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Agencies in this issue—

Detailed list of Contents appears inside.

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Appointed January 20–June 1, 1969

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Special Assistant to the Commissioner of Customs (Organized Crime and Smuggling), Bureau of Customs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (c) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

* * * * *

(c) *Bureau of Customs.* * * *

(3) One Special Assistant to the Commissioner of Customs (Organized Crime and Smuggling).

* * * * *

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

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

[F.R. Doc. 69-8241; Filed, July 11, 1969; 8:47 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Sections 352.508(g), 353.707, 511.612, 532.703(g), 713.235, and 772.308 are revised to clarify the criteria considered by the Commission when examining requests to reopen and reconsider previous decisions.

PART 352—REEMPLOYMENT RIGHTS

§ 352.508 Appeals to the Commission.

* * * * *

(g) *Review by the Commissioners.* The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the previous decision was issued;

(2) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(3) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(Sec. 625, 75 Stat. 449; 22 U.S.C. 2385, E.O. 10973; 3 CFR 1959–63 Comp., p. 493)

PART 353—RESTORATION AFTER MILITARY DUTY

§ 353.707 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(Sec. 9, 62 Stat. 614, as amended; 50 U.S.C. App. 459)

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION SYSTEM

§ 511.612 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 5115, 5338)

PART 532—PAY UNDER PREVAILING RATE SYSTEMS

§ 532.703 Appeal to the Commission.

* * * * *

(g) The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the previous decision was issued;

(2) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(3) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 5345)

PART 713—EQUAL OPPORTUNITY

§ 713.235 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301, E.O. 10577; 3 CFR, 1954–58 Comp., p. 218, E.O. 11222, E.O. 11246; 3 CFR 1964–65 Comp., pp. 306, 339, E.O. 11375; 3 CFR, 1967 Comp., p. 320)

PART 772—APPEALS TO THE COMMISSION

§ 772.308 Review by the Commissioners.

The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(a) New and material evidence is available that was not readily available when the previous decision was issued;

(b) The previous decision involves an erroneous interpretation of law or regulation or a misapplication of established policy; or

(c) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(5 U.S.C. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347, E.O. 10577; 3 CFR, 54–58 Comp., p. 218, E.O. 10988; 3 CFR, 1959–63 Comp., 521)

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

[F.R. Doc. 69-8240; Filed, July 11, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1963, as amended, and section 2 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Orleans, Ouachita, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Logan, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Bordon, Bosque, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Hudspeth, Hutchinson, Irion, Jack Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Rockwell, Runnels, Rusk, Sabin, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorten, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 33 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): East Carroll and Madison Parishes; Caddo County in Oklahoma; Cooke and Rusk Counties in Texas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Brooks and Howard Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1969.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-8261; Filed, July 11, 1969; 8:49 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is further amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation having ownership, custody, or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of $8.32 per man hour per employee as follows: A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, laboratory testing, quarantine, or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however*, That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which would normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective July 13, 1969, when it shall supersede 9 CFR 97.1, effective July 14, 1968.

The purpose of this amendment is to increase the hourly rate for overtime services from $7.92 to $8.32 commensurate with salary increases provided in the Federal Employees Salary Act of 1967 (Public Law 90-206); Executive Order 11474. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Done at Washington, D.C., this 9th day of July 1969.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 69-8289; Filed, July 11, 1969; 8:49 a.m.]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8637]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Margin Requirements for OTC Securities

The Securities and Exchange Commission today announced the adoption of Rule 17a-12 (17 CFR 240.17a-12) under the Securities Exchange Act of 1934 ("the Act") and Forms X-17A-12(1) (17 CFR 249.619) and X-17A-12(2) (17 CFR 249.620) thereunder as the means for implementing rules of the Board of Governors of the Federal Reserve System ("the Board") providing for exemptions from specified margin requirements of loans by banks to broker-dealers who are market makers in securities placed by the Board pursuant to Regulation U as amended (12 CFR 221.1 et seq.) on its list of OTC Margin Stocks as provided for by the July 29, 1968 amendment to section 7 of the Act (15 U.S.C. 78g; Public Law 90-437; 82 Stat. 452).

The Commission published its proposal to adopt Rule 17a-12 (17 CFR 240.17a-12) and Forms X-17A-12(1) (17 CFR 249.619) and X-17A-12(2) (17 CFR 249.620) on February 19, 1969, in Securities Exchange Act Release No. 8529 and in the FEDERAL REGISTER of February 26, 1969 (34 F.R. 2613), and it received a number of suggestions and comments with respect to them. It has considered such comments and suggestions and now adopts Rule 17a-12 (17 CFR 240.17a-12) and Forms X-17A-12(1) (17 CFR 249.619) and X-17A-12(2) (17 CFR 249.620) in the forms set forth below.

In its Regulation U, the Board has deemed it desirable in the interest of fair and orderly markets to provide for an OTC Market Maker's exemption under which a bank may make loans to a market maker in a security on the OTC Margin Stock list in amounts determined by the bank in good faith, instead of within the general limitations prescribed for the extension of credit on such a security. In section 3(w) of Regulation U (12 CFR 221.3(w)), the Board has set forth its criteria for an OTC Market Maker entitled to the special credit provisions. To qualify, a broker-dealer must file a notice with the Commission in prescribed form (Form X-17A-12(1)) (17 CFR 249.619); he must be in compliance with the net capital requirements of Rule 15c3-1 (17 CFR 240.15c3-1) under the Act, or of the capital rules of a national securities exchange of which he is a member; and he must have and maintain a minimum net capital in accordance therewith of $25,000 plus $5,000 for each OTC Margin Security in which he makes a market, subject to a maximum net capital requirement of $250,000. Additionally, he must (except when it is unlawful) regularly publish bona fide competitive bid and offer quotations in a recognized "interdealer quotations system" (which has the same meaning as in Rule 15c2-7 (17 CFR 240.15c2-7) under the Act); be ready, willing, and able to effect transactions with other broker-dealers in reasonable amounts at his quoted prices; and have a reasonable average rate of turnover in the security. It is the intent of subparagraphs (1) and (2) of Rule 17a-12 (17 CFR 240.17a-12) to provide for the same criteria for an OTC Market Maker as those in section 3(w) of Regulation U.

The definition of OTC Market Maker in these rules takes into account the possibility that certain antimanipulative provisions of the Federal securities laws,

such as Rule 10b–6 (17 CFR 240.10b–6) under the Act, would prohibit a market maker from meeting all of the conditions of an OTC Market Maker in a given OTC Margin Security, on certain occasions. Paragraph (e) of Rule 17a–12 (17 CFR 240.17a–12) provides that, in such a case, the OTC Market Maker is to give prompt written notice to the Commission stating the basis for failing to meet specified conditions; and, after resuming his full market making activities, to promptly notify the Commission to that effect in writing. Such notices are in lieu of any filings on Form X–17A–12(1) (17 CFR 249.619) in this eventuality.

As specified in paragraph (b) of Rule 17a–12 (17 CFR 240.17a–12), Form X–17A–12(1) (17 CFR 249.619) is the form to be filed within 10 days after the effective date of the rule by each registered broker-dealer who is an OTC Market Maker in any OTC Margin Security with respect to each such security. In addition, if he becomes such a market maker after the effective date of the rule, or if he is a market maker in a security placed after the effective date of the rule by the Board on its OTC Margin Stock list, he must within 5 days thereafter file Form X–17A–12(1) (17 CFR 249.619) as to such security. This form must be filed even though the market maker does not intend to avail himself of the OTC Market Maker exemption for any OTC Margin Security Form X–17A–12(1) (17 CFR 249.619) is also to be filed in respect of each security in which an OTC Market Maker ceases to make a market in an OTC Margin Stock, except that no such filing need be made with respect to a security removed by the Board from the OTC Margin Security list.

Form X–17A–12(2) (17 CFR 249.620) is a quarterly filing form which must be filed by a broker-dealer who has been an OTC Market Maker during the quarter. Three executed copies must be filed within 10 days after the end of the quarter. If the market maker has not received credit under the OTC Market Maker exemption at any time during the quarter, he will be required to answer only the first three questions which are essentially merely means of identification. If, however, he has received such credit during the quarter, he must provide information called for by the form with respect to a given day during the quarter specified by the Commission at the end of the quarter. Form X–17A–12(2) (17 CFR 249.620) is considerably simplified over the one originally proposed. The items on the form are designed to ascertain whether the person making the filing meets the criteria for an OTC Market Maker and to shed some light on the broker-dealer's volume of activity and extent of borrowings on OTC Margin Security in which he is an OTC Market Maker.

Under paragraph (f) of Rule 17a–12 (17 CFR 240.17a–12), reports filed on Form X–17A–12(2) (17 CFR 249.620) would be maintained in a nonpublic file but would be available for official use to any official or employee of the United States, any State, or the Board, or to any national securities exchange and any national securities association of which the broker-dealer is a member, as well as to any other person to whom the Commission authorizes disclosure in the public interest.

Commission action. Acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 17(a) and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, the Securities and Exchange Commission hereby adopts new §§ 240.17a–12, 249.619, and 249.620 in Chapter II of Title 17 of the Code of Federal Regulation as set forth below. Since that rule and those forms are adopted to implement the amendments adopted on June 6, 1969, by the Board of Governors of the Federal Reserve System to Regulations G, T, and U under the Act which become effective on July 8, 1969, the Commission finds that for good cause it is necessary in the public interest and for the protection of investors that Rule 17a–12 (17 CFR 240.17a–12) and Forms X–17A–12 (1) (17 CFR 249.619) and X–17A–12(2) (17 CFR 249.620) become effective on July 8, 1969.

§ 240.17a–12 Reports to be filed by market makers in O-T-C Margin Securities.

(a) Every broker or dealer registered on the effective date of this rule pursuant to section 15 of the Act who is an OTC Market Maker in any OTC Margin Security shall, within 10 days after the effective date of this rule, file a notice on Form X–17A–12(1) (§ 249.619 of this chapter) with the Commission for each such security as to which he was an OTC Market Maker on the effective date of this rule.

(1) For the purpose of this section, the term, "OTC Margin Security", shall mean a security which is not registered on a national securities exchange and which is on a list published by the Board of Governors of the Federal Reserve System ("the Board") pursuant to section 3(d)(2) of Regulation U under the Securities Exchange Act of 1934 (12 CFR 221.3(d)(2)).

(2) For the purpose of this section, a dealer shall be deemed an "OTC Market Maker" in an OTC Margin Security if he is subject to and is in compliance with Rule 15c3–1 (§ 240.15c3–1) (or is subject to and in compliance with the capital rules of an exchange of which he is a member if the members thereof are exempted from Rule 15c3–1 (§ 240.15c3–1(b)(2)) and he has and maintains minimum net capital, as defined in Rule 15c3–1 (§ 240.15c3–1) (or in such capital rules of such exchange), of $25,000 plus $5,000 for each such security in excess of five in respect of which he has filed and not withdrawn the notice on Form X–17A–12(1) (§ 249.619 of this chapter) (except that he shall not be required to have such net capital of more than $250,000 to be an OTC Market Maker under the provisions of this section) and if, except when such activity is unlawful, he meets all of the following conditions with respect to such security: (i) He regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system, (ii) he furnishes bona fide, competitive bid and offer quotations to other brokers and dealers on request, (iii) he is ready, willing, and able to effect transactions in reasonable amounts, and at his quoted prices, with other brokers and dealers, and (iv) he has a reasonable average rate of inventory turnover.

(b) Every registered broker-dealer who, after the effective date of this section, becomes an OTC Market Maker in any OTC Margin Security or is an OTC Market Maker in a particular security which is placed by the Board on the OTC Margin Security list after he becomes a market maker in such security, shall, within 5 days after he becomes such a market maker or after it is placed on such list, as the case may be, file with the Commission a notice on Form X–17A–12(1) (§ 249.619 of this chapter) identifying each such security.

(c) Every registered broker-dealer who has filed a notice under paragraph (a) or (b) of this section who ceases to be an OTC Market Maker in any security listed in any notice filed under such paragraphs shall, within 5 days thereafter, notify the Commission on Form X–17A–12(1) (§ 249.619 of this chapter) that he has ceased to be a market maker with respect to such security: *Provided, however,* That if a security has been removed by the Board from the OTC Margin Security list, no such notice respecting cessation of market making activities need be filed as to that security.

(d) Every registered broker-dealer who, during any calendar quarter, is or has been an OTC Market Maker in any OTC Margin Security shall, within 10 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X–17A–12(2) (§ 249.620 of this chapter).

(e) If at any time an OTC Market Maker is unable to meet one or more of the conditions specified in subdivision (i), (ii), (iii), or (iv) of paragraph (a)(2) of this section because such activity would be unlawful, he shall promptly notify the Commission in writing of such fact and state the basis for failing to meet such conditions; and if and when he has resumed the activity necessary to meet such conditions, he shall promptly notify the Commission in writing of such resumption.

(f) Reports on Form X–17A–12(2) (§ 249.620 of this chapter) will be maintained in a nonpublic file: *Provided, however,* That any such report shall be available for official use, to any official or employee of the United States, any State, or the Board; to any national securities exchange and any national registered securities association of which the broker-dealer filing such report is a member; and to any other person to whom the Commission authorizes disclosure in the public interest.

§ 249.619 Form X-17A-12(1)—Notification required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a-12 of this chapter.

This form must be executed and filed with the Commission pursuant to paragraph (a) of § 240.17a-12 of this chapter within 10 days by every registered broker-dealer who, on the effective date of said section is an OTC Market Maker as defined in paragraph (e) of said section; and pursuant to paragraphs (b) and (c) respectively of § 240.17a-12 of this chapter by each broker-dealer within 5 days after becoming or ceasing to be such OTC Market Maker.

§ 249.620 Form X-17A-12(2)—Quarterly report required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a-12(d) of this chapter.

This form must be executed and filed with the Commission as a quarterly report, pursuant to paragraph (d) of § 240.17a-12 of this chapter, within 10 days after the close of each calendar quarter, by each broker-dealer who is or who has been an OTC Market Maker, as defined in paragraph (e) of § 240.17a-12 of this chapter during such quarter.

NOTE: Copies of these forms have been filed with the Office of the Federal Register and may be obtained from the Securities and Exchange Commission at its Washington Headquarters Offices or any of its regional or branch offices.

(Secs. 7, 15(b), 17(a), 23(a), 48 Stat. 895, 897, 901, as amended, 49 Stat. 1379, 82 Stat. 452, 15 U.S.C. 78g, 78o, 78q, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 3, 1969.

Incorporation by reference approved by the Director of the Federal Register on July 11, 1969.

[F.R. Doc. 69-8206; Filed, July 11, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Cheese and Cheese Products From Certain Labeling Requirements

In the matter of exempting cheese and cheese products from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Nineteen comments were received in response to the notice of proposed rule making in the above-identified matter that was published in the FEDERAL REGISTER of November 22, 1968 (33 F.R. 17314), and based on a petition filed by Kraft Foods Division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill. 60611.

1. Nine State agencies support the proposal except for that portion that would permit declaration of price "per specified number of pounds." These comments urge that the price be stated in terms of the price per pound.

2. One State agency supports the entire proposal.

3. Two State agencies oppose the proposal stating that adoption of the exemption would make value comparisons difficult.

4. One State and one city agency oppose the proposal because they believe the grounds given by the petitioner in support thereof are insufficient to warrant adoption.

5. One State agency opposes the proposal on the grounds that it is "another attempt to subvert the law and to continue to 'hide' the cost of the product from the consumer."

6. One State agency opposes the proposal because, among other reasons, it would permit the cheese packer to fill in only the space provided for the quantity of contents declaration thereby placing the responsibility of filling in the price per pound and the total price on the distributor or retailer. This State agency reports that in its experience, the difficulty in making this computation has caused some distributors or retailers to use conventional computing scales to weigh and price the items on a gross-weight rather than a net-weight basis.

7. A trade association opposes the proposal stating that it sees "no reason why the price per pound should be left off of cheese produced by Kraft."

8. A cheese producer fully supports the proposal.

9. One firm supports the proposal and urges that the exemption be expanded to cover all food packages declaring net weight, price per pound or specified number of pounds, and total price.

Inasmuch as the several-hundred label exhibits submitted with the petition are all labeled to show the price per pound, the Commissioner of Food and Drugs concludes that there is no reason to provide for a declaration in terms of a "specified number of pounds" on the subject nonrandom weight cheese packages. The amendment herein is changed accordingly.

The Commissioner further concludes that the basic random weight package exemption should remain unchanged to provide for continuation of multiple unit pricing on such packages—a trade practice established for years. To insist on single unit pricing would result in the consumer paying more for a product. For example, a product previously sold for 2 pounds for 39 cents would be, on a single unit basis, 20 cents per pound and thus disadvantageous to the consumer.

The Commissioner concludes that the comments discussed in paragraphs 3, 4, 5, and 7 above are the result of a misunderstanding of the type of package that would be covered by the proposed exemption. The subject cheese packages are those wrapped in cellophane and labeled to show net weight, price per pound, and total price. Such labeling provides more information than labeling which is in compliance with the current regulations of the Fair Packaging and Labeling Act, for the price per pound would be calculated for the purchaser.

Regarding the comment in paragraph 6 above, the Commissioner concludes that the type of false labeling discussed could be employed by the distributor or retailer whether or not the proposed exemption is adopted. If it is employed, the product would be in violation of the Federal Food, Drug, and Cosmetic Act as well as many State and local statutes.

The comment requesting expansion of the exemption, paragraph 9 above, is more in the nature of a separate proposal and will be considered as such on its own merits.

Based on consideration of the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that the proposed amendment should be adopted as set forth below with the provision for multiple unit pricing on nonrandom weight cheese packages deleted.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered,* That § 1.1c (a)(2) be revised to read as follows:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

(2) Random food packages, as defined in § 1.8b(j), bearing labels declaring net weight, price per pound or per specified number of pounds, and total price shall be exempt from the type size, dual declaration, and placement requirements of § 1.8b if the accurate statement of net weight is presented conspicuously on the principal display panel of the package. In the case of food packed in random packages at one place for subsequent shipment and sale at another, the price sections of the label may be left blank provided they are filled in by the seller prior to retail sale. This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random food packages exempted by this subparagraph except that the labels shall bear a declaration of price per pound and not price per specified number of pounds.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of

Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is required, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: July 3, 1969.

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

[F.R. Doc. 69-8218; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C BLUE NO. 1; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Blue No. 1 for food use (§ 8.206) and drug use (§ 8.4021) subject to certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7445). Accordingly, the regulations promulgated thereby (§§ 8.206 and 8.4021) will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Blue No. 1" the portion reading "(§ 9.80 of this chapter)" to read "(§ 8.206 of this chapter)" and by changing for this item in the column "Food use" the closing date "June 30, 1969" to read "June 30, 1969[3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

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

[F.R. Doc. 69-8219; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C RED NO. 3; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Red No. 3 for food use (§ 8.242) and for drug use (§ 8.4102) subject to certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7446). Accordingly, the regulations promulgated thereby (§§ 8.242 and 8.4102) will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Red No. 3" the portion reading "(§ 9.62 of this chapter)" to read "(§ 8.242 of this chapter)" and by changing for this item in the column "Food use" the closing date "June 30, 1969" to read "June 30, 1969[3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

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

[F.R. Doc. 69-8220; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C YELLOW NO. 5; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Yellow No. 5 for food use (§ 8.275) and drug use (§ 8.4175):

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7447). Accordingly, the regulations (§§ 8.275 and 8.4175) promulgated thereby will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Yellow No. 5" the portion in the first column reading "(§ 9.40 of this chapter)" to read "(§ 8.275 of this chapter)" and by changing the date in the column "Food use" for this item from "June 30, 1969" to "June 30, 1969[3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

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

[F.R. Doc. 69-8221; Filed, July 11, 1969; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MELENGESTROL ACETATE

Based on a petition filed by The Upjohn Co., Kalamazoo, Mich. 49001, an order was published in the FEDERAL REGISTER of February 6, 1968 (33 F.R. 2602), providing for the safe use of melengestrol acetate in animal feed (§ 121.308) and establishing a zero tolerance for residues of the additive in edible tissues and by-products of treated cattle (§ 121.1214). The regulation providing the tolerance included the method of analysis by which it is determined that no residues are present.

Following publication of the order comments were received from the petitioner suggesting that certain editorial revisions and corrections be made therein, and the Commissioner of Food and Drugs concludes that the published method of analysis should be revised as suggested.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785-88, as amended; 21 U.S.C. 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1214 *Melengestrol acetate* is amended by changing the method of analysis in paragraph (b), as follows:

1. In III *Special apparatus:*

a. Item G is amended by changing "202° C." to read "220° C.".

b. Item T4b is amended by changing "V-G14" to read "V-G9".

c. Item T5b is amended by changing "V-G11" to read "V-G9".

2. In V *Procedure:*

a. Item C9 is revised to read as follows:

9. Repeat step 7, but this time homogenize the dry cake without its filter paper for 2 minutes and filter.

b. Item D12 is revised to read as follows:

12. To the combined filtrates in the 2-liter separatory funnel, add 500 milliliters of water and 2 milliliters of saturated sodium sulfate solution to give 55 to 60 percent aqueous methanol.

c. Item F is revised to read as follows:

F. Solvent partition: 1. Transfer the residue to a 125-milliliter separatory funnel using two 20-milliliter portions of hexane saturated with 7: 3 methanol-water.

2. Extract the hexane phase with 40 milliliters of 7:3 methanol-water, first rinsing the round-bottomed flask with the aqueous methanol.

a. Shake the funnel vigorously for 1 minute; let the phases separate at least 1 hour.

b. Drain the lower phases into a 500-milliliter separatory funnel containing 50 milliliters of methylene chloride, 80 milliliters of water, and 0.5 milliliter of saturated sodium sulfate solution.

3. Repeat step 2 four more times combining all extracts in the 500-milliliter separatory funnel.

4. Stopper the 500-milliliter separatory funnel, invert carefully, and vent immediately. Shake the funnel cautiously, venting frequently. When all pressure subsides, shake the funnel vigorously for 1 minute, wait 20–30 minutes, and drain the lower phase into a 500-milliliter round-bottomed flask. This precaution does not apply to the subsequent shakings.

5. Extract with three more 50-milliliter portions of methylene chloride, each time draining the lower phase into the flask.

6. Roto-evaporate the combined extracts until all the solvent has been removed. *Stopping place.* Stopper and store in refrigerator or deep freeze.

Since this order merely makes technical changes and corrections in a previously promulgated method of analysis and is noncontroversial in nature, notice and public procedure are not prerequisites to this promulgation.

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

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–88, as amended; 21 U.S.C. 348, 371(a))

Dated: June 30, 1969.

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

[F.R. Doc. 69-8222; Filed, July 11, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9H2341) filed by Harchem Division, Wallace & Tiernan, Inc., 110 East Hanover Avenue, Cedar Knolls, N.J. 07927, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of an additional sanitizing solution, as set forth below, on food-processing equipment and utensils and other food-contact articles, except milk containers or equipment. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2547 is amended by adding a new subparagraph each to paragraphs (b) and (c), as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(10) An aqueous solution containing trichloromelamine and either sodium lauryl sulfate or dodecylbenzenesulfonic acid, together with components generally recognized as safe. In addition to use on food-processing equipment and utensils and other food-contact articles, this solution may be used on beverage containers except milk containers or equipment.

(c) * * *

(7) Solutions identified in paragraph (b)(10) of this section shall provide not more than sufficient trichloromelamine to produce 200 parts per million of available chlorine and either sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect or not more than 400 parts per million of dodecylbenzenesulfonic acid.

* * * * *

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

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

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

Dated: June 30, 1969.

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

[F.R. Doc. 69-8223; Filed, July 11, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 15—PUBLIC INFORMATION

Miscellaneous Amendments

Part 15 of Title 24 of the Code of Federal Regulations is amended in the following respects:

1. Section 15.31 (a) and (b)(1) is revised, to reflect change in address under paragraph (a) and under paragraph (b)(1) as to Regions I and II, and under paragraph (b)(1) as to Region VI to change "Northwest Operations Office" to "Northwest Area Office" and to change address, to read as follows:

§ 15.31 Information centers.

(a) The Department maintains a Central Information Center in Washington, D.C., at the following location:

Department of Housing and Urban Development, 451 Seventh Street SW., Room 1202, Washington, D.C. 20410.

(b) The Department also maintains an information center—

(1) In each of its Regional Offices as follows:

Region I—26 Federal Plaza, New York, N.Y. 10007.
Region II—Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.
Region III—Peachtree-Seventh Building, Atlanta, Ga. 30323.
Region IV-360 North Michigan Avenue, Chicago, Ill. 60601.
Region V—Federal Office Building, 819 Taylor Street, Fort Worth, Tex. 76102.
Region VI—450 Golden Gate Avenue, Post Office Box 36003, San Francisco, Calif. 94102; Northwest Area Office, Arcade Plaza Building, Seattle, Wash. 98104.
Region VII—Ponce De Leon and Boliva, Post Office Box 3869, GPO, San Juan, P.R. 00936.

* * * * *

2. Section 15.32 is revised, to change "Director, Division of Public Affairs" to "Director of Public Affairs", to read:

§ 15.32 Information officers.

There shall be an information officer in each of the information centers described in § 15.31 who shall be responsible for making information and records available to the public in accordance with this part. The information officer in the Department Central Information Center shall be designated by the Director of Public Affairs. The information officer in each Regional Office and field office shall be designated by the Regional Administrator or the Director of the office, as the case may be, with the concurrence of the Director of Public Affairs.

3. Section 15.61(a) is revised, to reflect change in address, to read:

§ 15.61 Administrative review.

(a) Review shall be available only from a written denial of a request for a record issued under § 15.52, and only if a written request for review is filed within 30 days after issuance of the written denial. The filing of a request for review may be accomplished by mailing to the Secretary of Housing and Urban Development, 451 Seventh Street SW., Room 10000, Washington, D.C. 20410, a copy of the request if in writing, a copy of the written denial issued under § 15.52, and a statement of the circumstances, reasons, or arguments advanced in support of disclosure of the original request for the record. Review will be made promptly by the Secretary or his designee on the basis of the written record described in this § 15.61.

* * * * *

(5 U.S.C. 552; sec. 7(d) of HUD Act, 42 U.S.C. 3535(d))

Dated: July 3, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-8246; Filed, July 11, 1969; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER N—GRAZING

PART 151—GENERAL GRAZING REGULATIONS

Allocation of Grazing Privileges

JULY 7, 1969.

On pages 9383–9386 of the FEDERAL REGISTER of June 14, 1969, there was published the revised Part 151, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations pertaining to the General Grazing Regulations applicable to Indian lands. These rules were issued under the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2 and pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and under various statutes relating to the surface use of Indian lands which were cited on page 9384 of Volume 34 of the FEDERAL REGISTER published on June 14, 1969.

Part 151, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations as published in the FEDERAL REGISTER on June 14, 1969 (34 F.R. 9385), is amended by revising § 151.10, entitled "Allocation of Grazing Privileges," as follows: Add one new sentence reading "The Superintendent may implement the governing body's allocation program by authorizing the allocation of grazing privileges on individually owned land." This new sentence is added immediately following the first sentence which ends with the words "* * * by that governing body."

J. L. NORWOOD,
Acting Deputy Commissioner.

[F.R. Doc. 69-8228; Filed, July 11, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 156—DEPARTMENT OF DEFENSE CIVILIAN APPLICANT AND EMPLOYEE SECURITY PROGRAM

Policy

The following miscellaneous amendment to Part 156 has been approved:

Section 156.6(c) is revised to read as follows:

§ 156.6 Policy.

* * * * *

(c) No U.S. citizen permanent or indefinite employee of the Department of Defense who has been appointed to a sensitive position shall be suspended, reassigned, or detailed to a nonsensitive position in the interests of national security without being granted the procedural benefits set forth in § 156.10.

* * * * *

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

[F.R. Doc. 69-8217; Filed, July 11, 1969; 8:45 a.m.]

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

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Principles for Determining Costs

Part 1801 of Chapter XVIII of Title 32 of the Code of Federal Regulations is revised as follows:

1. Section 1801.2 is revised by adding a new paragraph, (i), reading as follows:

§ 1801.2 Definitions.

* * * * *

(i) *Allowable costs.* Except where restricted or prohibited by law the cost principles set forth in Circular A-87, issued by the Bureau of the Budget on May 9, 1968, will be applied beginning July 1, 1969, in determining costs incurred by State governments and at the earliest practicable date but no later than January 1, 1970 in determining costs incurred by political subdivisions of a State.

§ 1801.9 [Amended]

2. In § 1801.9, paragraph (c) is revoked.

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

Dated: June 30, 1969.

JOHN E. DAVIS,
Director of Civil Defense.

[F.R. Doc. 69-8215; Filed, July 11, 1969; 8:45 a.m.]

PART 1807—CONTRIBUTIONS FOR CIVIL DEFENSE PERSONNEL AND ADMINISTRATIVE EXPENSES

Principles for Determining Costs

Section 1807.7 of Title 32 of the Code of Federal Regulations is revised to read as follows:

§ 1807.7 Federal share and allowable costs.

(a) *Federal share.* The Federal financial contribution shall not exceed one-half the total allowable cost of necessary and essential State and local personnel and administrative expenses.

(b) *Allowable costs.* Except where restricted or prohibited by law the cost principles set forth in Circular A-87, issued by the Bureau of the Budget on May 9, 1968, will be applied beginning July 1, 1969, in determining costs incurred by State governments and at the earliest practicable date but no later than January 1, 1970, in determining costs incurred by political subdivisions of a State.

(Secs. 205, 401(g), 72 Stat. 533, 534, 64 Stat. 1255, 50 U.S.C. App. 2286, 50 U.S.C. App 2253; 72 Stat 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Dated: June 30, 1969.

JOHN E. DAVIS,
Director of Civil Defense.

[F.R. Doc. 69-8216; Filed, July 11, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Wrangell Narrows, Alaska, and Brunswick River, N.C.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.800 governing the use, administration, and navigation of Wrangell Narrows, Alaska, is hereby amended revoking paragraph (b), revising paragraphs (c), (d), (e), and (g) in their

entirety effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.800 Wrangell Narrows, Alaska; use, administration and navigation.

* * * * *

(b) [Revoked]

(c) *Speed restrictions.* No vessel shall exceed a speed of seven (7) knots in the vicinity of Petersburg, between Wrangell Narrows Channel Light 58 and Wrangell Narrows Lighted Buoy 60.

(d) *Tow channel.* The following route shall be taken by all tows passing through Wrangell Narrows when the towboat has a draft of 9 feet or less (northbound, read down; southbound, read up):

East of Battery Islets:
East of Tow Channel Buoy 1 TC.
East of Tow Channel Buoy 3 TC.
West of Tow Channel Buoy 4 TC.
East of Colorado Reef:
East of Wrangell Narrows Channel Light 21.
West of Wrangell Narrows Channel Lighted Buoy 25.
East of Tow Channel Buoy 5 TC.
East of Tow Channel Buoy 7 TC.
West of Petersburg:
East of Wrangell Narrows Channel Light 54 FR.
East of Wrangell Narrows Channel Light 56 Qk FR.
East of Wrangell Narrows Channel Light 58 FR., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangell Narrows North Entrance Lighted Bell Buoy 63 F.

(e) *Size of tows.* The maximum tows permitted shall be one pile driver, or three units of other towable equipment or seven raft sections.

* * * * *

(g) *Anchorage.* Vessels may anchor in the anchorage basin in the vicinity of Anchor Point. No craft or tow shall be anchored in Wrangell Narrows in either the main ship channel or the towing channel, nor shall any craft or tow be anchored so that it can swing into either of these channels.

* * * * *

[Regs., June 26, 1966, 1507-32 (Wrangell Narrows, Alaska)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.900 governing the use and navigation of restricted areas in the vicinity of Maritime Administration Reserve Fleets is hereby amended by revoking paragraph (a)(3) effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 207.900 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) * * *

(3) [Revoked]

* * * * *

[Regs., June 25, 1969, 1507-32 (Brunswick River, N.C.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

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

[F.R. Doc. 69-8214; Filed, July 11, 1969; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 419-69]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart K—Criminal Division

AUTHORIZATION TO REDELEGATE AUTHORITY

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, § 0.59 of Subpart K of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by designating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 0.59 Delegation respecting the approval of certain applications by U.S. Attorneys to Federal Courts for orders compelling testimony or the production of evidence by witnesses.

* * * * *

(b) The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate the authority delegated to him by paragraph (a) of this section to his Deputy Assistant Attorney General to be exercised solely during the absence of the Assistant Attorney General from the City of Washington.

The amendment made by this order shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 7, 1969.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 69-8262; Filed, July 11, 1969; 8:49 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 SERVICE

North Cascades National Park, Wash.; Removal of Restriction Prohibiting Use of Nonpreserved Fish Eggs for Fishing

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of October 2, 1968 (82 Stat. 926, 16 U.S.C. 90 et seq.), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Western Regional Order No. 4 (31 F.R. 5577), as amended, Special Regulation, § 7.66, as hereby promulgated relaxes the General Regulation, § 2.13 *Fishing*, paragraph (j)(1) as it applies to the use of nonpreserved fish eggs.

The purpose of this special regulation is to bring about acceptable fishery practices and conformance with the State of Washington in regard to the use of nonpreserved fish eggs as fishing bait.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this special regulation will not impose any additional restrictions on the public, comment thereon is deemed to be unnecessary and not in the public interest. This special regulation will thus take effect upon its publication in the FEDERAL REGISTER.

(5 U.S.C. 553)

Section 7.66 reads as follows:

§ 7.66 North Cascades National Park.

(a) *Bait for fishing.* The use of nonpreserved fish eggs is permitted.

ROGER J. CONTOR,
Superintendent, North Cascades National Park.

[F.R. Doc. 69-8231; Filed, July 11, 1969; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Redemption Values and Investment Yields for Extended Maturity Period

Table 55, showing the investment yields to maturity for Series E savings bonds with issue dates December 1, 1961, through May 1, 1962, which is a part of Department Circular No. 653, Seventh Revision, dated March 18, 1966, as amended (31 CFR Part 316), is hereby supplemented by addition of the redemption values and investment yields for the extended maturity period, as set forth below.

Dated: July 7, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

TABLE 55

(For Extended Maturity Period)

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1961, THROUGH MAY 1, 1962

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield	
Period after maturity date (beginning 7 years, 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD							(2) On the redemption value at start of each extended maturity period to beginning of each half-year period thereafter	(3) On current redemption value from begining of each half-year period to extended maturity
								Percent	*Percent*
First ½ year [1] (9/1/69)	$25.41	$50.82	$101.64	$203.28	$508.20	$1,016.40	$10,164	0.00	4.25
½ to 1 year (3/1/70)	25.94	51.88	103.76	207.52	518.80	1,037.60	10,376	4.17	4.25
1 to 1½ years (9/1/70)	26.48	52.96	105.92	211.84	529.60	1,059.20	10,592	4.17	4.26
1½ to 2 years (3/1/71)	27.03	54.06	108.12	216.24	540.60	1,081.20	10,812	4.16	4.26
2 to 2½ years (9/1/71)	27.58	55.16	110.32	220.64	551.60	1,103.20	11,032	4.14	4.28
2½ to 3 years (3/1/72)	28.16	56.32	112.64	225.28	563.20	1,126.40	11,264	4.15	4.28
3 to 3½ years (9/1/72)	28.74	57.48	114.96	229.92	574.80	1,149.60	11,496	4.15	4.29
3½ to 4 years (3/1/73)	29.34	58.68	117.36	234.72	586.80	1,173.60	11,736	4.15	4.30
4 to 4½ years (9/1/73)	29.95	59.90	119.80	239.60	599.00	1,198.00	11,980	4.15	4.31
4½ to 5 years (3/1/74)	30.57	61.14	122.28	244.56	611.40	1,222.80	12,228	4.15	4.33
5 to 5½ years (9/1/74)	31.20	62.40	124.80	249.60	624.00	1,248.00	12,480	4.15	4.35
5½ to 6 years (3/1/75)	31.85	63.70	127.40	254.80	637.00	1,274.00	12,740	4.15	4.37
6 to 6½ years (9/1/75)	32.51	65.02	130.04	260.08	650.20	1,300.40	13,004	4.15	4.40
6½ to 7 years (3/1/76)	33.19	66.38	132.76	265.52	663.80	1,327.60	13,276	4.15	4.43
7 to 7½ years (9/1/76)	33.87	67.74	135.48	270.96	677.40	1,354.80	13,548	4.15	4.48
7½ to 8 years (3/1/77)	34.58	69.16	138.32	276.64	691.60	1,383.20	13,832	4.15	4.54
8 to 8½ years (9/1/77)	35.29	70.58	141.16	282.32	705.80	1,411.60	14,116	4.15	4.65
8½ to 9 years (3/1/78)	36.03	72.06	144.12	288.24	720.60	1,441.20	14,412	4.15	4.81
9 to 9½ years (9/1/78)	36.77	73.54	147.08	294.16	735.40	1,470.80	14,708	4.15	5.16
9½ to 10 years (3/1/79)	37.54	75.08	150.16	300.32	750.80	1,501.60	15,016	4.15	6.13
EXTENDED MATURITY VALUE (10 years from original maturity date) [2] (9/1/79)	**38.69**	**77.38**	**154.76**	**309.52**	**773.80**	**1,547.60**	**15,476**	[3] 4.25	----------

[1] Month, day, and year on which issues of December 1, 1961, enter each period. For subsequent issue months add the appropriate number of months.
[2] 17 years and 9 months from issue date. Extended maturity value improved by the revision of June 1, 1968.
[3] Yield on purchase price from issue date to extended maturity date is 4.12 percent.

[F.R. Doc. 69-8194; Filed, July 11, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Subpart—Travel Regulations for CAP Grantees and Delegate Agencies

Chapter X, Part 1069 of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1069.3-1 Applicability of this subpart.
1069.3-2 Policy.
1069.3-3 Accounting for travel funds.
1069.3-4 General travel regulations.
1069.3-5 Restrictions on charging out-of-the-community travel costs to grant funds.
1069.3-6 Approval of travel outside the continental United States.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1069.3-1 Applicability of this subpart.

This subpart applies to all grant programs financially assisted under Titles I, II, and III-B of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

§ 1069.3-2 Policy.

(a) All grantees and delegate agencies are required to follow the travel policies set forth in the Standardized Government Travel Regulations (SGTR). However, when a grantee or delegate agency has existing travel policies that are more restrictive than those in the SGTR, or when the grant contains more restrictive limitations, the more restrictive policies shall be followed.

(b) The governing or administering board of each grantee or delegate agency shall approve its written travel regulations and designate responsible officials to assure that the regulations comply with the requirements of this subpart and are adhered to by employees when using grant funds (including the required non-Federal share) to pay for their travel.

(c) In common with other expenditures, payments for travel are subject to audit by independent licensed public accountants and Federal auditors. Expenditures for travel which fail to meet the requirements of this subpart may be questioned as proper charges against grant funds. Grantees are responsible for providing the documentation needed to prove that questioned travel expenditures were reasonable and necessary.

(d) In addition, grant funds may not be used to reimburse costs incurred for travel which violates any OEO Instruction, Community Action Memo or grant condition. Particular attention is directed to the limitations on travel for the purpose of lobbying set forth in Community Action Memo No. 66,[1] and to the authorized uses for project vehicles discussed in Community Action Memo No. 72.[1]

§ 1069.3-3 Accounting for travel funds.

All grantee or delegate agency payments for travel by employees, consultants, and members of governing or administering boards must be authorized in

[1] Not filed with the Office of the Federal Register.

advance and must be supported by properly approved invoices covering both travel and, if, applicable, per diem. Suggested forms for this purpose are available at OEO Headquarters and Regional Offices.

§ 1069.3–4 General travel regulations.

(a) General travel regulations issued by grantees and delegate agencies should contain the restrictions set forth as follows:

(1) Where a grantee or delegate agency has a previously established travel policy which contains requirements that are more restrictive than those of the SGTR, the more restrictive requirements shall be followed.

(2) Mileage costs for use of privately owned automobiles shall be paid in accordance with prevailing rates in a community. In no event, however, may the rates paid exceed 10 cents a mile.

(3) Less than first-class travel accommodations shall be used in all instances except the following: The reason(s) for travelling first-class must be shown on travel vouchers submitted for reimbursement.

(i) These accommodations do not exist are not available within a reasonable time;

(ii) Less than first-class would result in higher overall cost because of required routing, time urgency, baggage differential or other factors;

(iii) Physical condition of the traveler or other extenuating circumstances require the use of first-class.

(b) Grantee and delegate agency travelers shall have their travel authorized in advance in accordance with their organization's rules on the subject. The authorization shall include a brief explanation of the purpose of the trip, destination, and period during which the travelers will be on travel status. Reimbursements for travel expenses should be supported by vouchers that show the name of the individuals who traveled and refer to the authorization that approved the travel.

(c) Local travel expenses for persons whose position require daily or intermittent travel should be covered by a general travel authorization and should only be reimbursed after presentation of a local travel expense statement submitted at regular intervals.

(d) When program personnel are in a travel status through the ending date of a program year and into a new program year, the cost of their transportation shall be charged to the period in which the tickets for their travel were purchased. However, mileage, per diem, and other expenses reimbursed to a traveler shall be charged to the proper program-year grant in accordance with the days in which the expenses were incurred and the per diem was due.

§ 1069.3–5 Restrictions on charging out-of-the-community travel costs to grant funds.

(a) Grantees may use OEO grant funds to reimburse out-of-the-community travel costs incurred by grantee and delegate agency employees, consultants, and members of governing or administering boards without obtaining prior OEO approval, if the travel was for purposes outlined below and meets the geographical limitations of § 1069.3–6.

(1) The travel is in response to a specific invitation from the OEO Headquarters or an OEO Regional Office to attend a conference or meeting for the purpose of furthering CAP activities.

(2) Travel to attend conferences and meetings of professional organizations whose efforts are closely related to the poverty programs. This would include, but not be limited to, State Economic Opportunity Offices operating under an OEO grant, the National Association for Community Development, and Community Action Directors' Associations. No specific limit is imposed on the number of trips which may be charged to the grant within the approved budget. However, grantees and delegate agencies should be prepared to show to OEO auditors, inspectors, and evaluation teams that each such trip was reasonable and contributed to the development or management of the grantee's approved program.

(3) Travel to interview prospective employees or to procure services, supplies or equipment when it can be shown that the travel was necessary and advantageous in the instances involved.

(b) All other travel must be specifically approved, in writing, in advance by the Director, Community Action Program, OEO (Headquarters funded programs) and the Regional Director (Regionally funded programs), or their designees, before reimbursement from grant funds is authorized.

§ 1069.3–6 Approval of travel outside the continental United States.

(a) All travel outside of the limits of the 48 continental United States must be approved in writing, in advance, by the Regional Director for Regionally administered grants or the Director, CAP, for Headquarters administered grants. Similar approval is required for travel within the continental United States by CAP grantees in Alaska, Hawaii, and the United States Territories.

(b) CAP grantees in Alaska, Hawaii, and the Territories may permit travel to meetings within their state or territory without specific OEO approval, if the travel meets the other requirements of this instruction. Travel is also permitted between Puerto Rico and the Virgin Islands for area meetings and conferences and similarly between Micronesia (the Trust Territories) and Guam. All other travel outside of these States or areas must have prior approval.

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

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69–8232; Filed, July 11, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 14, 1968 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, April 19, 1968, July 25, 1968, December 14, 1968, February 19, 1969, and June 6, 1969 (32 F.R. 11981, 33 F.R. 2757, 5987, 10561, 18580, 34 F.R. 2351, 9025), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Bangor, Maine (served by inspectors temporarily detailed to Bangor, Maine, or vicinity, in excess of 12 hours).

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

THREE HOURS

Add: Any undesignated Maine port served from Boston, Mass.

* * * * *

SIX HOURS

Add: Bangor, Maine (served from Boston, Mass.).

* * * * *

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

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

Done at Hyattsville, Md., this 8th day of July 1969.

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

[F.R. Doc. 69-8237; Filed, July 11, 1969; 8:47 a.m.]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine, or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $8.32 per man-hour per employee. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; 7 U.S.C. 2260)

The foregoing amendment shall become effective July 13, 1969, when it shall supersede 7 CFR 354.1, effective July 14, 1968.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $7.92 to $8.32 commensurate with salary increases provided in the Federal Salary Act of 1967 (Public Law 90-206). Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-8288; Filed, July 11, 1969; 8:49 a.m.]

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

[Lemon Reg. 282]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.582 Lemon Regulation 282.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 8, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 13, 1969, through July 19, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 311,550 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: July 10, 1969.

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

[F.R. Doc. 69-8287; Filed, July 11, 1969; 8:49 a.m.]

[Lime Reg. 27, Amdt. 3]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lime Administrative Committee reflects its appraisal of current crop and market conditions. More restrictive regulation requirements should be made effective no later than July 14, 1969, because market prices for fresh limes declined severely. Hence, a higher minimum grade regulation for limes for fresh shipment is needed to increase returns to producers through a reduction in the marketable supply while providing consumers with more desirable limes of better quality.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1969. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 27 (34 F.R. 6438, 7867, 9849) and unless sooner terminated, will continue to be so regulated through April 30, 1970; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to July 14, 1969, and in the manner herein provided, were promptly submitted to the Department after a meeting of the Florida Lime Administrative Committee on July 9, 1969, held to consider recommendations for regulations; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 911.329 (Lime Reg. 27; 34 F.R. 6438, 7867, 9849) the introductory text of paragraph (a)(2) and subdivision (ii) thereof is amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period July 14, 1969, through April 30, 1970, no handler shall handle:

* * * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. No. 1: *Provided*, That limes which meet all the requirements of the U.S. No. 1 grade, except as to color, may be shipped if such limes meet the color requirements of the U.S. No. 2 grade; or

* * * * *

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

Dated, July 11, 1969, to become effective July 14, 1969.

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

[F.R. Doc. 69-8347; Filed, July 11, 1969; 11:28 a.m.]

[Peach Reg. 7]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of peaches from the production area are expected to begin on or about July 14, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after July 14, 1969, of any peaches of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. The grade and size requirements reflect the necessity for eliminating the least desirable grades and sizes; the committee's estimate of the percentage of the fruit that will be eliminated by such requirements; and the quantity of the more desirable grades and sizes which will be available for shipment after such elimination.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 14, 1969. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 8, 1969; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 8, 1969, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department on July 9, and made available to growers and handlers; shipments of the current crop of peaches are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 919.303 Peach Regulation 7.

(a) *Order.* (1) During the period July 14, 1969, through September 14, 1969, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1 grade except as follows: Not to exceed 20 percent, by count, of such peaches in such lot may consist of peaches which do not meet the requirements of such grade, but not more than 10 percent, by count, of the peaches in any such lot may consist of peaches with defects causing serious damage of which not more than 5 percent shall consist of such defects caused by twig borer, or oriental fruit moth, and not more than 1 percent, by count, of the peaches in any such lot may consist of peaches which are not free from decay;

(ii) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(2) Definitions: As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," "count," and "serious damage" shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title).

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

Dated: July 11, 1969.

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

[F.R. Doc. 69-8348; Filed, July 11, 1969; 11:28 a.m.]

[946.324]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments and Import Requirements for Red Skinned Round Type Potatoes

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER June 27, 1969 (34 F.R. 9934). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

Statement of consideration. The notice was based on the recommendations and information submitted by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Washington potatoes and of the marketing prospects for this season.

The grade, size, cleanliness, and maturity requirements provided herein are necessary to prevent immature potatoes, or those that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

Findings. After consideration of all relevant matter presented in the aforesaid notice, based upon the recommendations of the State of Washington Potato Committee and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) identical regulations were in effect during the previous marketing season for potatoes produced in the State of Washington, so producers and handlers are aware of the provisions of this regulation, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 946.324 Limitation of shipments.

During the period July 16, 1969, through July 15, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements*—(1) *Round and long white (White Rose) varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *Other long varieties (including but not limited to Russet Burbank and Norgold).* "Slightly skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of seed potatoes or to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Starch;
(4) Canning or freezing;
(5) Dehydration;
(6) Export;
(7) Potato chipping;
(8) Prepeeling; or
(9) Potato sticks (French fried shoestring potatoes).

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, prepeeling, or potato sticks pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(1) Notify the committee of intent so to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment;

(2) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture in lieu of a Federal-State Inspection Certificate, except shipments for export; and

(3) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of handlers or receivers to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(4) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler, such handler shall submit to the committee a revised special purpose shipment report.

(e) *Special purpose shipments exempt from safeguards.* In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington and (2) for canning, freezing, dehydration, potato chipping, or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part (Order No. 946).

(h) *Applicability to imports.* Pursuant to section 608e–1 of the Act and § 980.1 "Import regulations" (§ 980.1 of this chapter), Irish potatoes of the red skinned round type imported during the months of July and August shall meet the grade, size, quality, and maturity requirements specified for round varieties in paragraphs (a) and (b) of this section.

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

Dated July 8, 1969, to become effective July 16, 1969.

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

[F.R. Doc. 69–8238; Filed, July 11, 1969; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

RATES; EDUCATIONAL ASSISTANCE ALLOWANCE

In § 21.4136, paragraph (a) is amended to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. chapter 34.

(a) *Rates.* Educational assistance allowance is payable for periods commencing on or after October 1, 1967, at the following monthly rates.

Type of courses	Monthly rate			
	No dependent	One dependent	Two dependents	Additional for each additional dependent
Institutional:				
Full time	$130	$155	$175	$10
¾ time	95	115	135	7
½ time	60	75	85	5
Less than ½, but more than ¼ time	[1] 60			
¼ time or less	[1] 30			
Cooperative, other than farm cooperative (full time only)	105	125	145	7
Apprentice or on-job (full-time only):				
Payment designated training assistance allowance:				
1st 6 months	80	90	100	None
2d 6 months	60	70	80	None
3d 6 months	40	50	60	None
4th 6 months and succeeding periods	20	30	40	None
Correspondence	Established charge for number of lessons completed by veteran and serviced by school [2]—Allowance paid quarterly.			
Flight training	90 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay—Allowance paid monthly based on actual flight training received.			
Farm cooperative:				
Full time	105	125	145	7
¾ time	75	90	105	5
½ time	50	60	70	

(38 U.S.C. 1677, 1682, 1683)

[1] See paragraph (b) of this section.
[2] Established charge means the cost of the lowest time payment plan or the actual cost to the veteran, whichever is lesser.

* * * * * * *

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

This VA regulation is effective June 1, 1969.

By direction of the Administrator.

Approved: June 30, 1969.

[SEAL]

FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69–8211; Filed, July 11, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1969, through March 31, 1970, will amount to $3,364.

(2) That there be fixed, at $1.50 per ton of apricots, the rate of assessment payable by each handler in accordance with § 922.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 8, 1969.

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

[F.R. Doc. 69-8239; Filed, July 11, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

FLOUR STANDARDS

Notice of Withdrawal of Proposal To Delete Oxides of Nitrogen and Nitrosyl Chloride From Lists of Optional Ingredients

In the matter of amending the definitions and standards of identity for flour, § 15.1 (with application by cross-reference to §§ 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, and 15.75), and for whole wheat flour, § 15.80 (with application by cross-reference to §§ 15.90 and 15.100) by deleting oxides of nitrogen and nitrosyl chloride from the lists of optional ingredients:

Two comments were received in response to the proposal in the above-identified matter published on the initiative of the Commissioner of Food and Drugs in the FEDERAL REGISTER of August 27, 1966 (31 F.R. 11398). The proposal was based on an investigation showing that the two flour bleaching agents, oxides of nitrogen and nitrosyl chloride, were no longer used. To eliminate these items from periodic reviews, it proposed that they be deleted from the list of permitted optional bleaching ingredients.

One comment was favorable. One firm opposed the change on the ground that it uses the ingredients to bleach flour. Inasmuch as the ingredients are still being used, the Commissioner concludes that the provision for their optional use should not be deleted.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), the subject proposal of August 27, 1966 (31 F.R. 11398), is hereby withdrawn.

Dated: July 3, 1969.

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

[F.R. Doc. 69-8224; Filed, July 11, 1969; 8:46 a.m.]

Public Health Service

[42 CFR Part 81]

METROPOLITAN PROVIDENCE INTERSTATE AIR QUALITY CONTROL REGION

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

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Providence Interstate Air Quality Control Region (Rhode Island-Massachusetts) as set forth in the following new § 81.31 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

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

Interested authorities of the States of Rhode Island and Massachusetts and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the House Legislative Chamber, Second Floor, Rhode Island State Capitol, Smith Street, Providence, Rhode Island, beginning at 10 a.m., July 29, 1969.

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

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room

905, 801 North Randolph Street, Arlington, Va. 22203 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.31 is proposed to be added to read as follows:

§ 81.31 Metropolitan Providence Interstate Air Quality Control Region.

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

The entire State of Rhode Island.
In the State of Massachusetts:

Cities

Attleboro.
Fall River.
New Bedford.
Taunton.

Towns

Acushnet.
Bellingham.
Berkley.
Blackstone.
Bourne.
Carver.
Dartmouth.
Dighton.
Fairhaven.
Franklin.
Freetown.
Halifax.
Kingston.
Lakeville.
Mansfield.
Marion.
Mattapoisett.
Middleborough.
Millville.
North Attleborough.
Norton.
Plainville.
Plymouth.
Plympton.
Raynham.
Rehoboth.
Rochester.
Sandwich.
Seekonk.
Somerset.
Swansea.
Wareham.
Westport.
Wrentham.

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

Dated: July 2, 1969.

John T. Middleton,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-8032; Filed, July 11, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JOHN MAX LINDLEY

Notice of Granting of Relief

Notice is hereby given that John Max Lindley, 10610 Southeast Boise Street, Portland, Oreg. 97266, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 14, 1934, by the Superior Court, Long Beach, Los Angeles County, Calif., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Max Lindley, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Lindley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Max Lindley's application and have found:

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

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

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

Signed at Washington, D.C., this 7th day of July 1969.

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

[F.R. Doc. 69-8260; Filed, July 11, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SUPERVISORY PROCUREMENT AGENT, DENVER SERVICE CENTER

Delegation of Authority Regarding Contracts and Leases

Director, Denver Service Center, Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2c, the Supervisory Procurement Agent is authorized to:

1. Enter into contracts and leases as described in Bureau Manual 1510.03B2c in amounts not to exceed $10,000, except that procurements from established sources may be made in any amount.

B. The authorities contained herein may not be redelegated.

C. This Delegation of Authority is effective July 15, 1969.

GARTH H. RUDD,
Director.

[F.R. Doc. 69-8229; Filed, July 11, 1969; 8:46 a.m.]

[New Mexico 4827]

NEW MEXICO

Notice of Classification; Correction

JULY 3, 1969.

In F.R. Doc. 69-200 appearing on page 266 of the FEDERAL REGISTER issue of Wednesday, January 8, 1969 (34 F.R. 266), the following correction should be made: In line 7 first paragraph change "Hidalgo County, N. Mex." to "Valencia County, N. Mex."

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-8230; Filed, July 11, 1969; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. G-442]

ROBERT L. KALB

Notice of Loan Application

Robert L. Kalb, Star Route, Box 6, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 65.9-foot, registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-8263; Filed, July 11, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

PROPOSED PATENT COOPERATION TREATY

Request for Comments

The Patent Office has received a copy of the final draft of a proposed Patent Cooperation Treaty, prepared by the United International Bureaux for the Protection of Intellectual Property (BIRPI) for submission to a Diplomatic Conference of the member states of the Paris Union during the spring of 1970.

Copies of the Treaty and implementing regulations will be published in the July 15, 1969, issue of the Official Gazette of the Patent Office and individual copies will be mailed to persons and firms appearing in the Directory of Registered Attorneys and Agents. Background material, also prepared by BIRPI, is planned for publication in the Official Gazette later in July.

Copies of these materials will be available after publication to interested persons upon request to the Commissioner of Patents.

All persons who desire to present their views, objections, recommendations, or suggestions in connection with the materials are invited to do so by forwarding the same to the Commissioner of Patents, Washington, D.C. 20231, on or before January 31, 1970. No hearing will be scheduled.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: July 10, 1969.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-8290; Filed, July 11, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding FD&C Blue No. 2

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 52) has been filed by the American Cyanamid Co., Pearl River, N.Y. 10965, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and certification of FD&C Blue No. 2 (5,5'-disulfo-3,3'-dioxo-$\Delta^{2,2'}$-biindoline, disodium salt) as a color for nylon sutures in amounts not to exceed 1 percent by weight.

Dated: July 3, 1969.

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

[F.R. Doc. 69-8225; Filed, July 11, 1969; 8:46 a.m.]

NATIONAL STARCH & CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2425) has been filed by National Starch & Chemical Corp., 1700 West Front Street, Plainfield, N.J. 07063, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of the nitrate salt of a copolymer of 2-aminoethyl acrylate and hydroxypropyl acrylate as a retention aid and drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for food-contact use.

Dated: July 3, 1969.

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

[F.R. Doc. 69-8226; Filed, July 11, 1969; 8:46 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0841) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of a tolerance (21 CFR Part 120) for negligible residues of the fungicide triphenyltin hydroxide in or on the raw agricultural commodity sugar beets at 0.1 part per million.

The analytical method proposed in the petition is a colorimetric procedure in which residues are extracted with methylene chloride. After wet ashing, inorganic tin in the ashed residue is determined colorimetrically with phenyl fluorone.

Dated: July 3, 1969.

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

[F.R. Doc. 69-8227; Filed, July 11, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

ASSISTANT GENERAL MANAGER FOR MILITARY APPLICATION ET AL.

Notice of Basic Compensation

Pursuant to the provisions of 5 U.S.C. 5364, the salaries of the following positions, established by the Atomic Energy Act of 1954, as amended, were adjusted from $30,239 to $33,495 per annum, effective July 13, 1969:

Title of position	*Authorizing Section of Atomic Energy Act of 1954, as amended*
Assistant General Manager for Military Application, and Program Division Directors.	Section 25a.
Director, Division of Inspection.	Section 25c.
Executive Management Positions.	Section 25d.

Dated: July 7, 1969.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8212; Filed, July 11, 1969; 8:45 a.m.]

POLONIUM-210

Price Increase

As a consequence of a recent major reduction in requirements for polonium-210, current AEC prices for this radioisotope are no longer consistent with recovery of AEC full costs for its production and distribution. To obviate this discrepancy, the Commission proposes to increase its price for polonium-210 to $80 per curie. Present polonium-210 prices vary with the quantity ordered. For the most commonly ordered amounts, the present price is $15 per curie.

All interested persons who desire to submit written comments for consideration in connection with this proposed price increase should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Unless suspended or rescinded within 30 days after the period provided for public comment as a consequence of any substantive comment received, the new price will become effective 90 days after publication of this notice in the FEDERAL REGISTER.

Public comments received after the aforementioned 45-day period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

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

Dated at Washington, D.C., this 3d day of July 1969.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8213; Filed, July 11, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21138]

CHINA AIRLINES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 23, 1969, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

Dated at Washington, D.C., July 8, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-8249; Filed, July 11, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-7-41]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 8, 1969.

By Order 69-6-104, dated June 19, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-6-104 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-80 and R-81, be, and it hereby is, approved; *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8247; Filed, July 11, 1969; 8:48 a.m.]

[Docket No. 20701; Order 69-7-45]

LAZARD FRERES & CO. ET AL.

Order of Tentative Approval of Control and Interlocking Relationships

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of July 1969.

By application filed February 6, 1969, Lazard Freres & Co. (Lazard) requests approval without hearing, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, (the Act) of the common control by Lazard of Republic Carloading and Distributing Co., Inc. (RCD), Sullivan Lines, Inc. (Sullivan), and Republic Airmodal, Inc. (Airmodal). Approval under section 409 of the Act or disclaimer of jurisdiction is also requested with respect to certain interlocking relationships.

RCD is a surface freight forwarder authorized by the Interstate Commerce Commission to operate between all points in the United States with two exceptions.[1] RCD's principal operations consist of the assembly and consolidation of shipments for carriage by rail in carload or "piggy-back" lots and the break-bulk and distribution of these shipments. RCD has terminal facilities in 58 cities and its gross operating revenues for 1968 were approximately $39 million. It has seven subsidiaries, four of which are corporate shells which RCD does not intend to activate. The other three are Rep Trans, Inc., Bay Area Transport, Inc., and Biscayne Cartage Co. each of which performs cartage and/or pickup and delivery services at certain major cities in the United States.

Sullivan is an ICC motor carrier restricted to the carriage of freight tendered on the waybills of surface freight forwarders. It is not authorized to solicit, sell, or transport shipments for the general public or to interline with other motor carriers. It operates in the northeast United States in an area bounded roughly by Cincinnati, Detroit, Washington, and Boston. Sullivan owns no terminal facilities, trucks, or tractors. Its 61 trailers are moved exclusively by owner-drivers. Gross business in 1968 was $811,000.

Airmodal, a wholly owned subsidiary of RCD, is an applicant for domestic and international air freight forwarder authority. It will use the pickup and delivery services of RCD and its subsidiaries and its own sales force will be supplemented by the widespread RCD organization.

Lazard is a partnership engaged in the investment banking business and is a member of the New York Stock Exchange. It has 26 partners, 25 individuals and Lazard Freres et Cie, a Paris investment banking firm. In 1965, 13 of the present Lazard partners and others acquired a $500,000 participation in a First National City Bank-Marine Midland loan to Yale Transport Systems, Inc. (Yale), which then owned 96.8 percent of RCD. Shortly thereafter, Yale, followed by RCD, filed petitions for reorganization under Chapter X of the Bankruptcy Act. As a result of the court approved reorganization, RCD was completely divorced from Yale. Various financial arrangements to establish RCD as an operating entity resulted in Lazard loaning RCD $1 million and acquiring a 10-year option on 52 percent of RCD's common and 53.5 percent of its preferred stock. The stock is in a voting trust controlled by Lazard.[2] RCD owns all of the stock of Airmodal. Sullivan is owned by the Legum Corp., the stock of which is in a voting trust controlled by Lazard.

The interlocking relationships for which approval or disclaimer of jurisdiction is sought fall into two categories. One involves those persons who hold positions as officers and/or directors of RCD, Airmodal, Sullivan and the three cartage companies; i.e., companies within the same system of subsidiary or affiliated companies under the common control of Lazard. These individuals are Leslie Legum, Robert L. Lalich, Frank Woods, and Richard J. Mackey. The other category involves a partner of Lazard who is a director of RCD, and other Lazard partners who are directors of firms, the activities of which come within the scope of section 409 of the Act. Thus, representative relationships arise within the meaning of the doctrine of the Lehman Brothers Interlocking Relationships case, 15 CAB 656 (1952). Donald A. Petrie is chairman of the board of directors of RCD. D. D. Deane is a director of McLean Industries which derives 90 percent of its revenues from the operation of a subsidiary, Sea-Land Services, Inc., a common carrier by vessel. S. DeJ. Osborne is a director of United Fruit Co. which operates cargo vessels with limited passenger capacity principally between North America and Central and South America. George Murane, Jr., is a director of Wyandotte Chemicals, Inc., a subsidiary of which operates a terminal switching railway at the company's plant in Michigan.

No comments or requests for a hearing have been received.

Upon consideration of the application, it is concluded that Airmodal is an air carrier and that RCD and Sullivan are common carriers within the meaning of section 408 of the Act and that the acquisition of control of Airmodal by RCD and the common control of RCD and Sullivan by Lazard are subject to that section.

However, the Board has concluded tentatively that such acquisition does not involve the control of an air carrier directly engaged in the operation of aircraft in air transportation and does not result in creating a monopoly or tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is concluded tentatively that a hearing is not required in the public interest.

Upon consideration of the foregoing, and other information set forth in the record herein, it does not appear that the common control by Lazard of RCD/Airmodal and Sullivan will pose any substantial conflict of interest problems. At the outset, we note that the Board as a matter of policy has permitted surface freight forwarders to participate in air freight forwarding.[3] Thus, the RCD-Airmodal relationship presents no new issues. As to the common control of RCD-Airmodal and Sullivan, we believe that because of the special characteristics of Sullivan's operations there is little potential for conflict of interest between Airmodal and Sullivan. In this connection, we note that Sullivan is restricted to transporting shipments on the waybills of surface freight forwarders and cannot solicit, sell or transport shipments of the general public or interline with other motor carriers; that it is a comparatively small scale operator with an investment in tangible property of less than $150,000 including 61 truck trailers (it owns no motorized equipment); that its gross operating revenue in 1968 was $811,000 of which RCD contributed less than 10 percent for transportation services furnished by Sullivan; and that only one of the markets which Sullivan is authorized to serve (New York-Detroit) is in the top 30 air freight markets.[4] Under these circumstances there appears to be little likelihood that the control relationships will present any significant conflicts of interest.[5] Nevertheless, should Sullivan's operations be expanded geographically in the future, new issues not now present may arise. In its final order, the Board will condition its approval so as to make that approval effective only so long as Sullivan's surface rights are not expanded beyond their present scope.[6] The Board will also retain jurisdiction generally over the control relationships subject to its approval.

The Board concludes that the interlocking relationships of Messrs. Legum, Lalich, Woods, and Mackey as officers

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[1] These are (1) between points in California and points in Oregon, Washington, and Idaho, and (2) from points in Kansas and points in the United States east of and including Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to points in Alaska and Hawaii.

[2] Lazard, by means of an identical voting trust, has assigned its interests in the option and the loan to RCD Holdings, Ltd., a wholly owned subsidiary.

[3] 9 CAB 473.

[4] CAB Economic Study of Air Freight Forwarding, May 1968, p. 188-189.

[5] While Sullivan might appear to come within the literal language of the proposed regulations issued concurrently with the Board's decision in the Motor Carrier-Air Freight Forwarder Investigation (Order 69-4-100, Apr. 21, 1969), in the light of the unique character of Sullivan's operations and other considerations discussed above and in the absence of any significant conflict of interest no purpose would be served in deferring the processing of the application until we act on the proposed regulation.

[6] We reach a like conclusion with respect to RCD's subsidiaries, Rep Trans, Inc., Bay Area Transport, Inc., and Biscayne Cartage Co.

and/or directors of the affiliated and subsidiary companies (RCD, Airmodal, Sullivan, and the three cartage companies) fall within the exemption from section 409 provided by Part 287 of the Board's economic regulations. Thus, to the extent the application requests approval of those relationships, it will be dismissed.

We will disclaim jurisdiction over the relationship between RCD/Airmodal and Wyandotte Chemicals Corp. arising as a result of Mr. Petrie's position with RCD and that of his partner, Mr. Murnane, with Wyandotte. The Board has previously disclaimed jurisdiction over terminal railway/supplemental air carrier relationships on the grounds that the geographical scope of the former's operations eliminates the potential for competition.[7] We conclude that the operations of indirect air carriers are similarly noncompetitive with terminal railway operations.

We have decided tentatively to approve the relationships between RCD/Airmodal and United Fruit Co. (Mr. Osborne) and McLean Industries (Mr. Deane) resulting from Mr. Petrie having a representative on the board of directors of the two companies. The Board has previously approved interlocking relationships between direct air carriers and United Fruit Co.[8] Both of these ocean carriers are primarily engaged, according to the applicants, in the transportation of low priority bulk cargoes and there is no reasonable expectancy of effective competition between these carriers and RCD/Airmodal in the immediate future. However, with the forthcoming availability of large capacity airfreighters resulting in increased competition between direct air carriers/air freight forwarders and ocean carriers, competitive problems not foreseeable at this time might develop. We shall therefore retain jurisdiction over the relationships for the purpose of reviewing our approval of the section 409 relationships at such time as may be necessary.

In view of the foregoing, the Board tentatively concludes that it should approve without hearing under the third proviso of section 408(b) of the Act the control relationships described herein. We will also tentatively approve under section 409, the interlocking relationships involving RCD/Airmodal, Lazard, United Fruit, Sea-Land, and Messrs. Petrie, Deane, and Osborne since a due showing has been made in the form and manner prescribed by Part 251 of the Board's economic regulations that such interlocking relationships will not adversely affect the public interest. In accordance with section 408 of the Act this order, constituting notice of the Boards' tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing thereon.

Accordingly, it is ordered:

1. That interested persons are afforded 10 days from the date of service hereof within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 20701;[9] and

2. That the Attorney General be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-8248; Filed, July 11, 1969; 8:48 a.m.]

[7] Order 68-7-98, July 19, 1968; Universal Airlines, Inc., et al., Order 69-2-110, Feb. 20, 1969, Modern Air Transport, Inc., et al.

[8] Northeast Airlines-United Fruit Co., Order E-23059, Dec. 30, 1965, Docket 16711; and Pan American World Airways, Inc.-United Fruit Co., Order E-8532, July 29, 1954, Docket 3605.

[9] Comments shall conform to the requirements of the Board's rules of practice for filing documents. Further, since opportunity to file comments is provided, petitions for reconsideration of this order will not be entertained.

CIVIL SERVICE COMMISSION

HYDROLOGY SERIES

Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that minimum educational requirements should be established for positions in the Hydrology Series, GS-1315. The requirements, the duties of the positions, and the reasons for the Commission's decision that the requirements are necessary are set forth below.

HYDROLOGY SERIES, GS-1315 (ALL GRADES)

Minimum educational requirements. Candidates must have successfully completed one of the following requirements:

A. A full 4-year course of study at an accredited college or university leading to a bachelor's or higher degree with major study in physical or natural science (including geophysical sciences), or engineering. The study must have included at least 30 semester hours in any combination of courses in hydrology, physical science, engineering science, soils, mathematics, aquatic biology, or the management or conservation of water resources. The course work must have included differential and integral calculus, and physics.

B. Four years of education and/or experience, including a total of 30 semester hours in any combination of courses in hydrology, physical science (including geophysical sciences), engineering science, soils, mathematics, aquatic biology, or the management or conservation of water resources. The course work must have included differential and integral calculus, and physics. The combination of education and experience must demonstrate that the candidate possesses professional knowledge and skills comparable to those that would normally be acquired through the education described in A.

Duties. Hydrologists perform professional work such as the following:

Study and predict the interactions within the hydrologic cycle with relation to precipitation, evapotranspiration, streamflow, and subsurface water as influenced by the surface and subsurface characteristics of the watershed and the works of man.

Investigate the transport of sediment and dissolved materials in natural waters and the physical and biological changes resulting from this transport.

Evaluate the quantities, rates of movement and quality of water in the various phases of the hydrologic cycle.

Reasons for establishing requirements. The duties of these positions cannot be performed without a sound basic knowledge of the scientific principles, theories, and concepts that have application to the professional scientific field of hydrology, and the mathematical tools that are used in the analysis and treatment of hydrologic data. The duties of the positions require the application of highly technical scientific information and skills which can only be acquired through the successful completion of a course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

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

[F.R. Doc. 69-8242; Filed, July 11, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18528; FCC 69R-292]

DeWITT RADIO

Memorandum Opinion and Order Enlarging Issues

In re application of Don Renault and Edwin Zaiontz, doing business as DeWitt Radio, Yorktown, Tex., Docket No. 18528, File No. BP-17138; for construction permit.

1. This proceeding involves the application of Don Renault and Edwin Zaiontz, doing business as DeWitt Radio (DeWitt) for an authorization to construct a new standard broadcast station at Yorktown, Tex. It was designated for hearing by order, FCC 69-423, 17 FCC 2d 385, 34 F.R. 7189, published May 1, 1969. Presently before the Review Board is a petition to enlarge issues, filed May 22, 1969, by Cuero Broadcasters, Inc.

(Cuero),[1] licensee of station KCFH, Cuero, Tex., and a party to the proceeding. Petitioner requests the addition of the following issues:

(1) To determine whether DeWitt Radio kept the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules.

(2) To determine whether Don Renault deliberately made misrepresentations to the Commission in BP-17138 and/or BP-17254 with regard to his participation in the operation of the proposed stations.

(3) To determine, in light of the evidence adduced on the above issues, whether Don Renault possesses the requisite character qualifications to be a Commission licensee.

2. Cuero concedes that its petition was required to be filed on May 16, 1969, and is late under § 1.229(b) of the Commission's rules. However, petitioner contends that it was not possible to meet the deadline because of the late retention of legal counsel and the necessity of examining other applications submitted by principals of DeWitt, and requests that Rule 1.229 be waived to accept its late filing. Moreover, petitioner argues that because of the public interest questions raised, consideration of the petition on the merits is appropriate under the doctrine in Edgefield-Saluda Radio Company, 5 FCC 2d 148, 8 RR 2d 611 (1966). The Broadcast Bureau, in its comments, supports consideration of the petition on its merits.

3. Cuero has not shown good cause for its untimely filing. Its petition is grounded on an application filed in May 1966, and on an amendment filed in May 1967. Therefore, petitioner's lateness cannot be excused on the ground of the recent availability of these documents. As for the late retention of counsel, Cuero has not indicated when counsel was retained and we are therefore unable to determine whether such late retention might constitute good cause. Nevertheless, petitioner does raise substantial public interest questions and a grant of the requested issues would not unduly disrupt the proceeding. Therefore, consistent with our practice, we will consider the request on its merits. See WSTB-TV, Inc., 16 FCC 2d 625, 15 RR 2d 697 (1969); Edgefield-Saluda, supra.

Section 1.65 issue. 4. Petitioner notes that DeWitt filed the instant application in March 1966; that in May 1966, Don Renault, a partner in DeWitt, filed an application (BP-17254) for authorization to construct a new standard broadcast station in Del Rio, Tex.; and that application was subsequently granted and the station is now in operation under the call letters KWDR. Cuero contends that an examination of DeWitt's application reveals no amendment indicating that the Del Rio application had been filed or granted. Moreover, in its supplementary petition to enlarge issues, Cuero asserts that Don Renault is also a 51 percent owner of Inter-American Television Corp., Inc., which filed an application seeking a construction permit for a new television broadcast station to operate on Channel 10 in Del Rio, Tex., on April 1, 1969. Again, petitioner contends that the applicant has violated § 1.65 of the rules by failing to amend the instant application to reveal the filing of the channel 10 application.

5. The Review Board agrees with the Broadcast Bureau that the requested § 1.65 disqualifying issue should be added. Petitioner raises serious questions concerning whether DeWitt has kept the Commission informed of changes material to its application,[2] and the applicant has made no attempt to provide an explanation. An issue inquiring into this matter will therefore be specified.

Misrepresentation issue. 6. In support of its request for a misrepresentation issue, petitioner notes that DeWitt states in its application that Don Renault will be a full-time employee of the proposed station, and that Renault, in his 1966 Del Rio application, made the same statement in regard to that proposal. Cuero further points out that in May 1967, an amendment was filed to the Del Rio AM application in which Mr. Renault stated that he could fulfill both commitments by the utilization of his private plane, and that, while he would have a station manager in Yorktown, he would be general manager of that facility and responsible for a portion of its sales and all of its engineering. Petitioner contends that it is not possible for Mr. Renault to do both jobs, and that, since the Yorktown proposal involves a directional operation, it will require the presence of an engineer at all times when on the air, leading to a violation of the Commission's rules if Mr. Renault carries out his plan to spend part of his time in Del Rio. Petitioner argues that it is inconceivable that Mr. Renault, a station owner for over 10 years, would not realize that his plan to serve both stations, as explained in the amendment, would be violative of the Commission's rules. Therefore, Cuero argues that a question of misrepresentation is raised by what it characterizes as untrue and misleading statements in the instant and Del Rio AM applications and in the May 1967, amendment to the Del Rio application.

7. The Review Board agrees with the Broadcast Bureau that a misrepresentation issue is not warranted here. As the Bureau points out in its comments, the Commission dealt with a parallel question in the designation order, i.e., whether Renault could carry out his representation concerning the extent of his participation in news programing in light of his commitment to the Del Rio station, and the Commission added an adequacy of staff issue against DeWitt to resolve the question. In our view, no question of concealment or misrepresentation by the applicant in this matter has been raised, and the problem is basically no different than the one dealt with by the Commission. The feasibility of Mr. Renault's proposed participation in the instant proposal can be explored under the existing staffing issue. The request for a misrepresentation issue will be denied.

8. *Accordingly, it is ordered*, That the petition to enlarge issues, filed May 22, 1969, by Cuero Broadcasters, Inc., and the supplement to petition to enlarge issues, filed May 23, 1969, by Cuero Broadcasters, Inc., are granted to the extent indicated below and are denied in all other respects; and

9. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Don Renault and Edwin Zaiontz, doing business as DeWitt Radio, kept the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules; and, if not, whether the applicant possesses the requisite qualifications to be a Commission licensee; and

10. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added above will be on Cuero Broadcasters, Inc., and the burden of proof under such issue will be on Don Renault and Edwin Zaiontz, doing business as DeWitt Radio.

Adopted: July 7, 1969.

Released: July 8, 1969.

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

[F.R. Doc. 69-8245; Filed, July 11, 1969; 8:48 a.m.]

[Docket Nos. 18241, etc.; FCC 69-727]

KFPW BROADCASTING CO. ET AL.

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

In regard applications of George T. Hernreich, trading as KFPW Broadcasting Co., Fort Smith, Ark., requests: 100.9 mcs, No. 265; 3 kw; 275 feet, Docket No. 18241, File No. BPH-6180; Christian Broadcasting Co., Hot Springs, Ark., requests: 106.3 mcs, No. 292; 0.457 kw(H); 0.457 kw(V); 670 feet, Docket No. 18388, File No. BPH-6249; Tim Timothy, Inc. (KBHS), Hot Springs, Ark., has: 590 kc, 5 kw, day, requests: 590 kc, 1 kw, 5 kw-LS, DA-N, U, Docket No. 18591, File No. BP-17526; for construction permits.

1. The Commission has before it the above-captioned and described applications and a petition to designate the application of Tim Timothy, Inc. (KBHS), for hearing in the consolidated proceeding now in progress on the applications of KFPW Broadcasting Co.

[1] Also before the Reveiw Board are: (a) Supplement to petition to enlarge issues, filed May 23, 1969, by Cuero; and (b) comments, filed June 5, 1969, by the Broadcast Bureau.

[2] The Commission, in its designation order, took cognizance of Mr. Renault's interest in the Del Rio AM station. However, this fact does not excuse the applicant's failure to amend its application at any time to inform the Commission of such interest. Moreover, there is no reference in the designation order to Mr. Renault's interest in Channel 10 in Del Rio.

(KFPW), and the Christian Broadcasting Co. The petition was filed on March 25, 1969, by the Christian Broadcasting Co. which is the licensee of standard broadcast station KXOW, Hot Springs, Ark. KBHS filed an opposition to the petition, Hernreich filed comments[1] supporting the petition, and the Christian Broadcasting Co. filed a reply.

2. The KFPW application was designated for hearing with another mutually exclusive application (since dismissed) by order of the Commission on July 3, 1968 (FCC 68-705 released July 11, 1968). The Christian Broadcasting Co. application was designated for hearing with the mutually exclusive application of George T. Hernreich trading as KZNG Broadcasting Co., on November 26, 1968 (FCC 68-1145 released Dec. 5, 1968) 14 RR. 2d 960. Mr. Hernreich has since dismissed the KZNG application. In the Christian Broadcasting Co.-KZNG Broadcasting Co., proceeding, among the issues to be resolved is the question of whether the applicants had conducted special contests or promotions in order to improve artificially their ratings of standard broadcast stations in Hot Springs, KXOW and KZNG, respectively, of which the applicants are licensees. Thereafter, the Commission consolidated Hernreich's Fort Smith application in the Hot Springs proceeding for the purpose of determining whether the evidence adduced at the hearing reflects adversely on Hernreich's qualifications to obtain the Fort Smith authorization he seeks, FCC 69-178, 16 FCC 2d 681 released February 27, 1969.

3. In the Christian Broadcasting Co. petition, KBHS is charged with improving its rating by practices similar to those in which KXOW and KZNG have allegedly engaged. KBHS opposes the petition on the procedural grounds that the petition was not filed within the time prescribed by § 1.580(i) of the Commission's rules[2] and that the Commission's failure to consolidate the KBHS application with the Hot Springs FM applications after the Christian Broadcasting Co. had filed an earlier complaint alleging that KBHS had engaged in artificially improving its ratings ("hypo-ing") is an explicit indication that such a consolidation will not "best conduce to the proper dispatch of business and to the ends of justice." Substantively, KBHS seeks to defend two instances cited in the Christian Broadcasting Co. petition. First, KBHS claims that an "Uncle Jack Kash" promotion was started on April 10, 1967, 6 weeks before a Hooper survey which commenced on May 22, 1967. KBHS then quotes what appears to be a policy statement of the Broadcast Rating Council reported in Broadcasting of March 24, 1969 (page 128):

> Such activity shall be deemed hypoing if it occurs only during the survey period or less than 1 week prior to the beginning of the survey period.

KBHS argues that, according to industry definition, the "Uncle Jack Kash" promotion was not "hypo-ing" and that the promotion has continued and still continues without interruption. With respect to a "sweepstakes" promotion mentioned in the Christian Broadcasting Co. petition, KBHS states that the promotion was not designed by the station and that the station had no part in the promotion other than running paid announcements. KBHS also contends that the Christian Broadcasting Company petition "is laden with accusations of false advertising, and underhanded business practices, all of which are unsupported."

4. While it is true that Christian Broadcasting Co.'s petition was untimely, the Commission did not intend that its prior failure to consolidate the KBHS application in the proceeding on the Hot Springs FM application was to be an indication that the consolidation would not be conducive to the proper dispatch of its business. The KBHS application was not consolidated in the FM proceeding because the processing of the FM applications was completed before the completion of the processing of the KBHS application. As is the general practice in the absence of some indication of the existence of questions involving the same issues, the FM applications were processed without regard to the pendency of the AM proposal of another applicant. When the processing of the KBHS application was completed it was noted that not only had the "hypo-ing" charges been leveled at KXOW and KZNG but also that similar accusations have been made against KBHS. Since, in any event, the question raised would require resolution before favorable action on the KBHS proposal, the Commission must decide which procedure, under the circumstances, would achieve the more satisfactory resolution.

5. With regard to the KBHS allegation that one of its promotions, "Uncle Jack Kash," is not, by industry definition, "hypo-ing," the Commission accords due weight to the views of the industry council and they may be helpful in weighing the public interest factors which may develop. The ultimate public interest determination, however, is the responsibility of the Commission.

6. The accusations against KBHS appear to be but one facet of a dispute among the standard broadcast licensees in Hot Springs which seems to have generated some heat. The Commission finds, under the present circumstances, that, rather than attempt to resolve the question as it relates to KBHS on the basis of pleadings and other written statements on file, the better procedure is to consolidate the KBHS proposal into the proceeding already in progress and resolve the dispute on the basis of a hearing record. Accordingly, the petition of the Christian Broadcasting Co., though untimely, will be treated as an informal objection and the request to consolidate the KBHS proposal in the hearing will be granted. As to all matters within the peculiar knowledge of the respective applicants, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon such applicants.

7. The proposed nighttime operation of KBHS will be limited to essentially the 18.7 mv/m contour and, as a result will encompass 97.1 percent of the population of Hot Springs. Thus, the proposal falls short of full compliance with § 73.-188 of the Commission's rules. KBHS requests a waiver of that section and shows that, based on a house count, the 1968 population is 37,286 and that the population within the corporate city limits which is outside the proposed nighttime interference-free contour is 1,078. The proposed 25 mv/m contour will completely encompass the central business district of Hot Springs. In addition, the proposed operation would provide service to an area within Hot Springs which is not presently served by the one unlimited time standard broadcast station KZNG, assigned to the city, and 77 percent of the area within the proposed nighttime interference-free contour will receive a first primary nighttime service from the KBHS proposal. Under these circumstances, the Commission finds that a waiver of § 73.188 of the rules is justified, and KBHS' waiver request will be granted.

8. The Commission has previously found George T. Hernreich, trading as KFPW Broadcasting Co. and the Christian Broadcasting Co. qualified to construct and operate as proposed except as indicated by issues heretofore specified and now finds Tim Timothy, Inc., qualified to construct and operate KBHS as proposed except as indicated by the issues specified below. However, for the reasons stated above, the Commission is unable to make the statutory finding that the proposal would serve the public interest, convenience and necessity and is of the opinion that the application of Tim Timothy, Inc., must be consolidated in the proceeding now in progress.

9. *Accordingly, it is ordered,* That the request of the Christian Broadcasting Co., to consolidate the captioned applications for hearing is granted; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.227(a) of the Commission's rules, the application of Tim Timothy, Inc., is consolidated for hearing in the proceeding on the applications of George T. Hernreich, trading as KFPW Broadcasting Co., and the Christian Broadcasting Co., at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether and, if so, the extent to which KZNG Broadcasting Co., conducted special contests or promotions in order to improve artificially its rating, and in light of the evidence thus adduced, whether George T.

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[1] KBHS responded to Hernreich's comments by affidavit of B. P. Timothy, president and majority stockholder of KBHS.

[2] Pursuant to §§ 1.571(c) and 1.580(i) of the rules, the Commission, by public notice of Apr. 5, 1967, fixed May 11, 1967, as the date on which pleadings against the KBHS application must be filed.

Hernreich, trading as KFPW Broadcasting Co., possesses the requisite qualifications to obtain the requested authorization.

(2) To determine whether and, if so, the extent to which Christian Broadcasting Co., conducted special contests or promotions in order to improve artificially its ratings, and in the light of the evidence thus adduced, whether Christian Broadcasting Co., possesses the requisite qualifications to obtain the requested authorization.

(3) To determine whether and, if so, the extent to which Tim Timothy, Inc., conducted special contests or promotions in order to improve artificially its ratings, and in the light of the evidence thus adduced, whether Tim Timothy, Inc., possesses the requisite qualifications to obtain the requested authorization.

(4) To determine the efforts made by KFPW Broadcasting Co., to ascertain community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs.

(5) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grants of the applications would serve the public interest, convenience and necessity.

10. *It is further ordered*, That the request of Tim Timothy, Inc., for waiver of § 73.188 of the Commission's rules is hereby granted.

11. *It is further ordered*, That the burden of proceeding with the introduction of the evidence and the burden of proof on the issues herein shall be upon the applicants.

12. *It is further ordered*, That the specification of issues and conditions herein shall supersede the specification of issues and conditions in all previous orders in this proceeding.

13. *It is further ordered*, That, if the application of the Christian Broadcasting Co., is granted, the permit shall contain the following condition: Section 73.210(a)(2) of the Commission's rules is waived to permit the establishment of the main studio outside the city limits of Hot Springs, Ark., near the intersection of Kingsway Drive and Buena Vista Road.

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

15. *It is further ordered*, That Tim Timothy, Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 2, 1969.

Released: July 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8243; Filed, July 11, 1969; 8:48 a.m.]

[Docket Nos. 18292, 18592; FCC 69-738]

K & M BROADCASTERS, INC., AND MOLLY PITCHER BROADCASTING CO., INC.

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

In re applications of K & M Broadcasters, Inc., Stirling, N.J., Requests: 1070 kc, 250 w, Day, Docket No. 18292, File No. BP-17004; Molly Pitcher Broadcasting Co., Inc., Freehold, N.J., Requests: 1070 kc, 1 kw, DA, Day, Docket No. 18593, File No. BP-17496; for construction permits.

1. The Commission has before it the above-captioned and described application of K & M Broadcasters, Inc., which, pursuant to an initial decision released May 9, 1969, by Chief Hearing Examiner, Arthur A. Gladstone, will be granted unless the Commission takes further action pursuant to § 1.276 of the Commission's rules. Also before the Commission is the above-captioned application of the Molly Pitcher Broadcasting Co., Inc., which was dismissed on August 14, 1968, for failure to respond to official correspondence, a "Petition for Partial Reconsideration and for Consolidation" filed by the Molly Pitcher Broadcasting Co., Inc. (Molly Pitcher); oppositions to the "Petition for Reconsideration of Order of Dismissal" filed by Harold M. Gade, licensee of Station WHTG, Eatontown, N.J., and the Kel Broadcasting Co., Inc., a former applicant for a construction permit for a new standard broadcast station in Watchung, N.J., and Molly Pitcher's reply to the oppositions.

2. Pleadings and related documents on file prior to the dismissal of the Molly Pitcher applications are the following: A petition to reject the application filed on October 7, 1966, by the Kel Broadcasting Co., Inc., Molly Pitcher's opposition and the petitioner's reply; a letter of October 28, 1966, of Herbert P. Michels, former applicant for the proposed Stirling station, requesting the rejection of the Molly Pitcher application; a petition for reconsideration of the acceptance of the Molly Pitcher application filed March 13, 1967, by Kel Broadcasting Co., Inc., and Molly Pitcher's opposition; a petition requesting that the Molly Pitcher application be returned filed by Michels on April 12, 1967, Molly Pitcher's opposition and Michels' reply; and a petition to deny the Molly Pitcher application filed May 11, 1967, by Harold M. Gade (WHTG). Molly Pitcher did not respond to the WHTG petition until, in its post dismissal pleadings, it stated that it is prepared to meet the issues requested by WHTG.

3. Prior to the dismissal of the Molly Pitcher application, there were pending four applications involving interrelated conflicts. Those applications were the application of the Sunbury Broadcasting Corp. (WKOK) (File No. BP-16936) for a modification of the authorization of WKOK, Sunbury, Pa.; and the applications of Herbert P. Michels (File No. BP-17004), the Kel Broadcasting Co., Inc. (File No. BP-17405), and Molly Pitcher (File No. BP-17496) for construction permits for new standard broadcast stations at Stirling, Watchung, and Freehold, N.J., respectively. Each application specified a frequency of 1070 kilocycles. The Kel application was mutually exclusive with each of the other three. Michels' application was mutually exclusive with Kel and Molly Pitcher but not with the WKOK proposal. Molly Pitcher was in conflict with both Michels and Kel, but, notwithstanding the overlap of the 0.025 mv/m contour of WKOK with the 0.5 mv/m contour of Molly Pitcher, was not in conflict with the WKOK proposal inasmuch as no overlap of the WKOK 0.05 mv/m contour with the Molly Pitcher 1 mv/m contour would occur and Molly Pitcher proposes the first standard broadcast facility in Freehold. See § 73.37 of the Commission's rules.

4. During the pendency of those applications, Michels, in objecting to the application of Molly Pitcher, noted that the Molly Pitcher notice of the filing of its application published in The Freehold Transcript stated that a copy of the application was on file for public inspection at the offices of the corporation in Red Bank, N.J. § 1.580(f)(10) provides that a copy of an application must be on file at a stated address in the community in which the main studio is proposed to be located—in this case, Freehold. Thus, Molly Pitcher's first notice was technically not in compliance with § 1.580(f)(1) of the rules.

5. In response to Michels' objection, Molly Pitcher contended that the notice was in substantial compliance with the Commission's requirement but that, to remove any question, a second notice would be published which would comply with the letter of the Commission's rules. This statement appeared in a pleading filed on April 25, 1967. Nothing further was received on this matter by January 1968, and on January 29, 1968, the Commission addressed a letter to Molly Pitcher requesting that the Commission be advised if a second notice had been published. The Commission requested a response within thirty (30) days and advised Molly Pitcher that, in the absence

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

of a response within 30 days, its application would be dismissed pursuant to § 1.568(b) of the rules, a section that provides that failure to respond to official correspondence is cause for dismissal of an application. Molly Pitcher did not respond to this letter by August 14, 1968, and on that date the Commission dismissed the application.[1]

6. Simultaneously with the dismissal of the Molly Pitcher application, the Commission ordered a hearing on the other three proposals, WKOK, Michels and Kel. Thereafter, negotiations between Michels and Kel resulted in a merger between those two applicants, the Kel application was dismissed and Michels and Kel have continued to prosecute the Stirling proposal under the corporate name, K & M Broadcasters, Inc. The dismissal of the Kel application removed the conflict with the WKOK proposal which was severed from the K & M proposal and granted.

7. Meantime, Molly Pitcher filed its petition for reconsideration of the order of dismissal and a petition for partial reconsideration of the order designating the other applications for hearing to the extent of consolidating the Molly Pitcher application in the hearing proceeding. The petition for reconsideration of the order of dismissal recites the history of the Molly Pitcher application and refers to the filing of the petition to deny the application by WHTG in which WHTG raised a question regarding the availability of Molly Pitcher's proposed transmitter site. Molly Pitcher explains the failure to respond to the Commission's letter of January 29, 1968, by stating that its original expectation of acquiring the transmitter site did not materialize. Tentative arrangements had been made with a Mr. Samuel Brenner to purchase a parcel of land and lease part of the property to be used as the transmitter site. Mr. Brenner's plan to purchase the land was subject to the condition that he find a use for that portion of the property which Molly Pitcher did not intend to lease. At the time the WHTG petition was filed, it was questionable whether Mr. Brenner would go forward with the original plan. Molly Pitcher states that several months were spent in unsuccessful efforts to purchase the site proposed or adjacent land and takes the position that it could not properly publish a new notice because it had no site to specify other than the one with respect to which the unresolved question had been raised.

8. Shortly before the dismissal of its application, according to Molly Pitcher, a commitment was secured from the landowner to sell the property at a specified price. The landowner also agreed to act as Molly Pitcher's agent for the purpose of keeping on file in this office in Freehold a copy of the application for public inspection. Molly Pitcher then republished its notice on August 22 and 29, and September 5, 1968, in The Freehold Transcript, a weekly newspaper. The notice states that a copy of the application may be inspected in Freehold.

9. Having related its experience with respect to the proposed transmitter site, Molly Pitcher now requests that the Commission reconsider its order of dismissal and designate the application for hearing in Docket No. 18292.

10. Molly Pitcher argues further that "the public interest would be served far more by the allocation of the instant frequency in Freehold than would be the case if it were allowed to go, by default, to * * * Stirling." Molly Pitcher also asserts that the only question presented is whether the public interest, in this situation, may yield to the private interests of the other applicants (now applicant) in the hearing proceeding.

11. WHTG urges, on the other hand: "The instant petition presents the basic question as to whether the Commission's processing rules are to be observed or whether applicants shall be free to disregard them with impunity."

12. The Commission finds that it will be in the public interest to reinstate the Molly Pitcher application and consolidate its proposal with the K & M proposal. This will provide the Commission an opportunity to consider the question of which proposal may provide the more fair, efficient and equitable distribution of radio service within the meaning of section 307(b) of the Communications Act of 1934, as amended. This is assuming that Molly Pitcher will be able to resolve favorably several issues which must be specified against it. In taking this action the Commission does not condone Molly Pitcher's serious procedural lapse in failing to file a timely response to official correspondence, or in failing to comply with § 1.65 of the Commission's rules in that it apparently did not advise the Commission of a material change in circumstances with respect to the proposed transmitter site.

13. With reference to those documents listed in paragraph 2, above, all but WHTG's petition to deny the Molly Pitcher application deal with the procedural question of the acceptability of the application. Michels and the Kel Broadcasting Co. urged the rejection of the Molly Pitcher application alleging that the proposal did not meet the minimum separation requirements of § 73.37 in that, it is claimed, overlap of contours prohibited by § 73.37(a) would occur involving the Molly Pitcher proposal and stations WTIC, Hartford, Conn. (1080 kc, 50 kw, DA–N, U), WHN, New York, N.Y. (1050 kc, 50 kw, DA–1, U) and KYW, Philadelphia, Pa. (1060 kc, 50 kw, DA–1, U). At the time of the filing of the Molly Pitcher application, the Commission's study of the proposal indicated that it was in compliance with § 73.37. A subsequent amendment which included field intensity measurement data removes any possible doubt on the question of the application's acceptability. Accordingly, the application is not subject to dismissal on 73.37 grounds. See Natick Broadcast Associates, Inc., v. Federal Communications Commission, —— U.S. App. D.C. ——, 385 F. 2d 985, 11 RR 2d 2065 (1967); James River Broadcasting Corporation v. Federal Communications Commission, —— U.S. App. D.C. ——, 399 F. 2d 581, 13 RR 2d 2088 (1968).

14. Michels is also critical of Molly Pitcher's measurements and suggests that they may be unreliable because of the alleged inaccuracy of the measuring instrument. Michels also cites various omissions in the application. With reference to the measurement data, a careful examination of the information submitted indicates that it is adequate to establish that the Molly Pitcher proposal is in compliance with the Commission's allocation standards and that, apart from Michels' speculative observations concerning the measuring instrument, there is no reason to doubt the accuracy of the measurements. With regard to the alleged incompleteness of the application, there are indeed some omissions, none of which, however, constitute grounds for dismissing the application. Accordingly, the requests of Michels and Kel to reject or dismiss the Molly Pitcher application must be denied.

15. WHTG, in requesting the denial of the Molly Pitcher application, raises several questions which have not been resolved. WHTG first states that Molly Pitcher claims to have made a "comprehensive market study" which included a survey to "interview and consult with civic leaders". WHTG conducted an investigation to determine the nature of the contacts made by Molly Pitcher. Of the several community leaders contacted by WHTG, most of them were unaware of a proposal for a station in Freehold and all but three had not been contacted by anyone concerning a proposed new service. WHTG concludes that no significant survey was made. WHTG also alleges that the programs proposed by Molly Pitcher were taken from the schedules of WHTG and of WJLK in Asbury Park, N.J.

16. Molly Pitcher appears to rely on the residence of its president, Norman K. Brenner, in Matawan, N.J., and a survey of a cross-section of the potential audience and unidentified civic leaders as the basis for its ascertainment of community needs. The material submitted concerning its proposed program service consists, for the most part, of general statements reflecting the opinions of Molly Pitcher's principals but not specifically related to any survey which may have been made. With regard to Mr. Brenner's residence in Matawan, the Commission does not regard such residence, without more, sufficient to establish familiarity with the needs and interests of the area. Andy Valley Broadcasting System, Inc., 12 FCC 2d 3, 12 RR 2d 691 (1968). Moreover, the applicant's showing is otherwise inadequate to show an awareness of area needs and the manner in which those needs are to be met. Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961); Public Notice of August 22, 1968, 33 FR 12113, 13 RR 2d 1903. Therefore, an appropriate issue will be specified.

[1] In the petition for partial reconsideration, Molly Pitcher erroneously states that its application had been dismissed for failure to republish a notice of the filing of its application. Actually, at the time the application was dismissed, the Commission had not been advised whether a second notice had been published or not.

17. WHTG next requests that the availability of the proposed site be placed in issue, and Molly Pitcher now concedes that, at the time WHTG's petition was filed there was serious doubt concerning the availability of the site. WHTG claims that the specification of the site at a time when an offer to purchase the land was rejected by the landowner constituted a misrepresentation. Based on Molly Pitcher's account of its experience with the site, it would appear that the original arrangements were tenuous at best. It now appears, however, that the site now specified is available, and the Commission will not place its availability in issue. It does appear that Molly Pitcher did not comply with the requirements of § 1.65 of the rules in that it failed to advise the Commission when it appeared that the site might not be available. Accordingly, this failure will be considered in the hearing.

18. WHTG alleges that the Molly Pitcher proposal will not comply with § 73.188(b)(1) of the Commission's rules inasmuch as the proposed 25 mv/m contour will not encompass all the business and factory area of Freehold. In support of this allegation, WHTG submitted an affidavit of its chief engineer to which was attached an exhibit showing business and factory areas of Freehold. A segment of the proposed 25 mv/m contour is drawn on the exhibit, and portions of the business and factory areas are shown outside the contour. It is not entirely clear how the location of the 25 mv/m contour was determined although there is mention of Figure 9A in the Molly Pitcher proposal. The Commission's examination of the material filed by the applicant indicates that the proposed 25 mv/m contour will substantially cover the business area of Freehold, and, therefore, a § 73.188(b)(1) issue is not necessary.

19. Finally, WHTG contends that the Commission's policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), should be applied in the case of the Molly Pitcher application. Under that policy, where an applicant's proposed 5 mv/m contour penetrates the geographic boundaries of a community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community a presumption arises that the applicant realistically proposes to serve the larger community rather than the specified community. In adopting the policy, the Commission stated that in those instances when the presumption would not arise because, for example, the larger community lacks the required population, interested parties may petition to designate the application for hearing. The Commission indicated that such petitions would receive favorable consideration if a petitioner makes a threshold showing that the proposal would realistically serve primarily a community other than the applicant's specified community.

20. In support of its contention that the suburban community policy should apply in this case, WHTG submitted a quantity of statistical information including population figures and lists of civic and social organizations and commercial establishments in Molly Pitcher's proposed service area. WHTG implicitly recognizes that no single community in the proposed service area has a population of as much as 50,000 but seeks to raise the presumption by combining the populations of several communities. WHTG points out that the combined populations of Asbury Park (17,366), Neptune Township (21,487), and Lakewood (13,004) are 51,857 or more than 50,000. The petitioner also lists other communities which lie wholly or partially within the proposed 5 mv/m contour. In addition WHTG lists other communities which lie wholly or partially within the proposed 2 mv/m contour. WHTG notes that Freehold will be located in a minor lobe of the directional antenna pattern and has a population of only 9,140. WHTG cites the greater civic, social and economic development which has occurred in the communities along the eastern New Jersey coast but claims that no comparable development has taken place in Freehold. In addition, WHTG points out that there are numerous services and facilities outside Freehold that cannot be found in Freehold.

21. Upon consideration of the entire showing, however, the Commission is unable to infer that Molly Pitcher intends to serve primarily some more populous, unspecified community. Moreover, the showing fails to establish that there is in the area a single central city of which Freehold may be a suburb. WHTG emphasizes the modest population of Freehold, but apparently, according to the petitioner's figures, the population of its own community, Eatontown (10,334), is not substantially greater than that of Freehold.

22. Freehold is the county seat of Monmouth County, and, according to the matrial submitted by WHTG, Freehold appears to have all the indicia of an integrated community. It may well be, as WHTG suggests, that if the Freehold station is authorized, Molly Pitcher may seek revenues from advertisers in communities other than Freehold, but this does not mean that the Commission must presume that the station will primarily serve some unnamed community other than Freehold. It is true that Freehold will lie in a minor lobe, but the proposed station will cover Freehold with the required signal. The Commission finds that WHTG has failed to make a threshold showing that Molly Pitcher does not intend realistically to serve Freehold. Accordingly, the request for a suburban community issue will be denied.

23. One other matter to be resolved in the hearing includes the financial qualifications of Molly Pitcher. The financial information in addition to being out of date indicates that the principals will provide the necessary funds but no balance sheets or financial statements have been submitted. Therefore, there is no basis for a finding that the Molly Pitcher principals have funds to meet their commitments. Moreover, Molly Pitcher should submit current information for consideration in connection with the financial issue specified.

24. K & M Broadcasters, Inc., have been found qualified to construct and operate its proposed station, and the Commission now finds the Molly Pitcher Broadcasting Co., Inc., qualified, except as indicated by the issues specified below. However, because of the matters indicated above, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the application of the Molly Pitcher Broadcasting Co., Inc., must be consolidated for hearing with the application of K & M Broadcasters, Inc., on the issues set forth below. We recognize that qualification issues specified in our previous orders relating to the K & M application were resolved by the Hearing Examiner's initial decision. However, we specifically direct the Examiner to consider evidence directed to such issues if proffered by Molly Pitcher Broadcasting Co., Inc.

25. *Accordingly, it is ordered,* That the "Petition for Reconsideration of Order of Dismissal" and the "Petition for Partial Reconsideration and for Consolidation" filed by the Molly Pitcher Broadcasting Co., Inc., are granted; that the effective date of the initial decision of the Chief Hearing Examiner (FCC 69D-30) looking toward a grant of the application of K & M Broadcasters, Inc., is stayed; that the application of K & M Broadcasters, Inc., is remanded for a reopening of the record, for further hearing and the issuance of a supplemental initial decision; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of the Molly Pitcher Broadcasting Co., Inc., is consolidated for hearing in the proceeding on the application of K & M Broadcasters, Inc., at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine the efforts made by the Molly Pitcher Broadcasting Co., Inc., to ascertain the community needs and interests of the area to be served and the means by which they propose to meet those needs and interests.

(3) To determine whether the Molly Pitcher Broadcasting Co., Inc., is financially qualified to construct and operate its proposed station.

(4) To determine, with respect to the application of the Molly Pitcher Broadcasting Co., Inc., whether this applicant has continued to keep the Commission advised of "substantial and significant changes" in its application as required by § 1.65 of the Commission's rules.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the applications would better provide a fair, efficient and equitable distribution of radio service.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either of the applications should be granted.

26. *It is further ordered*, That Harold M. Gade, licensee of station WHTG, Eatontown, N.J., is made a party to the proceeding.

27. *It is further ordered*, That the petition to deny the application of the Molly Pitcher Broadcasting Co., Inc., filed by Harold M. Gade, is granted to the extent indicated above and is denied in all other respects.

28. *It is further ordered*, That the requests of Herbert P. Michels and the Kel Broadcasting Co., Inc., to reject or dismiss the application of the Molly Pitcher Broadcasting Co., Inc., are denied.

29. *It is further ordered*, That the burden of proceeding with the introduction of the evidence and the burden of proof with respect to issues 2, 3, and 4 shall be upon the Molly Pitcher Broadcasting Co., Inc.

30. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the Molly Pitcher Broadcasting Co., Inc., and Harold M. Gade, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

31. *It is further ordered*, That the Molly Pitcher Broadcasting Co., Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 2, 1969.

Released: July 9, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8244; Filed, July 11, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. ET AL.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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. N. W. Johnson, Vice Chairman,
Central Gulf Steamship Corp.,
1 Whitehall Street,
New York, N.Y. 10004.

Agreement No. 9804 establishes a cooperative working arrangement between Central Gulf Steamship Corp., Contramar S.A., and Eurogulf Lines, Inc., in the westbound trade from ports (including ports and places on inland waters) in the United Kingdom, Eire, continental Europe north of Gibraltar, including Scandinavian and Baltic Sea ports, to U.S. South Atlantic and Gulf ports including ports and/or places on inland waterways.

It recites the agreement of the parties to inaugurate a lighter-aboard-ship (LASH) common carrier service in November 1969, or as soon as the first LASH vessel and barges are made available by Central Gulf. The service will be operated by Eurogulf Lines, Inc., under the trade name of "Central Gulf Contramar Line," with monthly sailings scheduled during the first 8 or 9 months and every 15 days thereafter. Neither Central Gulf nor Contramar nor any of their affiliates or agents will operate or act as agents for a common or contract carrier service in these trades, whether with LASH vessels or otherwise, other than that operated by Eurogulf.

Further provision is made (1) for the appointment of Central Gulf as general agents for the line in the United States, and of Continental Lines S.A. as general agents and central booking office in Europe, and copies of these agency agreements have been filed for information purposes; (2) for the employment of subagents and stevedores by the general agents; (3) for the publication by Central Gulf Contramar Line (Eurogulf) of a tariff of rates, terms and conditions for the transportation of cargo in the trades, and (4) that the duration of the agreement is 5 years commencing October 1, 1969, subject to extension, and for its termination by any of the parties at any time upon 6 months' notice to the other parties.

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8250; Filed, July 11, 1969; 8:48 a.m.]

JET AIR FREIGHT AND COPELAND SHIPPING, INC.

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:

Gary L. Zimmerman, Secretary, Jet Air Freight, 900 West Florence Avenue, Inglewood, Calif. 90301.

Agreement No. FF-4 between Jet Air Freight, a California corporation (Independent Ocean Freight Forwarder License No. 1095), and Copeland Shipping, Inc., a New York corporation (Independent Ocean Freight Forwarder License No. 92), provides for the acquisition by Jet of all the issued and outstanding stock of Copeland in exchange for a certain number of shares of the common stock of Jet. Copeland will continue its corporate identity, but as a wholly-owned subsidiary of Jet. Both parties will retain their current FMC Licenses to operate as independent ocean freight forwarders. The acquisition with respect to the air freight forwarding operations of Jet and Copeland has been approved by the Civil Aeronautics Board.

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8251; Filed, July 11, 1969; 8:48 a.m.]

NOVO CORP. AND BARNETT INTERNATIONAL FORWARDERS, INCORPORATED, OF CALIFORNIA

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the

[1] Commissioners Bartley, Wadsworth, and Johnson absent; Commissioner Robert E. Lee concurring in the result.

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

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

Notice of agreement filed for approval by:

Edward Schmeltzer, Morgan, Lewis & Bockius, 1140 Connecticut Avenue, N.Y., Washington, D.C. 20036.

Agreement No. FF-5 between Novo Corporation and Barnett International Forwarders, Incorporated, of California (Barnett of California, FMC License No. 689), provides for the acquisition of Barnett of California by Novo Corp. Novo currently owns Trans-World Forwarding & Air Expediting Co. (FMC License No. 773), and Barnett International Forwarders, Incorporated, a New York corporation (FMC License No. 865).

The acquisition would be accomplished by having Barnett of California merge with and into a wholly owned subsidiary of Novo, to be incorporated in the State of California for this purpose. The surviving subsidiary corporation would bear the name of Barnett International Forwarders, Incorporated, of California.

As consideration for the acquisition, Novo would issue to the two stockholders of Barnett of California, in equal parts as to each, shares of common stock of Novo having a market value of one hundred sixty-five thousand dollars ($165,000.00).

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8252; Filed, July 11, 1969; 8:48 a.m.]

SWISS/NORTH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement 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.

Swiss/North Atlantic Freight Conference (modification of conference agreement).

Notice of agreement filed for approval by:

Mrs. M. Lambert, Secretary, Swiss/North Atlantic Freight Conference, 85, Rue de la Republique D-4, 92—Meudon (Hauts-de-Seine), France.

Agreement No. 7860-11 amends the first sentence of Article 1 of the basic agreement of the Swiss/North Atlantic Freight Conference to read as follows: "This Agreement covers the establishment and maintenance of agreed rates, charges and practices, for or in connection with the transportation of cargo originating in Switzerland and Liechtenstein, destined to the United States via the European Continental Ports of loading in the Hamburg/Bayonne Range, both inclusive; ports of the French Mediterranean Coast; all the ports of the Italian Mediterranean and Adriatic Coast served by members, to North Atlantic Ports of the United States in the Hampton Roads/Portland (Maine) Range, in any vessel owned, controlled, chartered, or operated by the Members in the trade covered by this Agreement."

Dated: July 9, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-8253; Filed, July 11, 1969; 8:48 a.m.]

[Commission Order 52 (Revised)]

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Sec.
1 Purpose.
2 Policy.
3 Scope of program.
4 Responsibilities.
5 Director of Equal Employment Opportunity.
6 Counseling procedure.
7 Complaint procedure.
8 Hearings.
9 Decision.
10 Appeal.

SECTION 1. *Purpose.* 1.01 This order expands and revises the provisions of C.O. 52 (Revised) dated October 30, 1968, to comply with the revised U.S. Civil Service regulation, Federal Personnel Manual Part 713, effective July 1, 1969.

1.02 This order establishes procedures for the informal settlement of grievances concerning employment discrimination; for the receipt, investigation, and disposition of complaints of such discrimination; for the adjustment of such complaints; for the formal hearing of such complaints before an appeals examiner; and for the Appeal of the decision of the Director of EEO to the Civil Service Commission.

SEC. 2. *Policy.* 2.01 There shall be, in the Federal Maritime Commission, a positive continuing program of equal employment opportunity for all qualified persons, consistent with law, without discrimination because of race, religion, color, national origin, physical impairment, sex, political affiliations, marital status, or age (hereinafter referred to as discrimination).

2.02 Any person wishing to file a complaint involving issues of discrimination must first discuss his grievance with the Equal Employment Opportunity Counselor (hereinafter referred to as the Counselor) for the purpose of providing the maximum opportunity for informal resolution of the grievance.

2.03 There shall be prompt, fair, and impartial consideration and disposition of all complaints involving issues of discrimination.

2.04 At all stages in the presentation of the complaint, or counseling under section 6, the aggrieved person or complainant shall be free from restraint, interference, coercion, discrimination, or reprisal and shall have the right to be accompanied, represented, and advised by a representative of his own choosing.

2.05 An employee complainant (in an active duty status) shall have a reasonable amount of official time to present his grievance or complaint. If such employee designates another employee as his representative, the representative shall be free from restraint, interference, coercion, discrimination or reprisal, and shall have a reasonable amount of official time, if he is otherwise in an active duty status, to present the complaint.

2.06 The Director, Officer, and Counselor shall be free from restraint, interference, coercion, discrimination or any other reprisal, direct or indirect, in connection with the performance of their duties under this order.

SEC. 3. *Scope of Program.* 3.01 The Federal Maritime Commission shall, through its management and supervisory officials assigned responsibilities under section 4 of this order, establish and maintain a program providing for the:

1. Availability of equal employment opportunity for all qualified employees and applicants for employment in all job categories, without regard for race, religion, color or national origin, physical handicap, sex, political affiliation, marital status, or age.

2. Communication of the Commission's equal opportunity policy program and its employment needs to educational institutions, the Civil Service Commission,

Federal and State employment agencies, and other sources of qualified minority group applicants to obtain their recruitment assistance.

3. Continuous reappraisal of the duties and responsibilities of positions to determine whether duties can be restructured to provide more opportunity for the selection of under-utilized and handicapped employees or applicants and the development of such employees, through training, to the higher level required.

4. Conduct of all training programs by the Federal Maritime Commission on the basic premise that all employees shall be given equal opportunity to participate solely on the basis of job betterment and improvement in employee skills.

5. Participation at the community level with other employers, with schools and universities, and with other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability.

SEC. 4. *Responsibilities.* 4.01 The Chairman, Federal Maritime Commission, will exercise personal leadership in establishing, maintaining and carrying out a positive continuing program to assure equal opportunity in every aspect of the Commission's policies and practices.

4.02 The Managing Director is responsible for the executive direction of the development and implementation of an affirmative program of equal employment opportunity. The Managing Director will be aided in the effectuation of such program by the principal management officials of the Commission as specified in sections 4.03 through 4.07 below.

4.03 Heads of Offices and Bureaus are responsible for carrying out, within their organizational units, the equal employment opportunity program and policies of the Commission. Further, such officials shall discharge their personnel management responsibilities in a manner to ensure that there is no form of prejudice or discrimination in personnel practices or working conditions.

4.04 The Chief, Division of Personnel is responsible for providing staff assistance to the Director of Equal Employment Opportunity, EEOO, EEOC, bureau directors, and office chiefs in their performance of activities under the equal opportunity program. Moreover, he is responsible for ensuring that personnel policies and practices, as set forth in this order, are fulfilled in the recruitment, selection, utilization and training of personnel.

4.05 The Deputy Managing Director is designated as Director of Equal Employment Opportunity of the Federal Maritime Commission and shall carry out the duties and responsibilities enumerated in section 5 of this order. In this capacity, he shall be under the immediate supervision of the Chairman.

4.06 The Director, Bureau of Hearing Counsel, is designated as the Equal Employment Opportunity Officer of the Federal Maritime Commission and shall carry out the duties and responsibilities enumerated in section 7 of this order.

4.07 The Deputy General Counsel is designated as the Equal Employment Opportunity Counselor of the Federal Maritime Commission and shall carry out the duties and responsibilities enumerated in section 6 of this order. Moreover, he shall advise the Director of Equal Employment Opportunity of the need for additional counselors, from time to time, to carry out the responsibilities of Equal Employment Opportunity counseling.

SEC. 5. *Director of Equal Employment Opportunity.* 5.01 The Director of Equal Employment Opportunity is responsible for:

1. Advising the Chairman with respect to the adequacy and implementation of the Commission's program for equal employment opportunity.

2. Evaluating from time to time, but at least every 6 months, the sufficiency of the total Commission's program for equal employment opportunity and reporting thereon to the Chairman with recommendations as to any improvement or correction needed.

3. Providing for counseling, by an Equal Employment Opportunity Counselor in accordance with section 6 of this order of any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against.

4. Providing for the receipt, investigation, and disposition of any complaints, in accordance with section 7 of this order, of discrimination in personnel matters within the Commission by any complainant employee or qualified applicant for employment who believes he has been discriminated against.

5. Providing for the receipt, investigation, and disposition, of allegations by organizations or other third parties of discrimination in personnel matters within the agency whether or not related to an individual complaint of discrimination, with notification of his decision to the party submitting the allegation.

6. Making the agency decision on complaints of discrimination and ordering appropriate corrective measures.

7. With the advice of the Equal Employment Opportunity Officer(s) and Counselor(s), developing and administering a detailed plan of action to implement the Commission's equal employment opportunity program; maintaining such plan on a current basis, thereby ensuring that the plan will be continuously responsive to the needs of the organization and the requirements of public policy.

5.02 The Director of Equal Employment Opportunity shall file such reports to the Federal Maritime Commission and Civil Service Commission as are required.

SEC. 6. *Counseling procedure.* 6.01 Any aggrieved person who believes that he has been discriminated against must consult with an Equal Employment Opportunity Counselor in attempting to resolve the matter. The Counselor shall make whatever inquiry he believes necessary into the matter; shall seek a solution of the matter on an informal basis; and shall counsel the aggrieved person concerning the merits of the matter.

6.02 The aggrieved person must bring his grievance to the attention of the Counselor within 15 calendar days of the event giving rise to the grievance or, if a personnel action, within 15 calendar days of its effective date; provided however that a grievance concerned with a continuing discriminatory practice having a material bearing on employment may be brought at any time.

6.03 The Counselor shall, insofar as practical, conduct his final interview with the aggrieved person not later than 15 working days after the date on which the matter was called to his attention by the aggrieved person. Moreover, the Counselor shall advise the aggrieved person in a final interview of his right to file a complaint of discrimination with the agency's Equal Employment Opportunity Officer, if the matter has not been resolved to the aggrieved person's satisfaction; he shall also advise him of the requirements governing the acceptance of a complaint in section 7 hereof. Moreover, the Counselor shall assist the aggrieved person, if so requested by that person, in filing his complaint.

6.04 The Counselor shall not reveal the identity of an aggrieved person who has sought counseling except when so authorized by the aggrieved person until the agency has accepted a complaint of discrimination from the aggrieved person on the matter brought to the attention of the Counselor.

6.05 When a complaint of discrimination has been accepted from an aggrieved person, the Counselor shall submit a written report to the EEO Officer, a copy to the aggrieved person, summarizing his action and advice both to the EEOO and the aggrieved person concerning the merits of the matter.

6.06 The Counselor shall maintain records of his counseling activities for the purpose of briefing periodically (at least quarterly) the Director of Equal Employment Opportunity on such activities.

6.07 The Counselor shall be readily available for resolving all grievances concerning discrimination.

SEC. 7. *Complaint procedure*—7.01 *Who may file.* Any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against may file a complaint.

7.02 *Where to file.* Complaints shall be filed with the Equal Employment Opportunity Officer, Federal Maritime Commission.

7.03 *Time limit.* A complaint must be submitted in writing by the complainant or his representative within 15 calendar days of the date of the complainant's final interview with the Equal Employment Opportunity Counselor. The time limits stated herein may be extended by the Equal Employment Opportunity Officer for good cause shown by the complainant.

7.04 *Processing of a complaint.* 1. Complaints of discrimination will be investigated and acted upon promptly in accordance with Part 713 of the Civil Service Commission's regulations revised July 1, 1969. A copy of these regulations is available from the Director of Equal Employment Opportunity, or the EEO Officer(s) or Counselor(s), or the Chief, Division of Personnel.

2. The Equal Employment Opportunity Officer shall advise the Director of Equal Employment Opportunity on receiving a complaint. The EEO Officer shall promptly investigate the complaint unless the complaint arises in a position which is directly or indirectly under his jurisdiction; in such case, the Director shall appoint an alternate for him. The EEO Officer shall be authorized to administer oaths and shall be authorized to require statements of witnesses under oath or affirmation, without pledge of confidence. The investigation of the officer shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. An investigation file shall be compiled containing the various documents and information acquired during the investigation including affidavits of the complainant, of the alleged discriminating official(s), and of the witnesses, and copies of, or extracts from, records, policy statements, or regulations of the Federal Maritime Commission, organized to show the relevance to the complaint, or the general environment out of which the complaint arose. In addition, the investigative file shall record in summary fashion such data as to the membership or lack thereof of a person in the complainant's group needed to resolve a complaint of discrimination: *Provided, however,* That all such information in the investigative file shall be obtained voluntarily and that no such information shall be acquired by coercion of an employee to provide such.

3. The Director of EEO shall arrange to furnish the EEO Officer or other person conducting the investigation the necessary written authority:

(a) To investigate all aspects of complaints of discrimination,

(b) To require all employees of the agency to cooperate in the conduct of such investigation, and

(c) To require employees of the agency having knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence.

4. The information file shall be made available to the complainant or his representative for review for the purpose of adjustment of the complaint on an informal basis. If the complaint is adjusted, the terms shall be reduced to writing and incorporated into the file, with a copy to the complainant.

5. If the complaint is not adjusted, the complainant shall be notified in writing of the Equal Employment Opportunity Officer's proposed disposition thereof, and advised of his right to a hearing with subsequent decision by the Director of Equal Employment Opportunity and his right to such decision without a hearing. The complainant shall notify the Director of Equal Employment Opportunity within 7 calendar days of receipt of such notification of his decision whether he wishes to have a hearing. If the complainant fails to notify the Director of Equal Employment Opportunity within 7 days, the proposed disposition of the Equal Employment Opportunity Officer becomes the decision of the Federal Maritime Commission, and the complainant will be so notified by letter together with information on his rights of appeal to the Civil Service Commission and the time limitations applicable to such appeal.

SEC. 8. *Hearings.* 8.01 If after receipt of the proposed decision of the Equal Employment Officer, the complainant requests a hearing, such hearing shall be before an appeals examiner conducted in accord with section 713.218 of the Federal Personnel Manual.

8.02 The appeals examiner shall transmit the complaint file including the record of the hearing, together with his findings, analysis, and recommended decision to the Director of Equal Employment Opportunity, with notification to the complainant of this action.

SEC. 9. *Decision.* The Director of Equal Employment Opportunity shall base his decision on the file presented to him by the appeals examiner. This decision shall be in writing and transmitted to the complainant and his representative and shall conform to the requirements of section 713.221 of the Federal Personnel Manual. Moreover, the Director of Equal Employment Opportunity shall advise the complainant of his rights to appeal to the Civil Service Commission and the time limit within which such appeal must be filed.

SEC. 10. *Appeal from the Decision of the Federal Maritime Commission.* 10.01 Except as provided by section 10.02, a complainant may appeal to the Civil Service Commission on a complaint of discrimination on grounds of race, religion, color, national origin, sex, political affiliation, marital status, or age if the Director of EEO has decided:

(1) To reject the complaint because (a) it was not timely filed, or (b) it was not within the purview of FMC regulations; or

(2) To cancel the complaint (a) because of the complainant's failure to prosecute his complaint, or (b) because of the complainant's separation which is not related to his complaint; or

(3) On the merits of the complaint, but the decision does not resolve the complaint to the complainant's satisfaction.

10.02 A complainant may not appeal to the Civil Service Commission when the issue of discrimination giving rise to the complaint is being considered, or has been considered, in connection with any other appeal by the complainant to the Civil Service Commission.

10.03 The complainant shall file his appeal in writing, either personally or by mail, with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

10.04 Appellate procedures to the Civil Service Commission are governed by sections 713.231–713.236 of the Federal Personnel Manual.

JOHN HARLLEE,
Rear Admiral,
U.S. Navy (Retired), Chairman.

[F.R. Doc. 69-8254; Filed, July 11, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2320]

A.V.C. CORP. ET AL.

Notice of and Order for Hearing on Application for Exemptions

JULY 1, 1969.

In the matter of A.V.C. Corp., 100 West 10th Street, Wilmington, Del. 19801; U.S. Communications Corp., 1500 Walnut Street, Philadelphia, Pa.; Butcher & Sherrerd, 1500 Walnut Street, Philadelphia, Pa.; and Joseph L. Castle, 1500 Walnut Street, Philadelphia, Pa.

Notice is hereby given that A.V.C. Corporation, a Delaware corporation ("AVC") registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified management investment company, U.S. Communications Corp., a Delaware corporation ("USCC") 70 percent owned by AVC, Butcher & Sherrerd, a partnership ("B&S"), registered as a broker-dealer, and Joseph L. Castle ("Castle") a partner of B&S, have filed an application for an order: (1) Pursuant to section 6(c) of the Act exempting from the provisions of section 17(e) (1) and (2) of the Act certain payments to B&S for its services in connection with the establishment of USCC and (2) pursuant to section 17(b) of the Act exempting the issuance of 2,000 shares of common stock of USCC and $8,000 principal amount of its debentures to Castle in connection with the statutory merger of USCC and Philadelphia Television Broadcasting Co., a Pennsylvania corporation ("WPHL"), in which company Castle had owned stock. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

From May 1, 1967, until February 21, 1968, Mr. Howard Butcher III ("Butcher") a general partner in B&S, served as a director of AVC.

In January of 1967, Mr. Daniel H. Overmyer ("Overmyer"), through contacts with Castle, who was then an employee of B&S (and since Jan. 1, 1968, has

been a partner of B&S) sought the aid of B&S in selling a portion of his warehouse interests. B&S advised Overmyer that financing through his warehouse interests would be less advantageous than some form of financing involving certain of Overmyer's television broadcasting interests in construction permits from the Federal Communications Commission ("FCC") for UHF broadcasting stations in five cities. Overmyer agreed, and B&S presented the matter to a few potential purchasers before it offered the combined financing to AVC. AVC indicated interest and asked B&S to develop further information and analyses. B&S did so and also participated in the subsequent extensive negotiations between AVC and Overmyer which resulted in agreements whereby $3 million was to be loaned to Overmyer, and 80 percent of the stock of his companies owning the television interests was to be purchased by AVC for $1 million. AVC also received a 3-year option to purchase Overmyer's remaining 20-percent interest in the television companies at a price to be computed pursuant to a formula up to $3 million. It appears that the ceiling price will prevail.

Previous to their search for financing for Overmyer, B&S had been trying to obtain further financing for WPHL which was an independent UHF television station in Philadelphia that had been broadcasting for about 2 years.

B&S thought that a combination of WPHL with the Overmyer television companies under the control of AVC would be desirable since WPHL's experience and management would be of benefit to the Overmyer companies, and the combination would minimize supervisory and management expenses and achieve economies in purchasing and programing.

B&S and Castle assisted in the negotiations which took place between WPHL and AVC which resulted in the creation of USCC, a new company to which AVC assigned its rights under its agreement with Overmyer and into which WPHL would be merged. The stock of USCC would be owned 70 percent by AVC and 30 percent by the holders of WPHL stock and $240,000 of USCC debentures would be issued to the former holders of WPHL preferred stock.

The merger agreement also obligated AVC to furnish certain additional financing for USCC in order to construct and equip the stations and meet initial operating deficits.

The Overmyer transactions and the WPHL merger could not be completed until the FCC had given its approval. In order to prepare the necessary FCC applications and to lay the groundwork for activities that would follow the closings, it was agreed that Castle would make the bulk of his time available to AVC, and to USCC upon its organization, to assist with these matters. Upon the formation of USCC on June 6, 1967, Castle became the chairman of its board of directors and chief executive officer. He remained as chief executive officer until April 1968 and as chairman of the board until December 1968. It was understood that compensation for Castle's management services would be included in the fee finally paid to B&S for its services in connection with the transactions. For the 6-month period following Castle's termination as chief executive officer, i.e., from May 1, 1968, through October 31, 1968, during which period Castle's duties were restricted to those as chairman of the board and to miscellaneous advisory services, B&S was paid $1,000 per month on account of his services. Applicants claim that Castle's services to AVC and to USCC during the period from April 1967 to April 1968 were worth in excess of $25,000.

The FCC approved the transaction on December 8, 1967. The closing of the Overmyer purchase was held on January 15, 1968, and the closing of the WPHL merger a week later, on January 22, 1968. In addition to the previously mentioned services, B&S also rendered services in connection with the procurement of additional financing for USCC.

Overmyer has paid B&S $40,000 for its services, and AVC proposes to pay B&S $100,000 for its services.

Insofar as they are pertinent here, sections 17(e) (1) and (2) of the Act prohibit B&S, a partnership in which Butcher and Castle are partners, from accepting from any source any compensation (other than a regular salary or wage from AVC) for the purchase or sale of any property to or for AVC or USCC during the period that Butcher and Castle were affiliated with AVC and USCC, except in the course of B&S's business as a broker, in which case its compensation is limited to 1 percent, unless the Commission by order in the public interest and consistent with the protection of investors permits a larger commission.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that the fee is fair and reasonable and does not involve overreaching on the part of any person concerned.

At the time WPHL was merged into USCC, Castle owned 1.33 percent of the common stock of WPHL consisting of 400 shares (200 of Class A and 200 of Class B), and also 400 shares of its $20 par preferred stock. By operation of the merger, Castle's common stock of WPHL along with that of other WPHL stockholders was converted (on a 5 for 1 basis) into 2,000 shares of the common stock of USCC. Similarly, Castle's holdings of WPHL preferred stock were converted into $8,000 of debentures of USCC.

Since Castle may be deemed to have been an affiliated person of USCC when the merger agreement between WPHL and USCC was executed, the exchange of Castle's stock in WPHL for securities of USCC, which is an affiliated person of AVC, may be considered a sale of property by an affiliated person of an affiliated person of an investment company to a company controlled by the investment company, which is prohibited by section 17(a) of the Act unless the Commission exempts the transaction pursuant to section 17(b) of the Act on finding that:

(1) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) The proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and

(3) The proposed transaction is consistent with the general purposes of the Act.

Applicants apply pursuant to section 17(b) for an exemption of the transaction from section 17(a) if it should be deemed applicable.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 25th day of September 1969 at 10 a.m., in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the Applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 23d day of September 1969, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

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

(1) Whether B&S, in connection with the Overmyer transaction and the

WPHL–USCC merger, acted as a broker and if so whether its proposed compensation from any source for such services exceeds 1 percent of the purchase or sale price of the securities involved, and if it does whether it is in the public interests and consistent with the protection of investors to permit a larger commission.

(2) Whether in connection with the aforesaid transactions B&S acted as an agent but otherwise than in the course of its business as an underwriter or broker and if so whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to exempt the acceptance of compensation for such services by B&S from the provisions of section 17(e); and

(3) Whether the exchange of securities of USCC for the securities of WPHL held by Castle is a transaction subject to section 17(a) and, if it is, whether (1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and (3) the proposed transaction is consistent with the general purposes of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the Applicants, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER, and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8233; Filed, July 11, 1969; 8:47 a.m.]

BARTEP INDUSTRIES, INC.

Order Suspending Trading

JULY 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 9, 1969, through July 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8234; Filed, July 11, 1969; 8:47 a.m.]

FEDERAL OIL CO.

Order Suspending Trading

JULY 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Federal Oil Co. (a Nevada 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 July 9, 1969, through July 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8235; Filed, July 11, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 865]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 8, 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 protests 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 field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17609 (Sub-No. 1 TA), filed June 30, 1969. Applicant: ABCORE WORLD VAN SERVICE, INC., 9565 Southwest 168th Street, Miami, Fla. 33157. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Dade, Collier, and Broward Counties, Fla.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Cartwright International Van Lines, 4250 24th Avenue West, Seattle, Wash. 98199; International Export Packers, Inc., 5360 Wheeler Avenue, Alexandria, Va. 22304. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 59952 (Sub-No. 7 TA), filed July 2, 1969. Applicant: THE J. M. BARBE CO., Buna Vista Street NE., Warren, Ohio. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from the plantsite of U.S. Steel Supply, Petroleum, Ohio, to points in Kentucky, Michigan, New York, Pennsylvania, and West Virginia, for 150 days. Supporting shipper: United States Steel Products, Division of United States Steel Corp., Post Office Box 251, Sharon, Pa. 16146. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 67234 (Sub-No. 13 TA), filed July 2, 1969. Applicant: UNITED VAN LINES, INC., No. 1 United Drive, Fenton, Mo. 63026. Applicant's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in 17 M.C.C. 467, from points in the United States to points in Hawaii, for 180 days. NOTE: Applicant intends to tack with MC 67234, and Sub 1. Supporting shipper: United Van Lines, Inc., past operations. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 86913 (Sub-No. 29 TA), filed June 27, 1969. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. 27589. Applicant's

representative: W. S. Bugg (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from Conway, N.C., and points within 10 miles thereof, to points in that part of Maine north of a line beginning at the Maine-New Hampshire State line near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine, thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine, New York, N.Y., and points in Nassau, Queens, Kings, and Suffolk Counties, N.Y., that part of Pennsylvania on, south and east of a line beginning at the New Jersey-Pennsylvania State line near Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to the Pennsylvania-Maryland State line near Maryland line, Md., points in Montgomery County, Md., and Baltimore, Md., points in West Virginia south of U.S. Highway 50, and points in Tennessee east of U.S. Highway 25E, points in Virginia and the District of Columbia, for 180 days. Supporting shipper: Georgia-Pacific Corporation, Post Office Box 909, Augusta, Ga. 30903. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 111941 (Sub-No. 16 TA), filed July 1, 1969. Applicant: PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, 11 South Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated steel and materials, equipment, and supplies* used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from River Rouge, Mich., to the plant and warehouse sites of Fisher Body Division, G.M.C., at or near Norwood, Ohio, for 180 days. Supporting shipper: Whitehead & Kales Co., 58 Haltiner, Detroit, Mich. 48218. 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 116538 (Sub-No. 6 TA), filed July 1, 1969. Applicant: DEFOREST L. REED, 102 Champion Street, Carthage, N.Y. 13619. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (a) from Smyrna, Waterloo, Boonville, Hannibal, Wolcott, Deer River, and Heuvelton, N.Y., to Montrose, Simpson, Scranton, Lewisburg, Wilkes-Barre, Union City, Endeavor, Hellam, Herndon, Kreamer, and Lancaster, Pa.; and Hagerstown, Md.; (b) from Smyrna, Waterloo, Booneville, Hannibal, Wolcott, Deer River, and Heuvelton, N.Y., to Branford and Ivoryton, Conn.; (c) from Hannibal, Wolcott, Deer River, Bleecker, East Branch, and Stratford, N.Y., to points of entry on the United States-Canada boundary line in New York State, for 180 days. Supporting shipper: Baillie Lumber Co., Inc., 12 Main Street, Post Office Box 6, Hamburg, N.Y. 14075. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 119573 (Sub-No. 11 TA), filed July 2, 1969. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, Ohio 44683. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio. 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from New Straitsville, Ohio, to points in Maryland, Virginia, and the District of Columbia, for 180 days. Supporting shipper: The Columbus Clay Manufacturing Co., New Straitsville, Ohio 43766. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 129459 (Sub-No. 4 TA), filed July 2, 1969. Applicant: KEARNEY'S TRUCK SERVICE, INC., U.S. Route Alternate 611, Portland, Pa. 18351. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, in bulk, from Portland, Pa., Matawan, N.J., for 150 days. Supporting shipper: Duncan Thecker Associates, Post Office Box 177, Oakhurst, N.J. 07755. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129774 (Sub-No. 1 TA), filed June 30, 1969. Applicant: BRADY TRANSFER & STORAGE CO., INC., New Burton Road and Webbs Lane Rural Delivery No. 1, Dover, Del. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in New Castle, Kent, and Sussex Counties, Del.; and Cecil, Kent, Queen Anne, Talbot, Caroline, Dorchester, and Wicomico Counties, Md.; Restriction: Restricted to the transportation of traffic having prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Vanpac Carriers, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94801; Wallace Gracie, Assistant Operation Manager; Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, Wash. 98109; Forrest D. Forgey, Direction Sales and Agency Relations. Send protests to: District Supervisor Paul J. Lowry, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 133750 (Sub-No. 1 TA), filed July 2, 1969. Applicant: HARVEY WULFF, doing business as HARVEY WULFF TRUCKING, Salem, S. Dak. 57058. Applicant's representative: Earl H. Scudder, Jr., Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated concrete products*, from Salem, S. Dak., to points in Iowa, Minnesota, Nebraska, and North Dakota, for 180 days. Supporting shipper: F & W Concrete Products Co., Inc., Salem, S. Dak. 57058. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133769 (Sub-No. 1 TA), filed July 2, 1969. Applicant: JACK STEVENS, doing business as STEVENS TRUCKING, 501 North 13th Street, Frederick, Okla. 73542. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ash, fly*, in bulk, from points in Oklahoma, Arkansas, and Missouri to points in Kern County, Calif., for 150 days. Supporting shipper: Cascade Charcoal, Inc., Post Office Box 2453, Bakersfield, Calif. 93302. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133846 TA, filed June 30, 1969. Applicant: FLITE LINE SERVICE, INC., 1610 Jackson Street, Philadelphia, Pa. 19145. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Cumberland, Cape May, Salem, Gloucester, Camden, Burlington, and Mercer Counties, N.J., for 180 days. Supporting shippers: Imperial Air Freight Service, Inc., 151 Oliver Street, Newark, N.J. 07105; Medallion Air Freight Corporation, 344 West 37th Street, New York, N.Y. 10018; Entico Air Freight Service, 555 West 34th Street, New York, N.Y. 10001; Bor-Air Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133853 TA, filed July 1, 1969. Applicant: COLUMBIA LEASE & RENTAL, INC., West 1527 2nd Avenue, Spokane, Wash. 99204. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from points in Spokane County, Wash., to points in Kootenai and Shoshone Counties, Idaho, with no transportation on return except for *returned or rejected items*, under a continuing contract with Spokane Dry Goods Co., doing business as The Crescent, a department store, for 180 days. Supporting shipper: Spokane Dry Goods Co., doing business as, The Crescent, Spokane, Wash. 99210. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 133859 TA, filed July 2, 1969. Applicant: JAMES S. GRIMES, Route No. 3, Frederick, Md. Applicant's representative: Charles E. Creager, Suite 1609, Eldorado Towers, 11215 Oak Leaf Drive, Silver Spring, Md. 20901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, repossessed, replacement motor vehicles and trailers* (except house trailers and mobile homes), with or without cargo, *and parts therefor*, in truckaway service using wrecker; equipment only; between points in Carroll, Howard, Frederick, and Washington Counties, Md., and Berkeley and Jefferson Counties, W. Va., on the one hand, and, on the other, points in Alabama, Delaware, District of Columbia, Connecticut, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shippers: Some 13 common and private motor carriers. The list may be examined in the named supervisor's office, or at the Commissions office in Washington, D.C. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8255; Filed, July 11, 1969; 8:49 a.m.]

[Notice 866]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 9, 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 protests 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 field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36222 (Sub-No. 13 TA), filed July 3, 1969. Applicant: JOHN L. FANSHAW, JR., doing business as CREWE TRANSFER, Crewe, Va. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Washington, N.C., and Crewe, Va., for 150 days. NOTE: Applicant intends to interline with L & M Express Co., Docket No. MC 44639 and subs at Crewe, Va. Supporting shippers: Washington Garment Co., Inc., 900 East Fifth Street, Washington, N.C. 27889; Wonderland Fashions, Inc., 350 Warren Street, Jersey City 2, N.J. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 97009 (Sub-No. 19 TA), filed June 25, 1969. Applicant: VINCENT J. HERZOG, 200 Delaware Street, Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile equipment, accessories, and supplies*, between Milford, Pa., on the one hand, and, on the other, Scranton, Pa., and Binghamton, N.Y.; (2) *furniture, fiber glass articles*, and *commodities* used or useful in the manufacture of furniture and fiber glass articles, between Milford and Twin Lakes, Pa., on the one hand, and, on the other, Scranton, Pa., and Binghamton, N.Y., for 150 days. NOTE: Applicant is authorized to interline traffic at Binghamton, N.Y., and Scranton, Pa. Supporting shipper: Sparkomatic Corp., Milford, Pa. 18337; Harry Heim Associates, Inc., Box 341, Milford, Pa. 18337. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 108119 (Sub-No. 24 TA), filed July 2, 1969. Applicant: E. L. MURPHY TRUCKING CO., Post Office Box 3010, St. Paul, Minn. 55101. Applicant's representative: James L. Nelson, 305 Degree of Honor Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines, and parts, attachments, and accessories for street sweeping machines*, from points in the Minneapolis-St. Paul, Minn., commercial zone to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: American Hoist & Derrick Co., 63 South Robert Street, St. Paul, Minn. 55107. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 111401 (Sub-No. 282 TA), filed July 3, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *CSS-IH emulsified asphalt for slurry seal*, in bulk, in tank vehicles, from Salina, Kans., to Minneapolis, Minn., for 180 days. Supporting shipper: J. A. Maddox, President, Hy-Way Asphalt Products, Inc., Box 1262, Salina, Kans. 67401. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 124359 (Sub-No. 9 TA), filed June 30, 1969. Applicant: WIL-HELEN, INC., 1409 16th Avenue, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and materials and supplies* used in the installation thereof, from Greenville, S.C., and Newnan and Calhoun, Ga., to Colorado and Cheyenne, Wyo., restricted to service performed under a continuing contract with Wholesale Flooring, Inc., and Wholesale Carpets, Inc., both of Denver, Colo., for 150 days. NOTE: Applicant does not intend to tack with its present authority. Supporting shipper: Wholesale Flooring, Inc., and Wholesale Carpets, Inc., 2200 Market Street, Denver, Colo. 80205. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 133770 (Sub-No. 1 TA), filed July 3, 1969. Applicant: MARYLAND CHICKEN PROCESSORS, INC., Snow Hill, Md. Applicant's representative: Otis G. Esham, Snow Hill, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, between points in Accomack County, Va. and Snow Hill, Md., for 180 days. Supporting shipper: Maryland Chicken Processors, Inc., Snow Hill, Md.,

Otis G. Esham, President. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 133751 (Sub-No. 1 TA), filed June 24, 1969. Applicant: RENO-LOYALTON-CALPINE STAGE LINES, INC., Post Office Box 367, Loyalton, Calif. 96118. Applicant's representative: Marchall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, commodities in bulk, commodities requiring special handling or special equipment, and used household goods as defined by the Commission), restricted against the transportation of packages or articles weighing in the aggregate more than 5,000 pounds from one consignor to one consignee on any one day, between Reno, Nev., and Downieville, Calif., serving all intermediate points, and serving the off-route point of Calpine, Calif., from Reno over U.S. Highway 395 to Hallelujah Junction, Calif., thence over California Highway 70 to Vinton, thence over California Highway 49 to Downieville, and return over the same route, for 150 days. NOTE: Applicant intends to interline with other carriers at Reno, Nev. Supporting shippers: Lombardi Mercantile, Loyalton, Calif. 96118; Loyalton Pharmacy, Loyalton, Calif. 96118; Loyalton Hotel & Apartments, Loyalton, Calif. 96118; Feather River Lumber Co., Loyalton, Calif. 96118; Downieville Motors, Downieville, Calif. 95935; Sattley Cash Store, Sattley, Calif. 96124; Harold A. Stoy, Hallelujah Junction, Doyle, Calif. 96109; Sierra Hardware Company, Downieville, Calif. 95936. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 133846 (Sub-No. 1 TA), filed July 2, 1969. Applicant: FLITE LINE SERVICE, INC., 1610 Jackson Street, Philadelphia, Pa. 19145. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Logan International Airport, Boston, Mass., La Guardia Airport and John F. Kennedy International Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Friendship International Airport, Anne Arundel County, Md.; Dulles International Airport, Chantilly, Va., and Washington National Airport, Arlington County, Va., on the one hand, and, on the other, Norfolk Municipal Airport, Norfolk, Va.; Charlotte Airport, Charlotte, N.C.; Atlanta Municipal Airport, Atlanta, Ga.; Orlando Airport, Orlando, Fla., and Miami International Airport, Miami, Fla., for 180 days. Supporting shippers: Entico Air Freight Service, 555 West 34th Street, New York, N.Y. 10001; Imperial Air Freight Service, Inc., 151 Oliver Street, Newark, N.J. 07105; Medallion Air Freight Corporation, 344 West 37th Street, New York, N.Y. 10018; Bor-Air Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133860 TA, filed July 2, 1969. Applicant: HC&D MOVING & STORAGE COMPANY, INC., Post Office Box 4008, 911 Middle Street, Honolulu, Hawaii 96812. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shipper: AMFAC, Inc., Post Office Box 3230, Honolulu, Hawaii 96801; Dillingham Corp., Box 3288, Honolulu, Hawaii 96801; Dole Co., 650 Iwilei Road, Honolulu, Hawaii 96817; Kentron Hawaii, Ltd., 207 Keawe Street, Honolulu, Hawaii 96813. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIER OF PASSENGERS

No. MC 133858 TA, filed July 2, 1969. Applicant: THE COTTER GARAGE CORPORATION, 8 Jewell Court, Hartford, Conn. 06105. Applicant's representative: Richard Goodman, 266 Pearl Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from points in Litchfield, Hartford, and Tolland Counties, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; restricted to transportation of not more than six passengers in any one vehicle (not including driver), for 180 days. Supporting shippers: There are 14 supporting shippers to this application. Information regarding supporting shippers' letters may be obtained from the Hartford Field Office at the address listed below, or at the Offices of the Interstate Commerce Commission in Washington, D.C. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8256; Filed, July 11, 1969; 8:49 a.m.]

[Notice 375]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 9, 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-71238. By order of June 27, 1969, the Motor Carrier Board approved the transfer to Sawyer Stockliners, Inc., West Highway, Torrington, Wyo. 82240, of certificate No. MC-95742 issued February 25, 1960, to Carl Sawyer, doing business as Sawyer Stockliners, West Highway, Torrington, Wyo. 82240, authorizing the transportation of: Building materials, coal, livestock, and livestock feed, etc., between points in Colorado, Nebraska, South Dakota, and Wyoming.

No. MC-FC-71396. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Kevah Konner, Inc., Pine Brook, N.J., of the operating rights in certificate No. MC-44252 issued July 5, 1968, to Wagner Tours, Inc., North Haledon, N.J., authorizing the transportation of passengers and their baggage, restricted to traffic originating and the points and in the territory indicated, in charter operations, from Paterson, N.J., and points in New Jersey and New York within 15 miles of Paterson, N.J., to points in New York and New Jersey and those in Pennsylvania on and east of U.S. Highway 11, and return. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for transferor; Benjamin L. Bendit, 744 Broad Street, Newark, N.J. 07102, attorney for transferee.

No. MC-FC-71421. By order of July 1, 1969, the Motor Carrier Board approved the transfer to K. V. Young and D. A. Goepel, a partnership, doing business as Iowa Van & Storage Co., 216 Commercial Street, Ottumwa, Iowa 52501, of the operating rights in certificate No. MC-52525 issued February 14, 1963, to Jack Shipman, doing business as Hale Transfer & Storage, 801 High Avenue West, Oskaloosa, Iowa 52577, authorizing the transportation of malt beverages, in containers, from Minneapolis, Minn., to Bloomfield, Iowa, serving the intermediate and off-route points of Oskaloosa, Ottumwa, and Albia, Iowa; household goods as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, and Nebraska; beer, from Minneapolis, Minn., to Centerville, Iowa; butter, from Oskaloosa,

Iowa, to St. Paul, Minn.; groceries, from Albert Lea, Minn., to Des Moines, Iowa; petroleum products, from St. Louis, Mo., to Oskaloosa, Iowa; wallpaper, from Joliet, Ill., to Oskaloosa, Iowa, and superphosphate, from Chicago, Ill., to Oskaloosa, Iowa.

No. MC-FC-71436. By order of June 26, 1969, the Motor Carrier Board approved the transfer to Rayburn Trucking, Inc., Elizabeth, N.J., of permit No. MC-2776, issued October 18, 1950, to Joseph Janolis and Anthony Rambone, doing business as J. Janolis Trucking Co., Edgewater, N.J., authorizing the transportation of: Sugar, from Edgewater, N.J., to points in New York and New Jersey within 40 miles of Edgewater; sugar and sugar products, including liquid sugar, in containers, from New York, N.Y., to points in New Jersey and New York within 40 miles of Columbus Circle, New York, N.Y., except those in Westchester County, N.Y.; and rejected shipments, from the above-specified destination points to New York, N.Y. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, counsel for applicants.

No. MC-FC-71470. By order of July 1, 1969, the Motor Carrier Board approved the transfer to Orvan Tjeerdsma, Avon, S. Dak., of certificate No. MC-81354 issued March 29, 1968, to James E. Tolsma, doing business as Tolsma Transfer, Springfield, S. Dak., authorizing the transportation of general commodities, with specified exceptions between specified points in South Dakota and Iowa and household goods between specified points in South Dakota on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska. Elmer E. Gemar, Post Office Box 245, Springfield, S. Dak., attorney for applicants.

No. MC-FC-71475. By order of July 1, 1969, the Motor Carrier Board approved the transfer to Fred H. Meyer, doing business as Meyer Truck Line, Alma, Kans., of certificate No. MC-7342 (Sub-No. 3), issued October 22, 1958, to Roy A. Kemble, Maple Hill, Kans., authorizing the transportation of: Feed, agricultural implements and parts, building materials, petroleum products in containers, empty petroleum products containers, hardware, aluminum pipe, irrigation equipment, commercial fertilizer, fence posts, twine, wire fencing, and baling wire, between Paxico, Kans., and points within 21 miles thereof, on the one hand, and, on the other, Kansas City, and St. Joseph, Mo. Bill Baldock, Alma, Kans. 66401, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8257; Filed, July 11, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 9, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41689—*Petroleum and petroleum products to points in official territory.* Filed by Southwestern Freight Bureau, agent (No. B-41), for interested rail carriers. Rates on petroleum and petroleum products and related articles, in tank carloads, as described in the application, from points in southwestern territory, including Kansas and Missouri, to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 165 to Southwestern Freight Bureau, agent, tariff ICC 4530.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8258; Filed, July 11, 1969; 8:49 a.m.]

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