates by the producers would be submitted to the Commission on the basis of a settlement formula, which has been referred to as the Mobil formula. Between July 27, 1967, and January 6, 1969, 26 of the producer dockets were terminated and severed from the Despot proceeding by the filing of offers of settlement by the producers and their acceptance by the Commission. The Commission has pending before it settlement proposals by George Despot, Docket No. CI65-974, Harry W. Brennan, Jr. (Operator) et al., Docket No. CI68-597 (a partial successor to International Helium, Inc., Docket No. CI66-564), J. W. Baton (Operator) et al., Docket No. CI66-1169, and Maxwell Herring Drilling Corp. (Operator) et al., Docket No. CI65-1176, and they are considered in separate orders.

Additional dockets consolidated. In the above listing are six additional pending producer applications for certificates of public convenience and necessity, filed under section 7 of the Natural Gas Act, to make sales of natural gas which appear to be similar to the so-called sales restricted by contract to compressor fuel or intrastate use only, which were the subject of the Supreme Court's decision in California v. Lo-Vaca Gathering Company, 379 U.S. 366 (1965). The aforesaid sales are being made from Texas Railroad District No. 6 as more fully described in Appendix A attached hereto and in the respective applications which are on file with the Commission and open to public inspection.

All of these sales are presently being made and initial service commenced without authorization by the Federal Power Commission. The sales to Lone Star Gas Co. are restricted by contract for intrastate use but it has been indicated that Lone Star commingles such gas with natural gas purchased from other producers and that some such commingled gas is transported to points in States other than that State in which such gas is produced and sold by applicants.

Appendix B to this order specifies owners of gas interests for whom Rosario Production Co., Docket No. CI66-776, acts as operator and delivers such gas to Lone Star Gas Co. for sale. Each said coowner, or any other interest owner, for whom Rosario acts as operator is hereby made a party to this proceeding: *Provided however*, That nonsignatory parties to a contract for sale of gas to Lone Star and signatory parties to such a contract who do not desire to make their own filings will be covered by the filings of Rosario Production Co. in Docket No. CI66-776 pursuant to § 154.91(b) of the Commission's regulations under the Natural Gas Act. Signatory interest owners to a contract with Lone Star may, but need not, make their own filings with the Commission pursuant to §§ 154.91(b), 154.92, 154.94, and 157.23 of the regulations under the Natural Gas Act. Such filings should be submitted promptly.

Consolidating proceedings for hearing. It appears that the applications which are listed above involve essentially the same issues of law and fact as the previously consolidated dockets, George Despot, Agent (Operator), et al., Docket No. CI65-974 et al., i.e., that in all of the above-mentioned dockets the Commission has not authorized the sales to the purported intrastate use and that under the ruling of the Supreme Court in the Lo-Vaca decision, they appear to be jurisdictional sales. Consequently, in order to avoid unnecessary duplication of a trial record on substantially the same issues, and in order to obtain uniform compliance with the Commission's previous determinations, it would be in the public interest to consolidate the above dockets with the previously consolidated dockets in George Despot et al., Docket No. CI65-974 et al.

In order to dispose of all of the above pending proceedings, the Commission is setting these proceedings for further hearing as may be appropriate and necessary. A prehearing conference pursuant thereto will be provided for in this order.

Petition to intervene. Parties previously admitted to the consolidated proceedings will be admitted as parties to the proceedings called for herein. Lone

Star Gas Co. has filed a petition to intervene in Docket No. CI66–776. The petition to intervene is granted as hereinafter conditioned. Any other person having an interest in these proceedings shall file a notice or petition to intervene within 15 days after the date of issuance of this order.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the above-captioned Respondents appear and show cause, if there be any, as hereinafter ordered, why they should not be required to apply for and obtain certificates of public convenience and necessity authorizing the sales of gas which they have been making without authorization and also why they should not be required to make refunds for the period that such sales have been made without authorization from the Commission.

(2) It is appropriate and in the public interest that the above-captioned matters be consolidated for hearing and decision as hereinafter ordered.

(3) The expeditious disposition of these proceedings may be effectuated by holding a prehearing conference and to that end a prehearing conference should be held as hereinafter ordered.

(4) It is desirable to allow the companies which have filed petitions to intervene in these proceedings to become and continue to be interveners, in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The following Respondents shall show cause, if any there be, at a public hearing to be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., why they should not be required to apply for, and obtain certificates of public convenience and necessity authorizing them to make the sales specified in their respective applications which they have previously made without authorization, and whether the initial price for such sales should not be fixed at the appropriate area initial service price prevailing at the date deliveries commenced:

	Dockets Nos.
Rosario Production Co. (Operator) et al	CI66–776
Maxwell D. Simmons, Operator, Inc. (Operator), et al	CI67–788
Robbins Petroleum Corp. (Operator) et al	CI67–811
H. J. Bissell et al., d.b.a. Key Production Co	CI67–907
Amerada Petroleum Corp	CI67–1375
Roosth & Genecov Production Co. (Operator) et al	CI67–1632

(B) The respondents named in paragraph (A) above shall also appear and show cause at the above-ordered hearing why they should not be required to refund the difference between the initial price determined in accordance with paragraph (A) above and the price actually charged for the related deliveries of gas. The date from which refunds shall be made, if any, by the respondents, shall be determined in this proceeding and evidence may be offered by any party as to the appropriate amount of refunds, if any, and the date from which liability for such refunds should be fixed.

(C) The above-captioned matters in paragraph (A) are hereby consolidated with the dockets presently consolidated in George Despot, Agent (Operator), et al., Docket No. CI65–974, et al.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure a prehearing conference before Presiding Examiner Wenner or any other duly designated examiner assigned by the Chief Examiner shall commence at 10 a.m., e.d.s.t., on July 8, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the expeditious disposition of these consolidated proceedings.

(E) The purpose of such conference shall be to consider all matters at issue in the above dockets still outstanding, the Wenner or any other duly designated exshall be presented, to fix dates for the distribution of such evidence, to fix the date on which the consolidated hearing shall recommence, and to consider any and all matters which might contribute to an expeditious disposition of these consolidated proceedings. Upon completion of taking additional evidence and submission of briefs by the parties, the presiding examiner shall proceed to issue his initial decision and recommendations.

(F) Parties previously permitted to intervene in the proceedings George Despot, Agent (Operator), et al., Docket No. CI65–974, et al., are granted continuing intervention in the proceedings, subject to asserted rights and affected interests and need not file another notice or petition. Other protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days after the date of issuance of this order. Protestants and Petitioners shall state with particularity the dockets in which they claim to have an interest.

(G) Lone Star Gas Co. is granted intervention in Docket No. CI66–776 subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such Intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission by such Intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

By the Commission.

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

APPENDIX A—SALES TO LONE STAR GAS COMPANY

Docket No. and date filed	Seller and dates of— Contract	Initial delivery	Sales area	Prices collected (cents per Mcf and effective dates— Initial	Increased	Applicable initial service rate
(1)	(2)	(3)	(4)	(5)	(6)	(7)
CI66–776..... 2–24–66 [1]	Rosario Production Co. (Operator) et al.,[2] 1–11–60.[3]	12– 1–60	RR. District 6.....	[4] 14.49 12– 1–60	[5] 16.56 7– 1–63	[6] 15.0
CI67–788.... 12–12–66	Maxwell D. Simmons, Operator, Inc. (Operator) et al., 11–1–60.[7]	8– –63	do.....	[4] [5] 16.56 8– –63	.....	[6] 15.0
CI66–811..... 12–16–66	Robbins, Petroleum Corp. (Operator) et al., 9–13–61.	7– –62	do.....	[4] 14.49 7– –62	[5] 16.56 7– 1–63	[6] 15.0
CI67–907..... 1–18–67	H. J. Bissell et al., d.b.a. Key Production Co., 7–1–60,[8] 1–1–65.[9]	7– –65	do.....	[4] [5] 16.56 7– –65	.....	[6] 15.0
CI67–1375.... 3–31–67	Amerada Petroleum Corp.,[10] 1–11–60.[11]	4– 7–60	do.....	[4] 14.49 4– 7–60	[5] 16.56 7– 1–63	[6] 15.0
CI67–1632.... 5–3–67	Roosth & General Production Co. (Operator) et al., 1–11–60,[12] 12–7–64.[13]	8–23–63	do.....	[4] [5] 16.56 8–23–63	.....	[6] 15.0

[1] Application covers only that portion of Rosario's interests which Rosario alleges actually goes into interstate service—15,000 Mcf per month. Coowner respondents with Rosario are set out in Appendix B herein.

[2] Date of basic contract by Phillips Petroleum Co. and Lone Star. Acreage originally dedicated by Phillips and subsequently assigned to York Oil Corp., thence to Alamo Petroleum Co. and thence to Rasario.

[3] Rosario delivers gas for other parties whom Rosario alleges have separately contracted for the sale of their gas interests.

[4] Inclusive of tax reimbursement.

[5] Proposed price.

[6] Guideline initial service ceiling—statement of general policy No. 61–1, issued Sept. 28, 1960.

[7] Date of basic contract by Texaco, Inc. and Lone Star and effective date of ratification by Simmons et al. executed on July 26, 1963.

[8] Date of basic contract by Texaco, Inc. and Lone Star.

[9] Date of ratification of basic contract.

[10] Rosario delivers Amerada's gas to Lone Star.

[11] Date of basic contract by Phillips Petroleum Co. and Lone Star and effective date of ratification, which is not dated.

[12] Date of basic contract by Phillips Petroleum Co. and Lone Star.

[13] Date of ratification of basic contract.

APPENDIX B

Interest holders for whom Rosario Production Co. (operator) et al., Docket No. CI66-776, acts as operator and delivers such gas interests for sale to Lone Star Gas Co.

Owner	Unit	Working interest
Russell Bickley, Route No. 2, Overton, Tex. 75684.	Laird	0.0032720
Bess J. Brawner, 1244 Oak Dr., Kilgore, Tex. 75662.	Busby	.0011718
J. Afton Burke, Post Office Box 876, Corsicana, Tex. 75110.	Brown No. 1	.0100450
Milton Crow, Inc., 1000 Commercial National Bank Bldg., Shreveport, La. 71101.	Brown No. 1	.1250000
Delta Drilling Co., Post Office Box 2012, Tyler, Tex. 75701.	Carroll "B" Ellis.	.0400220
Elizabeth F. Dorfman Trust, 836 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Ellis	.0009120
Louis Dorfman, 836 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Ellis	.0033040
Sam Dorfman, Jr., 836 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Ellis	.0033040
Myron H. Dorfman, 500 Sklar Bldg., Shreveport, La. 71101.	Ellis	.0033040
Rita S. Gardiner, 4856 Rockwood Parkway NW., Washington, D.C. 20016.	Brown No. 1	.0312500
Gulf Oil Corp., Post Office Box 1635, Houston, Tex. 77001.	Alford 1-T Laird.	.1715630 .1796070
Maxwell Herring, Post Office Box 1297, Tyler, Tex. 75701.	Busby	.0827578
Mrs. Hubert Hightower, Post Office Box 994, Mount Pleasant, Tex. 75455.	Brown No. 1	.0312500
Estate of Hubert Hightower, Post Office Box 994, Mount Pleasant, Tex. 75455.	Brown No. 1	.0312500
G. P. Hill and Estate of Houston Hill, 1325 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Brown No. 1	.0406100
International Helium, Inc., Post Office Box 951, Longview, Tex. 75601.	Ellis Howard "A".	.4296000 .3552440
O. L. and Loanna Jacobs, Post Office Box 117 Overton, Tex. 75684.	Christian "A" Laird.	.0194170 .0184040
R. L. Jacobs Tr., No. 1, Post Office Box 1253, Liberty, Tex. 77575.	Laird	.0032720
Roger Jacobs, Route No. 3, Overton, Tex. 75684.	Laird	.0032720
Norman Macbeth, Post Office Box 950, Newburgh, N.Y. 12550.	Brown No. 1	.0390630
Helen Macbeth, Post Office Box 950, Newburgh, N.Y. 12550.	Brown No. 1	.0078120
Eugene E. Maneck, 60 Gramercy Park, New York, N.Y. 10010.	Brown No. 1	.0312500
Marshall National Bank, Post Office Box 968, Marshall, Tex. 75670.	Brown No. 1	.062500
Edna and J. R. Meeker, 6100 Camp Bowie Blvd., Fort Worth, Tex. 76116.	Brown No. 1	.0650780
J. R. Meeker, 6100 Camp Bowie Blvd., Fort Worth, Tex. 76116.	Jacobs	.0111640
Monsanto Co., Hydrocarbons Division, 1300 Main St., Houston, Tex. 77002.	Alford 1-T	.0141930
Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	Ellis	.1564220
R. C. Oberthier, Post Office Box 650, Kilgore, Tex. 75662.	Laird	.0153180
R. S. Peveto, 627 Citizens Bank Bldg., Tyler, Tex. 75701.	Busby	.0827578
Walter Russell, 44 Wall St., New York, N.Y. 10005.	Brown No. 1	.0312500
Paul Singstad, 166 East 61st St. (7G), New York, N.Y. 10021.	Brown No. 1	.0312500
Sklar & Phillips, Inc., Post Office Box 3735, Shreveport, La. 71103.	Ellis	.0198250
Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	Howard "A"	.0738910
C. B. and Donnie Ruth Tate, 802 South Main St., Henderson, Tex. 75652.	Alford 1-T Carroll "B" Christian "A". Kangerga	.0118630 .0181410 .0097080 .0492610
Paul M. Traub, River Road, Rural Delivery No. 1, Newburgh, N.Y. 12550.	Brown No. 1	.0468750
Union Producing Co., Post Office Box 1407, Shreveport, La. 71102.	Futch No. 2 Howard "A"	.5042660 .0645160
M. E. Zoller, Post Office Box 872, Kilgore, Tex. 75662.	Christian "A" Laird	.0009110 .0153180

[F.R. Doc. 69-6896; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. E-7488]

IOWA PUBLIC SERVICE CO.

Notice of Application

JUNE 6, 1969.

Take notice that on May 28, 1969, Iowa Public Service Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance prior to October 1, 1970, of promissory notes to banks and/or of commercial paper up to but not exceeding $30 million in aggregate principal amount.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Applicant proposes to use the proceeds from the issuance of the securities to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to its property.

The notes to banks will mature not later than 1 year following the date of issue and bear interest at the prime rate in effect at the lending bank on the date of the borrowing. The notes in the form of commercial paper will have varying maturities not to exceed 9 months from the date of issue. The commercial paper will be sold by Applicant directly to a commercial paper dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality of the particular maturity.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 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. 69-6956; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. CP69-324]

IOWA PUBLIC SERVICE CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 6, 1969.

Take notice that on May 28, 1969, Iowa Public Service Co. (Applicant), Post Office Box 778, Sioux City, Iowa 51102, filed in Docket No. CP69-324 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to extend its transportation facilities to establish physical connection with Applicant's proposed facilities and to sell and deliver up to 492 Mcf of natural gas per day to Applicant for resale and distribution in the towns of Battle Creek and Danbury, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant will construct and operate the distribution facilities necessary to render natural gas service to Battle Creek and Danbury. The application indicates that the total estimated third year peak day and annual natural gas requirements of the two towns are 492 Mcf and 76,230 Mcf, respectively.

Applicant states that the total estimated cost of its proposed project is $135,043, which cost will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6957; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. CP69-328]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JUNE 6, 1969.

Take notice that on May 29, 1969, Panhandle Eastern Pipe Line Co. (Appli-

cant), 3000 Bissonett Avenue, Houston, Tex. 77005, filed in Docket No. CP69-328 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing construction and operation of certain facilities and an increase in sales to Applicant's existing resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to increase the winter contract demand of its existing utility customers by 80,000 Mcf per day, with lesser increases for the nonwinter months. The increases are to be provided from further utilization of Applicant's existing underground storage fields at Waverly, Ill., and Howell, Mich., and from an increase in Applicant's contracted volumes from Trunkline Gas Co. To implement the proposed program, Applicant intends to install 4,000 compressor horsepower at its existing Montezuma compressor station, increase the working storage volume at Waverly Storage Field by 3,500,000 Mcf beyond the presently authorized volume, increase the working storage volume at the Howell Storage Field by 600,000 Mcf beyond the presently authorized volume, and install measuring station revisions and other appurtenances.

Applicant maintains that despite the distribution of large volumes of additional supplies to Applicant's resale customers in recent years, those customers will have a need for the volumes proposed in the application commencing in the 1969-70 winter period.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a hearing or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6958; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. RP66-24]

PIPELINE PRODUCTION AREA RATE PROCEEDING

Notice Fixing Oral Argument

JUNE 6, 1969.

The Commission has before it the Presiding Examiner's initial decision issued March 3, 1969, the briefs on exceptions and the briefs opposing exceptions. A request for oral argument was filed by Union Producing Co. in this proceeding.

Take notice that oral argument in the above-captioned proceeding will be heard by the Commission, en banc, commencing at 10 a.m., e.d.t., June 27, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before June 13, 1969, of the amount of time desired for presentation of their respective arguments.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6959; Filed, June 12, 1969; 8:45 a.m.]

[Docket No. CP69-185]

TRUNKLINE GAS CO.

Notice of Application To Amend

JUNE 6, 1969.

Take notice that on May 29, 1969, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP69-185 an application to amend the Commission's order issued April 15, 1969, in said docket by authorizing Applicant to sell and deliver an additional 50,000 Mcf of natural gas per day to an existing customer, Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set fourth in the application to amend which is on file with the Commission and open to public inspection.

The order of April 15, 1969, authorized Applicant to construct and operate certain facilities and to sell and deliver additional quantities of natural gas to certain of its customers. Said order did not provide for increased sales to Panhandle because Panhandle's plans for increased sales to its utility customers had not been finalized. Applicant now proposes to increase its contract demand deliveries to Panhandle at Tuscola, Ill., from 540,000 Mcf per day to 590,000 Mcf per day. The increased service will be rendered pursuant to Applicant's FPC Gas Rate Schedule P-1.

Applicant states that it has sufficient capacity to make the additional deliveries without constructing facilities in addition to those already authorized in this docket.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6960; Filed, June 12, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3087—7-3097]

A. J. INDUSTRIES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 9, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
A. J. Industries, Inc	7-3087
AMK Corp	7-3088
Aetna Life and Casualty Co	7-3089
American Electric Power Co., Inc	7-3090
Atlas Corp	7-3091
Braniff Airways, Inc	7-3092
Bristol-Myers Co	7-3093
Computer Sciences Corp	7-3094
Continental Telephone Corp	7-3095
R. R. Donnelley & Sons Co	7-3096
FMC Corp	7-3097

Upon receipt of a request, on or before June 24, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request

should state briefly the title of the security in which he is interested, the nature of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-6970; Filed, June 12, 1969; 8:45 a.m.]

[Files Nos. 7-3111, 7-3112]

APCO OIL CORP. AND RAMADA INNS, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 9, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Apco Oil Corp	7-3111
Ramada Inns, Inc	7-3112

Upon receipt of a request, on or before June 24, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-6971; Filed, June 12, 1969; 8:45 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

JUNE 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), 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 June 10, 1969, through June 19, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-6972; Filed, June 12, 1969; 8:45 a.m.]

[Files Nos. 7-3098—7-3108]

FAIRCHILD HILLER CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 9, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Fairchild Hiller Corp	7-3098
Flying Tiger Line, Inc	7-3099
Harvey Aluminum, Inc	7-3100
Howard Johnson Co	7-3101
S. S. Kresge Co	7-3102
Livingston Oil Co	7-3103
Niagara Mohawk Power Corp	7-3104
Roan Selection Trust, Ltd	7-3105
Singer Co	7-3106
Squibb Beech-Nut, Inc	7-3107
Sun Oil Co	7-3108

Upon receipt of a request, on or before June 24, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-6973; Filed, June 12, 1969; 8:45 a.m.]

[Files Nos. 7-3109, 7-3110]

TELEDYNE, INC., AND CAMPBELL SOUP CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 9, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Teledyne, Inc	7-3109
Campbell Soup Co	7-3110

Upon receipt of a request, on or before June 24, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the

official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-6974; Filed, June 12, 1969; 8:45 a.m.]

[70-4758]

WISCONSIN GAS CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JUNE 5, 1969.

Notice is hereby given that Wisconsin Gas Co. ("Wisconsin"), 626 East Wisconsin Avenue, Milwaukee, Wis. 53201, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Wisconsin will issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $16 million principal amount of first mortgage bonds, ------ percent series, due July 15, 1994. The interest rate (which shall be a multiple of one-eighth of one percent) and the price, exclusive of accrued interest (which shall be not less than 98½ percent or more than 101½ percent of the principal amount), will be determined by the competitive bidding. The bonds are to be issued under a mortgage and deed of trust, dated as of November 1, 1950, between Wisconsin (formerly Milwaukee Gas Light Co.) and Mellon National Bank and Trust Co. and D. A. Hazlett, as trustees, as heretofore supplemented and as to be further supplemented by a seventh supplemental indenture to be dated as of July 15, 1969, which includes a prohibition until July 15, 1974, against refunding the issue with the proceeds of funds borrowed at lower interest cost.

Wisconsin will use the net proceeds from the issue and sale of the bonds to pay notes to banks, due November 15, 1969, in the estimated amount of $12 million. The balance of the net proceeds together with funds obtained from short-term bank borrowings and from internal sources will be used to finance Wisconsin's 1969 construction program estimated at $17,400,000.

It is stated that the Public Service Commission of Wisconsin has jurisdiction over the proposed issue and sale of the bonds and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $80,000, including legal fees of $23,000. The fee of counsel for the underwriters, to be paid by the successful bidders, is estimated at $9,500.

Notice is further given that any interested person may, not later than July 1, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-6975; Filed, June 12, 1969; 8:45 a.m.]

WATER RESOURCES COUNCIL

POLICIES AND PROCEDURES IN PLAN FORMULATION AND EVALUATION OF WATER AND RELATED LAND RESOURCES PROJECTS

Notice of Public Hearing and Availability of Report

Notice is hereby given that the Water Resources Council will hold public hearings commencing at 10 a.m. on the dates and at the locations indicated immediately below:

August 4, 1969, Dinkler Plaza Motor Hotel, Forsyth and Luckie Street NW., Atlanta, Ga.

August 6, 1969, Jung Hotel, 1500 Canal Street, New Orleans, La.

August 8, 1969, North Auditorium, 275 Hayes Street, San Francisco, Calif.

August 11, 1969, Department of Interior Auditorium, 1002 Northeast Holladay Street, Portland, Oreg.

August 14, 1969, Assembly Hall, Omaha Auditorium, 1804 Capitol Avenue, Omaha, Nebr.

August 18, 1969, Common Council Meeting Room, City-County Building, Detroit, Mich.

August 20, 1969, Faneuil Hall, Hay Market Square, Boston, Mass.

September 9 and 10, 1969, National Museum of History and Technology, Smithsonian Institution, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

The purpose of these hearings is to obtain the views of the interested public on the policies and procedures used by the Federal agencies in the formulation and evaluation of plans for use and development of water and related land resources. The proposed hearings grow out of the following circumstances.

On October 6, 1961, the President requested the Secretaries of Interior, Agriculture, Army, and Health, Education, and Welfare to review evaluation standards for water and related land resources projects and to recommend improvements. Their report, "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources", was approved by the President on May 15, 1962, published as Senate Document No. 97, 87th Congress, 2d Session, and replaced Budget Circular No. A-47.

On July 26, 1968, the Water Resources Council published its proposal to revise the formula given in Senate Document No. 97 for determination of the discount rate to be used in the formulation and evaluation of water resource projects. In response to this proposal, the Council received about 200 responses from individuals and groups interested in water development. Many of the comments emphasized the need to better evaluate project effects, including both economic benefits and contributions to other social goals. Several Congressional Committees expressed their concern with the inadequacies or inconsistencies of present practices in evaluation of benefits and costs.

On December 24, 1968, the Council with the approval of the President, revised the formula in Senate Document No. 97 for determination of the discount rate. The Council also concluded that evaluation procedures should be reviewed. A Special Task Force was established for this purpose from the staffs of the Departments of Army, Agriculture, and Interior, and the Water Resources Council. In addition, the Council announced that a public hearing would be held in Washington, D.C., on January 13, 1969, at which the concerned public could present oral testimony on the practices followed by Federal agencies in evaluating benefits derived from water resources projects. The Council also announced that it planned to hold a series of regional and national hearings later in 1969 to provide the concerned public with an opportunity to express their views about policies for planning water and related land resources.

Members of the Special Task Force attended the hearing of January 13, 1969. The record of that hearing, which included written comments submitted for the record as well as the oral testimony, was made available to the Task Force. The Special Task Force has now completed its report to the Water Resources

Council entitled "Procedures for Evaluation of Water and Related Land Resource Projects". Copies of the Report and Senate Document No. 97 may be obtained by writing to the Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 20005.

The report sets forth a statement of the national objectives for water resources development, which include national income, regional development, environmental enhancement, and well-being of people. These objectives provide the framework within which the effects of water and related land resources projects may be evaluated. Benefits and costs are identified as the beneficial or adverse effects of plans toward attainment of these national objectives. All effects of the water and related land resource plans are to be displayed in a system of accounts.

The Council has taken no position either for or against the conclusions and recommendations reflected in the report. Before taking any action on the report the Council wishes to (1) obtain the views and comments of public officials, water users, scholars, and the general public, and (2) have appropriate Federal agencies test the procedures proposed in the report.

The Council therefore has scheduled the aforementioned hearings and has directed the appropriate Federal agencies to test the procedures proposed in the report on several types of projects in order to determine whether they can accomplish appropriate results and achieve reasonably uniform comparability in application. At the hearings to be held in August 1969, the Water Resources Council would like to obtain the views of all interested persons on (1) the report of the Special Task Force, (2) Senate Document No. 97 and Supplement No. 1 thereto, dated June 4, 1964, and (3) any other matters that are relevant to policies and procedures to be used by Federal agencies in the formulation and evaluation of water and related land resources projects. After consideration of the views and comments received, and of the results obtained in the tests, the Council will formulate, in accordance with the Council's authority under the provisions of the Water Resources Planning Act (Public Law 89-80), principles, standards, and procedures to be observed by the Federal agencies in the formulation and evaluation of water and related land resources projects. These proposals will be again submitted to the public for review and comment before they are approved.

Views may be presented at the hearings in person or by submitting a written statement for the record. No advance notice of intention to testify or to submit a written statement is necessary. The record will be kept open through September 19, 1969, for submission of further written statements not presented at the hearings. If necessary to accommodate all those wishing to testify, the Hearing Officer may limit each oral presentation to 30 minutes. Any person so limited shall have the privilege of submitting a written extension of his remarks, which will be incorporated in the record.

Written statements for the record not delivered to the Hearing Officer during the hearing should be addressed to Henry P. Caulfield, Jr., Executive Director, Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 20005.

Dated: June 10, 1969.

HENRY P. CAULFIELD, JR.,
Executive Director.

[F.R. Doc. 69-6994; Filed, June 12, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 848]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 10, 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 15728 (Sub-No. 9 TA), filed June 5, 1969. Applicant: AUTO PRODUCTS TRANSPORT, INC., 14840 Puritan Avenue, Detroit, Mich. 48227. Applicant's representative: William B. Elmer, 22644 Gratiot, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reconditioned crates, reconditioned boxes, reconditioned pallets, and other reconditioned shipping containers*, from Rawsonville, Mich., Holly Township, Oakland County, Mich., and Avon Township, Oakland County, Mich., to points in Illinois, Indiana, Iowa, Kentucky, New York, North Carolina, Ohio, Pennsylvania, West Virginia, Tennessee, and Wisconsin, for 150 days. Supporting shipper: Auto Pallets—Boxes, Inc., 14844 Puritan Avenue, Detroit, Mich. 48227. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 55581 (Sub-No. 15 TA), filed June 6, 1969. Applicant: UTAH PACIFIC TRANSPORT CO., 15628 Southeast Old Carver Road, Clackamas, Oreg. 97015. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Lakepoint, Utah, to points in Oregon and Washington, for 180 days. Supporting shipper: Hardy Salt Co., Post Office Drawer 449, St. Louis, Mo. 63166. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97304.

No. MC 64994 (Sub-No. 106 TA), filed June 6, 1969. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, Dushore, Pa., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Reynolds Metals Co., Reynolds Metals Building, Richmond, Va. 23218. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 96770 (Sub-No. 4 TA), filed April 21, 1969. Applicant: FLORIDA TERMINALS AND TRANSPORT COMPANY, a corporation, 2804 Clear Lake Road, Post Office Box 1906, Cocoa, Fla. 32923. Applicant's representative: J. B. Rodgers, Jr., Suite 405, Metcalf Building, 100 South Orange Avenue, Orlando, Fla. 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to traffic moving in freight forwarding service, from Orlando, Fla., to points in Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, and Polk Counties, Fla., with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Republic Carloading & Distributing Co., Inc., 1540 Marietta Road NW., Atlanta, Ga. 30318. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 103993 (Sub-No. 413 TA), filed June 2, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (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 in initial movements, from La Grande, Oreg., to points in Montana and Wyoming, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., Recreational Vehicle Division, Union County, Oreg. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 111401 (Sub-No. 280 TA), filed June 6, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate* liquid or dry bulk, from Pineville (Rapides Parish), La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.), for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., J. C. Jessen, A.T.M. Motor Carrier Section, Wilmington, Del. 19898. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 113861 (Sub-No. 50 TA), filed June 6, 1969. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, 44 North Second Street, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Nashville, Tenn., to points in Alabama and Kentucky, for 150 days. Supporting shipper: Missouri Portland Cement Co., 7751 Carondelet Avenue, St. Louis, Mo. 63105. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 123067 (Sub-No. 85 TA), filed June 6, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, in bulk, from Savannah, Ga., to Fernandina Beach, Fla., for 120 days. Supporting shipper: H. J. Baker & Bro., 733 Third Avenue, New York, N.Y. 10017. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 123067 (Sub-No. 86 TA), filed June 6, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, in bulk, from Savannah, Ga., to Fernandina Beach, Fla.; and *animal and poultry feed ingredients*, in bulk, from Fernandina Beach, Fla., to points in Georgia, for 150 days. Supporting shipper: H. J. Baker & Bro., 733 Third Avenue, New York, N.Y. 10017. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 127495 (Sub-No. 2 TA), filed June 5, 1969. Applicant: AIRLINE FREIGHT, INC., 731 Chester Pike, Prospect Park, Pa. 19076. Applicant's representative: William R. Rawding (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and commodities requiring special equipment), having a prior or subsequent movement by air, between the Philadelphia International Airport located at Philadelphia, Pa., the Newark Municipal Airport located at Newark, N.J., and the John F. Kennedy International Airport located at Jamaica, N.Y., on the one hand, and, on the other, points in Burlington, Camden, Gloucester, and Salem Counties, N.J., and Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa. Supporting shippers: Copeland Shipping, Inc., Farmers and Rockaway Boulevard, Jamaica, N.Y. 11434; Airborne Freight Corp., Calcon Hook Road, Sharon Hill, Pa. 19079; Express Air Freight, Inc., 731 Chester Pike, Prospect Park, Pa. 19076; Furnival Machinery Co., Lancaster Avenue at 54th Street, Philadelphia, Pa. 19131; Wings & Wheels, World Headquarters Building, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; Profit By Air, Inc., Post Office Box 647, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; Davies, Turner & Co., 113 Chestnut Street, Philadelphia, Pa. 19106; Honeywell, Inc., 1100 Virginia Drive, Fort Washington, Pa. 19034; Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 127557 (Sub-No. 12 TA), filed June 5, 1969. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Pittsburgh, Pa., to points in Florida, for 120 days. Supporting shipper: Pittsburgh Brewing Co., 3340 Liberty Avenue, Pittsburgh, Pa. 15201. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, NW., Atlanta, Ga. 30309.

No. MC 128375 (Sub-No. 31 TA), filed June 5, 1969. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 15th and Main, Crete, Nebr. 68333. Applicant's representative: Duane Acklie, 521 South 14th Street, Lincoln, Nebr. 68508. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, including rolled products, wire and wire products, grader blades, grinding media, and line pipe (except those requiring special equipment to be furnished by carrier to load or unload, and except Mercer commodities other than line pipe), from the plantsite and facilities used by CF&I Steel Corp., at or near Pueblo, Colo., and its commercial zone, to points in Arizona, California, New Mexico, and Nevada, for 150 days. Supporting shipper: CF&I Steel Corp., Post Office Box 1920, Denver, Colo. 80201. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133676 (Sub-No. 1 TA), filed June 6, 1969. Applicant: COMET DISTRIBUTION SERVICES, INC., 2125 Sorrel Avenue, Post Office Box 3175, Baton Rouge, La. 70802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, from Port Gardner, La., to Port Allen, La., *for export*, for 180 days. Supporting shipper: Louisiana Forest Products Corp. (Port Hudson Mill), Post Office Box 430, Zachary, La. 70791. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133780 TA, filed June 5, 1969. Applicant: WILLIAM A. SPARGER, 16501 South Crawford Avenue, Markham (Tinley Park), Ill. 60477. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and, including, *chocolate drink, chocolate milk, cottage cheese, fruit juices, fresh and frozen, sour cream, dip-n-dressing, and yogart, and puddings*, from the plantsite and warehouse facilities of Sealtest Foods Division of Kraftco, Milwaukee, Wis., to the plant and warehouse facilities of Sealtest Foods Division of Kraftco, South Bend, Ind., under a continuing contract or contracts with Sealtest Foods Division of Kraftco, New York, N.Y., and *empty containers, out-dated merchandise, spoiled merchandise*, on return movements, for 180 days. Supporting shipper: Max L. Kordisch, Division Transportation & Division Manager, Sealtest Foods Division, Kraftco, Inc., 455 East Grand Avenue, Chicago, Ill. 60611. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133782 TA, filed June 6, 1969. Applicant: RUSSELL J. LONG, General Delivery, Decaturville, Tenn. 38329. Applicant's representative: Billy W. Townsend, 111 West Second Street, Parsons, Tenn. 38363. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

Mussel shells, in bags, from Perryville, Tenn., to Mobile, Ala., for 180 days. Supporting shipper: C & S Shell Co., an Illinois corporation, Beardstown, Ill. (Joe Senio, Vice President). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.

By the Commission.

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

[F.R. Doc. 69-7004; Filed, June 12, 1969; 8:47 a.m.]

[Notice 362]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 10, 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-71218. By order of June 6, 1969, the Motor Carrier Board approved the transfer to Alice C. Jones, doing business as Bill's Towing, Klamath, Oreg., of the certificate in No. MC-125667, issued May 10, 1965, to William H. Jones and Alice C. Jones, a partnership, doing business as Bill's Towing, Klamath, Oreg., authorizing the transportation of wrecked and disabled motor vehicles from points in Modoc and Siskiyou Counties, Calif., to Klamath Falls, Oreg. O. W. Goakey, Suite 214, First National Bank Building, Klamath Falls, Oreg. 97601, attorney for applicants.

No. MC-FC-71306. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Bob Cook's Vagabond Travel Service, Inc., doing business as Vagabond Travel Service, Vagabond Tours, and Vagabond Travel Club, 605 North Plankinton Avenue, Milwaukee, Wis. 53203, of the license in No. MC-12836 issued May 28, 1963, to Eldred C. Knodt, doing business as Vagabond Tours, 605 North Plankinton Avenue, Milwaukee, Wis. 53203, authorizing operations as a broker at Milwaukee, Wis., in connection with the transportation of passengers and their baggage, in special or charter operations, beginning and ending at points in Milwaukee and Waukesha Counties, Wis., and extending to points in the United States, including Alaska and Hawaii.

No. MC-FC-71326. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Lewis R. Hunt and C. L. Hunt, a partnership, doing business as Hunt & Son, Warrensburg, Mo., of the operating rights in permits Nos. MC-125717 (Sub-No. 1), MC-125717 (Sub-No. 3), MC-125717 (Sub-No. 5), MC-125717 (Sub-No. 7), MC-125717 (Sub-No. 9), and MC-125717 (Sub-No. 11) issued May 25, 1965, May 25, 1966, December 5, 1966, August 18, 1967, August 18, 1967, and August 7, 1968, respectively, to Norman Joseph Choplin, doing business as Joe Choplin, Independence, Mo., authorizing the transportation of dairy replacement products, under contract with Presto Food Products, Inc., from Kansas City, Mo., to points in Texas, Oklahoma, Kansas, Arkansas, Louisiana, Illinois, Iowa, Minnesota, Nebraska, and Colorado, and pulpboard boxes, for the same shipper, from Garland, Tex., to Kansas City, Mo. Dual operations were approved. Frank W. Taylor, Jr., Esq., 1221 Baltimore Avenue, Kansas City, Mo. 64105, attorney for applicants.

No. MC-FC-71347. By order of June 9, 1969, the Motor Carrier Board approved the transfer to Philip R. McLean, doing business as McLean Transportation, Canton, Mass., of the operating rights in certificate No. MC-65413 issued September 15, 1942, to Alden Motor Transportation Co., a corporation, Boston, Mass., authorizing the transportation of: Wool and waste, burlap bags and sheets, and hardware and pipe, between points in Massachusetts and Rhode Island. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-71369. By order of June 9, 1969, the Motor Carrier Board approved the transfer to P-N-J Kornacker, Inc., doing business as Kornacker Trucking Co., Waukegan, Ill., of the operating rights in permits Nos. MC-125479, MC-125479 (Sub-No. 1), MC-125479 (Sub-No. 3), MC-125479 (Sub-No. 4), and MC-125479 (Sub-No. 7) issued February 28, 1964, April 27, 1966, May 1, 1967, September 6, 1966, and August 11, 1967, respectively, to Joseph A. Kornacker doing business as Kornacker Trucking Co., Waukegan, Ill., authorizing the transportation, over irregular routes, of malt beverages from St. Louis, Mo., to Waukegan, Arlington Heights, Addison, and Montgomery, Ill., and from certain plantsites in Milwaukee, Wis., South Bend, Ind., Detroit, Mich., and St. Joseph, Mo., to Waukegan, Ill., restricted to service performed under contracts with named shippers. Alvin E. Rosenbloom, 33 North Dearborn Street, Chicago, Ill. 60602, attorney for applicants.

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

[F.R. Doc. 69-7005; Filed, June 12, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00352-33-46500. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Ultramicrotome, Model LKB 8800, table and knife maker combination. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning morphologic aspects of cardiovascular disease. Sections of heart, lungs, and blood vessels are studied by routine electron microscopy and by electron microscopic histochemistry. These tissues are sectioned very thin—from 50 angstroms to 2 microns—with the ultramicrotome for observation under the electron microscope. The ultrathin sections required for this work must be prepared in long series and must be cut in equal thickness throughout. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by the Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the specimen, the more is it possible to take advantage of the ultimate resolving capabilities of the electron microscope for which the sections are being prepared. The purpose of the experiments is to correlate the morphological, biochemical, and functional aspects of various cardiovascular diseases, for which the best obtainable resolution should be available. For this reason, we find that the lower minimum thickness capability of the foreign article is pertinent to the purposes for which it is intended to be used. We corrollarily find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 69-6953; Filed, June 12, 1969; 8:45 a.m.]

Maritime Administration

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc., has applied for approval, pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises by the "SS United States":

Sails New York	Returns New York	Itinerary
Nov. 9, 1969	Nov. 30, 1969	Bermuda, Lisbon, Madeira, Tenerife, Dakar, St. Thomas, Nassau.
Dec. 19, 1969	Jan. 4, 1970	St. Thomas, Dakar, Tenerife, Madeira.

Any person, firm or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, and arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on June 25, 1969. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion its deems warranted.

Dated: June 10, 1969.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-7072; Filed, June 12, 1969; 9:07 a.m.]

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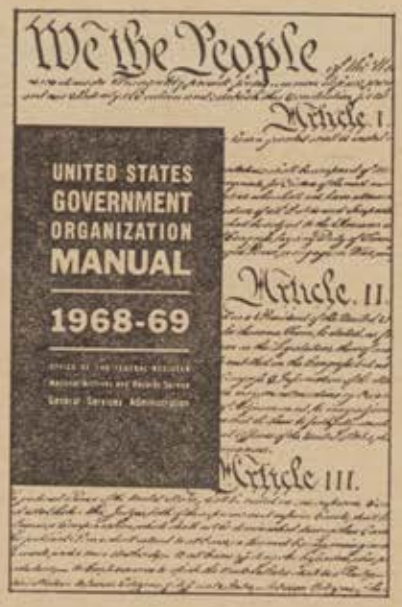

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