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Title 5—ADMINISTRATIVE PERSONNEL

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PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Director, Office of Congressional Relations, Office of Assistant Secretary for Public Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (20) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

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

(20) Director, Office of Congressional Relations.

* * * * * *

(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. 69–10123; Filed, Aug. 22, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

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

[Lemon Reg. 388]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.688 Lemon Regulation 388.

(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 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, 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 regulation 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 August 19, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 24, 1969, through August 30, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 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: August 20, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–10113; Filed, Aug. 22, 1969; 8:51 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 113]

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southeastern Florida marketing area (7 CFR Part 1013), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of August through November 1969:

In § 1013.15—"not less than eight days," and "or was so received during the preceding month."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension would permit handlers and cooperative associations to obtain supplemental supplies of milk from the individual producers normally associated with either the Tampa Bay or Upper Florida markets for the Southeastern Florida market during the months of August through November.

Presently, the order requires that 8 days' production from a dairy farmer must be received at a pool plant during the month in order for such person to acquire producer status.

The Southeastern Florida market now requires some supplemental supplies of milk. During the months of August through November it is expected this need will continue and increase. The needed additional supplies can be obtained most economically by shifting the production of certain dairy farmers regularly affiliated with either the Tampa

Bay or Upper Florida markets to the Southeastern Florida market.

In many instances it is not practical or economical to bring as much as 8 days' production of milk from dairy farmers of the other Florida markets in order to qualify such dairy farmers as producers. If such dairy farmers' production does not qualify as producer milk, it is a receipt of other source milk and subject to payments as prescribed by the order. Under the current circumstances it is concluded that the provisions hereby suspended do not contribute to orderly marketing.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (34 F.R. 13280). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective August 1, 1969.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of August through November 1969.

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

Effective date: August 1, 1969.

Signed at Washington, D.C., on August 20, 1969.

RICHARD E. LYNG,
Acting Secretary.

[F.R. Doc. 69–10096; Filed, Aug. 22, 1969; 8:50 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 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended in the following respects:

1. Subparagraphs (2) and (4) of § 74.2(a) are amended to read as follows:

§ 74.2 Designation of free and infected areas.

(a) * * *

* * * * *

(2) All counties in Virginia except Clarke.

* * * * *

(4) All counties in Kentucky except Allen, Barren, Muhlenberg, and Ohio.

2. Subparagraphs (1) and (3) of § 74.3(a) are amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) * * *

(1) The following county in Virginia: Clarke.

* * * * *

(3) The following counties in Kentucky: Allen, Barren, Muhlenberg, and Ohio.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended)

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

The amendments add Culpepper County in Virginia and Christian County in Kentucky to the list of free areas and delete such counties from the list of infected and eradication areas as sheep scabies is not known to exist therein. After the effective date of the amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to such areas. However, the provisions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed on the interstate movement of sheep from Culpeper County in Virginia and Christian County in Kentucky and must be made effective immediately 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 19th day of August 1969.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69–10095; Filed, Aug. 22, 1969; 8:50 a.m.]

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, Blenville, Caldwell, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, La Salle, 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, Loup, 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. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. 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, 32 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): the entire State of Oklahoma; La Salle County in Louisiana; and Loup County in Nebraska.

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 19th day of August 1969.

E. E. SAULMAN,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-10094; Filed, Aug. 22, 1969; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,262]

PART 556—STATEMENTS OF POLICY

Mergers

AUGUST 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending its statement of policy relating to criteria which the Board applies in acting upon mergers, consolidations, and bulk purchases of assets in exchange for assumption of savings account liabilities, and for the purpose of effecting such amendment, hereby amends Part 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 556) by revising § 556.2 to read as follows:

§ 556.2 Mergers.

(a) *Introduction.* This is a statement of the Federal Home Loan Bank Board's general policy on merger proposals. It does not ordinarily apply to mergers instituted for supervisory reasons. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumption of savings accounts and other liabilities. Potential applicants are encouraged to review proposed mergers with the Supervisory Agent prior to proceeding with the formal application process.

(b) *Legal considerations*—(1) *General.* (i) The legality of a proposed merger is a precondition to further consideration by the Board.

(ii) Applicable laws and regulations include the Federal antitrust laws (the Clayton and Sherman Acts), Section 408 (regulation of holding companies) of the National Housing Act, applicable State law, and the Board's own regulations.

(2) *Legal evaluation of factors with antitrust impact.* To enable the Board to evaluate the possible anticompetitive impact of proposed mergers, applicants are required to submit certain information on Board-prescribed forms available at each Federal Home Loan Bank. In any case in which the supervisory agent thinks it clear that no antitrust or competitive problem exists, a merger proposal may be submitted with relevant partial information short of the complete data called for by the schedules.

(3) *Acquisitions of insured institutions under section 408 of the National Housing Act.* Section 584.4 of the Regulations for Savings and Loan Holding Companies implements this statutory provision. It requires information as to competitive factors similar to that indicated in subparagraph (2) of this paragraph. The regulation also requires information as to additional matters, including details of acquisition, financial and managerial resources, future prospects, and the convenience and needs of the community to be served.

(c) *Economic evaluation*—(1) *General.* The Board will give major consideration to the economic impact of the proposed merger.

(2) *Evaluation of impact on competition.* (i) The Board will examine the economic impact of the merger—adverse, neutral, or favorable—on competition. This will be done for each relevant geographical savings and mortgage market and submarket. All savings and mortgage firms reasonably competitive with the business of the merging institutions will be taken into account. The impact on competition will be evaluated on the basis of various economic indices of market structure and performance, some of which may not be relevant to the legal antitrust evaluation referred to in paragraph (b) of this section.

(ii) Such indices will include, for each relevant savings and mortgage market and submarket: (*a*) Market concentration and ranking of the resulting institution and of other competing institutions; (*b*) number and size distribution of competitors; (*c*) actual or potential competition significantly curtailed by the merger; (*d*) trends toward concentration, especially as a result of mergers; (*e*) overlap of branch savings submarkets when two or more branch systems are to be consolidated; and (*f*) extent to which rates paid on savings instruments and charges on mortgages appear to be competitively determined, consistent with statutory and regulatory constraints, and will continue to be so determined after the merger.

(3) *Adequacy of number of institutions.* Account will be taken of the number of institutions of reasonably efficient size that can be supported by population, savings, and mortgage demand. Mergers that involve institutions of inefficient asset size or which are located in markets

overpopulated with savings institutions and which result in economy of operation and management and more efficient service will be regarded favorably insofar as the mergers are not anticompetitive.

(4) *Other factors.* The Board will examine the extent to which the merger will affect the convenience and needs of the communities to be served in terms of savings facilities, types of loans available, and the impact, if any, on operating efficiency of the resulting institution.

(d) *Managerial and financial aspects.*—(1) *General.* The Board's basic requirement is that the surviving institution have the managerial and financial resources to operate successfully.

(2) *Managerial aspects.* The character and the ability of other persons to be either in control or in key managerial positions are factors of prime importance. The experience and the performance record of such persons will be evaluated as to the probability of sound operation of the enlarged institution, giving due consideration to the relative size of the merging institutions.

(3) *Financial aspects.* (i) The adequacy of the net worth of the surviving institution, relative to the risks inherent in the assets, and economic and other factors will be reviewed critically. To this end, a statement should be submitted that the assets on the books of the applicants are not over-valued, or that appropriate valuation allowances have been established. Intangible assets in particular will be carefully scrutinized.

(ii) The overall operations and financial condition will be reviewed to determine the surviving institution's prospects to generate sufficient income to meet competition, to make the required transfers to reserves, and to conduct its affairs essentially free of supervisory concern.

(e) *Factors relating to fairness of the plan.* The Board will review the fairness of all merger proposals on the basis of the following criteria:

(1) *General.* The plan should provide equitable treatment for all concerned. The equity owners should receive fair value for their interests, and the interests of savers and creditors must be properly considered.

(2) *Considerations as to directors, officers, attorneys, consultants, and employees; advisory boards or committees.* Retention through contracts or otherwise of directors, officers, consultants, attorneys, and employees of the disappearing institution by the surviving institution should be consistent with the size, functions, need, and earning capacity of the surviving institution. Any compensation to such persons by the surviving institution should be commensurate with the duties performed and in line with its compensation schedule. Any compensation to advisory boards or committees containing such persons should be explained and justified.

(3) *Other financial considerations and expenses.* Other financial considerations, whether involving the sale of an office building, the disposal of a related business, or other transaction, must be fair and supported by evidence. Expenses incurred in connection with the merger should be reasonable.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

JACK CARTER,
Secretary.

[F.R. Doc. 69-10103; Filed, Aug. 22, 1969; 8:51 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 23,263]

PART 571—STATEMENTS OF POLICY

Mergers

AUGUST 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending its statement of policy relating to the criteria which the Board applies in acting upon mergers, consolidations, and bulk purchases of assets in exchange for assumption of savings account liabilities, and for the purpose of effecting such amendment, hereby amends Part 571 of the rules and regulations for insurance of accounts (12 CFR Part 571) by revising § 571.5 to read as follows:

§ 571.5 Mergers.

(a) *Introduction.* This is a statement of the Federal Home Loan Bank Board's general policy on merger proposals. It does not ordinarily apply to mergers instituted for supervisory reasons. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumption of savings accounts and other liabilities. Potential applicants are encouraged to review proposed mergers with the supervisory agent prior to proceeding with the formal application process.

(b) *Legal considerations*—(1) *General.* (i) The legality of a proposed merger is a precondition to further consideration by the Board.

(ii) Applicable laws and regulations include the Federal antitrust laws (the Clayton and Sherman Acts), section 408 (regulation of holding companies) of the National Housing Act, applicable State law, and the Board's own regulations.

(2) *Legal evaluation of factors with antitrust impact.* To enable the Board to evaluate the possible anticompetitive impact of proposed mergers, applicants are required to submit certain information on Board-prescribed forms available at each Federal Home Loan Bank. In any case in which the supervisory agent thinks it clear that no antitrust or competitive problem exists, a merger proposal may be submitted with relevant partial information short of the complete data called for by the schedules.

(3) *Acquisitions of insured institutions under section 408 of the National Housing Act.* Section 584.4 of the regulations for savings and loan holding companies implements this statutory provision. It requires information as to competitive factors similar to that indicated in subparagraph (2) of this paragraph. The regulation also requires information as to additional matters, including details of acquisition, financial, and managerial resources, future prospects, and the convenience and needs of the community to be served.

(c) *Economic evaluation*—(1) *General.* The Board will give major consideration to the economic impact of the proposed merger.

(2) *Evaluation of impact on competition.* (i) The Board will examine the economic impact of the merger—adverse, neutral, or favorable—on competition. This will be done for each relevant geographical savings and mortgage market and submarket. All savings and mortgage firms reasonably competitive with the business of the merging institutions will be taken into account. The impact on competition will be evaluated on the basis of various economic indices of market structure and performance, some of which may not be relevant to the legal antitrust evaluation referred to in paragraph (b) of this section.

(ii) Such indices will include, for each relevant savings and mortgage market and submarket: (*a*) Market concentration and ranking of the resulting institution and of other competing institutions; (*b*) number and size distribution of competitors; (*c*) actual or potential competition significantly curtailed by the merger; (*d*) trends toward concentration, especially as a result of mergers; (*e*) overlap of branch savings submarkets when two or more branch systems are to be consolidated; and (*f*) extent to which rates paid on savings instruments and charges on mortgages appear to be competitively determined, consistent with statutory and regulatory constraints, and will continue to be so determined after the merger.

(3) *Adequacy of number of institutions.* Account will be taken of the number of institutions of reasonably efficient size that can be supported by population, savings, and mortgage demand. Mergers that involve institutions of inefficient asset size or which are located in markets overpopulated with savings institutions and which result in economy of operation and management and more efficient service will be regarded favorably insofar as the mergers are not anticompetitive.

(4) *Other factors.* The Board will examine the extent to which the merger will affect the convenience and needs of the communities to be served in terms of savings facilities, types of loans available, and the impact, if any, on operating efficiency of the resulting institution.

(d) *Managerial and financial aspects.*—(1) *General.* The Board's basic

requirement is that the surviving institution have the managerial and financial resources to operate successfully.

(2) *Managerial aspects.* The character and the ability of the persons to be either in control or in key managerial positions are factors of prime importance. The experience and the performance record of such persons will be evaluated as to the probability of sound operation of the enlarged institution giving due consideration to the relative size of the merging institutions.

(3) *Financial aspects.* (i) The adequacy of the net worth of the surviving institution, relative to the risks inherent in the assets, and economic and other factors will be reviewed critically. To this end, a statement should be submitted that the assets on the books of the applicants are not overvalued, or that appropriate valuation allowances have been established. Intangible assets in particular will be carefully scrutinized.

(ii) The overall operations and financial condition will be reviewed to determine the surviving institution's prospects to generate sufficient income to meet competition, to make the required transfers to reserves, and to conduct its affairs essentially free of supervisory concern.

(e) *Factors relating to fairness of the plan.* The Board will review the fairness of all merger proposals on the basis of the following criteria:

(1) *General.* The plan should provide equitable treatment for all concerned. The equity owners should receive fair value for their interests, and the interests of savers and creditors must be properly considered.

(2) *Considerations as to directors, officers, attorneys, consultants, and employees; advisory boards or committees.* Retention through contracts or otherwise of directors, officers, consultants, attorneys, and employees of the disappearing institution by the surviving institution should be consistent with the size, functions, need, and earning capacity of the surviving institution. Any compensation to such persons by the surviving institution should be commensurate with the duties performed and in line with its compensation schedule. Any compensation to advisory boards or committees containing such persons should be explained and justified.

(3) *Other financial considerations and expenses.* Other financial considerations, whether involving the sale of an office building, the disposal of a related business, or other transaction, must be fair and supported by evidence. Expenses incurred in connection with the merger should be reasonable.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended, sec. 408, 48 Stat. 1261 as amended by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1726, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

JACK CARTER,
Secretary.

[F.R. Doc. 69-10102; Filed, Aug. 22, 1969; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-WE-60]

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

Designation of Additional Control Area

On June 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9287) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate Control 1154 offshore of Ukiah, Calif. Control 1154 would encompass Warning Area W-260 and be codesignated with a portion of the Ukiah 1,200 feet AGL transition area.

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

The Director, Department of Aeronautics, State of California, objected to the proposal in that it would unduly restrict the operation of light aircraft over hilly terrain along the coastal area. The proposed control area would be a dual designation of airspace with a portion of the Ukiah transition area. This transition area has a floor 1,200 feet above the surface within a 20-mile radius of the Ukiah VOR. Designation of the control area will, therefore, impose no additional restrictions to VFR operations along the hilly inland coastal area. The portion of Control 1154 outside the Ukiah transition area should not be unduly restrictive to VFR coastal operations as it would provide 4,000 feet of uncontrolled airspace over the highest terrain and 5,000 feet of uncontrolled airspace over the water.

The Department of the Navy offered no objection to the proposal provided that a letter of procedure was executed between the Department of the Navy and the Federal Aviation Administration with a stipulation that Warning Area W-260 could be activated upon 1 hour's prior notice. The Federal Aviation Administration will execute such a letter including the 1 hour recall provision, prior to the effective date of the designation of Control 1154.

All other comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.163 (34 F.R. 4549) the following is added:

CONTROL 1154

That airspace extending upward from 5,000' MSL bounded on the east by VOR Federal airway No. 199; on the south by a line extending from lat. 38°03'25" N., long. 123°11'45" W.; to lat. 38°00'00" N., long. 123°23'00" W.; to lat. 37°50'00" N., long. 124°24'30" W.; to lat. 37°40'00" N., long. 125°23'30" W.; on the west by the Oakland Oceanic Control Area; and on the north by a line extending from lat. 38°50'00" N., long. 126°11'05" W.; to lat. 38°52'00" N., long. 125°52'30" W.; to lat. 39°00'00" N., long. 123°56'30" W.; to lat. 39°02'55" N., long. 123°22'00" W.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510, and Executive Order 10854; 24 F.R. 9565 and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

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

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

[F.R. Doc. 69-10059; Filed, Aug. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 68-SW-62]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Continental Control Area; Correction

On June 28, 1969, Federal Register Document No. 69-7639 was published in the FEDERAL REGISTER (34 F.R. 9985) and amended the continental control area in part by substituting lat. 35°56'00" N., long. 95°06'00" W., for lat. 36°55'00" N., long. 95°05'00" W. This action is to become effective September 18, 1969. "Lat. 35°56'00" N.," was cited in error and should have read "lat. 36°56'00" N.,". Corrective action is taken herein.

Since this amendment is corrective in nature and no substantive change in the regulation is affected, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, F.R. Doc. No. 69-7639 (34 F.R. 9985) is corrected upon publication in the FEDERAL REGISTER as follows:

In item 1. a. "lat. 35°56'00" N., long. 95°06'00" W.;" is deleted and "lat. 36°56'00" N., long. 95°06'00" W.;" is substituted therefor.

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

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

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

[F.R. Doc. 69-10060; Filed, Aug. 22, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-18]

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

Federal Airways; Alteration, Designation and Extension

On July 29, 1969, F.R. Doc. 69-8839 was published in the FEDERAL REGISTER (34 F.R. 12379) and amended Part 71 of the Federal Aviation Regulations. These amendments will become effective September 18, 1969. In Item 8, VOR Federal airway No. 134 was added. Subsequent to the issuance of the document, it was noted that Jet Route No. 134 also passes through the St. Louis, Mo., terminal area. To avoid possible pilot/controller misunderstanding between V-134 and J-134, action is taken herein to change V-134 to V-238.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, F.R. Doc. 69-8839 (34 F.R. 12379) is amended as follows:

In Item 8, "V-134" is deleted wherever it appears and "V-238" is substituted therefor.

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

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

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

[F.R. Doc. 69-10061; Filed, Aug. 22, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-38]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Blytheville, Ark., control zone and transition area.

On July 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11379) stating the Federal Aviation Administration proposed to alter controlled airspace in the Blytheville, Ark., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as herein set forth.

(1) In § 71.171 (34 F.R. 4565) the Blytheville, Ark., control zone is amended to read:

BLYTHEVILLE, ARK.

Within a 5-mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.), within 3 miles each side of the Blytheville VOR 357° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 185° radial extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

(2) In § 71.181 (34 F.R. 4654) the Blytheville, Ark., transition area 700-foot portion is amended to read:

BLYTHEVILLE, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.), excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (lat. 35°56'15" N., long. 89°-49'45" W.), within 4 miles east and 5 miles west of a 360° bearing from the Hicks RBN (lat. 35°57'52" N., long. 89°49'35" W.), extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport.

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

Issued in Fort Worth, Tex., on August 14, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-10085; Filed, Aug. 22, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WE-62]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Denver, Colo., transition area.

Recent modifications to several approach procedures for Stapleton Airport has revealed that a small additional amount of airspace is necessary to provide controlled airspace protection for a portion of the ILS Runway 35 approach while operating below 1,500 feet above ground level.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 71.181 (34 F.R. 4637) the description of the Denver, Colo., transition area is amended by deleting "* * * 30 * * *", "* * * 182° * * *" and "* * * 182° * * *" in the fourth, fifth, and seventh lines respectively and substituting "* * * 31 * * *", "* * * 194° * * *" and "* * * 194° * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 14, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-10086; Filed, Aug. 22, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SW-46]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Raton, N. Mex., transition area.

On July 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11381) stating the Federal Aviation Administration proposed to designate a transition area at Raton, N. Mex.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as herein set forth.

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

RATON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (lat. 36°44'30" N., long. 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 051° radial, and within 3.5 miles each side of the Cimarron VORTAC 051° radial extending from the 8.5-mile radius area to 8 miles northeast of the of VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest and 10 miles southeast of the Cimarron VORTAC 051° radial extending from the VORTAC to 28 miles northeast of the VORTAC, and within 5 miles northwest and 8.5 miles southeast of the Cimarron VORTAC 051° radial extending from 28 miles northeast of the VORTAC to 45 miles northeast of the VORTAC.

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

Issued in Fort Worth, Tex., on August 14, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-10087; Filed, Aug. 22, 1969; 8:50 a.m.]

[Docket No. 9770; Amdt. 93-18]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Redesignation of Valparaiso, Fla., Terminal Area

The purpose of this amendment to Part 93 of the Federal Aviation Regultions is to redesignate, without changing, the eastern boundary of the Valparaiso, Fla.,

Terminal Area to conform to concurrent adjustments to a restricted area.

The current eastern boundary of the Valparaiso, Fla., Terminal Area coincides with the western boundary of R–2914.

By separate regulatory action under Airspace Docket 68–SO–100, the FAA is amending R–2914 by dividing it into three restricted areas, R–2914, R–2918, and R–2919. While the western boundary of former R–2914 is not geographically changed, all three restricted areas share that boundary under the new amendment. Therefore, the eastern boundary of the Valparaiso, Fla., Terminal Area, under that new amendment, coincides with the western boundary of R–2914, R–2918, and R–2919, not R–2914 only. This amendment reflects that change.

Since no geographic or other substantive change is involved, this amendment is editorial in nature and does not impose any additional burden upon the public. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 93.81 of the Federal Aviation Regulations is amended, effective September 18, 1969, by deleting the words "along the west boundary of R–2914" and inserting the words "along the west boundaries of R–2918, R–2914, and R–2919" in place thereof.

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

Issued in Washington, D.C., on August 15, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69–10088; Filed, Aug. 22, 1969; 8:50 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Opinion No. 546–A]

PART 154—RATE SCHEDULES AND TARIFFS

Southern Louisiana Area Rates

Area Rate Proceeding (Southern Louisiana Area), Dockets Nos. AR61–2; Amerada Petroleum Corp. et al.; RI60–18 et al.

Opinion and order on rehearing modifying in part and confirming in part prior opinion and order and denying motions for stay.

On September 25, 1968, the Commission issued its Opinion No. 546 in the above-entitled proceeding determining and establishing just and reasonable rates for natural gas producers in the Southern Louisiana area. Applications for rehearing, clarification and stay of the order have been filed by various parties.[1] Most of the rehearing applications, filed by producers, urge that the rates established in the decision have been set at too low a level. The New York Commission, the Municipal Distributor Group and certain distributor interveners, on the other hand, argue that the rates are excessive and should be reduced. The application for rehearing filed by the Hunt group of respondents includes a motion to reopen the proceeding for the receipt of evidence. Two petitions to intervene were granted by order issued November 29, 1968. On our review of the many filings we find that the applications for rehearing consist in large part of a repetition of contentions previously expressed in the proceeding and which were fully considered by us in the course of the deliberations leading up to Opinion No. 546. Many of these contentions are specifically answered in the opinion. Nevertheless, we have considered all claims and arguments made in the applications and are persuaded that certain modifications should be made in the opinion and accompanying order. In addition we wish to clarify certain findings in the opinion with respect to which questions have been raised and to respond to certain contentions not previously advanced.[2]

FINDINGS AND ORDER

(1) The applications for rehearing and accompanying motions filed in these proceedings set forth no new facts or principles of law which either were not fully considered by the Commission when it adopted Opinion No. 546 and accompanying order, or which now being considered warrant any change in or modification of such order, except as set forth herein.

(2) Good cause has not been shown either for reopening these proceedings for the receipt of additional evidence, as proposed by the Hunt Group, or for the scheduling of further oral argument.

The Commission, acting pursuant to sections 4, 5, and 16 of the Natural Gas Act (52 Stat. 822, as amended, 823, 830, 15 U.S.C. 717c, 717d, 717o) and sections 553, 556, and 557 of title 5 of the United States Code (the Administrative Procedure Act, 60 Stat. 238, 239, 241, 242, as codified Sept. 6, 1966, by 80 Stat. 383, 384, 386, 387) orders:

(A) Ordering paragraph (A) of the order accompanying Opinion No. 546, amending Part 154 of the Commission's regulations under the Natural Gas Act, is amended by adding a new subsection (g) after § 154.105(f) to read as set forth below.

(B) The moratorium on increased rate filings, above the rate authorized in Opinion No. 546, for gas produced within the taxing jurisdiction of Louisiana under contracts dated on and after October 1, 1968, will expire on January 1, 1974.

(C) Any producer who, within 30 days of the date of issuance of this order, files a petition for special relief by reason of the fact that it is transporting, or paying for the transportation of, gas produced outside the taxing jurisdiction of the State of Louisiana to a point onshore, may, with regard to the rate schedule supplement required to be filed by ordering paragraph (D) of Opinion No. 546, file a rate reflecting the applicable onshore base area rate established by ordering paragraph (A) of the opinion for such production. The difference between the onshore and offshore rate shall be subject to refund as to all or any part thereof to which the producer ultimately is found not to be entitled. The authorization to collect the onshore rate shall continue until the Commission has acted on the petition for special relief or until it otherwise orders. The petition shall set forth the facts regarding each case as required by the opinion herein. Where the petition for special relief is not filed within 30 days from the date of this order the Commission will issue such order as it believes necessary to protect the producer during the pendency of the consideration of its petition.

(D) Special relief is hereby granted to Union Oil Company of California with regard to the sales of gas made under its FPC Rate Schedule No. 120, whereby Union is permitted to charge and collect up to 17 cents per Mcf, with appropriate B.t.u. adjustment, if any, plus the actual transportation charge paid by Union to the Jupiter Corp., such additional amount currently being 1 cent per Mcf. The supplement to Rate Schedule No. 120 to be filed by Union shall so provide.

(E) Special relief is granted to the producers listed in Appendix B[3] to this opinion and order. Such producers are permitted to charge and collect up to 18.5 cents per Mcf, plus B.t.u. adjustment, if any, and subject to the quality standards and adjustment provisions set out in Opinion No. 546 and No. 546–A, for all sales of gas-well gas (including residue gas derived therefrom) made in the cited dockets, to the same effect as though the contract dates for such sales had been shown to be on or after October 1, 1968.

(F) The application for special relief filed by Signal Oil and Gas Co. is denied.

(G) The effective date of Opinion No. 546 and its accompanying order is hereby changed to October 1, 1968.

(H) For the purposes of ordering paragraph (A) of the order accompanying Opinion No. 546, the term "contracts dated" shall be held to mean that date which appears on or within the gas-well gas sales contract. Such date shall be used to determine which of the area base rates is applicable to the particular sale.

[1] Appendix A filed with the Office of the Federal Register as part of the original document lists the filings made with the Commission.

[2] The Amerada Group, the Hunt Group, Sun Oil Co., Shell Oil Co., Texaco, Inc., Samedan Oil Co., and Bradco Properties, Inc., et al.

[3] Filed with the Office of the Federal Register as part of the original document.

(I) Section 154.105(d)(vii) of the Commission's regulations under the Natural Gas Act, as established in ordering paragraph (A) of the order accompanying Opinion No. 546, is amended to read as set forth below.

(J) Ordering paragraph (C) of the order accompanying Opinion No. 546 is amended by striking from the last two lines thereof "in a final, unconditioned permanent certificate previously granted for such sale" and substituting in place thereof "by final order no longer subject to judicial review permanently certificating the sale in question and containing no refund condition." The motion for further clarification addressed to this issue is denied without prejudice.

(K) No interest shall be required on refundable amounts paid over to the Federal and State Governments in royalties, except as and to the extent that such authorities pay interest to the producer when refunding overpayments of royalties. Interest due on refunds required under ordering paragraph (F) of the order accompanying Opinion No. 546 shall be calculated to the last day of the month preceding the month in which the refund report is required and is filed.

(L) The motion filed by the Hunt Group to reopen the record in these proceedings for the receipt of additional evidence is denied.

(M) The motions for reopening and consolidation of this proceeding with the proceeding instituted in Docket No. AR69-1 are denied.

(N) The motions for stay of Opinion No. 546 and its accompanying order are denied; the time limitation for the filing of rate schedule supplements required by ordering paragraph (D), previously amended to require such filings to be made within 15 days after the date of this order, is extended to 30 days after the date of issuance of this order. The time limitations for the filings required by ordering paragraphs (E) and (F) are extended, respectively, to 60 and 90 days after the date of issuance of this order.

(O) Appendix A, Part II of Opinion No. 468, as amended by errata notice issued October 31, 1968, is hereby further amended as follows: Delete "Pan American Petroleum Corporation (Oper.) et al., G-19641, G-19765, RI63-138."

(P) The request for further oral argument in these proceedings is denied.

(Q) Except as herein granted, the assignments of error addressed to Opinion No. 546 and its accompanying order are denied.

(R) The Secretary shall cause prompt publication of the findings and ordering paragraphs, together with notice of the availability of this entire opinion and order on rehearing, to be made in the FEDERAL REGISTER.[4]

[4] Copies of the entire Opinion and Order and Appendixes may be obtained from the Secretary, Federal Power Commission, Washington, D.C. 20426.

By the Commission. Commissioner Carver dissenting filed a separate statement appended hereto.[5]

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

§ 154.105 Area rates; Southern Louisiana area.

* * * * *

(d) * * *

(1) * * *

(vii) *Delivery pressure.* The gas shall be delivered at a pressure sufficient to enter the buyer's pipeline, except that when the natural flowing pressure of seller's wells declines to, or below, the level sufficient for such delivery nothing herein shall require seller to deliver gas at a pressure higher than specified by contract.

* * * * *

(g) Notwithstanding the provisions of paragraph (f), in the case of sales of gas-well gas sold or to be sold pursuant to contracts dated on or after October 1, 1968, which are limited to a base area rate of 18.5 cents per Mcf, the proscription on the filing of contractually authorized increases shall not prohibit the filing of rate increases up to a base area rate of 20 cents per Mcf.

[F.R. Doc. 69-10065; Filed, Aug. 22, 1969; 8:48 a.m.]

[5] Filed with the Office of the Federal Register as part of the original document.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM STEAROYL-2-LACTYLATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2403) filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sodium stearoyl-2-lactylate as an emulsifier in liquid and solid edible vegetable fat-water emulsions intended as a substitute for milk or cream in beverage coffee. 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), § 121.1211(c) is revised to read as follows:

§ 121.1211 Sodium stearoyl-2-lactylate.

* * * * *

(c) It is used or intended for use as an emulsifier, dough conditioner, or whipping agent in the following foods when standards of identity established under section 401 of the act do not preclude such use: Icings, fillings, puddings, and toppings; baked products; pancakes and waffles; prepared mixes for any of the foregoing foods; and in liquid and solid edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee.

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: August 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-10035; Filed, Aug. 22, 1968; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1-Tetramizole

The Commissioner of Food and Drugs, having evaluated the data submitted in an application filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, and other relevant material, concludes that new animal drug regulations should be promulgated to provide for the safe and effective use of *1*-tetramizole for the treatment of cattle and to establish a safe tolerance for residues of the drug in edible cattle tissues.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the

following new sections are established in new Parts 135c and 135g:

§ 135c.18 *l*-Tetramizole.

(a) *Chemical name:* 1(-)6-phenyl 2,3,5,6-tetrahydroimidoxo(2,1-6) thiazole hydrochloride.

(b) *Specifications:* Assay of not less than 98 percent by nonaqueous titration with *0.1N* potassium isopropoxide; 1 isomer minimum 95 percent pure by optical rotation.

(c) *Sponsor:* American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

(d) [Reserved]

(e) *Related tolerances:* § 135g.63 of this chapter.

(f) *Conditions of use:*

	Amount	Limitations	Indications for use
1. *l*-Tetramizole.	46.8 grams per packet.	For cattle dissolve in 32 fluid ounces of water and administer as a drench at ¼ ounce (0.365 gram) per 100 pounds of body weight as a single dose; conditions of constant Helminth exposure may require retreatment within 2 to 4 weeks after the first treatment; do not slaughter for food within 48 hours of treatment; not for use in dairy animals of breeding age; consult veterinarian before using in severely debilitated animals.	Anthelmintic for nematode infections including stomach worms (*Haemonchus, Trichostrongylus, Ostertagia*), intestinal worms (*Trichostrongylus, Cooperia, Nematodirus, Bunostomum, Oesophagostomum*), and lungworms (*Dictyocaulus*).
2. *l*-Tetramizole.	2.19 grams per oblet.	For cattle administer as a single dose as follows: 250-450 pounds, ½ oblet; 450-750 pounds, 1 oblet; and 750-1,050 pounds, 1½ oblets. Conditions of constant Helminth exposure may require retreatment within 2 to 4 weeks after the first treatment; do not slaughter for food within 48 hours of treatment; not for use in dairy animals of breeding age; consult veterinarian before using in severely debilitated animals.	Do.

§ 135g.63 *l*-Tetramizole.

A tolerance of 0.1 part per million is established for negligible residues of *l*-tetramizole in the edible tissues of cattle.

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

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 18, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-10036; Filed, Aug. 22, 1969; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Discontinuance of Bank-Draft Procedure for Commission and Service Payments by Suppliers to Vietnam

Part 201 of Chapter II, Title 22 (A.I.D. Regulation 1), is amended as follows:

a. Section 201.65 is amended as follows:

1. In paragraph (a) delete after the words "this section" which appear on line 22 the phrase "(or, with respect to shipments to Vietnam, using the special bank-draft procedure described in paragraph (f) of this section)".

2. Paragraph (f) is deleted in its entirety.

b. Appendix C is revised to read as follows:

1. The paragraph which immediately follows the designation "Instructions" is revised to read as follows:

Instructions. As a condition for receiving payment from foreign assistance funds, the supplier is required to check one or more of the certifications which appear as separate blocks on the reverse of this form and which apply to his transaction. The supplier shall indicate on line 4 the letter of the certification(s) to which he subscribes. If the supplier checks the block for certifications A or H, he may check no other certification. A supplier who executes certification H will also thereby request the opening bank to pay a commission or to make a service payment in local currency in accordance with the procedure described in paragraph (e) of § 201.65 of A.I.D. Regulation 1. As appropriate, the supplier may check one or more of certifications B, C, D, E, F, or G.

2. Certification I and the paragraph immediately following entitled "Request to opening bank" are deleted in their entirety.

c. The foregoing amendments shall become effective on September 1, 1969.

Dated: August 15, 1969.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 69-10058; Filed, Aug. 22, 1969; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In § 200.77 in paragraph (h) a new subparagraph (3) is added, paragraph (aa) is amended, and new paragraphs (cc), (dd), (ee), and (ff) are added to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

(h) * * *

(3) To determine or cause to be determined under his direction the cash requirements of the various insurance funds for payment of insurance claims and to recommend borrowings from and repayments to the Treasury Department for this purpose.

* * * * *

(aa) With respect to the Appalachian Housing Fund, pursuant to the Appalachian Regional Development Act of 1965:

(1) To reserve or, as appropriate, record all approved reservations of funds and to record and control all obligations of funds for loans under this fund.

(2) To disburse moneys in the fund for making loans to sponsors for development of applications for commitments for project mortgages for projects under section 207 of the Appalachian Regional Development Act of 1965 approved pursuant to section 223 of such Act and for general expenses of administration of section 207 of such Act; and

(3) To collect the loan repayments and interest thereon.

* * * * *

(cc) With respect to the Low and Moderate Income Sponsor Fund, pursuant to section 106 of the Housing and Urban Development Act of 1968:

(1) To reserve or, as appropriate, record all approved reservations of funds and to record and control all obligations of funds for loans made under the fund.

(2) To disburse moneys in the fund for making loans, without interest, to nonprofit sponsors of housing for low and moderate income families; and

(3) To collect the loan repayments.

(dd) To reserve or, as appropriate, record all approved reservations of contract authority and to record and control all contractual obligations of contract authority pertaining to assistance payment contracts under section 235; interest reduction contracts under section 236; contracts for debt management

or counseling services under section 237; and contracts for rent supplement payments, pursuant to section 101 of the Housing and Urban Development Act of 1965, and amendments thereto.

(ee) To establish and maintain or cause to be established and maintained under his direction an account for the deposit of fees collected under the Interstate Land Sales Full Disclosure Act; and to make disbursements from appropriated funds and receipts, for general expenses of administration of the land sales registration under such Act and make refunds of overpayments of land sales registration fees.

(ff) To reendorse for insurance under section 222 eligible mortgages on single-family dwellings insured under other home mortgage sections of the Act, where the mortgages have been assumed by eligible servicemen.

(Sec. 2, 48 Stat. 1246, as amended; Sec. 211, 52 Stat. 23, as amended; Sec. 607, 55 Stat. 61, as amended; Sec. 712, 62 Stat. 1281, as amended; Sec. 907, 65 Stat. 301, as amended; Sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., August 18, 1969.

[SEAL] WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-10063; Filed, Aug. 22, 1969; 8:48 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 203.7 paragraph (a)(1) is amended to read as follows:

§ 203.7 Withdrawal of approval.

(a) * * *

(1) The transfer of an insured mortgage to a nonapproved mortgagee, except pursuant to § 203.433 or 203.435 of this part.

Subpart B—Contract Rights and Obligations

In § 203.433 the introductory text to paragraph (a) is amended, paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read as follows:

§ 203.433 Assignments, pledges and transfers by approved mortgagee.

(a) An assignment, pledge, or transfer of an insured mortgage or group of insured mortgages, not constituting a final sale, may be made by an approved mortgagee to another approved mortgagee provided the following requirements are met:

* * * * *

(b) An assignment or transfer of an insured mortgage or group of insured mortgages may be made by an approved mortgagee to other than an approved mortgagee provided the requirements under paragraph (a) (1) and (2) are met and the following additional requirements are met:

(1) The assignee or transferee shall be a corporation, trust or organization (including but not limited to any pension trust or profit-sharing plan) which certifies to the approved mortgagee that:

(i) It has assets of $100,000 or more; and

(ii) It has lawful authority to hold an insured mortgage or group of insured mortgages.

(2) The assignment or transfer shall be made pursuant to an agreement under which the transferor or assignor is obligated to take one of the following alternate courses of action within 1 year from the date of the assignment or within such additional period of time as may be approved by the Commissioner:

(i) The transferor or assignor shall repurchase and accept a reassignment of such mortgage or group of mortgages.

(ii) The transferor or assignor shall obtain a sale and transfer of such mortgage or group of mortgages to an approved mortgagee.

(c) * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

In Part 236, in the Table of Contents new §§ 236.2 and 236.252 are added as follows:

Sec.
236.2 Application, commitment, and inspection fees.
236.252 First, second, and third mortgage insurance premiums.

Subpart A—Eligibility Requirements for Mortgage Insurance

Section 236.1 is amended by adding to the listed exceptions as follows:

§ 236.1 Incorporation by reference.

* * * * *

Sec.
221.503 Application fee.
221.504 Commitment fee.
221.505 Inspection fee.

In Part 236, Subpart A, a new § 236.2 is added to read as follows:

§ 236.2 Application, commitment, and inspection fees.

All of the provisions of §§ 221.503, 221.504, and 221.505 of this chapter governing application, commitment, and inspection fees shall apply to mortgages insured under this part, except that such fees shall not be required in either of the following instances:

(a) Where an application for a loan under section 202 of the Housing Act of 1959 has been filed previously in connection with the project, but section 202 funds are not available to make the loan.

(b) Where the project has received a loan under section 202 of the Housing Act of 1959 which is being refinanced, provided, at the time of the application for insurance of the refinancing mortgage under section 236, the project is either in the construction stage or has been completed less than 6 months.

In § 236.5 paragraph (b)(3) is amended to read as follows:

§ 236.5 Application.

* * * * *

(b) * * *

(3) The application fee is remitted as required in § 236.2.

Subpart B—Contract Rights and Obligations for Mortgage Insurance

Section 236.251 is amended by adding to the listed exceptions as follows:

§ 236.251 Incorporation by reference.

* * * * *

Sec.
207.252 First, second and third premiums.

In Part 236, Subpart B, a new § 236.252 is added to read as follows:

§ 236.252 First, second, and third mortgage insurance premiums.

All of the provision of § 207.252 of this chapter governing the first, second, and third mortgage insurance premiums shall apply to mortgages insured under this part, except that where an application for a loan under section 202 of the Housing Act of 1959 has been filed previously in connection with the project, but it is being financed with a mortgage insured under this part because funds are not available to make the section 202 loan, the mortgage insurance premium due and payable between the dates of initial and final insurance endorsement shall be at the rate of one-fourth of one percent per annum of the average outstanding principal obligation of the mortgage and such premiums shall be prorated for any fractional part of a year. Following final endorsement, the mortgage insurance premium shall be increased to one-half of 1 percent and shall be paid as provided in § 207.252.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 236, 82 Stat. 498; 12 U.S.C. 1715z-1)

Issued at Washington, D.C., August 18, 1969.

[SEAL] WILLIAM B. ROSS,
Acting Federal Housing Commissioner.

[F.R. Doc. 69-10064; Filed, Aug. 22, 1969; 8:48 a.m.]

Title 25—INDIANS

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

PART 153—GRAZING, PINE RIDGE AERIAL GUNNERY RANGE

Recision of Part

Pursuant to sections 2(a) and 3(a) of the Act of August 8, 1968 (Public Law 90-468; 82 Stat. 663), certain lands located within the Badlands Air Force Gunnery Range, Pine Ridge Indian Reservation,

S. Dak., consisting of 196,956.94 acres, were declared excess to the needs of the Department of the Air Force and administrative jurisdiction was transferred to the Secretary of the Interior.

The regulations contained in 25 CFR Part 153, Grazing Pine Ridge Aerial Gunnery Range, were promulgated to govern grazing during the period of time the lands were required for military purposes. With the transfer of administrative jurisdiction effected, the regulations in 25 CFR Part 153 are no longer needed or applicable and are hereby rescinded.

HOLLIS M. DOLE
Acting Secretary of the Interior.

AUGUST 19, 1969.

[F.R. Doc. 69-10045; Filed, Aug. 22, 1969; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

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

Delaware Water Gap National Recreation Area, Pennsylvania and New Jersey; Boating, Oversnow Vehicles, Technical Rock Climbing

A proposal was published at pages 17108 and 17109 of the FEDERAL REGISTER of November 16, 1968, to further amplify regulations which are not covered specifically in Title 36 CFR, Chapter I, Parts 1–6.

Proposed regulations include the prohibition of motorboats on small water areas to afford users of nonmotorized boats enjoyment of these areas; the control of mechanized oversnow vehicle use through the issuance of permits; and the registration of technical rock climbers.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. Consideration has been given to all relevant matters presented. It has been determined that the proposed regulations will be adopted with the following changes:

The permit system for oversnow vehicles has been modified to a registration system; and

The prohibition of solo technical rock climbing has been deleted; and

The words "New Jersey" have been added in the heading of the proposed regulations.

The above listed changes impose no additional restrictions on the public. Therefore, the proposed regulations, as modified, shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 79 Stat. 612; 16 U.S.C. 460o)

The proposed § 7.71 of the special regulations of Title 36 of the Code of Federal Regulations is to read as follows:

§ 7.71 Delaware Water Gap National Recreation Area.

(a) *Motorboats.* Except on the Delaware River and those waters of the Delaware River that may be impounded upstream from the Tocks Island Dam, the use of a motorboat is prohibited.

(b) *Oversnow vehicles.* (1) Definition: Oversnow vehicles is defined as a vehicle designed for oversnow travel which is propelled by a motor.

(2) Registration with the Superintendent is required prior to operation of an oversnow vehicle. Upon trip completion, the registrant is required to check out in the manner specified by the registering official.

(3) An oversnow vehicle not mechanically suitable for oversnow travel is prohibited.

(4) An adequate muffler system is required on an oversnow vehicle.

(5) An adequate lighting system is required if the vehicle is operating during darkness.

(6) An oversnow vehicle shall be operated only within designated routes and areas, as depicted on maps which are posted at entrances.

(7) Operation of an oversnow vehicle on the ice and/or snow surface of a lake or pond is prohibited.

(c) *Technical rock climbing.* (1) Definition: The term "technical rock climbing" is defined to mean climbing where such technical climbing aids as pitons, carabiners or snap links, ropes, expansion bolts, or other mechanical equipment are used to make the climb.

(2) Registration: Registration is required with the Superintendent prior to any technical rock climbing. The registrant is required to notify the Superintendent upon completion of the climb.

PETER DEGELLEKE,
Superintendent, Delaware Water Gap National Recreation Area.

[F.R. Doc. 69-10043; Filed, Aug. 22, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

Fair Hearings: Legal Services; Continuing Assistance

Parts 205 and 220 are amended as follows:

1. The introductory material to § 205.10(a) is amended to read as follows:

§ 205.10 Fair Hearings: legal services; continuing assistance.

(a) *State plan requirements.* Effective July 1, 1970, a State plan for OAA, AFDC, AB, APTD, AABD, or MA under the Social Security Act must provide that:

* * * * *

2. Section 220.25 is revised to read as follows:

§ 220.25 Legal services.

(a) Effective July 1, 1970, legal services must be made available to families who desire the assistance of lawyers at fair hearings and appropriate fee schedules or other methods must be established to assure legal representation when desired.

* * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: August 18, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: August 20, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-10114; Filed, Aug. 22, 1969; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18108; FCC 69-893]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Use of Radioteleprinter Communication Systems in Land Mobile Services

First report and order. In the matter of inquiry into the use of radio teleprinter communication systems in the land mobile services under Parts 89, 91, and 93 of the Commission's rules; docket No. 18108.

1. On its own initiative the Commission instituted the above entitled inquiry into the use of radioteleprinter systems under Parts 89 (Public Safety), 91 (Industrial), and 93 (Land Transportation), of the Commission's rules on March 27, 1968 (FCC 68-330, Mar. 29, 1968). The inquiry was published in the FEDERAL REGISTER on April 3, 1968 (33 F.R. 5323). The time for filing comments expired on December 31, 1968.

2. Comments were filed by:

American Trucking Association, Inc.
American Petroleum Institute.

Associated Public Safety Communications Officers, Inc. (APCO).
Association of American Railroads (AAR).
Automobile Club of Southern California.
California Disaster Office.
California State Communications Advisory Board (CSCB).
City of Dallas, Tex.
City of Miami Communications Department.
City of Portland, Oreg.
Codamite Corporation and Codamite Division, Pacific Ordnance and Electronics Co. (Codamite).
Commonwealth of Pennsylvania.
Detroit Police Department.
Electronics Industries Association, Land Mobile Communication Section (EIA).
Ferranti Limited (Ferranti).
Forestry Conseravtion Communications Association (FCCA).
Illinois Central Railroad Co.
International Association of Fire Chiefs.
International Municipal Signal Association.
International Taxicab Association.
Kleinschmidt, Division of SCM Corp. (Kleinschmidt).
Maryland State Police.
Metropolitan Dade County, Fla.
Michigan Consolidated Gas Co.
Michigan State Police.
Milwaukee Police Department.
Motorola, Inc. (Motorola).
National Association of Business and Educational Radio, Inc. (NABER).
National Association of Manufacturers (NAM).
National Committee for Utilities Radio (NCUR).
Northern California Chapter of the Associated Public Safety Communications Officers, Inc. (NAPCO).
New York City Police Department.
Special Industrial Radio Service Association, Inc.
State of Colorado.
Virginia Department of State Police.
Washington State Patrol.
Wayne State University.
Westinghouse Air Brake Co. (WABCO).

3. The purpose of the notice of inquiry was to provide a vehicle for operational evaluation of mobile teleprinters for Police operations as recommended in the report of the Science and Technology Task Force of the President's Commission on Law Enforcement and Administration of Justice, "to otherwise explore possible application of mobile teleprinters to the various land mobile communication requirements, to assay the various technological developments that have been made, to determine the need for and extent of standardization necessary or desirable, to determine the impact of potential teleprinter communication developments on the frequencies available to the land mobile radio services, and, in general, to obtain information necessary for the establishment of rules and policies governing their use."

4. The Commission issued more than 20 short-term developmental authorizations to permit field testing of mobile radioteleprinters under the program established by the notice of inquiry. At least four makes and models of equipment were operated under field conditions in automobiles, trucks and switch engines, and for periods of several days to several months duration. Field operations were conducted by users in the Police, Business, Automobile Emergency, Special Emergency, Railroad, Fire, Power, and Local Government Radio Services, with most of the tests in the Police Radio Service. For the most part, existing FM radiotelephone systems were used to test the radioteleprinters on regularly licensed voice frequencies between 40 and 470 MHz. The comments filed indicated that the available vehicular radioteleprinter systems can give satisfactory performance when used in conjunction with existing radiotelephone receiving and transmitting equipment. While most of the tests did not yield technical data, some were particularly productive, such as the APCO tests in Los Angeles and tests made by Wayne State University, directed, in part, at collecting and analyzing field data about the effect of multi-path signal reception upon radioteleprinter operation. Also, a quite comprehensive study made for the city of Milwaukee of applications to police communications has recently been completed and has yielded a wealth of data not heretofore available. A brief discussion of the comments and some of the considerations follows.

5. APCO provided a brief description of the history of teleprinters pointing up that the demands that are placed upon radioteleprinters used in land mobile communications are such that only a few of the models of teleprinters currently available are suitable for vehicular use. Teleprinters used in vehicles must be small, easy to install and maintain and capable of operation in an environment that involves extremes of temperature, humidity, shock, vibration, and radio noise.

6. Existing teleprinter systems for vehicular use may be grouped into two major categories as suggested by Codamite, "those using some type of dot-matrix principle and those using an imprint from a type font." The dot-matrix design requires a relatively wide transmission bandwidth, i.e., a full voice channel, while the type font design uses a lesser bandwidth. The former may be designated wide band and the latter narrow band for our purposes here. In both cases audio frequency keying is involved with the use of several tones or phase shift of a single tone. NAPCO states that the narrow-band system employs normal signaling codes such as the Baudot or American Standard Code for Information Interchange (ASCII) and operates at signaling rates of 75 to 80 bits per second to produce a 100-word-a-minute printing rate. Wide-band printers use the same input codes with a matrix code produced at the sending end and sent to the mobile printer. The signaling rate of both narrow- and wide-band printers is proportional to the printing rate and the means for providing intercharacter separation and interline spacing, and in the case of wide band, the number of elements in the matrix. Typical signaling rates for wide band were described as 800 to 1,000 bits per second to produce printing rates of about 75 to 100 words per minute.

Motorola and EIA discuss at least three possible modes of radioteleprinter operation. The first mode applies to narrow-band radioteleprinters and involves audio frequency multiplexing so that voice and printer messages can be transmitted singly or simultaneously in a voice channel. The second mode involves sequential or time-sharing of a full voice channel for voice and teleprinter messages. The third involves use of a channel solely for teleprinter (dedicated channel).

7. Relative to the need and use for radioteleprinters, APCO specified that radioteleprinters are generally applicable to all modes of mobile operation in the Public Safety Services but that the greatest application is in the law-enforcement and fire services. In the order of priority, APCO gave the following possible ranking: Law enforcement, fire, supervision, detectives, local government, forestry-conservation, and highway maintenance. FCCA commented that the Forestry-Conservation Radio Service would benefit equally with other Public Safety Organizations in the use of radioteleprinter communications. WABCO and AAR indicated that radioteleprinters would be useful in the railroad industry. In the railroad yard operation switch listings and work orders for repair crews could be printed out and stored. Mainline data is of lower density and could be handled on a "speech plus basis." Data would consist of instructions on train dispatching or handling, instructions to traveling agents and offices, and instructions to repair trucks along the right of way. NABER indicated that the use of radioteleprinters in the Business Radio Service would have the advantage of providing hard-copy for the transmission of operating and maintenance instructions, requisitions, parts lists, and other types of information. Motorola listed the benefits of radioteleprinter as a means to identifying the types of radio users that may benefit from their use. In general: (1) Improved message accuracy, (2) unattended vehicle operation, (3) operation in acoustically noisy environments, (4) direct mechanized data source interface, (5) message privacy. The expected benefits in Public Safety operations could be in such areas as license registration, missing person descriptions, arrest warrants, patrol assignments, and stolen property information. Record communications would be of advantage in fire fighting and prevention activities, for example, in regard to description of buildings and their contents, availability of water supplies and the status of hydrants. In highway maintenance information about weather and road conditions, repair assignments and equipment status information would be of value in record form. In utility services, data and/or facts are involved in communications and would be of value in record form. In manufacturing operations, stock or lot numbers, number of items involved, description of items, and maintenance instructions could be transmitted to vehicles used to pick up and transport material or engage in repair or maintenance services incidental to the manufacturing process. In railroad operations, teleprinter could be of value in train makeup lists in yard operations,

train orders to give car destination information to the train operators and right-of-way maintenance information. Motor carriers have requirements similar to those of manufacturers. Taxicab operations have message requirements where origin and destinations information could be automated. In the automotive emergency services, radioteleprinters could be used to give the location and conditions of disabled vehicles and the location and route of repair facilities as well as weather. Airline terminal operations have message requirements similar to manufacturing and transportation.

8. NAPCO suggested that the terminology "radioteleprinter" would be more realistic if the broader concept of "digital or data" transmissions were to be substituted. NCUR expressed the belief that frequencies for radioteleprinter operations should permit broad ranges of record transmission and not be restricted to transmission of character-printed material but, rather, be adaptable or expandable to transmission of drawings, maps and similar graphic information. NCUR believed there should be minimum restriction on authorization of frequencies for radioteleprinter and general graphic forms of transmissions. APCO stated that the future of digital communications in the land mobile services will be directly affected by the Commission's decision in regard to mobile radioteleprinters. The organization believed it is certain that the immediate future will see the materialization of other forms of digital information such as mobile to computer access, cryptic aid dispatching; digital inquiry, voice answer back, vehicle location and mobile facsimile. CSCB recommended that authorizations for F2 emission (data transmission) be made on a secondary basis only. The Michigan State Police indicated that the Commission should consider the number of 450 MHz frequencies for data communication for police since the trend in cities, counties and states show a rapid increase in data communications.

9. Varied suggestions were made regarding the 460 MHz frequencies that were reserved for possible radioteleprinter use in the second report and order in docket No. 13847. The frequencies were also listed in the appendix to the notice of inquiry in this proceeding. Codamite suggested that the channels be set aside exclusively for radio teleprinter (or data) use and should be divided between wide-band systems which would utilize the full voice channeling, and multichannel two-tone audio frequency shift keying systems with the maximum bandwidth for any one radioteleprinter channel set at 350 Hz including the guardband. The New York City Police Department recommended that the frequencies be made available for radioteleprinter use with the NCUR suggesting that the Commission continue developmental licensing of radioteleprinters on these frequencies. The AAR stated that shared radioteleprinter/telephony use should be permitted as an alternate to teleprinter use. NAM recommended that at least two of the channels be allocated to the Manufacturers Radio Service primarily for teleprinter data use with voice operations permitted on a secondary basis with the further provision that mobile voice acknowledgments of data messages be considered primary use. The California State Communications Board recommended that the channels be released for voice with F2 emission on a secondary basis. Motorola believed that in the immediate future there will be a strong need, specifically by public safety in populous areas for adequate channels to institute radioteleprinter activities and it is expected that the needs will extend much beyond those that can be satisfied by existing channel allocations, including the 10 "reserved" channels. APCO recommended that the channels be dedicated for data transmission. Such authorizations would enable operation in frequency congested areas where the shared voice use of existing frequencies might preclude their use for data transmission. The city of Dallas recommended that the 10 pairs of frequencies be released for voice use in the Land Mobile Radio Service with F2 emission authorized on a secondary basis.

10. The majority of the comments supported the use of radioteleprinter in the various radio services under Parts 89, 91, and 93 of the rules, although the comments of many were directed to only one of the radio services or rule parts. Codamite suggested that radioteleprinter operation be included in the Aviation (Part 87), Marine (Parts 81, 83, and 85) and Citizens (Part 95) Radio Services. This suggestion is, of course, beyond the scope of this proceeding. (Radio spectrum for narrow band direct printing telegraph has been provided under Parts 81 and 83 in the proceedings in docket No. 18218.) The comments of NAM, CSCB and NAPCO suggested that specific channels for radioteleprinter are not required and that present channels could be used. NAPCO supported priority for voice on the frequencies. Codamite suggested that only narrow band systems share with radiotelephone users and that wideband systems be required to use dedicated radioteleprinter channels. NABER supported cochannel sharing on the basis that most users in crowded areas use squelch. Kleinschmidt found cochannel operation feasible from the printer standpoint because accurate printer copy was obtained wherever voice communications could be understood with cochannel interference present. EIA stated that there are no known technological or equipment limitations that would preclude cochannel operation of voice and printer systems but specified that operational problems are more difficult to assess.

11. Relative to any radio frequency spectrum saving resulting from use of radioteleprinters, the replies ranged from a large spectrum saving to a need for increased spectrum. Of those commenting on this topic, it appears that most felt there would be spectrum savings with radioteleprinter operation. The city of Miami Communications Department, as a result of tests, found the transmission time for a given message was reduced by as much as 25 percent when printer was used because it was not necessary to repeat parts of the communication. Motorola, the city of Dallas, and the API also agreed that transmissions by teleprinter would be shorter than by voice; however, they did not state how much. WABCO stated a savings can be realized by common use of a voice channel by both voice and several radioteleprinter systems. The Communications Department of Metropolitan Dade County, Fla., and NAM both believed that there would be no spectrum savings. NABER saw no way in which radioteleprinters could significantly reduce the demand for voice spectrum. CSCB felt that more frequencies would be needed for teleprinter operation due to the increased information being passed.

12. A variety of opinions were received concerning the extent teleprinters would be used, their expected growth, and their relations to present voice systems. Kleinschmidt offered the judgment that wherever accurate communications are required, whether in the land mobile service or in any communication application or requirement, there also exists the need for a radioteleprinter. NAPCO emphasized that the "rules should reflect priority of voice" and went on to say that a small entity's requirement for voice should not be jeopardized by a large entity's need for teleprinters. Most of the responses indicated that there was not an accurate method to determine the expected growth of radioteleprinter needs. Most felt that radioteleprinters could only complement voice systems and not take their place, except in a few very specialized cases.

13. Comments directed to technical particulars of radioteleprinter operations such as frequency tolerance, bandwidth, power limits, types of emission, etc., were all in favor of imposing the same restrictions on radioteleprinter emissions as now apply to voice. Kleinschmidt described a radioteleprinter as "in a most fundamental analysis, is simply the substitution of digital voice for a human voice." FCCA, the Washington State Patrol and Motorola all voiced similar opinions. All parties that commented on types of emission were unanimous in urging that F2 and F9 emissions be allowed. NAM suggested that wording in the Commission's definition of F2 emission be changed to "telegraphy or data" or possibly "on-off or phase-shift keying" emissions as an alternative to an F9 designation. AAR recommended authorization of F2 and F9 emissions on a secondary basis to F3 emissions. Codamite suggested specific standards for narrow-band systems.

14. In the matter of operator licenses for radioteleprinter systems, the comments, in general, indicated that the difference between radioteleprinters and voice was such that present requirements are sufficient. The State of Colorado believed that radio operators should be licensed to preclude unsatisfactory conditions. The State predicted more problems in monitoring radioteleprinter systems

than voice systems and suggested that perhaps all operators should hold at least a third class radiotelephone operators license and be supervised by a radio operator holding at least a second class license either radiotelephone or telegraph.

15. In regard to station identification when radioteleprinters are used, most replies indicated present methods and standards are adequate. Some comments stressed the fact that identification should be in the same medium as the message. NCUR emphasized the need for separate station identification for radioteleprinter and voice multiplex operations from the same station. Metropolitan Dade County, Fla., felt that both voice and code identification should be required with each transmission in contrast to WABCO's opinion that data systems should require no identification.

16. Most parties believed that radioteleprinters could be used on a cooperative sharing basis similar to voice and that sharing should not be required. Administrative and operational problems were anticipated in some radio services.

17. The Commission solicited comment and information relative to the possibility of utilizing the FM broadcasting station multiplex technique for some land mobile requirements, particularly where one-way systems could be used that would not require a "talk back" capability. APCO suggested that the exploration of this technique by the Public Safety Radio Service users be encouraged. Contractual relationships would be handled on a local basis and subject to whatever review the Commission deemed appropriate. AAR stated that the technique is not feasible in railroad applications because of operational problems encountered. ATA elected to take no position on the question as to whether FM broadcasters should be authorized to provide radioteleprinter service, noting that the mobile radio use of the industry has developed almost entirely on a "self-service" basis. If FM broadcasters are permitted to use their channels for radioteleprinter services, ATA commented that such authority should not be extended at the expense of the motor carrier private radio user frequency assignments. From past experience in the mobile radio field and the high operating ratio of expenses to income within the motor carrier industry, ATA concluded that any full development of radioteleprinter within the industry will occur only if an adequate supply of private user frequencies is made available for the motor carrier industry. FCCA stated that FM broadcast multiplexing may be desirable where the licensee operates within range of the FM broadcast station but should not be limited to this mode of transmission. Forestry Conservation activities are usually in remote areas not served by FM broadcast facilities. EIA indicated that there is no known technical obstacle but many operational and administrative difficulties would be expected in the use of FM broadcast multiplexing.

18. The main interest at this time in the use of radioteleprinters in the land mobile services under Parts 89, 91, and 93 of the rules is in existing land mobile radiotelephone channels. This technique allows for use of existing transmitting and receiving equipment, selection of voice or teleprinters, and provision of radioteleprinter communication with a minimum of overall equipment cost. The availability of voice means that the voice channel bandwidth must be retained and it is not feasible in many ways to establish a number of dedicated radioteleprinter channels in a given voice channel.

19. Radiotelephony is used by most licensees in the Public Safety, Industrial and Land Transportation Radio Services. Congestion in these services has been constantly increasing and recently we have proposed to provide more radio frequency spectrum space by the rule making actions in Dockets Nos. 18261 and 18262. Other rule making actions have been taken to make the use of radiotelephone communication channels between 40 and 470 MHz as effective as possible.

20. While the majority of the parties commenting in this inquiry urge that radioteleprinters be permitted to operate on existing voice channels in all services, there is also support for the allocation of exclusive channels. The Michigan State Police and the city of Miami Communications Department support a separate frequency allocation and the State Police point to their trial operations as having demonstrated the incompatibility of common use of a channel for both radiotelephony and radioteleprinter. The degree of interference was not fully developed in the comments. Neither was this matter developed in the relatively limited test programs conducted by the users and manufacturers.

21. We believe, however, that the use of radioteleprinters in radiotelephone channels can be allowed only in a few radio services and on a restricted basis at this time. We cannot conclusively determine that the use of radioteleprinters on a general non-restricted basis will not generate new problems in frequency sharing and increase the user dissatisfaction already being experienced. Our experience to date in mixing the tone paging operations of one user with the voice operations of another user on the same frequency does indicate that such problems would be magnified. Under the limited operational tests conducted by users, the nuisance or annoyance effect of radioteleprinters on a licensee's own mobile operators was recognized. Little consideration appears to have been directed to the matter of interference between co-channel installations. The interference problems appear to fall into two categories: (1) Those involving nuisance interference, i.e., the tones are annoying to personnel within hearing range of an "open" loud speaker, and, (2) harmful interference involving the disruption of voice communications.

22. It is the harmful interference with which we are most concerned. The nuisance interference problem can be controlled to an extent by the use of filters or such techniques as selective calling and tone coded squelch although this imposes an additional cost burden on the licensee hearing the tone emission. If the receiver of a cochannel station is captured by the carrier of a station transmitting teleprinter signals, voice messages cannot be received. This effect is common, of course, to transmission of teleprinter or voice signals. The general nature of radioteleprinter operations is such, however, that we cannot expect the sharing capability to be as great as in radiotelephony. In voice operations on-off carrier techniques are used and in shared services, if message lengths are held to a minimum by use of efficient operating procedures, one user can move in upon completion of another user's message. This mode of operation does not appear to be an efficient one for radioteleprinter. It can be expected that messages will be collected and prepunched for input into the printer with a resultant run off of all waiting messages at one time. Manual keying could involve a very slow message rate. NAM, in fact, suggested that such transmission not be allowed on shared channels. This long carrier-on-time for teleprinter messages could make same area cochannel sharing incompatible and seriously reduce adjacent area sharing. We believe that this is a very serious problem and know of no effective way in which we can administratively control radioteleprinter operations so that radiotelephone operations of another cochannel licensee or licensee's will not be seriously interfered with, other than by the techniques which we are putting into effect for the Police, Fire, and Railroad Radio Services and believe to be suitable for these services alone at this time. Use of radioteleprinter in these services may, with time, provide keys as to how we can effectively provide for radioteleprinter/radiotelephone sharing of channels in other radio services. It should be noted that the harmful interference to voice system aspect is common to both wideband and narrow band radioteleprinter systems since the presence of carrier is the cause of the harmful interference.

23. We will not permit widespread use of radioteleprinter systems under the existing rule provisions which provide for nonvoice emissions in each of Parts 89, 91, and 93 of the rules on the showing of need. We are providing for radioteleprinter operation in the Police, Fire, and Railroad Radio Services under carefully controlled geographic separation of base stations or general concurrence of licensees in interference areas, as described in the next paragraph, in order to meet immediate needs in these services. The general frequency sharing arrangement and expected application of radioteleprinters in the particular radio services is such that we believe radioteleprinter interference to radiotelephone operations of other licensees can be controlled and use of the printers can be authorized on a regular basis.

24. In the Police, Fire, and Railroad Radio Services, F2 and F9 emission for

radioteleprinter will be authorized for base station use only under interim rules as outlined below:

(1) The applicant must establish that the radioteleprinter base station will be at least 75 miles for the single frequency operating mode or 35 miles for the two frequency operating mode from any other cochannel base station of another licensee using F3 emission, or

(2) The applicant must obtain agreement of all existing licensees of voice base stations within the geographical limits established in (1) above. The licensee using radioteleprinter is responsible for eliminating interference caused to any existing licensee who was not canvassed in the agreement survey. New licensees of voice stations established on frequencies being used for radioteleprinter must accept any interference caused by the radioteleprinter operations.

(3) F2 or F9 emission for radioteleprinter will be authorized and is based on use of audio-tone keying. Tone shift or phase shift can be employed. F9 emission is to permit use of multiplexed voice per radioteleprinter in a voice channel. Type acceptance of a transmitter for use of F3 emission includes use of F2 or F9 emission provided the keying signal is applied through the low pass audio filter required in the transmitter for F3 emission. The transmitter must also be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value permitted for F3 emission.

(4) The technical standards and other rule particulars applicable to use of F3 emission will apply to use of F2 and F9 emission for radioteleprinter. No restriction in the type of code employed has been imposed.

(5) No restriction is imposed on the amount of time a frequency may be used for radiotelephony or radioteleprinter. All identification on a frequency used for radioteleprinter shall be by voice and no frequency will be authorized exclusively for F2 emission.

25. Radioteleprinter in land mobile vehicles provides a new and highly specialized communication tool. To provide for proper development of the teleprinter art, our notice of inquiry raises a number of issues relating to possible technical standards, printer codes, shared printer-voice use of the same channels, multiplexing of FM broadcast stations and dedicated frequencies for teleprinters. The comments filed in the proceeding and the developmental reports from users of teleprinters do not provide a satisfactory basis for resolution of all of these issues. The comments of APCO, AAR, and EIA, among others, urge that standards not be adopted at this time to insure the full development of radioteleprinters. Thus, while we are adopting interim rules for some radio services, we are not completely disposing of any of the issues pending some experience from regular operation. It is expected that all of these issues, including possible future technical standards based on such factors as efficiency of spectrum utilization, performance, reliability and other operational characteristics, will be fully explored in further proceedings. Interim rules will permit immediate use of teleprinters in services that have demonstrated an immediate requirement for regular operation and it is expected that experience gained from regular operation will provide a basis for further expansion of this use. Also, further controlled developmental operations may be necessary to resolve some of these issues, and, of course, changes in these interim provisions may prove desirable, if not necessary, depending upon experience and developments.

26. For the present, however, these interim provisions are justified without the necessity of a further notice on the basis of the numerous helpful comments which were submitted in response to the opportunity afforded by our notice of inquiry. The interim provisions will provide to a limited extent for immediate and reasonably compatible radioteleprinter operation in radio services where printed communications should prove to be of great value and can be operationally evaluated on a long term basis.

27. In consideration of the foregoing, the Commission concludes that amendment of the rules to provide for the use of radioteleprinters in the Police, Fire, and Railroad Radio Services, at this time, will materially serve the public interest, convenience and necessity. The Commission further finds that the prior notice procedure and effective date provisions of 5 U.S.C. section 553 are unnecessary and contrary to the public interest since pertinent comments from interested parties and relevant material submitted with respect to the notice of inquiry have already been considered and incorporated herein, and since the expeditious authorization on a regular basis of Police, Fire, and Railroad Radio Services operations during an interim period is warranted to promote the public safety and to promptly gain knowledge and experience for extended use of radioteleprinter devices in other land mobile radio services.

28. Authority for these amendments is set forth in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. *Acordingly, it is ordered,* That effective August 27, 1969, Parts 89 and 93 of the Commission's rules are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 13, 1969.

Released: August 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Commissioners Johnson and H. Rex Lee concurring in the result.

I. Part 89 of the Commission's rules is amended as follows:

A new § 89.122 is added to read:

§ 89.122 Interim provisions for operation of radioteleprinters in the Police and Fire Radio Services.

(a) F2 or F9 emission (audio frequency tone shift or tone phase shift) for radioteleprinter or audio passband multiplexed radiotelephony/radioteleprinter, respectively, will be authorized for base station use only in the Police and Fire Radio Services, except on mobile only frequencies, subject to the following conditions:

(1) Information is submitted with the application to establish that the minimum separation between the proposed radioteleprinter base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for the single frequency mode of operation or 35 miles for the two frequency mode of operation, or

(2) Where the minimum mileage separation that would be applicable under subparagraph (1) of this paragraph cannot be achieved, information is submitted with the application showing that agreement to the use of F2 or F9 emission for radioteleprinter operation has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and the radioteleprinter operation interfers with the licensee's voice operations, the licensee of the radioteleprinter system is responsible for eliminating the interference. New licensees of voice operations sharing a frequency with any established radioteleprinter operation must tolerate any interference received from the radioteleprinter operation.

(3) The application lists the manufacturer and model number of the radioteleprinter system to be employed or in lieu thereof contains a detailed technical description of the system and emitted radioteleprinter data language.

(4) The provisions in this part applicable to use of F3 emission are also applicable to use of F2 or F9 emission for radioteleprinters. The station identification required by § 89.153 shall be by voice.

(5) Frequencies will not be assigned exclusively for F2 emission for radioteleprinter.

(6) Transmitters type accepted under this part for use of F3 emission may also be used for F2 or F9 emission for radioteleprinter, provided, for each of these emissions, the audio keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

II. Part 93 of the Commission's rules is amended as follows:

A new § 93.113 is added to read:

§ 93.113 Interim provisions for operation of radioteleprinters in the Railroad Radio Service.

(a) F2 or F9 emission (audio frequency tone shift or tone phase shift) for radioteleprinter or audio passband multiplexed radiotelephony/radioprinter, respectively, will be authorized for base station use only in the Railroad Radio Service, except on mobile only frequencies, subject to the following conditions:

(1) Information is submitted with the application to establish that the minimum separation between the proposed radioteleprinter base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for the single frequency mode of operation or 35 miles for the two frequency mode of operation, or

(2) Where the minimum mileage separation that would be applicable under subparagraph (1) of this paragraph cannot be achieved, information is submitted with the application showing that agreement to the use of F2 or F9 emission for radioteleprinter operation has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and the radioteleprinter operation interferes with the licensee's voice operations, the licensee of the radioteleprinter system is responsible for eliminating the interference. New licensees of voice operations sharing a frequency with any established radioteleprinter operation must tolerate any interference received from the radioteleprinter operation.

(3) The application lists the manufacturer and model number of the radioteleprinter system to be employed or in lieu thereof contains a detailed technical description of the system and emitted radioteleprinter data language.

(4) The provisions in this part applicable to use of F3 emission are also applicable to use of F2 or F9 emission for radioteleprinters. The station identification required by § 93.152 shall be by voice.

(5) Frequencies will not be assigned exclusively for F2 emission for radioteleprinter.

(6) Transmitters type accepted under this part for use of F3 emission may also be used for F2 or F9 emission for radioteleprinter, provided, for each of these emissions, the audio keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

[F.R. Doc. 69-10073; Filed, Aug. 22, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Alamosa National Wildlife Refuge, Colo.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits on the Alamosa National Wildlife Refuge, Colo., is permitted from October 1 through October 18, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) Dogs—not to exceed two dogs per hunter may be used in the hunting of rabbits.

(2) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(3) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1969.

CHARLES R. BRYANT,
Refuge Manager, Alamosa National Wildlife Refuge, Alamosa, Colo.

AUGUST 14, 1969.

[F.R. Doc. 69-10037; Filed, Aug. 22, 1969; 8:45 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits on the Monte Vista National Wildlife Refuge, Colo., is permitted from October 1 through October 18, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Widlife, Post Office Box 1306, Abuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used in the hunting of rabbits.

(2) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(3) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1969.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.

AUGUST 14, 1969.

[F.R. Doc. 69-10038; Filed, Aug. 22, 1969; 8:45 a.m.]

PART 33—FISHING

Pee Dee National Wildlife Refuge, N.C.

On page 12394 of the FEDERAL REGISTER of July 14, 1969, there was published a notice of a proposed amendment to 50 CFR 33.4. The purpose of this amendment is to provide public fishing on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on fishing, it shall become effective upon publication in the FEDERAL REGISTER (sec. 10, 45 Stat. 1224, 16 U.S.C. 668dd).

1. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

NORTH CAROLINA

Pee Dee National Wildlife Refuge

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 69-10115; Filed, Aug. 22, 1969; 8:51 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 153]

MAIL CHUTES AND RECEIVING BOXES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a revision to § 153.6(d)(4) of Title 39, Code of Federal Regulations. That section relates to specifications for the construction of mail receiving boxes, which are mailboxes placed at the expense of the owner in public buildings, hotels, office buildings, etc. (39 CFR 153.6(a)(1)). Present specifications for these receiving boxes do not allow for the receipt of bundled letter mail. To accommodate bundled letters the Department proposes to require that receiving boxes installed after July 1, 1970, shall be equipped with a pulldown inlet door having an opening 7 by 11½ inches, inscribed "Letters and Letter Mail Tied in Bundles", with the opening to be fully protected by inside baffle plates.

The amendment to § 153.6(d)(4) set out below will effectuate the proposed new requirements.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposed revision to the Director, Distribution and Delivery Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the following amendment to Title 39, Code of Federal Regulations, is proposed to be adopted, to be effective after July 1, 1970.

In § 153.6 *Mail chutes and receiving boxes*, amend paragraph (d)(4) to read as follows:

§ 153.6 Mail chutes and receiving boxes.

* * * * *

(d) *Specifications for construction of receiving boxes.* * * *

(4) *Mail slots, markings, and display frames.* Boxes must be provided with mail openings 1¼ inches wide by 11 inches long, protected by inside hood. Openings shall be not more than 5 feet 10 inches above the floor level and protected by inside hinge flaps, and legibly inscribed Letters. Boxes must be distinctly marked U.S. Mail Letterbox and must be provided with suitable and convenient frames to display collection schedule cards 3¾ by 5½ inches in size. (Receiving boxes installed after July 1, 1970, shall be equipped with a pulldown inlet door having an opening 7 by 11½ inches inscribed "Letters and Letter Mail Tied in Bundles." The opening shall be fully protected by inside baffle plates so as to prevent pilfering of mail.)

NOTE: The corresponding Postal Manual section is 153.644.

(5 U.S.C. 301, 39 U.S.C. 501, 6003)

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DAVID A. NELSON,
General Counsel.

AUGUST 19, 1969.

[F.R. Doc. 69-10068; Filed, Aug. 22, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Proposed Expenses of the Control Board and Rate of Assessment for the 1969–70 Crop Year

Notice is hereby given of a proposal regarding expenses of the Almond Control Board for the 1969–70 crop year and rate of assessment for that crop year, pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Control Board has unanimously recommended for the 1969–70 crop year beginning July 1, 1969, a budget of expenses in the total amount of $90,000 and an assessment rate of 0.085 cent per pound of almonds (kernel weight basis). Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The quantity of assessable almonds for the 1969–70 crop year is estimated at 119 million pounds (kernel weight). In order to provide adequate income to cover the budget in the event the assessable quantity is less than anticipated, an assessment rate of 0.085 cent per pound should be established to assure the availability of sufficient funds to meet the expenses of the Control Board for the 1969–70 crop year.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposal 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 8th day after 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)).

The proposal is as follows:

§ 981.319 Expenses of the Control Board and rate of assessment for the 1969–70 crop year.

(a) *Expenses.* Expenses in the amount of $90,000 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1969, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, is fixed at 0.085 cent per pound of almonds (kernel weight basis).

Dated: August 20, 1969.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-10067; Filed, Aug. 22, 1969; 8:48 a.m.]

[7 CFR Parts 1001, 1002, 1003, 1004, 1015, 1016]

[Docket No. AO-14-A46, etc.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A46.
1002	New York-New Jersey	AO-71-A58.
1003	Washington, D.C.	AO-263-A22.
1004	Delaware Valley	AO-160-A42.
1015	Connecticut	AO-305-A23.
1016	Upper Chesapeake Bay	AO-312-A19.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York, N.Y., on June 16–17, 1969, pursuant to notices thereof issued on May 28 and June 4, 1969 (34 F.R. 8709; 9035).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 1, 1969 (34 F.R. 12705; F.R. Doc. 69-9200) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 12705; F.R. Doc. 69-9200) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under the subheading "1. *Modification of the specified Class I price under each order.*":

(a) A new paragraph is added immediately after the 19th paragraph.

(b) Three new paragraphs are added immediately after the 21st paragraph.

(c) A new paragraph is added at the end of the discussion.

2. Under the subheading "2. *Modification of Butterfat Differentials.*", a new paragraph is added at the end of the discussion.

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

1. Modification of the specified Class I price under each of the respective orders to continue the existing interregional price alignment;

2. Modification of the butterfat differentials under the respective orders; and

3. An increase in the maximum allowable rate of payment for expense of administration under the New York-New Jersey order.

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

1. *Modification of the specified Class I price under each order.* The Class I pricing provisions under the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Delaware Valley, and Connecticut orders should be modified to provide that the Class I price for the month shall be the specified price under each such order plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33. In addition, all of the language of the inactivated economic formula under each such order should be deleted.

Because the Class I price under both the Upper Chesapeake Bay and Washington, D.C., orders is established by a specified adjustment of the Delaware Valley Class I price, no change is needed in these two orders to accomplish the end here determined appropriate.

The New York-New England Cooperative Coordinating Committee, representing 18 of the principal cooperatives with membership among producers supplying the New York-New Jersey and/or New England Federal order markets, proposed that the Class I price under each of the six northeastern Federal orders be "floored" in its relationship with the effective Class I price under the Chicago Regional order. The proposal had as its purpose to continue the precise interregional Class I price alignment established by the Department in general price actions taken under all orders on January 1 this year and during the previous 3 years in an effort to halt declining milk production nationally. Pennmarva Dairymen's Cooperative Federation, Inc., the member cooperatives of which represent producers primarily associated with the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., markets, proposed further that, for such markets only, the intent of the Coordinating Committee's proposal be implemented through a bracketing scheme whereby the presently specified Class I prices would be adjusted in 20-cent increments to reflect increases in the Minnesota-Wisconsin pay price above $4.33 (3.5 percent butterfat basis).

Milk production has been declining throughout the country since early 1965. In an effort to stabilize production, the Department in the interim period has taken a number of price actions on a national basis both under the Federal order and price support programs. The most recent of such actions with respect to Federal orders were taken September 15, 1968, and January 1, 1969.

Official notice is taken of the decision of the Acting Secretary issued on September 6, 1968 (33 F.R. 12849) increasing the specified Class I prices under the northeastern orders by 24 cents. It was there found "* * * Such action is necessary to effect price increases to producers under the northeastern orders comparable with price increases effected under orders in the North Central region generally on July 1 and thus restore the interregional price alignment which has been maintained through the several emergency Class I price actions which have been initiated on a national basis during the past several years in an effort to stem the decline in milk production nationally.

"Federal milk orders outside the Northeast employ manufacturing milk values as a basic price to which a specified differential is added to arrive at the Class I price. The differential varies as between markets to the end that the variation in price as between markets generally reflects the difference in transportation costs in moving milk from the Minnesota-Wisconsin alternative supply area. The northeastern orders, on the other hand, have over an extended period of years employed economic type pricing formulas for the purpose of establishing Class I prices.

"Milk production in the United States has been declining since 1965. This decline in production has reflected an accelerated decline in the number of dairy farmers and dairy cattle and is attributable to factors such as high prices for cull cattle, better returns from alternative farm enterprises, more attractive off-farm opportunities for labor, increased costs of farm labor and equipment, and increased taxes and interest rates.

"In an effort to stem the downward trend in milk production, the Department has taken a series of price actions during the period 1966, 1967, and 1968, under both the dairy price support program and the Federal milk order program. However, the changes in price support levels, flooring of the basic (manufacturing milk) price and/or specified changes in the differentials over the basic price, which procedures have been employed to raise Class I prices generally under Federal orders outside the Northeast, have not been applicable under the northeastern orders. In an effort to extend identical price adjustments to the northeastern markets, the Department initially "floored" certain of the factors in the respective formulas above their then current levels and in subsequent acts inactivated the formulas entirely in favor of specified prices * * *."

Official notice is also taken of the termination order issued by the Under Secretary on December 26, 1968, removing the "April 1969" termination date of the applicable Class I pricing provisions in all Federal orders.

It was there found with respect to each of the orders that "The termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. Dairy farmers need assurance now that their income will be maintained so that they can plan their dairy operations. These actions also will assure an adequate [milk] supply for consumers.

"The termination order will continue indefinitely certain Class I pricing provisions now due to expire April 30, 1969."

Official notice is taken of the publication "Milk Production" issued by the U.S. Department of Agriculture, Statistical Reporting Service, for the months of May and June 1969. Milk production nationally in the first 6 months of 1969 declined 1.2 billion pounds and was 1.9 percent below the corresponding period of 1968. This compares with a production decline of 1.1 billion pounds for the year 1967 and 1.5 billion pounds for the year 1968, 1 and 1.3 percent, respectively.

For the first 6 months of 1969, milk production in the 12 northeastern States from Maine through Virginia, which constitute the milkshed for the six northeastern markets, totaled 13.2 billion pounds, about one-half percent below production of the same period of 1968. Milk production in these States in 1967 was 1.4 percent below that of 1966, and in 1968 was 2.2 percent below that of 1967.

While the decline in milk production in the Northeast appears to have slowed in relation to the rate of decline in production nationally, it is still too early to conclude that the critical production situation in this area has been abated. The Northeast is a most important area of milk production. More than 32 percent of all the milk marketed under Federal orders is associated with the six markets here under consideration. Similarly, almost 34 percent of all producers whose milk is priced under Federal regulation are associated with these markets.

Under the existing fixed prices, producers in the northeastern markets have received none of the Class I price increase which producers in all regulated markets outside of the Northeast have realized by virtue of the recent advancement of the Minnesota-Wisconsin pay price above the $4.33 floor. The increases in purchase prices for butter and Cheddar cheese under the price support program made effective April 1 and 2, 1969,

to return the price for milkfat in farm-separated cream to the required 75 percent level, while not changing the general level of the support price for manufacturing grade milk, have been a factor in the increases in manufactured milk pay prices as reflected in the Minnesota-Wisconsin pay price series.

In April, the Minnesota-Wisconsin pay price (3.5 percent butterfat basis) increased to $4.34, 1 cent above the $4.33 floor specified in the basic formula price provided in all Federal orders outside the Northeast. This resulted in a 1 cent increase in the May Class I price for all markets outside the Northeast. Similarly, a further increase of 3 cents in the Minnesota-Wisconsin pay price in the month of May increased the June Class I price in all markets outside the Northeast by 4 cents in their relationship with northeastern prices. Official notice is taken of the $4.39 June Minnesota-Wisconsin pay price as announced by the Department (6 cents above the $4.33 floor). This increased price has further deteriorated the previously established interregional price relationship with the markets outside the northeast.

It is not clear at this time what further increases in the Minnesota-Wisconsin pay price may occur through the remainder of the marketing year. It is not necessary, however, for purposes of this decision, to know precisely what level the Minnesota-Wisconsin pay price might ultimately reach. Similar price increases to those being experienced by producers in Federal order markets outside the Northeast for the months of May, June, and July would have enhanced producers' returns in the six markets by almost a million dollars. Even if there were no further increases in manufacturing milk values, the total loss of income to northeastern producers for the remainder of the marketing year, for any lack of action on the basis of this record, would be extremely high.

If the general level of milk production is to be maintained, it is essential that dairy farmers in the Northeast continue to have assurance that their price will be increased to the same extent as that of dairy farmers outside the Northeast. The continuing spiral in production costs, the critical labor situation, and the attractive alternative job opportunities available to northeastern dairy farmers make the proposed price increase appropriate at this time to maintain the confidence of northeastern dairymen in dairying.

To accomplish this, the orders should be amended to provide that the specified Class I prices in each order be increased each month by any amount by which the Minnesota-Wisconsin pay price, as reported by the Department on a 3.5 percent butterfat basis, for the preceding month, exceeded $4.33.

As stated earlier, producers proposed that the northeastern Class I prices be directly tied, instead, to the Chicago Regional Class I price. The inter-regional Class I price alignment basically desired by producers will be achieved, however, through the use of the Minnesota-Wisconsin price as a common price mover. Any change in the Minnesota-Wisconsin price (at levels above the $4.33 floor price) will change to the same extent the Class I prices under the northeastern orders and the Chicago Regional order, as well as prices under other orders throughout the country.

While Pennmarva Federation proposed that any price increases be accomplished through a bracketing scheme, such a procedure cannot accommodate the end here sought. The level of the Minnesota-Wisconsin pay price cannot at this time be reliably forecast either with respect to its ultimate level or on a month-to-month basis. We know of no method of bracketing which could achieve the objective of providing the same increase each month in the Northeast as applies in other markets.

The order prices in all markets outside the Northeast adjust each month to reflect the precise change in the Minnesota-Wisconsin pay price above $4.33. If interregional price alignment is to be maintained, the same procedure appropriately must apply under the northeastern orders. The purpose of the price change in northeastern markets is not different from that in other regulated markets over the nation. It is intended that producers in all markets receive similar treatment in consideration of the overall objective and the method adopted is best designed to achieve this objective. The proposal for the adoption of a bracketing scheme at this time therefore is denied.

In their exceptions to the recommended decision, handlers in the Connecticut market objected to the change in the date for announcing Class I prices that is necessitated by the proposed change in the Class I price. As proposed herein, Class I prices under the northeastern orders would be announced by the market administrators on or before the 5th day of the month in which they apply. Presently, Class I prices for the month are known by the 25th day of the preceding month.

The change in the price announcement date is necessary to accommodate the use of the Minnesota-Wisconsin price series in determining the Class I price. The Minnesota-Wisconsin price is based on prices paid by plants each month and becomes available for publication on or before the 5th day of the following month. Any Class I price reflecting the most current Minnesota-Wisconsin pay prices thus could not be announced before the 5th day of the month.

Connecticut handlers complained that not knowing the Class I price for the first part of the month would make it difficult to recover cost increases on sales agreements made prior to the price announcement. In all Federal order markets outside the Northeast, Class I prices for the month are not announced until at least the 5th day of the month. There is no indication that handlers in these other markets have not been able to operate reasonably well with this announcement date. It thus seems reasonable to expect that handlers in the Northeast would be able to adjust without undue hardship to the later announcement date.

The structure of the Class I pricing provisions as contained in the Massachusetts-Rhode Island-New Hampshire and Connecticut orders is such that one not intimately familiar with the details of the order is required to read through and assimilate very lengthy provisions only to find at the end that the several provisions of the pricing formula have no current application and that the effective price is, in fact, a specified price. It is desirable to simplify such provisions for better public understanding.

In this regard also attention is called to the June 25, 1968, decision of the Under Secretary denying a New York-New England Cooperative Coordinating Committee request for the adoption of a common Class I economic formula and providing for a 10-cent upward adjustment of the specified New York-New Jersey Class I price to provide more appropriate alignment with the Class I price in the New England Federal order markets. Among other things, the Under Secretary concluded in such decision, official notice of which is taken: "Clearly a return to formula pricing at this time could not serve the interest of either producers or consumers to the degree that the present fixed prices afford * * *

"* * * Contrary to proponents' position, the present basis of fixed pricing is the best way of implementing market stability in this period of great uncertainty with respect to future production and consumption trends. Appropriately, the matter of a pricing formula should be reconsidered at a future hearing after marketing conditions have stabilized sufficient to permit a longer range decision than is now possible." Such formulas could not appropriately be reactivated in existing form.

While such decision related to the Massachusetts-Rhode Island-New Hampshire, Connecticut, and New York-New Jersey markets in particular, the obvious need for maintaining price alignment throughout the Northeast would dictate reconsideration of the Delaware Valley formula in the event any revised formula were developed for the former markets. Consequently, the Delaware Valley economic formula is not necessary at this time.

In light of the above, the present provisions setting forth the details of a pricing formula in the respective orders serve no useful purpose and, in fact, impede clear understanding of the present pricing scheme. Accordingly, the now obsolete language of the respective inactivated pricing formulas should be deleted.

A cooperative association excepted to the deletion of these provisions on the basis that such action was not within the scope of the hearing notice and that their deletion jeopardizes the future use of economic formulas in these orders. The economic formula provisions in these orders have not been in effect for some time, however. Neither is it proposed that they be reactivated in their present form.

The proposed action would merely remove from the orders obsolete language. It does not imply that economic formulas, if found to be appropriate, could not be employed in the future in establishing Class I prices in the Northeast.

2. *Modification of Butterfat Differentials.* The provisions of the six northeastern orders should be modified to provide producer and handler (where applicable) butterfat differentials computed on the basis of the average daily wholesale selling price of butter in the New York City market, as reported by the Department for the period from the 16th day of the preceding month through the 15th day of the current month, multiplied by 0.115, and rounded to the nearest even one-tenth cent.

The two New England orders and the New York-New Jersey order each provide only a producer butterfat differential. Under these orders, differential butterfat in Class I or Class II has identical value and, hence, it is unnecessary to equalize the value of differential butterfat through the pool. Handlers account to the pool for each hundredweight of milk received in accordance with its use as either Class I or Class II at the announced class prices without adjustment for butterfat content. In making payment to each producer, the applicable blended price is adjusted by the butterfat differential to reflect the value of milk at the test received from such producer. Under each of these orders, the butterfat differential is based on the identical butter price herein proposed for use under each of the six orders. Such price, however, currently is multiplied by 0.120 and rounded to the nearest even one-tenth cent under Order 2, and to the nearest one-tenth cent under Orders 1 and 15.

Thus, while the three orders employ the same butter price for computing a butterfat differential, the procedure of rounding the resulting price can and does result at times in different butterfat differentials and, hence, a different cost to handlers as between the markets for skim milk and butterfat, respectively.

Because the other three orders (Delaware Valley, Upper Chesapeake Bay and Washington, D.C.) provide different butterfat values for Class I milk as compared to Class II milk, the value of differential butterfat must be equalized through the pool. Each order provides for the computation of a Class I butterfat differential based on the Philadelphia cream price with provision that the resulting value be not less than the Class II differential (computed in an identical manner as the producer butterfat differential under Orders 1 and 15). The procedure for such computation varies, however, to the end that there can be a difference of more than one-half cent in the differential as between Delaware Valley and Upper Chesapeake Bay or Washington, D.C.

With respect to the producer butterfat differential, both Upper Chesapeake Bay and Washington, D.C., provide for a weighted average of the Class I and Class II differentials rounded to the nearest cent, while Delaware Valley uses the Class I differential rounded to the nearest cent.

Proponents pointed out that the varying differentials as among the orders create a variety of values for skim milk and butterfat among the markets despite the fact that class prices are generally aligned for milk of 3.5 percent test. Hence, handler costs as between orders are different despite the fact that the basic prices are essentially the same. They held that true price alignment could be achieved only if the butterfat differential as between the orders were the same.

Proponents further suggested that the increased mobility of milk and dairy products makes it necessary that price alignment be maintained not only as between markets in the Northeast but also with markets in other regions. To this end, they proposed the use of the Chicago butter price as a basis of computing butterfat differentials, pointing out that most other markets under regulation use this price in computing their butterfat differentials.

In further support of their proposal, proponents pointed out that under the present differentials, handler costs for butterfat are, in fact, greater than the value of the resulting butter which can be produced. A lowering of the butterfat differential in the manner proposed would result in a more equitable pricing for both butterfat and skim milk.

Notwithstanding proponents' general position, it is not possible to fully achieve the end they seek. In most regulated markets the Class I butterfat differentials are based on the preceding month's butter values and the Class II differentials are based on the current month's butter values. This procedure reflects handlers' desire to know as early as possible in the month their cost for Class I milk, on the one hand, and the need to have Class II milk priced in relation to the current milk product values, on the other. Because Orders 1, 2, and 15 do not equalize differential butterfat through the pool, it is not possible to fully achieve this end.

Although proponents generally agreed on the overall proposal, the Order 1 members of the Coordinating Committee were quite positive in their view that the applicable butterfat differential under Order 1 must be known by the 26th day of the month in order that advance payment to producers can be completed on schedule. To accommodate this end, it was proposed that, for Order 1 only, the butterfat differential be computed on the basis of daily butter prices from the 26th day of the preceding month through the 25th day of the current month.

Pennmarva Federation also asked for a modification of the Coordinating Committee's proposal in that they supported a rounding of the producer butterfat differential to the nearest even one-tenth cent. This, they held, was necessary in order to accommodate payment through their present computer equipment.

At the present time, the Chicago butter price is reported by the Department on a monthly basis. The New York butter price, on the other hand, is reported for the period from the 16th day of the preceding month to the 15th day of the current month. Because butter prices normally approximate the announced support purchase prices, it does not appear necessary at this time to develop a new reporting series to accommodate the calculation of a butterfat differential under Order 1. The end proponents seek can be achieved in large measure by the use of the same butter value now used in the computation of the present differentials under Orders 1, 2, and 15. A lowering of the factor from 120 to 115 will provide more appropriate butterfat and skim milk values. In addition, the rounding of the differential to the nearest even one-tenth cent will accommodate the problems of checkwriting under Orders, 3, 4 and 16. With these modifications, proponents' proposal should be adopted as a means of providing better price alignment as among the orders here under consideration and with order prices in other regions.

Exceptions filed by certain producer groups stressed, on the one hand, that the butterfat differentials should not be lowered and, on the other, that such differentials would not be lowered enough. However, on the basis of the various factors taken into consideration, as described above, the changes proposed herein appear to be a reasonable step at this time in providing price alignment in the Northeast and inter-regionally.

3. *Expense of Administration.* The maximum allowable rate of expense of administration under Order 2 should be increased to 4 cents. Such payment should continue to be applicable to the total quantity of pool milk received by the handler from dairy farmers at plants or from farms in a unit operated by the handler directly or at the instance of a cooperative association of producers.

The Act requires that handlers shall pay the cost of operating an order through an assessment on milk handled. The present maximum allowable rate of payment of 2 cents per hundredweight has not provided sufficient funds in the last several years to cover the administrative expenses necessarily incurred by the market administrator and, in addition, to maintain a reasonable operating reserve.

Experience in the operation of Federal orders generally has shown the need for maintaining an operating balance in the administrative fund sufficient to cover about 9 months' normal expenses. This reflects 6 months' operating costs which is the approximate time which would be required to complete audits and close out the office in the event the order should be withdrawn or terminated. The remainder of the balance in such circumstances would be needed for severance pay for the employees involved.

For each of the years between 1961 and 1967, the operating balance at the beginning of the year was equivalent to between 8.9 and 9.8 months' average expenditure during the year. In 1968 the operating balance at the beginning of

the year provided less than 8 months' cost of operation for the year and at this time is below 6 months' estimated cost.

Beginning in 1966, actual expenditures have exceeded income each year. The estimated expenditures for the current year exceed estimated income by $545,000. This is more than double the amount by which expenses exceeded income in 1968.

While handlers expressed concern at the proposal to double the allowable rate of payment, it must be recognized that the rate here being established is a maximum rate only. The actual rate will be set at such lesser rate as is estimated necessary to cover expenses and maintain the reserve to an estimated 9 months' operating cost. It is the policy of the Department to expend only those funds prudently necessary to properly administer the order. If at any time the reserve fund should exceed that deemed necessary, the effective rate would, of course, be reduced.

Other order changes not specifically discussed in this decision remove obsolete language or are conforming changes necessary to accommodate the announcement by the market administrator of prices in accordance with the conclusions hereinbefore set forth.

Rulings on Proposed Findings and Conclusions

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

General Findings

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

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

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

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

Rulings on Exceptions

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

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas," and "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

Determination of Representative Period

The month of February 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as it hereby proposes to amend the orders, as amended, regulating the handling of milk in the certain specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on August 20, 1969.

Richard E. Lyng,
Acting Secretary.

Order[1] amending the orders regulating the handling of milk in certain specified marketing areas

7 CFR Part	Marketing area
1001	Massachusetts-Rhode Island-New Hampshire.
1002	New York-New Jersey.
1003	Washington, D.C.
1004	Delaware Valley.
1015	Connecticut.
1016	Upper Chesapeake Bay.

§ .....0 **Findings and determinations.**

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

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

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

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

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

(4) With respect to the New York-New Jersey order (Part 1002), it is hereby found that the necessary expense of the

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

market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending the orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 1, 1969, and published in the FEDERAL REGISTER on August 5, 1969 (34 F.R. 12705; F.R. Doc. 69-9200, shall be and are the terms and provisions of this order and are set forth in full herein except that under Part 1004 § 1004.50(a) is changed:

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. In § 1001.32, paragraph (j) is revised to read as follows:

§ 1001.32 Duties.

* * * * *

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price for the preceding month, as computed under § 1001.61;

(2) By the 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d);

(3) By the 25th day of each month the butterfat differential computed pursuant to § 1001.71(b); and

(4) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1001.60 is revised to read as follows:

§ 1001.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in zone 21, shall be $6.91 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1001.66 is revised to read as follows:

§ 1001.66 Factors used in formulas.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. In § 1001.71, paragraph (b) is revised to read as follows:

§ 1001.71 Butterfat differential.

* * * * *

(b) Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised to read as follows:

§ 1002.22 Duties.

* * * * *

(m) On or before the date specified, or the next succeeding work day in any month in which such date is a Sunday or holiday, publicly announce the following:

(1) The 5th day of each month:

(i) The Class I price for the current month and the Class II price for the preceding month computed pursuant to § 1002.50, both as applicable at the 201-210-mile zone and at the 1-10-mile zone;

(ii) The butterfat differential for the preceding month computed pursuant to § 1002.81;

(iii) The simple average of the daily wholesale selling price per pound (using the midpoint of any price range as one price) reported by the U.S. Department of Agriculture for Grade A or 92-score bulk creamery butter in New York City for the period between the 16th day of the second preceding month and the 15th day inclusive of the preceding month;

(iv) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month;

(v) The simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the preceding month.

(vi) The weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the U.S. Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month.

(2) The 15th day of each month, the uniform price for the preceding month pursuant to § 1002.71 applicable at the 201-210-mile zone and at the 1-10-mile zone pursuant to § 1002.82.

2. In § 1002.50, paragraph (b) is revoked and the designation "(b)" is reserved for future assignment; paragraph (a) is revised; and the remaining paragraphs are unchanged. Section 1002.50, as revised, reads as follows:

§ 1002.50 Class prices.

* * * * *

(a) For Class I-A milk the price each month shall be $6.73 plus any amount by which the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month, on a 3.5 percent butterfat basis, exceeds $4.33.

(b) [Reserved]

* * * * *

§ 1002.81 [Amended]

3. The provision "0.120" as it appears in § 1002.81 is revoked and the provision "0.115" is substituted thereat.

§ 1002.90 [Amended]

4. The provision "2 cents" as it appears in § 1002.90 is revoked and the provision "4 cents" is substituted thereat.

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

1. Section 1003.51 is revised to read as follows:

§ 1003.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1003.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1003.81 is revised to read as follows:

§ 1003.81 Producer butterfat differential.

In making payments pursuant to § 1003.80 (a) or (b) the uniform price shall be adjusted for each one-tenth of 1 percent of butterfat content in the

milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1003.51.

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

1. In § 1004.22, paragraph (j) is revised to read as follows:

§ 1004.22 Duties.

* * * * *

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month:

(i) The Class I price for the current month computed pursuant to § 1004.50 (a);

(ii) The Class II price computed pursuant to § 1004.50(b) and the handler butterfat differential computed pursuant to § 1004.51, both for the preceding month;

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month.

2. In § 1004.50, paragraph (a) is revised to read as follows:

§ 1004.50 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk shall be $7.17 plus any amount by which the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1004.51 is revised to read as follows:

§ 1004.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class price pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of a percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

4. Section 1004.81 is revised to read as follows:

§ 1004.81 Butterfat differential to producers.

The uniform price to each producer shall be increased or decreased for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51.

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised to read as follows:

§ 1015.32 Duties.

* * * * *

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price and butterfat differential for the preceding month, as computed under §§ 1015.61 and 1015.71, respectively;

(2) By the 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and

(3) Whenever required for purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. Section 1015.60 is revised to read as follows:

§ 1015.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, for the month, at plants located in the nearby plant zone under § 1015.62, shall be $7.31 plus any amount by which the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis, exceeds $4.33.

3. Section 1015.65 is revised to read as follows:

§ 1015.65 Factors used in formulas.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the price which is specified.

4. Section 1015.71 is revised to read as follows:

§ 1015.71 Butterfat differential.

In making the payments to producers and cooperative associations required under § 1015.70 or for overages under § 1015.63(d), each handler shall add or subtract for each one-tenth of 1 percent that the average butterfat content of milk received from producers or the overage is above or below 3.5 percent, respectively, an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the U.S. Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

1. Section 1016.51 is revised to read as follows:

§ 1016.51 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the applicable class prices pursuant to § 1016.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent butterfat by a butterfat differential computed as follows: Multiply by 0.115 and round to the nearest even one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price), reported during the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market.

2. Section 1016.81 is revised to read as follows:

§ 1016.81 Producer butterfat differential.

In making payments pursuant to § 1016.80 (a) or (b) the uniform prices shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential as computed pursuant to § 1016.51.

[F.R. Doc. 69-10104; Filed, Aug. 22, 1969; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 727]

[Administrative Order No. 609]

INDUSTRY COMMITTEE FOR THE AGRICULTURE INDUSTRY IN PUERTO RICO

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

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

Committee No. 89 for the Agriculture Industry in Puerto Rico.

The agriculture industry in Puerto Rico is defined as follows:

Farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur bearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to market; and processing, handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or making cheese or butter or other dairy products: *Provided, however,* That the agriculture industry shall not include any activities, included in the definition of the food and related products industry in Puerto Rico (29 CFR 673), the sugar manufacturing industry in Puerto Rico (29 CFR 689), the tobacco industry in Puerto Rico (29 CFR 657), and the communications, utilities, and transportation industry in Puerto Rico (29 CFR 671): *Provided, further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

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

(a) Convene the above-appointed industry committee.

(b) Refer to the industry committee the question of the minimum rate or rates of wages to be fixed for the agriculture industry in Puerto Rico, as herein defined.

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

Industry Committee No. 89 shall meet in executive session to commence its investigation at 9:30 a.m. on December 8, 1969, in the office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Senturce, P.R., and shall commence its hearing at 1:30 p.m. on the same date at the same place.

The industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa. However, Industry Committee No. 89 shall not recommend minimum wage rates in excess of $1.30 an hour.

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

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

The procedure of the industry committee shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearing shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the hearing date set for the committee as set forth in this notice of hearing.

Signed at Washington, D.C., this 18th day of August 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-10047; Filed, Aug. 22, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-53]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to VOR Federal airway No. 107 from Los Banos, Calif., to Oakland, Calif., via the intersection of Los Banos 317° T (300° M) and Oakland 110° T (093° M) radials. The proposed airway would provide an additional airway between Los Banos and Oakland and would reduce controller workload by providing a numbered airway for a route now navigated by radar vectors.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on August 15, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-10062; Filed, Aug. 22, 1969; 8:48 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69-11a; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Power-Operated Window Systems

The Federal Highway Administrator is considering amending § 371.21 of title

49, CFR, by adding a new Federal Motor Vehicle Safety Standard that would impose minimum performance requirements for power-operated window systems in passenger cars and multipurpose passenger vehicles.

The Administrator seeks to accomplish two major objectives through the issuance of a standard governing power-operated window systems: (1) To minimize the likelihood of personal injury or death occurring when a person is caught between a window that is closing and the closure channel or seal; and (2) to ensure that vehicle occupants can make emergency exits from vehicles equipped with power-operated windows in the event of a severe crash.

With respect to the first objective, children left unattended in motor vehicles pose the primary problem. Playing with the controls of power-operated windows, they can cause death through strangulation and other types of injury. In advertent operation of power windows by adults may also create an unreasonable risk of harm to occupants of the vehicle. Although many current models of passenger cars are designed so that the power-operated windows cannot be operated when the ignition key is in the "off" position, some vehicles lack this feature. Station wagon tailgate windows in some makes can be closed even though the ignition switch is off.

In May 1968 the Director of the National Highway Safety Bureau issued a public advisory, stating that numerous cases of injury and death from accidental operation of power windows had been reported to the Bureau. He warned that many of those injuries and deaths had occurred because power windows could be closed when the ignition switch was off. In the advisory, the Director cautioned owners of vehicles with power-operated windows to have the wiring adjusted to prevent closure of the windows when the ignition switch is off.

Despite extensive publicity given to the National Highway Safety Bureau's public advisory, tragedies resulting from accidental operation of power windows are still being reported. Incidents involving station wagon tailgate windows are especially prevalent. Therefore, the Administrator believes that the interests of motor vehicle safety require the imposition of a safety standard which will reduce, if not eliminate, the toll of deaths and injuries resulting from accidents involving power-operated windows. This would be accomplished by requiring power-operated window systems to be designed and constructed so that the window cannot be closed unless the ignition is in the "on" or "start" position. In addition, the Administrator is of the view that a performance standard for power-operated windows should also provide for using the windows as emergency exits. This would be accomplished by requiring a means of opening the window from inside the vehicle's passenger compartment when the ignition switch is off.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed standard. Comments on whether the interests of safety require that power-operated windows be nonclosable from switches located outside the vehicle with the engine-ignition switch off are particularly invited. All comments must identify the docket (No. 69–11a) and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 6th Street SW., Washington, D.C. 20591. All comments received before the close of business on October 10, 1969, will be considered by the Administrator before the final action on this proposal. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

The Administrator is also issuing an advance notice of proposed rule making requesting comments on additional performance requirements for power-operated window systems. See page 13609 of this issue. The rule making contemplated in the advance notice would apply to trucks and buses, as well as passenger cars and multipurpose passenger vehicles. It also seeks comments and views on long-range solutions to the safety problems posed by power-operated windows with a view toward eliminating additional hazards that the present notice would not reach because of the longer lead time required to eliminate them.

In consideration of the foregoing, it is proposed to amend section 371.21 of Part 371 in title 49 CFR, effective January 1, 1970, by adding a new Federal Motor Vehicle Safety Standard to read as set forth below.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on August 20, 1969.

E. H. HOLMES,
Acting Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. ------

POWER OPERATED WINDOW SYSTEMS

S1. *Purpose and scope.* This standard specifies minimum requirements for power-operated window systems to minimize the likelihood of personal injury or death from accidental closing of power-operated windows and to ensure that occupants will be afforded a means of emergency escape from vehicles equipped with power-operated windows.

S2. *Application.* This standard applies to passenger cars and multipurpose passenger vehicles manufactured on or after January 1, 1970.

S3. *Requirements.* Each power-operated window system shall be designed and constructed so that when the key-locking system that controls normal activation of the vehicle's engine is not in the "on" or "start" position—

(a) The window, once opened, will not move towards the frame, channel, or seal upon which it closes; and

(b) The window will fully open upon actuation of a control located inside the passenger compartment of the vehicle.

[F.R. Doc. 69–10099; Filed, Aug. 22, 1969; 8:50 a.m.]

[49 CFR Part 371]

[Docket No. 69–11b; Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Power-Operated Window Systems

The Federal Highway Administrator is considering the addition of a new Federal Motor Vehicle Safety Standard to § 371.21 of title 49, CFR. The new standard would specify performance requirements to minimize the likelihood of personal injury when a power-operated window of a passenger car, multipurpose passenger vehicle, truck, or bus is inadvertently operated and a person is caught between the window that is closing and the framework that encloses the window opening.

A notice of proposed rule making for a standard limited to power-operated windows of passenger cars and multipurpose passenger vehicles is being issued as a separate rule making action in this docket. See page 13608 of this issue. The Administrator also invites interested persons to submit written data, views, or arguments on more comprehensive performance requirements that would become effective January 1, 1971, to ensure reliability, fail-safe operation, and reasonable security against accidental actuation of the the control devices of power-operated windows in passenger cars, multipurpose passenger vehicles, trucks and buses. Comments are specifically invited on requirements for the following:

1. Mechanisms that would interrupt, stop, or reverse the direction of windows when a predetermined force is exerted on an object interposed between the glazing and the frame, channel, or seal upon which it closes.

2. Mechanisms that will permit windows to be opened from both the driver's master control and by individual controls located elsewhere but will permit such panels to be closed only from the driver's master control panel and when the ignition switch or engine control is in an "on" or "start" position.

The performance requirements should not prevent vehicle occupants from making emergency exists through the windows, nor should they facilitate unauthorized entry into a locked vehicle.

Persons who submit suggestions for specific performance requirements are invited to submit information about the estimated cost of and lead time needed for complying with those requirements.

Comments, identifying the docket number (Docket No. 69–11b) should be submitted to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591.

All comments received before the close of business on November 24, 1969, will be

considered by the Administrator before he takes further action. All comments will be available in the Rules Docket for examination both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on August 20, 1969.

E. H. HOLMES,
Acting Federal Highway Administrator.

[F.R. Doc. 69-10098; Filed, Aug. 22, 1969; 8:50 a.m.]

[49 CFR Part 391]

[Docket No. MC-7; Notice No. 69-13]

MOTOR CARRIER SAFETY REGULATIONS

Qualifications of Drivers; Notice of Extension of Time To File Comments

On June 2, 1969, the Federal Highway Administrator issued a notice of proposed rule making which proposed a complete revision of Part 391 of the Motor Carrier Safety Regulations pertaining to qualifications of drivers of commercial motor vehicles engaged in interstate or foreign commerce (34 F.R. 9080). The notice specified that interested persons should submit their comments on the proposed rule within 90 days of its publication in the FEDERAL REGISTER.

The Administrator has received a petition for extension of time for filing comments. Upon consideration thereof, he has extended the time to file timely comments for 32 days, to the close of business on October 6, 1969.

Issued on August 19, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc 69-10100; Filed, Aug. 22, 1969; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Docket 21310]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION AND STATEMENTS OF GENERAL POLICY

Notice of Proposed Rule Making

AUGUST 15, 1969.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Parts 228 and 399 of the regulations with respect to air transportation performed for the Department of Defense. The principal features of the proposed amendments are explained in the attached explanatory statement. The text of the proposed amendments is also attached. The amendments are proposed under authority of sections 204, 401, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754, 758, 771, as amended; 49 U.S.C. 1324, 1371, 1373, 1386).

Interested persons may participate in the proposed rule making through submission of fifteen (15) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before September 10, 1969, and reply comments thereon received on or before September 22, 1969, will be considered by the Board before taking action on the proposals. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

EXPLANATORY STATEMENT

With this notice of proposed rule making, the Board is continuing its comprehensive review of the minimum rates applicable to certain transportation services performed by air carriers for the military.

The Board's minimum-rate policy is set forth in Part 288 of the Economic Regulations and in section 399.16 of the Statements of General Policy. Part 288 confers a blanket exemption from the tariff-filing requirements for the performance of so-called "Category B services," consisting principally of international charters; Logair services, which consist of cargo charter services between Air Force bases within the United States; Quicktrans services, which are cargo charter services between domestic naval installations; Category A, consisting of individually ticketed passengers and individually waybilled cargo using regularly scheduled flights; and Category X, consisting of passengers and cargo moving in the opposite direction to Category A cargo and in stated proportion to such Category A cargo. The exemption is conditioned upon observance of the minimum rates stated therein. Section 399.16 sets forth minimum rates for Category Z service, consisting of passengers only, moved in accordance with tariffs filed by the carriers, along with other criteria employed by the Board in passing upon applications for exemptions related to the performance of services for the military.

We are proposing herein changes in the minimum rates for Category B charters with turbojet aircraft and for Category A, Z, and X individual transportation. No change is proposed in the current minimum rates for charters performed with turboprop and piston aircraft or in the suspension charges to be paid by DOD. Revised minimum rates for Logair and Quicktrans charters were fixed in a separate rule-making proceeding.

Category B Minimum Rates for Large Turbojet Aircraft Costs. The techniques used in this review for forecasting Category B costs are essentially the same as those used in past reviews. Carriers performing Military Airlift Command charters during fiscal 1969 have furnished experienced cost data for the year ended September 30, 1968. These data have been used as the basis for projecting the costs each carrier expects to incur in performing MAC charters during fiscal 1970. Those proposing to operate new aircraft, for which there is no experience, have based their forecasts on available information. Cost forecasts related to whatever objective data are available have also been submitted by carriers lacking representative experience in MAC operations but expecting to perform MAC charters in fiscal 1970.

As in past reviews, DOD has taken advantage of an opportunity to study the data submitted by the individual carriers. It has filed with the Board its own analysis and views on various aspects of the carriers' cost projections.

The materials submitted by both the carriers and the DOD have been analyzed by the Board. Each carrier has been afforded an opportunity to meet informally with the Board's staff and discuss questions as to the appropriate bases for forecasting costs. Representatives of the DOD have also participated in such meetings. In some cases, as a result of questions raised during such meetings, additional data have been submitted by the carriers.

On the basis of its independent analysis of the cost data, the Board has tentatively determined that certain adjustments in the cost forecasts are appropriate. These adjustments are generally in line with policies developed in previous reviews, and are explained in the appendixes hereto which set forth each carrier's forecast with the adjustments effected by the Board. The most significant adjustments and departures from past costing practices are summarized below.

Exclusions. We have not included Continental's B-747 cost data in view of the fact that the first such aircraft is not indicated to be available until the month of June 1970. In view of this and the uncertainties inherent in costing this complex aircraft while it is still being test flown, we will defer costing the B-747 until a more appropriate time in the future when its use for MAC is more imminent. At such time it is contemplated that other carriers will be in a position to submit reasonable cost forecasts.

Saturn submitted cost data for the DC-8-50F, DC-8-61F, and DC-8-63F aircraft types. Its experience during the base period was limited to 9 months with one DC-8-61F aircraft and 8 months with another. One was assigned, according to the carrier, to Atlantic commercial operations, and the other to Pacific MAC operations. The DC-8-50F and DC-8-63F forecasts are keyed to the DC-8-61F

[1] Appendices A through H filed as part of original document.

experience and forecasts. Saturn submitted significantly revised T-3.1 schedules to its Form 41 reports on March 26, 1969, and again about May 28, 1969, which data have not yet been adequately analyzed. In view of the current uncertainties with respect to the data used by Saturn in preparing its forecast for the DC-8-61F, upon which the DC-8-50F and DC-8-63F forecasts are also based, the Board will not include Saturn's cost data at this time. It may be appropriate to do so before the final rule is adopted is reliable data are available in sufficient time.

Utilization. The average daily utilization forecast by the carriers for long-range jet aircraft averages 12.2 hours for fiscal 1970. This current forecast is 0.8 hour higher than last year's forecast by the carriers. It is also 0.4 hour greater than the 11.8 hours recognized by the Board last year in establishing rates for fiscal year 1969. In addition we note that it is also 0.4 hour greater than that experienced by the carriers in the base period used in the current review, that is, the year ended September 30, 1968.

MAC's utilization forecast of 12.6 hours is slightly higher than that forecast by the carriers, and is based, with minor exceptions on the higher of either the system experience or the forecast of each carrier.

The Board has reviewed the utilization data pertaining to each carrier, and has concluded to accept the carriers' forecasts, in most instances, as reasonable and consistent with available information. Adjustments were made, however, to (a) exclude data related to Saturn, since Saturn's costs were excluded for reasons explained previously, in determining the industry weighted average costs; (b) provide a 12-hour utilization for Capitol's stretched jet, as advocated by MAC, in the absence of a forecast by Capitol; (c) reduce American Flyers' forecast of 14.6 hours to 12.5 hours, the average of the forecasts of all other stretched jet operators, since this carrier has not had long-range experience with this type aircraft; (d) increase the standard jet forecasts of Continental, Northwest, and Trans Caribbean to reflect the system experience of these carriers for the year ended September 30, 1968; and (e) make a technical adjustment in American's forecast in passenger services.

Flight equipment depreciation and investment. The computations of depreciation and investment related to flight equipment for fiscal 1970 involve departures from past practices.

For recent MAC rate reviews, a service life of 12 years and a residual value of 15 percent have been employed in determining depreciation expense and the recognized investment in flight equipment for turbojet aircraft. In light of presently available information and based on our current best judgment, we are proposing minimum rates for long-range jet aircraft for fiscal 1970 which are predicted upon a 14-year service life and 10-percent residual value, effective July 1, 1969. Thus, for investment purposes, the net book value as of January 1, 1970, has been determined on the basis of a 12-year life with a 15-percent residual value up to June 30, 1969, and on the basis of 14 years per 10 percent residual thereafter. The effect on depreciation expense for fiscal 1970 is a reduction of 9.24 percent from that which would have been computed had no change in practice been made. Under the former method, slightly over 7 percent of asset cost is reflected in depreciation expense each year (85 percent of cost spread over 12 years). Under the revised method, just under 6½ percent is so reflected (90 percent per 14 years).

In reaching our decision to change the depreciable life of the turbojet aircraft for MAC rate-review purposes, we have given due consideration to the fact that the MAC carriers (with the exception of Eastern) have assigned a 14-year service life to their stretched aircraft owned as of December 31, 1968. Similarly, a number of carriers (Braniff, Pan American, Trans Caribbean, TWA, United and World) depreciate their standard jets over a 14-year period.

In regard to the residual value, however, there is significantly less agreement. Of the carriers depreciating their aircraft over a 14-year life, some have assigned a residual value of 15 percent, others 10 percent, while United and Trans World have stated dollar amounts ($100,000 per aircraft) equivalent to approximately 1.6 percent.

Just as the setting of a 14-year service life for a given group of aircraft is a matter of informed judgment, so also is our opinion to couple this service life with a 10-percent residual value. Of major consideration is the fact that adding 2 years to the service life increases the obsolescence factor, and provides additional time wherein modernized versions or new type aircraft may be introduced into service. Both factors contribute to the depression of the resale value as of the date of the extended life. In consideration of these factors, we are tentatively of the opinion that the residual value should be reduced from 15 to 10 percent in conjunction with the extension of the service life from 12 to 14 years.

Treatment of leased aircraft. In past MAC rate reviews, rental expense for leased aircraft has been eliminated and costs for depreciation, return and taxes have been substituted therefor. This "constructive ownership" practice originated in cases where leasing expense exceeded constructive ownership cost. The effect of using constructive ownership is to provide a return to the carrier on leased equipment which is not in fact part of the investment base. This return is in addition to the return element included in the rental payments to the lessor. Appendix H is a comparison of the ratios of operating expenses to total costs including the return element computed on the one hand to reflect actual rental costs and, on the other, constructive ownership costs. This appendix indicates that, overall, the profit element would be only slightly less if operations with leased aircraft were costed on the basis of rentals than if the constructive ownership approach is used.

Nevertheless, for purposes of this notice, the Board is continuing its past practice of utilizing constructive ownership in the case of leased aircraft. However, the carriers as well as the DOD are requested to focus on this issue in their comments and, in particular, address themselves to the questions (1) whether we should continue to employ the constructive ownership technique; (2) if not, whether a separate profit element should be employed in costing operations with leased aircraft; and (3) the basis upon which any such profit element should be calculated.

Other adjustments. Other adjustments of the carriers' forecasts made by the Board include: (1) the elimination of anticipatory, trend, and estimated noncontractual increases; (2) upward revisions to reflect the current price per gallon of fuel purchased from the government; (3) the substitution of experienced insurance costs in place of estimates or forecasts deemed to be excessive; (4) revision of amortization of deferred preoperating costs to reflect a 5-year amortization period; (5) provision for the upgrading of passenger service requirements by MAC for fiscal 1970; (6) modification of passenger service forecasts to reflect weightings for the various types of traffic serviced within a carrier's system; and (7) the elimination of amounts allocated to MAC services without adequate demonstration of material applicability to MAC.

As in the past reviews, general burden was allowed on the basis of the carrier's experienced ratio of such expenses to other operating expenses, exclusive of flight-equipment rentals, depreciation, and amortization of deferred preoperating costs. Similarly, working capital continued to be estimated on the basis of 1-month's operating expenses, using the same exclusions. Provision for federal income taxes has been made on the basis of the normal tax rate of 48 percent, subject to reenactment of the surtax.

Round-trip minimum rates. In fiscal year 1969 the Board adopted uniform minimum rates applicable to both stretched and standard jets. The DOD has recommended that the uniform minimum rate concept be continued, with the minimum rate determined by weighting each carrier's adjusted cost according to the relative award points that DOD has determined for each carrier. Informal comments on this issue have been received from several carriers (Continental, Eastern, Flying Tiger, and World), all supporting the continuation of uniform minimum rates. The Board has determined to maintain uniform minimum rates applicable to both stretched and standard jets. The following table summarizes the carriers' fiscal 1970 forecast costs, as adjusted.

	Adjusted total cost per			
	Passenger-mile		Cargo ton-mile	
	Standard	Stretched	Standard	Stretched
Airlift:	*Cents*	*Cents*	*Cents*	*Cents*
DC-8F	1.72		6.42	
B-320C	1.74		6.50	
DC-8-63		1.47		5.70
American	1.56		5.84	
American Flyers		1.52		
Braniff	1.62		6.04	
Capitol	1.67	1.51	6.26	6.12
Continental	1.52		5.86	
Eastern:				
DC-8-61		1.69		
DC-8-63		1.73		
Flying Tiger		1.58		6.66
Northwest	1.73		6.47	
Overseas National	1.80	1.64		
Pan American	1.98		7.14	
Seaboard	1.75	1.56	6.62	6.18
Trans Caribbean	1.85	1.52	7.01	5.96
Trans International:				
DC-8-61		1.50		6.09
DC-8-63		1.50		6.15
Trans World	1.86		8.13	
United		1.50	6.81	
Universal		1.53		5.95
World	1.48		5.61	

The overall cost of performing round-trip passenger services ranges from 1.47 cents to 1.98 cents per revenue passenger-mile. The cargo unit costs range from 5.61 cents to 8.13 cents per ton-mile. Although most of the carriers listed in the preceding table submitted cost forecasts for both passenger and cargo services, most carriers' fixed contracts for the remainder of fiscal year 1970 provide for the performance of one or the other type of service but not both. In establishing minimum rates in past rate reviews, the Board has considered the individual carrier unit costs as well as various averages computed on the basis of equal weighting of each individual cost and weighting intended to reflect the relative participation of each carrier in MAC airlift services. We will continue to employ that process here.

A simple average of the costs[1] for passenger service recognized for the various long-range jet carriers is 1.62 cents per passenger-mile. The same result obtains when weighted by DOD passenger award points (excluding Saturn). Weighting according to MAC revenues July 1968–April 1969 produces 1.64 cents. The same costs weighted according to the fixed contract awards for the 9 months beginning October 1, 1969, is 1.61 cents per passenger-mile. Considering all these factors, an average yield of 1.62 cents per passenger-mile long long-range jet aircraft types is indicated.

Turning to the cargo costs,[2] the simple average is 6.35 cents per ton-mile. The average adjusted cargo cost, whether weighted according to DOD cargo award points (exclusive of Saturn), or by the 10 months' MAC revenue through April 30, 1969, is 6.52 cents. When these costs are weighted according to the fixed contract awards for the 9 months beginning October 1, 1969, the average is 6.33 cents per ton-mile. The last average does not reflect the costs of a large number of carriers, preponderantly standard jet aircraft operators, that provided substantial cargo services for DOD in fiscal 1969 because they did not receive fixed cargo service contracts for the fiscal 1970 period. These aircraft are very likely, however, to be called upon to provide for expansion cargo business and may be used during the first quarter of the fiscal year. In recognition of this factor, it is concluded that the appropriate yield for cargo services with long-range aircraft is 6.40 cents.

We have given recognition to the indicated mileage absorption under the standard mileages used for pay purposes (determined in the same manner as in previous reviews, see Appendix E) of approximately one percent for passenger traffic in stretched jet aircraft, 3 percent for regular jet aircraft in both passenger and cargo services, and no absorption for stretched jet cargo traffic. Weighting the mileage absorption factor approximately equally for stretched and regular jets,[3] we propose uniform round trip minimum rates of 1.65 cents per passenger-mile and 6.50 cents per ton-mile.

The proposed rates produce an overall rate reduction of 5.7 percent in the case of passengers and 7.9 percent in the case of cargo.

One-way minimum rates. Proposed one-way minimum rates have been computed from the proposed round-trip minimum rates by the same method we have used previously (Appendix F). The proposed rates reflect a cost-saving factor for return empty backhauls of 11 percent for one-way passenger charters, which is the same factor as used in fiscal year 1969 and is supported by MAC. They also reflect factors for commercial revenue backhauls of 2.4 percent for one-way passenger and 15.9 percent for one-way cargo charters, which factors are based on special reports to MAC by participating carriers for calendar year 1968. The resulting proposed minimum rates for one-way passenger and cargo charters are 3.08 cents per passenger-mile (2.2 percent reduction) and 11.97 cents per cargo ton-mile (15 percent reduction), respectively.

Convertible and mixed minimum rates. Proposed minimum rates for mixed charters have been computed on the same basis as used in previous rate reviews, and are set forth in the proposed rule. As to passenger minimums for convertible aircraft, we find in MAC's rate recommendations and in the proposals and cost data of some of the carriers a strong indication that the adjustment factors used in the past to determine convertible minimums are still valid. We therefore propose to adopt these same factors for fiscal year 1970–71 convertible passenger minimums. As to convertible cargo minimums, however, although MAC favors a continuation of the current adjustment factors, data from the carriers showing the cost of deadheading flight attendants and labor to reconfigure from passenger to cargo services indicate that a revision in the presently-used adjustment factors by about 20 percent is in order. The computations of the revised convertible rates are shown in Appendix G. The proposed minimum rates for all convertible traffics are set forth in the proposed rule.

Category B Minimum Rates for Small Turbine Aircraft. We are including in the class of short-range small turbine aircraft, in addition to the B–727,[4] Modern's CV–990's and the DC–9–30 for fiscal year 1970–71. The DOD has recommended excluding the costing of Modern's CV–990 aircraft, stating that it does not consider this aircraft type to be CRAF eligible and it does not contemplate using these aircraft for international services. Modern has indicated that it is anxious to make these aircraft available for DOD use. Moreover, inclusion of the CV–990 does not affect the rate we have arrived at in view of the costing technique used and therefore does not prejudice the DOD. Therefore, as stated above, and consistent with our practices in the previous MAC rate review, we are reflecting the adjusted CV–990 costs with the short-range small turbine aircraft. In consideration of the request by Modern for an ACL of 105 seats, and in view of the limitation in several of the proposed MAC contracts to a maximum ACL of 105 seats, we are specifying, for the CV–990, an ACL of 105 seats.[5]

The carriers' adjusted forecast costs per passenger-mile and per cargo ton-mile for the small turbine aircraft passenger and cargo charters are included in the appendixes hereto. With respect to utilization, we have determined, using the same type of analysis as for long-range turbojets, an average utilization of 9.4 hours for fiscal year 1970–71. This compares with an average utilization for

[1] If a carrier reported separate costs for B–707 and DC–8F aircraft, or for DC–8–61F and DC–8–63F types, an average cost for regular or stretched jets was determined according to the DOD award points for each type.

[2] See footnote 1, supra.

[3] The relative distribution of contract awards for fiscal 1970/71 between stretched and regular jet is:

	Percent cargo	*Percent passenger*
Stretched	52.6	52.2
Regular	47.4	47.8

[4] Since we have had no indication of CV–880 availability for MAC charters for fiscal year 1970–71, we propose to eliminate that aircraft from the tabulations of minimum rates and of minimum aircraft loads.

[5] We recognize that, over Modern's objection, we used 110 seats in the fiscal year 1969 review, Order E–26951, June 20, 1968. However, Modern's objection was entered only after the final rates had been established by the Board, whereas we are now in a position to consider the matter in the context of revisions to the entire rate structure. Our present tentative determination is heavily influenced by the fact that the use of 110 seats appears to have precluded the employment of this aircraft by MAC. The inclusion of this aircraft does not burden the small turbine rates, and we have no evidence that the use of 105 seats will prejudice any other carrier.

fiscal 1969 of 9.2 hours. We are proposing to maintain the previously adopted depreciation scale of 14 years with a 10 percent residual value for the B–727 and the CV–990. The depreciation scale for the DC–9–30 has been established at 14 years and 15 percent residual in the Logair-Quicktrans proceeding, and we propose to use that same scale for this rule. It is believed that the selling prices for these aircraft will more likely be maintained than those of the larger jet aircraft since there does not appear to be any aircraft on the horizon which would replace the twin jet aircraft. We propose to continue the separate minimum rates which were begun in fiscal 1969 for Pacific interisland service[4] and for all other service. MAC proposed instead a uniform minimum rate for all services, but we are of the opinion that the conditions which justified the separate rates in fiscal 1969 still exist.

Round-trip minimum rates. The carriers' adjusted costs are summarized as follows:

Carrier	Total costs recognized			
	Per passenger-mile		Per cargo ton-mile	
	Pacific interisland	All others	Pacific interisland	All others
	Cents	*Cents*	*Cents*	*Cents*
Airlift	2.31	.....	11.73	.....
Alaska	.....	2.62	.....	11.99
American Flyers	.....	2.29	.....	.....
Braniff	.....	[1] 2.40	.....	[1] 12.16
Modern	.....	[1] 2.40	.....	.....
ONA	.....	[1] 2.29	.....	.....
Pan American	.....	[1] 2.72	.....	[1] 13.58
Southern	2.43	.....	12.24	.....
Trans International	.....	[1] 2.51	.....	[1] 12.93
World	2.24	.....	11.54	.....

[1] Received no small turbine award for fiscal year 1970–71.

The simple average of the carriers' adjusted costs is 2.33 cents per passenger-mile for Pacific interisland routes and 2.46 cents per passenger-mile for all other routes. The simple averages of cargo costs are 11.84 and 12.67 cents per ton-mile for Pacific interisland routes and all other routes, respectively. Weighted by award points, the passenger averages are 2.28 and 2.40 cents per passenger-mile, respectively, for Pacific interisland and for other services, and the cargo averages are 11.68 and 12.96 cents per ton-mile, respectively for Pacific interisland and for other services. The averages weighted according to revenues from July 1968 to April 1969 are, for passengers, 2.32 and 2.44 cents per passenger-mile for Pacific interisland and all other services, respectively, and for cargo, 11.61 and 12.93 cents per ton-mile for Pacific interisland and for all other services, respectively. Weighted according to the DOD awards for fiscal year 1970, the passenger averages are 2.31 cents for Pacific interisland services and 2.35 cents for other services; for interisland cargo services (reflecting round-trip awards for mixed services) the average is 11.68 cents. There were no cargo awards pertaining to the other areas. It is the Board's judgment that passenger minimum rates of 2.30 cents per passenger-mile for Pacific interisland services and 2.40 cents per passenger-mile for all other services are indicated. For cargo, we conclude that minimum rates of 11.65 cents per ton-mile for Pacific interisland and 12.75 cents per ton-mile for all other services are indicated. These rates produce changes from fiscal 1969 in the following percentages: Pacific interisland passenger—no change; all other passenger—4 percent reduction; Pacific interisland cargo—0.4 percent reduction; and all other cargo—1.9 percent reduction.

One-way minimum rates. Proposed one-way minimum rates for small turbine aircraft have been determined in the same manner as was done for the long-range aircraft. The proposed rates reflect a cost-saving factor for return empty backhauls of 11 percent for one-way passenger charters, which is the same factor as used for fiscal 1969, and a cost-saving factor of 5 percent for one-way cargo charters, which factor is based on our best judgment of the probable savings. Consistent with our policy established for fiscal 1969, we again propose to eliminate any adjustment for commercial backhaul for the small turbine aircraft. The resulting proposed minimums for one-way charters are 4.35 cents per passenger-mile for Pacific interisland services and 4.54 cents per passenger-mile for all other services, and 22.72 cents per cargo ton-mile for Pacific interisland services and 24.86 cents per cargo ton-mile for all other services.

Convertible and mixed minimum rates. Proposed minimum rates for mixed charters have been computed on the same basis as used in previous rate reviews, and are set forth in the proposed rule. As to convertible minimums, the same considerations apply as were set out above in connection with long-range aircraft and are detailed in Appendix G. The proposed minimum rates for convertible services are set forth in the proposed rule.

Individually Ticketed (Categories A, Z, and X) and Waybilled (Categories A and X) Services. The minimum rate applicable to Category A and Z individually ticketed passenger traffic is currently equated with the one-way Category B minimum rate, 3.15 cents per passenger-mile. For Category A cargo, a minimum rate of 12 cents per ton-mile applies in the outbound direction, from the United States, and 10 cents per ton-mile in the inbound direction. Category X minimum rates are now subject to the same minimum rates as Category B round trip charters, 1.75 cents per passenger-mile and 7.06 cents per ton-mile.

DOD proposes that the Category A passenger and cargo rates be equated with the one-way Category B rates it recommends. Alternatively, if the Board should establish a Category B one-way cargo rate in excess of 12 cents per ton-mile, DOD recommends continuation of the current rates of 12 cents per ton-mile outbound and 10 cents per ton-mile inbound. DOD also recommends the establishment of the Category Z passenger rate at the same level as the Category A rate.

Alaska, Eastern, Northwest, Pan American, and TWA submitted proposals for Category A and Z passenger fares; Northwest, Pan American, and TWA for Category X passnger and cargo rates; and Flying Tiger, Northwest, Pan American, and TWA for Category A cargo rates.

Passenger. Alaska's proposal is to extend its current Category A and Z fares applicable between Seattle and Anchorage, Seattle and Fairbanks, and Anchorage and Fairbanks.[3] Subsequent to submission of its MAC rate proposal Alaska increased its Category Z Anchorage-Fairbanks fare from $11.27 to $18.00, effective April 13, 1969. These fares are at or above the current Part 288 Category A minimum of 3.15 cents per passenger-mile.

Eastern also proposes extension of its current Category Z tariff rates for Category A and Z, and these fares are also at or above the current Part 288 Category A minimum level of 3.15 cents.

Northwest, Pan American, and TWA propose the same fares for Category A and Z, with the minimum being their respective Category B one-way fare proposal. Pan American also proposes a third-class Category A and Z fare of 3.29 cents per passenger mile, which is 0.09 cent below its second class Category A and Z fare proposal.

The Board proposes to continue its long-standing policy to equate the minimum rates for Category A and Z individually ticketed transportation with the Category B one-way minimum rate, the proposed rate being 3.08 cents per passenger-mile for FY 1970–71.

Cargo. With the exception of TWA, the carriers proposing Category A cargo rates propose continuation of the current 12 cents per ton-mile outbound and 10 cents inbound. TWA proposes 90 percent of the Category B rate. As indicated previously, MAC proposes the one-way Category B cargo rate if it is lower than 12 cents per ton-mile; otherwise it suggests a continuation of the current Part 288 minimums.

The Board proposes to equate the Category A outbound cargo rate with the proposed Category B one-way minimum rate of 11.97 cents per ton-mile and to extend the current inbound Category A cargo rate of 10 cents per ton-mile.

The carriers proposing Category X passenger and cargo rates all set out

[4] The carriers reflected for Pacific interisland services for fiscal 1969 were Southern and World; for fiscal 1970–71, based upon the MAC awards, the carriers are Airlift, Southern, and World.

[3] Alaska's proposal sets out a Category A fare between Anchorage and Fairbanks of $8.90 whereas its MAC contract specifies $11.27.

their proposed Category B round-trip passenger and round-trip cargo rates for Category X passengers and cargo, respectively. Accordingly, the Board will maintain the present basis by proposing that the rate for Category X full plane-load charters be 1.65 cents per passenger-mile and 6.50 cents per ton-mile for passenger and cargo charters, respectively.

EFFECTIVE DATE

In past reviews we have generally set the effective date for the revised rates on or after the date of the issuance of the final rule. Typically, however, the final rule has been issued prior to the beginning of the fiscal year, so that the revised rates were effective from the beginning of the fiscal year or earlier. Since fiscal year 1970 has already begun, we are tentatively proposing that the revised rates for 1970 be effective on the date of issuance of this notice, in order that the rates should be effective for as much of the fiscal year as is practical.

It has generally been our policy to review these minimum rates annually. However, it is presently contemplated that our next review will be undertaken in 1971, subject, of course, to the right of any carrier or DOD to request review prior to that time and to the right of the Board to institute an earlier review if the facts so warrant. Accordingly, we propose herein to extend the expiration date in § 288.18(b) (for international rates) to June 30, 1971.

It is proposed to amend Part 288 of the Economic Regulations and Part 399, Statements of General Policy (14 CFR Parts 288 and 399), as follows:

1. Amend § 288.7(a)(1) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) Performed with turbine-powered aircraft:

Aircraft type	Passengers, per passenger-mile		Cargo, per ton-mile		Convertible		Mixed passenger-cargo, per revenue plane-mile			
							Round trip		One way	
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Variable	Fixed	Variable	Fixed
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*				
Turboprops:										
CL-44	2.00	3.60	9.36	17.19	2.15	10.67				
L-382			10.05	19.64						
Regular turbojets	1.65	3.08	6.50	11.97	1.79	7.79				
Passenger-pallets:										
165 and 0							$2.95	$2.72	$5.31	$5.08
117 and 3							2.86	2.62	5.12	4.87
105 and 4							2.83	2.60	5.07	4.82
93 and 5							2.81	2.57	5.02	4.77
81 and 6							2.79	2.54	4.98	4.72
63 and 7							2.75	2.51	4.90	4.64
51 and 8							2.73	2.48	4.86	4.59
0 and 12							2.63	2.37	4.65	4.37
DC-8F-61-63	1.65	3.08	6.50	11.97	1.79	7.79				
Passengers-pallets:										
219 and 0							3.92	3.61	7.05	6.75
159 and 5							3.75	3.42	6.69	6.37
65 and 12							3.49	3.13	6.13	5.79
47 and 13							3.44	3.07	6.02	5.68
0 and 18							3.31	2.93	5.74	5.39
B-727—Pacific interisland	2.30	4.35	11.65	22.72	2.54	14.53				
Passengers-pallets:										
105 and 0							2.67	2.42	4.82	4.57
61 and 2							2.55	2.28	4.64	4.37
50 and 3							2.53	2.25	4.59	4.32
46 and 4							2.52	2.24	4.58	4.30
0 and 7							2.40	2.10	4.39	4.09
B-727, CV-990, DC-9-30, all other	2.40	4.54	12.75	24.86	2.64	15.73				
Passengers-pallets:										
105 and 0							2.77	2.52	5.02	4.77
61 and 2							2.70	2.43	4.92	4.64
50 and 3							2.68	2.40	4.89	4.61
46 and 4							2.67	2.39	4.88	4.60
0 and 7							2.60	2.30	4.78	4.47

2. Amend § 288.7(d) (1) and (2) to read as follows:

(d) For Category A transportation:

(1) Passengers: 3.08 cents per passenger-mile;

(2) Cargo: Outbound, 11.97 cents per ton-mile; and inbound, 10 cents per ton-mile;

3. Amend § 288.7(e) to read as follows:

(e) For Category X transportation, 1.65 cents per passenger-mile and 6.50 cents per cargo ton-mile.

4. Replace the table in § 288.8 (minimum aircraft loads) with the following:

Aircraft type	Number of passengers, all-passenger and convertible flights	Tons of cargo	
		All-cargo flights	Convertible flights
B-707-320-B/C	165	36.5	33.7
B-707-300 series	159		
B-707-138B	137		
B-707-100 series (other)	149		
DC-8F-61,-63	219	45	42.5
DC-8F	165	36.5	33.7
DC-8 (50 series)	149		
DC-8 (other)	147		
DC-9-30	95		
B-727	105	18	16.5
CV-990	105		
CL-44	148	29.35	28
L-382		20.7	
L-1649A	96	18	15
L-1049-C/E/G/H	95	18	15
DC-7B/C/CF/F	95	18	15
L-1049A	88	15	12
DC-7	88	15	12
DC-6/A/B/C	83	13	12
DC-4	60	8	6

5. Change the expiration date in § 288.18(b) to June 30, 1971.

Amend § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand will be 3.08 cents per passenger-mile, applied to the shortest mileage between the commercial air-carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares.

[F.R. Doc. 69-10006; Filed, Aug. 22, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

DICHLOROBENZIDINE DIHYDROCHLORIDE FROM JAPAN

Determination of Sales at Not Less Than Fair Value

AUGUST 19, 1969.

On June 28, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that dichlorobenzidine dihydrochloride (also known as DCB) manufactured by Wakayama Seika Industry Co., Ltd., Wakayama, Japan (Wakayama Seika Kogyo Co., Ltd., Wakayama, Japan), is not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until July 28, 1969, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that dichlorobenzidine dihydrochloride (also known as DCB) manufactured by Wakayama Seika Industry Co., Ltd., Wakayama, Japan (Wakayama Seika Kogyo Co., Ltd., Wakayama, Japan), is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and section 53.33(c), Customs Regulations (19 CFR 53.33(c)).

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

[F.R. Doc. 69-10078; Filed, Aug. 22, 1969; 8:49 a.m.]

POTASSIUM CHLORIDE FROM FRANCE

Determination of Sales at Less Than Fair Value

AUGUST 20, 1969.

Information was received on October 17, 1967, that potassium chloride, otherwise known as muriate of potash, from France was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of June 18, 1968.

After consideration of all information received and views and arguments presented, I hereby determine that for the reasons stated below potassium chloride, otherwise known as muriate of potash, from France is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based:

Sales for export to the United States were between parties who were unrelated within the meaning of section 207 of the Antidumping Act (19 U.S.C. 166). Sales of the merchandise in the home market were adequate to afford a proper basis of comparison. Therefore, for fair value purposes comparison was made between purchase price and home market price.

Purchase price was based on the c.i.f., free out, export prices from which were deducted amounts for ocean freight, insurance, inland freight, and loading and unloading charges. To this was added the export tax and the amount of the TVA tax refunded upon exportation in accordance with the statute.

Home market price was based on the f.o.b. price to direct distributors. From this was deducted a cash discount, inland freight, a contract bonus, certain home market sales expenses. Adjustment was made for car door boarding (a packing expense) not incurred on sales for export to the United States.

The purchase price was less than the home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

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

AUGUST 20, 1969.

[F.R. Doc. 69-10075; Filed, Aug. 22, 1969; 8:49 a.m.]

POTASSIUM CHLORIDE FROM WEST GERMANY

Determination of Sales at Less Than Fair Value

Information was received on October 17, 1967, that potassium chloride, otherwise known as muriate of potash, from West Germany was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of June 18, 1968.

After consideration of all information received and views and arguments presented, I hereby determine that for the reasons stated below potassium chloride, otherwise known as muriate of potash, from West Germany is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based:

Sales for exportation to the United States were made between parties who were unrelated within the meaning of section 207 of the Antidumping Act (19 U.S.C. 166). Sales of the merchandise were sufficient to afford an appropriate basis of comparison. Therefore, for fair value purposes comparison was made between purchase price and home market price. For this purpose the export types were compared with the home market price of the standard type since they are basically the same material and sold at the same price.

Purchase price was based on the f.o.b. port price for export to the United States from which was deducted inland freight. To this was added the amount of a refund of either the turnover or value added tax, as required by the statute, depending on the period involved.

Home market price was calculated from the basic selling price from which was deducted amounts for a quantity discount, cash discount and certain home market expenses.

Purchase price was found to be less than the home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

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

AUGUST 20, 1969.

[F.R. Doc. 69-10077; Filed, Aug. 22, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

HOOPA INDIAN RESERVATION, CALIF.

Introduction or Possession of Intoxicating Beverages

AUGUST 18, 1969.

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Congress; 67 Stat. 586), I certify that the following Ordinance No. 66-3 relating to the application of the Federal Indian liquor laws on the Hoopa Valley Reservation was duly enacted on December 2, 1966, by the Business Council of the Hoopa Valley Tribe which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

"Whereas: The Hoopa Valley Tribe did on May 13, 1950, adopt a Constitution and Bylaws that was approved by the

Commissioner of Indian Affairs on September 4, 1952, and Article VIII, Section 1 of this Constitution and Bylaws authorized the Hoopa Valley Business Council to exercise certain powers subject to any limitations imposed by Federal Statutes or by the Constitution of the United States, and

Whereas: Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor laws, shall not apply to any act or transaction within any area of Indian Country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER, and

Whereas: The members of the Hoopa Valley Tribe did at a duly called election on Monday, July 18, 1966, by a vote of 153 for and 59 against, approve Proposition No. 1 which reads as follows:

Whereas: Public Law 277, 83d Congress, approved August 15, 1953, sections 1154, 1156, 3113, 3488, and 3618, of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any Act or Transaction within any area of Indian Country provided such act or transaction is in conformity with both the Laws of the State in which such act or transaction occurs and with an Ordinance duly adopted by the Tribe having jurisdiction over such area of Indian Country certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Now Therefore Be It Resolved: That the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the Hoopa Valley Indian Reservation Tribe, provided:

1. That such introduction, sale or possession of intoxicating beverages is in conformity with the Laws of California.

2. That the Tribal Council will form a corporation to apply for the necessary licenses for the off-sale or package sale of intoxicating beverages.

3. That the duly elected members of the Hoopa Valley Business Council will act as directors of the corporation.

4. And that provisions of Public Law 277, 83rd Congress, approved August 15, 1953, sections 1154, 1156, 3113, 3488 and 3618, title 18, United States Code shall not apply to any act or transaction within the Hoopa Valley Reservation, provided such act or transaction is in conformity with both the laws of the State of California and with any ordinance duly adopted by the Hoopa Valley Business Council, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER. Except that the sale of any intoxicating beverages shall be restricted to the area within the bounds of lots 351, 352 and 353 in Hostler Field.

Now therefore be it resolved: Under authority of Proposition No. 1 passed by the Hoopa Valley Tribe in the election held July 18, 1966, the Hoopa Valley Business Council herewith adopts the following ordinance relating to the revocation of Federal Indian liquor laws on the Hoopa Valley Reservation:

The introduction or possession of intoxicating beverages shall be legal within the boundaries of the Hoopa Valley Reservation, but the sale of intoxicating beverages shall be legal only within the boundaries of lots 351, 352, and 353, Hostler Field, Hoopa Valley Reservation; provided, that such introduction, possession, or sale is in conformity with the laws of the State of California; and further provided, that the Hoopa Valley Business Council shall form a corporation to apply for the necessary licenses for the off-sale or package sale of intoxicating beverages, with the duly elected members of the Council acting as directors of the corporation.

Be it further resolved: That Ordinance No. 66–2, approved August 5, 1966 is hereby rescinded."

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 69–10039; Filed, Aug. 22, 1969; 8:46 a.m.]

Bureau of Land Management

[Sacramento 1643]

CALIFORNIA

Opening of Lands From Waterpower Withdrawals

AUGUST 18, 1969.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to the authority redelegated to me by the Acting Manager, November 18, 1965 (30 F.R. 14444), it is ordered as follows:

1. In an order issued February 19, 1969, the Federal Power Commisison vacated withdrawals created pursuant to the filings on April 24, 1950, of an application for preliminary permits for proposed Project No. 2049 and April 23, 1956 of an application for preliminary permit for proposed Project No. 2202 so far as it pertains to the following described lands:

MOUNT DIABLO MERIDIAN

(a) Proposed Project No. 2049.

T. 24 N., R. 11 W.,
Sec. 6, lots 2, 3, 4, 5, and 6.
T. 25 N., R. 11 W.,
Sec. 20, lots 1 to 7, inclusive;
Sec. 21, lot 10;
Sec. 28, lots 4 to 8, inclusive, and S½;
Sec. 29, lots 1 to 16, inclusive;
Sec. 31, lots 5, 11, 12, 13, 15, and 16, N½ SE¼, and SW¼SE¼;
Sec. 32, lots 1 to 8, inclusive, and lot 12;
Sec. 33, lots 1 to 8, inclusive.
T. 24 N., R. 12 W.,
Sec. 15, S½SW¼ (lot 3 and SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, lots 1, 2, 3, 5, and 7, NW¼SE¼, and NE¼SW¼;
Sec. 22, lot 1;
Sec. 28, lot 1.

The areas described aggregate approximately 2,832 acres.

MOUNT DIABLO MERIDIAN

(b) Proposed Project No. 2202.

All U.S. lands lying within the boundary of proposed Project No. 2202 as shown on map "Exhibit H–I" (FPC No. 2202–1) entitled "Castle Peak Power Project" filed in the Office of the Federal Power Commission on April 23, 1956, the acreage of which is undeterminable from the map submitted. Of the lands withdrawn in proposed Power Project No. 2202 the following listed lands are within the Mendocino National Forest:

T. 25 N., R. 11 W.,
Sec. 6, lots 16, 17, 18, 21, 22, and 23;
Sec. 7, lots 5, 6, 11, 12, 13, 14, 19, and 20;
Sec. 8, lots 1 to 16, inclusive;
Sec. 9, lots 1 to 16, inclusive;
Sec. 10, lots 9 to 16, inclusive;
Sec. 15, lots 1, 2, 3, and 4;
Sec. 19, lots 9, 15, and 16;
Sec. 20, lots 2, 3, and 4;
Sec. 30, lots 5, 6, 7, 10, 11, 12, 14, 15, 16, 17, and 18;
Sec. 31, lots 7, 8, and 9.
T. 24 N., R. 12 W.,
Sec. 15, lot 3, and SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, lots 1, 2, 3, 5, and 7, NE¼SW¼, and NW¼SE¼;
Sec. 22, lot 1;
Sec. 28, lot 1.
T. 25 N., R. 12 W.,
Sec. 25, lots 14 and 15;
Sec. 36, lots 1, 3, 4, 5, 6, 7, and 8.

The lands are located along the Middle Fork of the Eel River, Hull Creek, and Short Creek in Trinity and Mendocino Counties. Some of the lands included in this order are withdrawn in the Yolla Bolly-Middle Eel Wilderness Area pursuant to Public Law No. 88–577, approved September 3, 1964; and some remain withdrawn for other purposes.

2. At 10 a.m. on September 22, 1969, the national forest lands described in paragraphs 1 (a) and (b) hereof, shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

The State of California has waived the preference right afforded it under section 24 of the Federal Power Act, supra.

All the lands not otherwise withdrawn or reserved have been open to application and offers under the mineral leasing laws and to location under the U.S. mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

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

ELIZABETH H. MIDTBY,
Chief, Lands, Adjudication Section.

[F.R. Doc. 69–10084; Filed, Aug. 22, 1969; 8:49 a.m.]

[OR 2581]

OREGON

Order Providing for Opening of Public Lands

AUGUST 18, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43

U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 19 S., R. 15 E.,
Sec. 25, S½NE¼ and NE¼SE¼.
T. 22 S., R. 18 E.,
Sec. 3, lots 3 and 4, S½NW¼, and E½SE¼;
Sec. 4, lots 1 and 2 and S½NE¼;
Sec. 5, lots 1 and 2 and S½NE¼;
Sec. 7;
Sec. 10, NE¼;
Sec. 11, S½NW¼;
Sec. 13, N½;
Sec. 14, W½;
Sec. 15, S½NW¼, SW¼, and W½SE¼;
Sec. 16, W½;
Sec. 22, E½E½ and W½SE¼;
Sec. 23, N½N½, S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 24, N½;
Sec. 25, S½S½, NW¼SW¼, and SW¼NW¼;
Sec. 26, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 36.
T. 22 S., R. 19 E.,
Sec. 1, S½SW¼ and SW¼SE¼;
Sec. 7, E½SW¼ and SE¼;
Sec. 8;
Sec. 9, N½NE¼;
Sec. 12, W½NE¼, SE¼NE¼, and N½NW¼;
Sec. 16, N½ and SW¼;
Sec. 18, lot 4 and E½W½;
Sec. 19;
Sec. 20, W½;
Sec. 30, lots 3 and 4 and E½SW¼;
Sec. 31, lots 1 and 2;
Sec. 36, W½ and SE¼.
T. 22 S., R. 20 E.,
Sec. 5, SW¼NE¼, S½NW¼, W½SW¼, SE¼SW¼, and NW¼SE¼;
Sec. 8, NW¼NW¼.
T. 22 S., R. 21 E.,
Sec. 11, W½SW¼;
Sec. 24, E½NE¼, SW¼NE¼, E½SW¼, SE¼SE¼, and W½SE¼.

The areas described aggregate 8,978.44 acres.

2. The lands are located in Deschutes County. They are semiarid in character and are not suitable for farming. The lands have been acquired to further Federal programs. Public lands in this general area have been classified for multiple use management and retention in Federal ownership.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., September 23, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-10040; Filed, Aug. 22, 1969; 8:46 a.m.]

[OR 2582]

OREGON

Order Providing for Opening of Public Lands

AUGUST 18, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 19 S., R. 15 E.,
Sec. 5;
Sec. 7, SE¼SE¼;
Sec. 8, SW¼NE¼, S½NW¼, and S½;
Sec. 19, E½, NE¼NW¼, and NE¼SW¼;
Sec. 20, S½SW¼;
Sec. 21, W½;
Sec. 22;
Sec. 27, SE¼SW¼ and S½SE¼;
Sec. 29, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 34, N½NE¼ and NE¼NW¼.
T. 19 S., R. 16 E.,
Sec. 8, S½S½;
Sec. 17, NW¼.
T. 20 S., R. 16 E.,
Sec. 1, lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 2, W½SW¼ and SE¼SW¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded December 17, 1938, in volume 57, page 158, and April 29, 1940, in volume 58, page 482, deed records;
Sec. 3, NE¼SE¼ and S½SE¼;
Sec. 11, N½NE¼ and NE¼NW¼.
T. 20 S., R. 17 E.,
Sec. 5, NE¼SW¼ and SW¼SW¼;
Sec. 6, lots 4, 5, 6, and 7, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, and 3, N½NE¼, E½NW¼, E½SW¼, and S½SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded December 17, 1938, in volume 57, page 158, deed records, and May 28, 1947, in volume 81, page 129, deed records.
Sec. 8, W½NE¼, NW¼, and W½SW¼.
T. 20 S., R. 18 E.,
Sec. 11, S½SW¼ and SE¼.
T. 20 S., R. 19 E.,
Sec. 7, SE¼NE¼ and SE¼;
Sec. 13, SW¼SW¼;
Sec 14, SE¼;
Sec. 23, N½NE¼;
Sec. 24, NW¼NW¼.
T. 21 S., R. 16 E.,
Sec. 36, N½ and SW¼.
T. 21 S., R. 17 E.,
Sec. 34, W½.
T. 21 S., R 18 E.,
Sec. 25, E½NE¼.
T. 21 S., R. 20 E.,
Sec. 2, SW¼SW¼;
Sec. 3, W½SE¼ and SE¼SE¼;
Sec. 4, lots 2, 3, and 4, SW¼NE¼, and S½NW¼;
Sec. 10, N½NE¼;
Sec. 11, W½NW¼.
T. 22 S., R. 16 E.,
Sec. 16, E½.
T. 22 S., R. 17 E.,
Sec. 1, lots 3 and 4, S½NW¼, and N½SW¼;
Sec. 2, lot 1, SE¼NE¼;
Sec. 3, lots 3 and 4, S½NW¼, and SW¼;
Sec. 4, lots 1, 2, 3, and 4, and S½N½;
Sec. 5, lots 1 and 2, S½NE¼, and SE¼;
Sec. 8, E½;
Sec. 15, W½;
Sec. 16;
Sec. 17, N½;
Sec. 28, SW¼NW¼ and NW¼SW¼;
Sec. 29, E½SW¼ and SE¼;
Sec. 30, lot 1, NE¼, and NE¼NW¼.
T. 22 S., R. 23 E.,
Sec. 3, SE¼;
Sec. 9, E½;
Sec. 10, W½, SE¼, and W½NE¼;
Sec. 14, NE¼, E½NW¼, N½SE¼, and SW¼SW¼;
Sec. 15, N½NE¼, NW¼SE¼, and E½SE¼;
Sec. 23, NW¼.

The areas described aggregate 12,905.14 acres.

2. The lands are located in Deschutes County. They are semiarid in character and are not suitable for farming. The lands have been acquired to further Federal programs. Public lands in this general areas have been classified for multiple-use management and retention in Federal ownership.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., September 23, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-10041; Filed, Aug. 22, 1969; 8:46 a.m.]

[OR 3047]

OREGON

Order Providing for Opening of Public Lands

AUGUST 18, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 17 S., R. 13 E.,
Sec. 36, N½SW¼.
T. 17 S., R. 14 E.,
Sec. 31, NE¼SW¼ and N½SE¼.
T. 19 S., R. 14 E.,
Sec. 2, lots 2 and 3, SW¼NE¼, S½NW¼, and NW¼SW¼;
Sec. 3, S½NW¼, N½SW¼, and N½SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded July 11, 1967, in volume 154, page 98, deed records.
Sec. 4, S½NE¼, S½NW¼, and N½SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded July 11, 1967, in volume 154, page 98, deed records.

Sec. 5, SE¼NE¼ and SE¼;
Sec. 18, NE¼;
Sec. 20, W½SW¼;
Sec. 21, N½S½ and S½SE¼;
Sec. 23, W½SW¼, SE¼SW¼, and W½SE¼;
Sec. 25, S½NW¼, NE¼SW¼, N½NW¼SW¼, and SE¼NW¼SW¼;
Sec. 26, N½, SW¼, W½SE¼, N½NE¼SE¼, SW¼NE¼SE¼, S½SE¼SE¼, and NW¼SE¼SE¼;
Sec. 27, NE¼NE¼, S½NE¼, and SE¼;
Sec. 29, NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 30, lots 1 and 2, NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 32, W½ and S½SE¼;
Sec. 34.

T. 19 S., R. 15 E.,
Sec. 36, NE¼NW¼.

T. 19 S., R. 16 E.,
Sec. 24, NE¼NE¼;
Sec. 25, E½NE¼ and NE¼SE¼;
Sec. 30, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 31, N½NE¼.

T. 20 S., R. 14 E.,
Sec. 1, lots 3 and 4, S½NW¼, and NE¼SW¼;
Sec. 2, lots 1, 2, 3, and 4, N½S½ and S½SE¼;
Sec. 3, lots 1, 2, 3, and 4, S½NW¼, SW¼, and E½SE¼;
Sec. 4;
Sec. 5;
Sec. 9, NE¼, N½NW¼, and S½;
Sec. 10, W½E½;
Sec. 11, NE¼ and N½SE¼;
Sec. 14, E½SW¼ and N½SE¼;
Sec. 15, NW¼;
Sec. 16, NE¼.

T. 20 S., R. 16 E.,
Sec. 1, lots 3 and 4, S½NW¼ and N½SW¼;
Sec. 2, SE¼NE¼ and NE¼SE¼;
Sec. 33, NW¼SW¼.

T. 20 S., R. 18 E.,
Sec. 11, NE¼SW¼.

T. 20 S., R. 19 E.,
Sec. 7, N½NE¼.

T. 21 S., R. 16 E.,
Sec. 28, NE¼NE¼.

T. 21 S., R. 19 E.,
Sec. 10, NW¼ and S½, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 12, lots 3 and 4, W½SE¼, and SW¼;
Sec. 14, NE¼, NE¼NW¼, N½NW¼NW¼, SE¼NW¼NW¼, SE¼NW¼, SW¼, N½SE¼, and SW¼SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 15, N½N½, SW¼NE¼, S½NW¼, N½SW¼, N½SE¼, and SE¼SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 13, 1938, in volume 57, page 35, deed records and October 22, 1938, in volume 57, page 60, deed records.
Sec. 23, W½ and SE¼;
Sec. 24, lots 1, 2, 3, and 4, and W½E½, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 36, lots 2, 3, and 4, W½E½, and W½.

T. 21 S., R. 20 E.,
Sec. 19, lots 3 and 4, SE¼SW¼, and SW¼SE¼, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 29, SW¼NE¼ and W½W½, excepting therefrom parcels conveyed to the State of Oregon, by and through its State Highway Commission, recorded October 22, 1938, in volume 57, page 60, deed records.
Sec. 30, lots 1, 2, and 3, NE¼, NE¼NW¼, S½SE¼, and NE¼SE¼.

T. 22 S., R. 17 E.,
Sec. 5, lots 3 and 4, S½NW¼ and SW¼;
Sec. 6, lots 1 and 2, S½NE¼ and SE¼.

T. 22 S., R. 18 E.,
Sec. 27, NW¼NE¼.

The areas described aggregate 14,352.25 acres.

2. The lands are located in Deschutes County. They are semiarid in character and are not suitable for farming. The lands have been acquired to further Federal programs. Public lands in this general area have been classified for multiple use management and retention in Federal ownership.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., September 23, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-10042; Filed, Aug. 22, 1969; 8:46 a.m.]

Office of the Secretary

[Order No. 2508, Amdt. 84]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

Sec. 30 *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(43) Sections 3(b) and 4 of the Act of August 8, 1968 (82 Stat. 663), which authorizes the purchase of lands within the Badlands Air Force Gunnery Range by the former Indian and non-Indian owners; the acquisition by former Indian owners of life estates in national monument lands formerly owned by them; the acquisition of lieu lands when lands formerly owned by them are not available or are not desired by them for reacquisition; and provides for conveyance of title to the former owners.

HOLLIS M. DOLE,
Acting Secretary of the Interior

AUGUST 19, 1969.

[F.R. Doc. 69-10044; Filed, Aug. 22, 1969; 8:46 a.m.]

SOUTH DAKOTA

Notice of Transfer of Administrative Jurisdiction Over Land Within the Badlands Air Force Gunnery Range

Notice is hereby given that the lands hereinafter described located within the Badlands Air Force Gunnery Range, Pine Ridge Indian Reservation, S. Dak., consisting of 196,956.94 acres, have been declared excess to the needs of the Department of the Air Force and administrative jurisdiction over the same has been transferred from the Department of the Air Force to the Secretary of the Interior, pursuant to sections 2(a) and 3(a) of the Act of August 8, 1968 (Public Law 90-468; 82 Stat. 663).

As provided by the Act, a portion of these lands, as depicted on the map entitled, "Badlands National Monument," numbered NM-BL-7021B, dated August 1967, which is on file and available for public inspection in the offices of the National Park Service and Bureau of Indian Affairs, are now within the boundaries of Badlands National Monument, and shall be administered by the National Park Service, under the laws and regulations applicable to the Monument; subject, however, to the provisions of Public Law 90-468 and the regulations in 25 CFR 257 providing for certain life estates to individual Indians, and to existing grazing permits which expire December 31, 1969. Minor adjustments may be made in the boundaries of the monument as provided in section 1 of the Act.

The lands outside of the revised boundary of the Badlands National Monument shall be administered by the Bureau of Indian Affairs under the laws and regulations applicable to the Pine Ridge Indian Reservation; subject to the provisions of Public Law 90-468, the regulations in 25 CFR 257, and to existing grazing permits which expire December 31, 1969; and these lands are now available for purchase by the former Indian and non-Indian owners pursuant to sections 3(b) and 4 of the 1968 Act. The authority to perform the functions required by these sections of the 1968 Act, is delegated to the Commissioner of Indian Affairs by Order No. 2508, Amendment 84.

Any former Indian or non-Indian owner desiring to exercise the right to purchase any available tract of land,

or any former Indian owner desiring to acquire a life estate in a tract of land within the monument area or to acquire lieu lands, pursuant to sections 3(b) or 4 of the above-mentioned Act must file an application with the Superintendent of the Pine Ridge Indian Agency, Pine Ridge, S. Dak., within 1 year from the date of publication hereof in the FEDERAL REGISTER or such right will automatically terminate by operation of law.

The Regulations 25 CFR 153, Grazing Pine Ridge Aerial Gunnery Range, were promulgated to govern grazing during the period of time the lands were required for military purposes. With the transfer of administrative jurisdiction effected, the Regulations 25 CFR 153, are no longer needed or applicable and are being rescinded by separate notice.

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 40 W.,
Sec. 1, lots 3 and 4, S½NW¼, S½;
Sec. 2, all;
Sec. 3, S½;
Sec. 5, lots 1, 2, 3, and 4, S½N½, E½SW¼, SE¼;
Sec. 6, all;
Sec. 7, lots 1, 2, 3, and 4, E½W½, SE¼;
Sec. 8, all;
Sec. 9, S½;
Sec. 10, all;
Sec. 11, all;
Sec. 12, W½, SE¼;
Sec. 13, SW¼;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, NE¼, S½;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 40 W.,
Sec. 1, lots 3 and 4, S½NW¼, S½;
Sec. 2, all;
Sec. 3, lots 1, 2, 3, and 4;
Sec. 4, lots 1, 3, and 4, S½N½, S½;
Sec. 5, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, E½NE¼, NW¼;
Sec. 12, all;
Sec. 13, W½;
Sec. 14, SW¼;
Sec. 15, all;
Sec. 16, NW¼, S½;
Sec. 17, all;
Sec. 19, E½;
Sec. 20, N½;
Sec. 22, E½;
Sec. 23, all;
Sec. 24, W½;
Sec. 25, all;
Sec. 26, E½E½, W½;
Sec. 27, E½;
Sec. 31, lots 1, 2, 3, and 4, E½W½, SE¼;
Sec. 32, W½;
Sec. 35, W½E½, W½;
Sec. 36, E½NE¼, S½NW¼, S½.

T. 43 N., R. 40 W.,
Sec. 8, lot 1;
Sec. 14, lot 1;
Sec. 16, lots 1 and 2;
Sec. 17, lots 1, 2, 3, 4, and 5, SW¼NW¼, W½SW¼;
Sec. 18, lots 1, 2, 3, 4, and 5, E½SW¼, SE¼;
Sec. 19, N½;
Sec. 20, lots 1, 2, 3, and 4, W½NW¼, SW¼, SE¼SE¼;
Sec. 21, lots 1, 2, 3, 4, and 5, S½NE¼, NE¼SW¼, SW¼SW¼, SE¼;
Sec. 23, lots 1 and 2, S½NE¼, SE¼;
Sec. 24, lots 1 and 2, SE¼NW¼, S½;
Sec. 25, W½E½, W½;
Sec. 26, all;
Sec. 27, E½;
Sec. 28, all;
Sec. 29, all;
Sec. 32, all;
Sec. 34, NE¼NE¼, E½W½SW¼, W½E½SW¼, SE¼SE¼;
Sec. 35, W½;
Sec. 36, NE¼NE¼, NW¼NW¼, S½N½, S½.

T. 41 N., R. 41 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, lots 1 and 2, S½NE¼, S½;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, NW¼, S½;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 41 W.,
Sec. 19, SW¼SE¼;
Sec. 20, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 21, W½NE¼, E½SE¼;
Sec. 22, W½;
Sec. 23, E½;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, W½, E½SE¼;
Sec. 29, SW¼NW¼;
Sec. 30, lots 3 and 4, NE¼;
Sec. 31, W½E½, W½;
Sec. 32, SE¼;
Sec. 34, E½NE¼, W½, SE¼;
Sec. 35, all;
Sec. 36, all.

T. 43 N., R. 41 W.,
Sec. 13, lots 1, 2, 3, 4, and 5, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 14, lots 1 and 2;
Sec. 23, lots 1, 2, and 3, E½NE¼, SW¼NE¼;
Sec. 24, N½.

T. 41 N., R. 42 W.,
Sec. 1, E½, S½NW¼, N½SW¼, W½SW¼SW¼;
Sec. 2, S½NE¼SE¼, E½SE¼SE¼;
Sec. 3, W½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, and 8, NE¼NW¼, SE¼SW¼;
Sec. 7, lots 1, 2, 3, and 4, W½NE¼, E½W½, SE¼;
Sec. 8, W½SW¼;
Sec. 11, N½NE¼, SW¼, E½SE¼;
Sec. 12, E½, W½NW¼NW¼, S½SW¼;
Sec. 13, S½;
Sec. 14, all;
Sec. 18, lots 1, 2, 3, and 4, NE¼, E½W½;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 42 W.,
Sec. 6, all;
Sec. 7, all;
Sec. 18, all;
Sec. 19, 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11, NE¼, E½NW¼;
Sec. 20, all;
Sec. 21, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, N½NE¼, SW¼;
Sec. 22, lots 1, 2, and 3, SE¼NW¼;
Sec. 23, NE¼, N½SE¼, SE¼SE¼;
Sec. 24, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 25, all;
Sec. 26, E½E½;
Sec. 27, S½SE¼NE¼, E½SE¼;
Sec. 28, NE¼, W½;
Sec. 29, lots 1 and 2, E½, E½NW¼, SW¼SW¼, N½NW¼SW¼, SW¼NW¼;
Sec. 30, all;
Sec. 31, all;
Sec. 32, N½, N½SW¼, NW¼SE¼;
Sec. 33, N½N½, SE¼NE¼, SW¼NW¼, NE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, E½, N½NW¼NW¼;
Sec. 36, all.

T. 43 N., R. 42 W.,
Sec. 19, lots 1, 2, 3, 4, and 5, SE¼SW¼, S½SE¼;
Sec. 30, all;
Sec. 31, lots 1, 2, and 3, E½, E½W½.

T. 41 N., R. 43 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, N½, N½S½, SW¼SW¼, SW¼SE¼;
Sec. 12, all;
Sec. 13, N½;
Sec. 14, W½NW¼, NW¼SW¼;
Sec. 15, N½, N½SE¼;
Sec. 16, all;
Sec. 17, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, NW¼NW¼, S½NW¼, NW¼SE¼;
Sec. 18, all;
Sec. 19, all;
Sec. 20, lots 1, 2, and 3, SW¼NE¼, W½, W½SE¼;
Sec. 21, SE¼SW¼.

T. 42 N., R. 43 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, lots 1, 2, and 3, E½, E½W½;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

T. 43 N., R. 43 W.,
Sec. 19, lots 1, 2, 3, 4, and 5, SE¼SW¼, S½SE¼;
Sec. 20, lots 1, 2, 3, and 4, S½S½;
Sec. 21, lots 1, 2, 3, and 4, S½S½;
Sec. 22, lots 1, 2, 3, and 4, S½S½;
Sec. 23, lots 1, 2, 3, and 4, S½S½;
Sec. 24, lots 1, 2, 3, and 4, S½S½;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

T. 41 N., R. 44 W.,
Sec. 1, lots 1, 2, 3, and 4, S½NE¼, E½SW¼NW¼, SE¼NW¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 2, N½, W½SW¼;
Sec. 3, all;
Sec. 4, E½SE¼;
Sec. 5, lots 1, 2, 3, and 4;
Sec. 7, S½;
Sec. 10, E½;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, N½, SW¼, N½SE¼, N½S½SE¼, S½SW¼SE¼;
Sec. 15, E½;
Sec. 17, NW¼;
Sec. 18, N½;
Sec. 19, W½, SE¼;
Sec. 20, S½S½;
Sec. 21, SW¼;
Sec. 22, E½;
Sec. 23, N½NE¼, W½SW¼NE¼, NW¼, S½;
Sec. 24, lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, W½NE¼NW¼, W½NW¼, SW¼SW¼, N½SE¼.

T. 42 N., R. 44 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 4, W½;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, SE¼SE¼, W½;
Sec. 10, all;
Sec. 11, E½NE¼;
Sec. 12, all;
Sec. 13, all;
Sec. 14, NW¼, S½;
Sec. 15, all;
Sec. 16, NE¼NE¼, S½NE¼, W½, SE¼;
Sec. 17, all;
Sec. 18, lots 1, 2, 3, and 4, NE¼, E½NW¼, SE¼SW¼, SW¼SE¼;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, S½N½, S½;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, N½, SE ¼;
Sec. 30, E½NE¼, NW¼NE¼, NE¼NW¼;
Sec. 32, S½S½;
Sec. 33, S½;
Sec. 35, all;
Sec. 36, all.

T. 43 N., R. 44 W.,
Sec. 19, lots 1, 2, 3, 4, and 5, SE¼SW¼, S½SE¼;
Sec. 23, lots 1 and 2, S½SE¼;
Sec. 24, lots 1, 2, 3, and 4, S½S½;
Sec. 25, all;
Sec. 26, all;
Sec. 27, E½SE¼;
Sec. 30, lot 1, N½NE¼, NE¼NW¼;
Sec. 31, all;
Sec. 34, E½E½, W½SE¼;
Sec. 35, all;
Sec. 36, all.

T. 41 N., R. 45 W.,
Sec. 1, S½SW¼;
Sec. 3, W½;
Sec. 4, all;
Sec. 5, all;
Sec. 6, E½SE¼;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, N½, N½SE¼;
Sec. 20, N½, NW¼SW¼, SE¼SE¼;
Sec. 21, N½, S½SE¼SW¼, S½SE¼;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 45 W.,
Sec. 1, all;
Sec. 3, SW¼;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, N½;
Sec. 8, all;
Sec. 9, all;
Sec. 12, all;
Sec. 13, E½;
Sec. 19, S½;
Sec. 22, SW¼;
Sec. 24, NE¼;
Sec. 27, NW¼;
Sec. 28, W½;
Sec. 30, lots 1 and 2, NE¼, NE¼NW¼;
Sec. 32, E½NE¼;
Sec. 33, W½.

T. 43 N., R. 45 W.,
Sec. 19, lot 4, SE¼SW¼;
Sec. 20, lots 1, 2, 3, and 4, S½S½;
Sec. 24, lots 1, 2, 3, and 4, S½S½;
Sec. 25, N½;
Sec. 29, all;
Sec. 30, lots 3 and 4, E½, E½W½;
Sec. 31, all;
Sec. 32, all;
Sec. 33, W½W½.

T. 41 N., R. 46 W.,
Sec. 1, all;
Sec. 2, E½;
Sec. 4, SW¼SW¼;
Sec. 8, SE¼;
Sec. 9, all;
Sec. 10, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 11, SW¼, S½SE¼;
Sec. 12, N½N½, S½;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, E½E½;
Sec. 20, SE¼;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all.

T. 42 N., R. 46 W.,
Sec. 1, lot 1, SE¼NE¼, SE ¼;
Sec. 2, lot 1, SE¼NE¼;
Sec 3, lots 1, 2, and 3, S½NE¼, SE¼NW¼;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, lots 1, 2, and 4, E½, E½NW¼, SE¼SW¼;
Sec. 8, E½, N½NW¼, SW¼NW¼;
Sec. 9, E½, NW¼;
Sec. 10, all;
Sec. 12, NE¼, N½S½;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, lots 1 and 2, N½NE¼, E½NW¼;
Sec. 23, W½;
Sec. 24, SE¼SE¼;
Sec. 26, W½, SE¼;
Sec. 35, E½;
Sec. 36, SW¼.

T. 43 N., R. 46 W.,
Sec. 21, lots 1, 2, 3, 4, and 5, S½SE¼;
Sec. 22, lots 1, 2, 3, and 4, S½S½;
Sec. 23 lots 1, 2, 3, and 4, S½S½;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, lots 1, 2, and 3, E½, NE¼SW¼, S½SW¼;
Sec. 31, lots 1, 2, 3, 4, 5, 6, and 7, E½ SW¼, S½SE¼;
Sec. 32, lots 1, 2, 3, and 4, S½NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

T. 41 N., R. 47 W.,
Sec. 12, SE¼NW¼, SW¼, W½SE¼;
Sec. 13, W½E½, W½.

T. 42 N., R. 47 W.,
Sec. 1, all;
Sec, 12, all;
Sec. 13, all;
Sec. 24, all;
Sec. 25, E½E½.

T. 43 N., R. 47 W.,
Sec. 36, lots 1, 2, 3, and 4, W½NW¼, SW¼, S½SE¼.

The total acreage covered by this transfer is approximately 196,956.94 acres.

HOLLIS M. DOLE,
Acting Secretary of the Interior.

AUGUST 19, 1969.

[F.R. Doc. 69-10046; Filed, Aug. 22, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-2712, etc.]

CITIES SERVICE CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 15, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2712 D 7-25-69	Cities Service Co. (Operator) et al., Post Office Box 300, Tulsa, Okla. 74102 (partial abandonment).	Arkansas Louisiana Gas Co., Rodessa Field, Caddo Parish, La.	(1)	.....
G-4954 D 8-4-69	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74102 (partial abandonment).	United Gas Pipe Line Co., Marshall Field, Goliad County, Tex.	Depleted	.....
G-7009 D 7-28-69	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102 (partial abandonment).	United Fuel Gas Co., acreage in in Pike County, Ky.	(2)	.....
G-7241 C 7-30-69	Aztec Oil & Gas. Co. (Operator) et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
CI63-26 E&C 7-2-69 [3]	Mack R. Worl and George W. Marthetis (successor to Henry Breck [4]), 5021 Baltan Rd., Washington, D.C. 20016.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
CI65-1326 E 7-31-69	Petrodynamics, Inc. (Operator) et al. (successor to Jas. F. Smith), Post Office Box 10006, Amarillo, Tex. 79106.	Cities Service Gas Co., Yellowstone Field, Woods County, Okla.	14.0	14.65
CI67-205 C 7-17-69	Daico Oil Co., 1210 Mercantile Bank Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., acreage in Ellis County, Okla.	17.0	14.65
CI68-1038 C 8-4-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
CI69-340 C 7-22-69 [3]	Helmly & Prather Oil Corp. (Operator) et al., 518 Petroleum Bldg., Amarillo, Tex. 79100.	Northern Natural Gas Co., Northwest Lovedale Field, Harper County, Okla.	[5] 17.0	14.65
CI69-551 C 7-30-69	Jones & Pellow Oil Co., 101 Northeast 26th St., Oklahoma City, Okla. 73105.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	[7] 17.0	14.65
CI69-721 C 8-4-69	Sohio Petroleum Co. (Operator) et al., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Northwest Camrick Pool, Texas County, Okla.	[8] 18.75	14.65
CI69-972 C 7-28-69 [9]	King Resources Co., First National Bank Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	[10] 16.015	14.65
CI69-1050 C 8-4-69 [11]	Sun Oil Co. (DX Division) (Operator) et al., Post Office Box 2039, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Port Barre-Naka Field, St. Landry Parish, La.	15.3	15.025
CI70-90 (CI64-1405) F 7-23-69	Sunset International Petroleum Corp. (successor to Steve Gose (Operator) et al.), 2400 Fidelity Union Tower, Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Haskell County, Okla.	15.0	14.65
CI70-91 B 7-28-69	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., North White Lake Field, Vermilion Parish, La.	Uneconomical	.....
CI70-92 A 7-30-69	Samedan Oil Corp. et al., Post Office Box 909, Ardmore, Okla. 73401.	Florida Gas Transmission Co., Penascal Field, Kenedy County, Tex.	17.8	14.65
CI70-93 A 7-30-69	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Southern Natural Gas Co., Blocks 142, 144, 298, 299, and 300, Main Pass Area, Offshore Louisiana.	[8] 21.25	15.025
CI70-94 B 8-1-69	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	Texas Eastern Transmission Corp., Woodlawn Field, Harrison County, Tex.	Depleted	.....
CI70-95 A 7-30-69	Ralph Kirtley, agent, Milton, W. Va. 25541.	United Fuel Gas Co., McComas District, Cabell County, W. Va.	16.0	15.325
CI70-96 A 8-1-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Putnam Field, Custer County, Okla.	[8] 17.0	14.65
CI70-97 (CI69-1130) [12] F 7-31-69	C. H. Lyons, Sr., et al. (successor to Paul M. Toce), c/o J. A. Dykes, attorney, 1500 Beck Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	[13] 21.25	15.025
CI70-98 A 8-1-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Ship Shoal Block 198, Ship Shoal Block 176 Field, Offshore Terrebonne Parish, La.	21.25	15.025
CI70-99 (CI61-36) F 7-28-69	Glen S. Soderstrom (Operator) et al. (successor to Kerr-McGee Corp.), Suite 707, Barfield Bldg., Amarillo, Tex. 79101.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	[8] 17.0	14.65
CI70-100 A 7-31-69	Pan American Petroleum Corp.	Texas Gas Transmission Corp., East Cameron Block 14 Field, Offshore Louisiana.	21.25	15.025
CI70-101 A 8-4-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Hamilton County, Kans.	[14] 14.5	14.65
CI70-102 A 8-4-69	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	United Gas Pipe Line Co., South Timbalier Block 26, Offshore Lafourche Parish, La.	21.25	15.025
CI70-103 A 8-4-69	Gulf Coast Natural Gas Co. (Operator) et al., 800 Houston Natural Gas Bldg., Houston, Tex 77002.	Transcontinental Gas Pipe Line Corp., Cooke Field, La Salle County, Tex.	15.0	14.65
CI70-104 A 8-4-69	King Resources Co. et al.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	21.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C170-105..... A 8-4-69	Joseph F. Fritz Operating Co., Post Office Box 296, Clinton, Miss. 39056.	Texas Eastern Transmission Corp., White Castle Field, Wilkinson County, Miss.	20.6	15.025
C170-106..... B 8-4-69	T. F. Hodge.....	Texas Eastern Transmission Corp., Rudman Field, Bee County, Tex.	Uneconomical	.....
C170-108..... B 7-30-69	Getty Oil Co. (Operator) et al., Post Office Box 1404, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Rodessa Field, Caddo Parish, La.	Uneconomical	.....
C170-109..... A 8-4-69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., Northeast Grand Field, Ellis County, Okla.	[8] 18.0	14.65
C170-110..... (G-4579) F 8-4-69	Mallonee-Mahoney, Inc. (successor to Cities Service Oil Co.), 925 Sutton Place, Wichita, Kans. 67202.	Northern Natural Gas Co., Evalyn Field, Seward County, Kans.	[16] 14.0 [16 17] 16.0	14.65
C170-111..... B 8-4-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Depleted	.....
C170-112..... A 8-6-69	John H. Hill, 100 Southland Center, Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., Southwest Cedardale Field, Woodward County, and Northwest Six Mile Field, Beaver County, Okla.	[8] 17.0	14.65
C170-113..... B 8-6-69	J. W. Kinzer, Allen, Ky. 41601.....	Cities Service Oil Co.,[18] Pond Creek Area, Pike County, Ky.	[18]	.....
C170-114..... A 8-6-69	Thomas W. Crews, Operator, 1328 Lincoln St., Alice, Tex. 78332.	Coastal Equipment Co., Keemac Field Area, Jim Wells County, Tex.	10.0	14.65
C170-115..... A 8-7-69	Kenneth D. Luff et al., c/o Marsden W. Miller, Jr., attorney, Horigan & Thompson, 1610 Denver Club Bldg., Denver, Colo. 80202.	Western Transmission Corp., acreage in Carbon County, Wyo.	15.0	14.65

[1] Gas produced from subject acreage is compressed by Arkansas Louisiana Gas Company at its Mills Compressor Station. Applicant states that it has been advised that the compressor facilities will be shut down as of July 31, 1969.
[2] Applicant has been purchasing gas from J. W. Kinzer for resale to United Fuel Gas Co. Kinzer now desires to deliver this gas directly to United.
[3] Application previously noticed Aug. 4, 1969, in Dockets Nos. G-3264 et al. as a succession filing. Further review of the application reveals that said application also adds additional leases to subject contract.
[4] Successor in interest to Thomas J. Blaho, Jr., doing business as Blaho Oil & Gas Co. Breck never made certificate filing covering subject acreage.
[5] Amendment to add acreage and cover interest of additional co-owners.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Contract provides for rate of 19.5 cents per Mcf; however, Applicant states its willingness to accept certificate at 17 cents, including tax reimbursement, plus B.t.u. adjustment.
[8] Includes 1.75 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[9] Adds acreage acquired from Pan American Petroleum Corp., Docket No. C165-1145.
[10] Rate in effect subject to refund in Docket No. RI69-103.
[11] Amendment to include additional interest acquired by Applicant and to include interests of co-owners previously covered by Lawrence Oil, Inc., in Docket No. C164-300 under its FPC GRS No. 1.
[12] No permanent certificate issued; temporary authorization granted only.
[13] Contract rate is 21.25 cents per Mcf; however, Applicant states its willingness to accept certificate at 20 cents per Mcf for gas well gas and 18.5 cents per Mcf for casinghead gas, as adjusted for quality consistent with Opinion No. 546.
[14] Less B.t.u. adjustment.
[15] For depths between the base of the Wolfcamp Series and the top of the Morrowan Series.
[16] For depths below the top of the Morrowan Series.
[17] Rate in effect subject to refund in Docket No. RI66-398.
[18] Successor in interest to Columbian Fuel Corp.
[19] Gas from acreage under the subject contract is resold by Cities Service Oil Co. to United Fuel Gas Co. Applicant is presently negotiating with United for direct sale of gas.

[F.R. Doc. 69-9972; Filed, Aug. 22, 1969; 8:45 a.m.]

[Docket No. RI 70-124, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 14, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until other wise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 1, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by the producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-124..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	407	[3] 1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Block 176 Field, Ship Shoal Area, Offshore Louisiana).	$3,375	7-24-69	[4] 8-24-69	[5] 8-25-69	[6] [7] [10] 18.5	[6] [7] 20.0	
RI70-125..	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	310	[11] 1	Michigan Wisconsin Pipe Line Co. (Block 208 Field, Eugene Island Area, Offshore Louisiana).	499	7-18-69	[4] 8-18-69	[5] 8-19-69	[8] [10] [12] 18.5	[6] [7] 20.0	
RI70-126..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	369	[13] 1	Texas Eastern Transmission Corp. (Vermilion Block 164 Field, Offshore Louisiana).	54,750	7-22-69	[4] 8-22-69	[5] 8-23-69	[8] [10] [14] 18.5	[6] [7] 20.0	
RI70-127..	Union Oil Co. of California, Los Angeles, Calif. 90017, Attention: Mr. C. E. Smith.	201	[15] 1	Texas Eastern Transmission Corp. (Block 280 Field, West Cameron Area, Offshore Louisiana).	73,800	7-25-69	[4] 8-25-69	[5] 8-26-69	[8] [10] [15] 18.5	[6] [7] 20.0	

[3] Contract dated May 29, 1969.
[4] The stated effective date is the first day after expiration of the statutory notice or date of initial delivery, whichever is later.
[5] The suspension period is limited to 1 day.
[6] Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.
[7] Pressure base is 15.025 p.s.i.a.
[8] Subject to quality adjustments.
[9] Initial rate as conditioned by temporary certificate issued July 11, 1969, in Docket No. CI69-1165.
[10] Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[11] Contract dated Oct. 11, 1968.
[12] Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69-443.
[13] Contract dated Aug. 27, 1969.
[14] Initial rate as conditioned by temporary certificate issued June 27, 1969, in Docket No. CI69-266.
[15] Initial rate as conditioned by temporary certificate issued June 27, 1969, in Docket No. CI69-708.
[16] Contract dated Oct. 7, 1968.

These four proposed rate increases, from 18.5 cents to 20 cents per Mcf, involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to ordering paragraph (A) of opinion No. 546-A which lifted the indefinite moratorium imposed in opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates in dockets as set forth below authorizing the collection of the third vintage prices established in opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustment).[17] Deliveries of gas have not as yet commenced thereunder.

We conclude that these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective Date Column" on Appendix A hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the area rate proceeding in docket No. AR69-1.

[F.R. Doc. 69-9973; Filed, Aug. 22, 1969; 8:45 a.m.]

LANDS WITHDRAWN IN PROJECTS NOS. 554, 1034, 1114, AND 1931

Order Vacating Withdrawals

AUGUST 19, 1969.

Application has been filed by the State of Alaska (Applicant) for vacation of the power withdrawals pertaining to the lands of the United States located within the Chugach National Forest, described below. The lands were withdrawn variously as outlined below by the filing of applications for licenses and a preliminary permit. The various licenses issued for these small projects have all expired or been surrendered, as noted below.

LANDS WITHDRAWN FOR PROJECT NO. 554

The following described lands are withdrawn pursuant to the filing on November 10, 1924, of an application for a license for Project No. 554:

VICINITY OF ORCA INLET, PRINCE WILLIAM SOUND

CHUGACH NATIONAL FOREST, ALASKA

The powerhouse site and reservoir site locations indicated respectively as Tract "A" and Tract "B", and all lands within 50 feet of the centerline of the conduit line location lying between and outside of said Tracts "A" and "B", all as shown on a map designated "Exhibit J(1)" and entitled: "Humpback Creek Power Project of the Cordova Power Co., Alaska," and filed in the office of the Federal Power Commission on November 10, 1924. (Approximately 57 acres.)

All unpatented and unsurveyed public land, lying within 50 feet of the constructed transmission line location, extending from the powerhouse of the Alaska Public Utilities near the mouth of Humpback Creek, in a southerly direction to the northern limit of U.S. Survey No. 449, as shown on a map designated "Exhibit J(1)" and entitled "Humpback Creek Power Project of the Cordova Power Co., Alaska," and filed in the office of the Federal Power Commission on November 10, 1924. (Approximately 60 acres.)

LANDS WITHDRAWN FOR PROJECT NO. 1034

The following described lands are withdrawn pursuant to the filing on November 13, 1929, of an application for a preliminary permit for Project No. 1034:

CHUGACH NATIONAL FOREST, NEAR CORDOVA, ALASKA

All portions of Mineral Survey No. 1061, Keystone Mine, canceled part of Juneau Mineral Entry 03957, lying within 50 feet of the centerline of the pipeline location shown on a map entitled "Map of Fleming Creek Showing Project of Pioneer Packing Co. Development of 95 Horse Power" and filed in the office of the Federal Power Commission on November 13, 1929. (Approximately 1 acre.)

LANDS WITHDRAWN FOR PROJECT NO. 1114

The following described lands are withdrawn pursuant to the filing on September 5, 1930, of an application for license for Project No. 1114:

CHUGACH NATIONAL FOREST, ALASKA

THIRD JUDICIAL DIVISION

CORDOVA RECORDING DISTRICT

All lands lying within 50 feet of the centerline of the flume and pipeline between the constructed diversion dam and the boundary of the patented land included in Trade and Manufacturing Site Survey No. 302, approximately 3 miles northeast of the city of Cordova, and all lands lying within 50 feet of the dam and penstock; all as shown on a map designated "Exhibit F" and entitled, "Map showing project boundaries accompanying application for license of Booth Fisheries Co., situated on Orca Creek, Orca Inlet, an arm of Prince William Sound, Alaska, Mainland", and filed in the office of the Federal Power Commission on September 5, 1930. (Approximately 2 acres.)

LANDS WITHDRAWN FOR PROJECT NO. 1931

The following described lands are withdrawn pursuant to the filing on May 3, 1945, of an application for license for Project No. 1931:

CHUGACH NATIONAL FOREST, ALASKA

THIRD JUDICIAL DIVISION

CORDOVA RECORDING DISTRICT

All lands lying within 10 feet of the high-water line of reservoir and of the centerline of the flume, penstock, tank, pipeline, and water wheel and generator, between the constructed diversion dam and the boundary of the patented land included in Trade and Manufacturing Site Survey No. 302, approximately 3 miles northeast of the city of Cordova, and all lands within 20 feet from centerline and ends of the dam; all as shown on a map entitled "Exhibit K, Power Project of New England Fish Co. at Orca, Alaska, Chugach National Forest, Territory of Alaska." (Approximately one-half acre.)

The lands are included within selection applications filed by Applicant under the Statehood Act of July 7, 1958 (72 Stat. 339), as amended, pursuant to which the State may acquire Federal

[17] Docket No. CI69-708, Union Oil Co. of California. Docket No. CI69-1165, Gulf Oil Corp. Docket No. CI69-443, Cities Service Oil Co. Docket No. CI69-266, Shell Oil Co.

lands. Vacation of the power withdrawals would facilitate the transfer of title to Applicant.

The lands are variously located along the Humpback, Flemming, and Orca Creeks, small coastal streams which drain into Orca Inlet, 1 to 5 miles north of the city of Cordova, Alaska. Flemming and Orca Creek have drainage areas of less than 1 square mile each, and Humpback Creek has a drainage area of about 4 square miles. There are no potential storage sites on the creeks, and the authorized capacity of Projects Nos. 554, 1034, and 1931 (a reconstruction of Project No. 1114) totaled 220 horsepower.

The Commission accepted surrender of the licenses for Projects Nos. 1034, 1114, and 1931 by orders dated September 16, 1933, September 5, 1944, and September 1, 1959, respectively. The license for Project No. 554 expired January 23, 1950, and the project was subsequently operated under a Forest Service special use permit, which was terminated in 1968.

The energy needs of the city of Cordova are presently being supplied by four diesel units totaling 3,200 kw. capacity. An application has been filed for license for proposed Project No. 2656, which would furnish 2,500 kw. from a hydroelectric project to be constructed on nearby Power Creek, about 5 miles from town. This project would not affect any of the subject lands, and there are no plans presently known for power development which would affect the subject lands. Inasmuch as the power value of the subject lands is negligible, the Alaska Power Administration, the U.S. Geological Survey, and the U.S. Forest Service have recommended that the subject power withdrawals be vacated.

The Commission finds: The withdrawals for Projects Nos. 554, 1034, 1114, and 1931 serve no useful purpose and should be vacated in their entirety.

The Commission orders: The withdrawals of the subject lands pursuant to the applications for Projects Nos. 554, 1034, 1114, and 1931 are hereby vacated.

By the Commission.

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

[F.R. Doc. 69-10028; Filed, Aug. 22, 1969; 8:45 a.m.]

[Docket No. RI70-3 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1969.

Atlantic Richfield Co., Docket No. RI 70-3, et al.; John C. Oxley et al., Docket No. RI70-9; Graham-Michaelis Drilling Co., Docket No. RI70-11.

In the order accepting contract amendments, providing for hearings on and suspension of proposed changes in rates, issued July 16, 1969, and published in the FEDERAL REGISTER July 26, 1969, F.R. 34 (12353), Docket No. RI70-9, John C. Oxley, et al.: Under column headed "Respondent" change "John V. Oxley et al." to read "John C. Oxley et al." In Docket No. RI70-11, Graham-Michaelis Drilling Co.: Under "Rate Schedule No." and "Supplement No." columns opposite the amount of $1,055, insert "62" in the Rate Schedule No. column, and "5" in the Supplement No. column.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10029; Filed, Aug. 22, 1969; 8:45 a.m.]

[Docket No. RI 69-205, etc.]

PAN AMERICAN PETROLEUM CORP. (OPERATOR), AMERADA PETROLEUM CORP.

Order Accepting Contract Amendment and Agreement Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1969.

In the order accepting contract amendment and agreement, providing for hearings on and suspension of proposed changes in rates, issued November 8, 1968 and published in the FEDERAL REGISTER November 21, 1968 (33 F.R. 17268), Docket No. RI69-208, Amerada Petroleum Corp.: (Opposite Rate Schedule No. 4) under column headed "Supp. No." change "15" to read "16".

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10030; Filed, Aug. 22, 1969; 8:45 a.m.]

[Docket No. RP70-5]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 19, 1969.

Take notice that Southern Natural Gas Co. (Southern) on August 15, 1969, tendered for filing proposed changes in its FPC Gas Tariff Sixth Revised Volume No. 1, to become effective on October 1, 1969. The proposed rate changes would increase charges for jurisdictional sales by $37,830,641 annually, based on volumes for the 12-month period ended April 30, 1969, as adjusted. The proposed increase would be applicable to all of Southern's jurisdictional rate schedules. Southern proposes elimination of the first block commodity charge in the OCD-1, OCD-3, OCDL-1 and CD-3 Rate Schedules and introduces seasonal commodity charges in the AO-1, AO-2, AO-3 and AOL-1 Rate Schedules. Revision of section 4.2(b) of the general terms and conditions would permit changes in measurement provisions based on revisions in the applicable standards manual and revision of section 6.3 would change the interest on past due billing amounts from 6 percent per annum to the prime rate then being charged by The Chase Manhattan National Bank, N.A.

Southern states the principal reasons for the proposed rate increases are: (1) Increases in costs of financing which the company says give rise to the need for an 8.5 percent rate of return on transmission properties and a 12 percent rate of return on production properties; (2) increases in operation and maintenance expenses due to, among other things, increases in salaries, wages and other employee benefits; (3) increases in the cost of supplies, materials, labor and services for the pipeline and (4) increases in Federal, State, and local taxes.

Copies of the filing were served on Southern's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10031; Filed, Aug. 22, 1969; 8:45 a.m.]

[Dockets Nos. RI70-47, etc.]

TEXACO INC.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1969.

In the order accepting contract amendments, providing for hearings on and suspension of proposed changes in rates, issued July 24, 1969, and published in the FEDERAL REGISTER August 5, 1969 (34 F.R. 12731), Docket No. RI70-47, Texaco Inc.: Under column headed "Effective date unless suspended", change "7-27-68" to read "7-27-69."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-10032; Filed, Aug. 22, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

EMIGRANT WILDERNESS

Proposal and Hearing Announcement

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131,

1132), that a public hearing will be held beginning at 9 a.m. on September 30, 1969, in the Elks Lodge, 100 Elks Drive, Sonora, Calif., on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to Congress for the establishment of Emigrant Wilderness, comprising about 105,954 acres, including most of the Emigrant Basin Primitive Area, and five contiguous areas. The proposed Emigrant Wilderness is located within the Stanislaus National Forest, Tuolumne County, State of California.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Stanislaus National Forest, 175 South Fairview Lane, Sonora, Calif. 95370, or the Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, Calif. 94111.

Individuals and organizations are invited to express their views by appearing at the hearing, or may submit written comments for inclusion in the official record to Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, Calif. 94111, by October 30, 1969.

A. W. GREELEY,
Associate Chief, Forest Service.

[F.R. Doc. 69-10097; Filed, Aug. 22, 1969; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ROSWELL PARK MEMORIAL INSTITUTE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

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

Docket No. 70-00053-33-46040. Applicant: Roswell Park Memorial Institute, Health Research, Inc., 666 Elm Street, Buffalo, N.Y. 14203. Article: Electron microscope, Model JEM-200 and accessories. Manufacturer: Japan Electron Optics Laboratory Co. Ltd., Japan. Intended use of article: The article will be used to examine delicate biological specimens in the hydrated state. Past research indicates that important medical and biological research gains can be obtained by increasing the accelerating voltage of the electron microscope. Application received by Commissioner of Customs: July 16, 1969.

Docket No. 70-00054-33-46040. Applicant: University of Cincinnati, Department of Biological Sciences, Cincinnati, Ohio 45221. Article: Electron microscope, Model EM6B/801. Manufacturer: Associated Electrical Industries, U.K. Intended use of article: The article will be used for both research and teaching purposes, and will be used to examine the fine structure of biological specimens. The applicant's research efforts for the next few years will be directed primarily towards the study of the biogenesis of mitochondria and chloroplasts, and the role of cytoplasmic DNA in this process of biogenesis. Application received by Commissioner of Customs: July 16, 1969.

Docket No. 70-00056-33-46500. Applicant: St. Margaret's Hospital, Department of Pathology and Medical Research, 90 Cushing Avenue, Dorchester, Mass. 02125. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with the investigation of the ultra-structural responses of normal and tumor cells in culture to a variety of particulate materials under varying growth conditions. The applicant wishes to study the process of phagocytosis and the influence of various chemical and physical agents on this process including the mechanism of particle uptake and the accompanying cellular alterations in relation to particle type, cell type and culture conditions. Application received by Commissioner of Customs: July 17, 1969.

Docket No. 70-00057-33-46070. Applicant: The Ohio State University, Department of Otolaryngology, 190 North Oval Drive, Columbus, Ohio 43210. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., U.K. Intended use of article: The article will be used primarily for biomedical research and associated teaching activities and for the following purposes:

1. Investigations of the surface topography of the inner ear.
2. Investigations of otosclerotic bones.
3. Examination of the middle ear bone mastoid.
4. Investigation of new growth of airway passage.
5. Investigation of new growth in the oral cavity.

Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70-00058-33-46500. Applicant: The City College of New York, The City College Research Foundation, 138th Street and Convent Avenue, New York, N.Y. 10031. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used as a major research tool for the projects listed:

1. Investigation of the morphology of latex particles.
2. Electron microscopical histochemical studies of neurosecretion.
3. Studies with the avian tumor viruses.
4. An electron microscope investigation of trematode parasites.

To meet the needs of such a wide range of interests it is imperative that the instrument have the following requirements: (a) section thickness between 50 angstroms to 2 microns; (b) widest range of cutting speeds; and (c) equal thickness serial sections. Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70-00059-33-46500. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin and thin sections for electron as well as light microscopic examination. The research is concerned with the action of psychotropic drugs and liver carcinogens on the fine structure of the rat liver cell. It is important in this regard to study the alterations in cellular organization and individual organelles after treatment with these compounds. In order to study the specific spatial alterations, it is mandatory that long series of equal thickness serial sections be obtained of the rat liver nucleolus after treatment with these carcinogens. Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70-00060-65-14200. Applicant: Battelle Memorial Institute, 505 King Avenue, Columbus, Ohio 43210. Article: Quantimet TV Analyzing Computer, Type B. Manufacturer: Metals Research, Ltd., U.K. Intended use of article: The article will be used for scientific research purposes. The article is designed to provide quantitative data of the structural (or microstructural) parameters of materials and the physically and/or chemically distinct identities which might be contained within the structure of materials. Most of the programs are specifically concerned with obtaining fundamental relationships between various microstructural features of materials (mainly metals and ceramics) and their properties. Although this information can be obtained manually,

the amount of time required to obtain a statistically significant sample is usually prohibitive. Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70-00061-65-46070. Applicant: National Bureau of Standards, Route 70S and Quince Orchard Road, Gaithersburg, Md. 20760. Article: Scanning electron microscope, Model IIA. Manufacturer: Cambridge Instrument Company, U.K. Intended use of article: The article will be used to cover many areas of research by the applicant from determinations of the properties of materials to precise measurement methods and techniques. Many of the intended uses involve large, carefully prepared crystal specimens. Studies of plastically deformed single crystals will be conducted concentrating on slip line lengths and slip step density measurements. X-ray microanalysis of complicated materials will be conducted in connection with electron microscope studies to determine composition of primary elements in the material and to analyze the nature of inclusions and foreign particles. Application received by Commissioner of Customs: July 18, 1969.

Docket No. 70-00062-88-46070. Applicant: Louisiana State University, School of Geology, Baton Rouge, La. 70803. Article: Scanning electron' microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be the basic component of an instrumentation complex to be used for research and student training. The magnification and high resolution capabilities of the article will be combined with a nondispersive X-ray spectrometer attachment to open new areas of research. Intended uses in specific fields of research are listed below:

1. Application of the scanning electron microscope in Paleontology.
2. Application of the scanning electron microscope in Sedimentology.
3. Application of the scanning electron microscope with nondispersive X-ray spectrometer.

Application received by Commissioner of Customs: July 22, 1969.

Docket No. 70-00063-01-46040. Applicant: Portland State University, Post Office Box 751, Portland, Oreg. 97207. Article: Electron microscope, Model HU-125 C (used). Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for both education and research. Education will include both instruction on the use of the electron microscope and instruction in light and electron microscopy of metals. Current research for which the article will be used is concerned with the microstructure of the permanent magnet alloys, Alnico 5 and Alnico 6. Information about the morphology and crystallography of solid state phase changes in these materials is desired. Electron transmission microscopy, both dark and bright field, and selected area electron diffraction techniques will be used to obtain this information. Application received by Commissioner of Customs: July 22, 1969.

Docket No. 70-00065-88-75000. Applicant: New York State Museum and Science Service, Geological Survey, Room 973 State Educational Building Annex, Albany, N.Y. 12224. Article: Shot box and battery recharger. Manufacturer: Huntec, Limited, Canada. Intended use of article: The article will be used for a scientific study of the preglacial drainage patterns and glacial and post glacial surficial deposits. A better understanding of the Pleistocene history of New York State is the objective of this study. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70-00066-87-78700. Applicant: Iowa State University of Science and Technology, Purchasing Department, 202 Service Building, Ames, Iowa 50010. Article: Surveying equipment (theodolite, chronometer and chronograph). Manufacturer: Wild-Heerburgg Instruments, Switzerland. Intended use of article: The article will be used as a modern geodetic instrumentation system for use in graduate research and instruction in the geodetic aspects of the new geodesy and photogrammetry program. Seven new graduate courses in geodesy and photogrammetry were approved for inclusion in the 1969-1971 General and Graduate catalogs. Three of these courses are in geodesy, two in photogrammetry, one in advanced surveying, and one in both geodetic and photogrammetric observations. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70-00067-33-46040. Applicant: New York State Institute for Basic Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, N.Y. 10314. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to discover more about the fine structure and molecular organization of the synapse and other brain regions in normal and abnormal states. In certain experiments brain tissue will be sectioned in slices of approximately 4 microns to 100 angstroms thick. In other investigations, brain tissue will be homogenized and subcellular fractions separated by density gradient centrifugation using either the swinging bucket or the zone rotors in the ultracentrifuge. Gel filtration and the electrafocusing method may be used to purify certain fractions. Samples will be fixed and stained for examination in the electron microscope. Application received by Commissioner of Customs: July 24, 1969.

Docket No. 70-00068-33-01200. Applicant: Kendall School for the Deaf, Gallaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (nasal indicator). Manufacturer: Special Instrument AB, Sweden. Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school age children. Application received by Commissioner of Customs: July 24, 1969.

CHARLEY M. DENTON,
Assistant Administrator, for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-10070; Filed, Aug. 22, 1969; 8:48 a.m.]

UNIVERSITY OF OKLAHOMA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

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

Docket No. 70-00046-33-84500. Applicant: University of Oklahoma, Norman, Okla. 73069. Article: Vacuum evaporator, Model JEE-4C. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to coat sample zoological and geological specimens with a layer of heavy metal or carbon-metal mixture for scanning electron microscopy. Application received by Commissioner of Customs: July 15, 1969.

Docket No. 70-00048-01-28200. Applicant: University of Pittsburgh, Fifth Avenue and Bigelow Blvd., Pittsburgh, Pa. 15213. Article: Electron paramagnetic resonance spectrometer, Model B-ER-418S. Manufacturer: Bruker Physik AG, West Germany. Intended use of article: The article will be used for the following purposes:

1. Microwave-optical double resonance studies of electronically-excited states.
2. Studies of the nuclear magnetic resonance (NMR) properties of halogen-containing liquids and paramagnetic species.
3. Occurrence of antiferromagnetic ordering of transition metal ions in the solid state at liquid helium temperatures.
4. EPR studies of low-valent transition metal ions.
5. EPR studies of chemical systems possessing unpaired electrons.
6. The instrument will also be used for instructional purposes in the undergraduate physical and inorganic laboratory courses.

Application received by Commissioner of Customs: July 15, 1969.

Docket No. 70-00049-00-54800. Applicant: University of Michigan, Department of Opthalmology, 5044 Kresge II, Ann Arbor, Mich. 48104. Article: Optical bench components. Manufacturer: Precision Tool and Instrument Co. Ltd., U.K. Intended use of article: The articles will be used to replace parts of existing scientific instruments used in research on the physiology of the eye and for teaching. Application received by Commissioner of Customs: July 15, 1969.

Docket No. 70-00050-33-46500. Applicant: Oak Ridge Associated Universities, Post Office Box 117, Oak Ridge, Tenn. 37830. Article: Ultramicrotome, Reichert Model "Om U2". Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: The article will be used for cutting ultrathin serial sections about 50 to 75 angstrom units in thickness from large epoxy-embedded lymphatic tissues for research. Research is part of an investigation concerning the fine structure of lymphatic tissue germinal centers and localization of virus particles in these anatomic areas. This work is essential to the development of a model system to study leukemogenesis using high-leukemia mouse stain AKR lymphoid tissue germinal centers that contain many C-type virus particles associated with specialized reticular cells. Application received by Commissioner of Customs: July 15, 1969.

Docket No. 70-00052-33-46500. Applicant: University of Colorado Medical Center, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin frozen serial sections of fresh or formalin-fixed pituitary glands for immuno-electron microscopy, using the peroxidase labeled antibody technique. With this approach, functional maps of the human pituitary will be constructed based upon the locations of the six particular trophic hormones of the gland. In addition, hormones will be localized at their effector sites. Because the enzyme labeled antibody technique is capable of localizing molecular amounts of hormone, extremely thin sections are required to obtain adequate resolution and adjacent serial sections are required to prove immunohistologic specificity. Application received by Commissioner of Customs: July 16, 1969.

CHARLEY M. DENTON,
Assistant Administrator, for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-10071; Filed, Aug. 22, 1969; 8:48 a.m.]

YALE UNIVERSITY SCHOOL OF MEDICINE

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

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

Docket No. 70-00038-33-46500. Applicant: Yale University School of Medicine, Department of Anatomy, 333 Cedar Street, New Haven, Conn. 06510. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter A. B., Sweden. Intended use of article: The article will be used to produce ultrathin sections, 50 angstroms to 2 microns, for electron microscopic examination. Varied tissues such as nervous muscle, adipose, intestine, liver, kidney, and adrenal are studied by cytochemical and radioautographic techniques in order to relate function to morphology. Therefore, it is mandatory that long series of equal thickness serial section be cut to perform this examination. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00039-33-46040. Applicant: University of California, Morgan Hall, Berkeley, Calif. 94720. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for a wide variety of research programs in biological areas. Current projects include the following:

1. Fine structure studies of the microannelid, Enchytraeus fragmentosus.
2. Characterization of isolated nuclear and mitochondrial DNA from Enchytraeus fragmentosus and Caenorhabditis briggsae.
3. The effect of exposure to NO_2 and other air pollutants on cardiopulmonary lipid structures.
4. Damage to red blood cells in cholesterol-fed guinea pigs.
5. Relationships between structure and mitochondrial fatty acid composition.

Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00040-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for research by a number of investigators for studying the morphology of the central nervous system. The main purpose will be to correlate morphological fine structure with single-cell physiology. The article will also be used for teaching new faculty members and postdoctoral fellows, as well as for graduate students and research technicians working in the laboratory. It will enable them to carry out combined physiological and anatomical studies. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00041-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to study the ultrastructure of biological macromolecules, for example, enzymes such as DNA polymerase along with its substrate in negatively stained preparations, for the purpose of determining their size and shape. The article will also be used to examine ultrathin sections of normal and abnormal cells, for example granulocytes, for the purpose of studying their ultrastructure in relation to their function, either normal or abnormal. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00042-33-46040. Applicant: Louisiana State University Medical Center, Department of Anatomy, 1542 Tulane Avenue, New Orleans, La. 70112. Article: Electron Microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to study human and animal tissues to analyze cellular sites of enzyme and hormone production, membrane and coating structure of cells, filaments extracted from cells (specially stained), hard tissues of unusual density,

and study of serial sections for orientation of intercellular connections. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00043-33-46040. Applicant: University of Michigan Medical Center, Department of Dermatology, 1405 East Ann Street, Ann Arbor, Mich. 48104. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electron Instruments, The Netherlands. Intended use of article: The article will be used as an adjunct to the applicant's biochemical isolation and characterization of an epidermal macromolecular inhibitor. This repressor molecule, termed the epidermal chalone, has been shown to be water soluble, nondialysable, alcohol precipitable and destroyed by boiling. Its molecular weight has been estimated by Sephadex molecular sieve chromatography and analytical ultracentrifugation. The applicant feels that a combination of the techniques of negative staining and unstained material will enable him to obtain high resolution at low accelerating voltage and thereby enable him to estimate the micrographic homogeneity and size of chalone and contaminating molecules in solution. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00044-33-46500. Applicant: University of Michigan, Department of Industrial Health, Ann Arbor, Mich. 48104. Article: Ultra microtome, Model Reichert "OmU2". Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: The article will be used to prepare uniform single and serial sections of several tissues from animals exposed to various toxic compounds in the environment such as pesticides. The purpose of the investigation is to characterize the cytological abnormalities associated with the presence of the pesticide in various tissues. Long ribbons of uniform serial sections, 50 angstroms to 100 angstroms, will be required in this aspect of the investigation. Autoradiography, by electron and light microscopy, and various histochemical techniques will be performed on sections prepared with the article. Application received by Commissioner of Customs: July 14, 1969.

Docket No. 70-00045-33-43780. Applicant: Cedars-Sinai Medical Center, Cedars Division, 4833 Fountain Avenue, Los Angeles, Calif. 90029. Article: Endoscopic examination set and accessories. Manufacturer: Karl Storz Endoskopie-Instrumente, West Germany. Intended use of article: The article will be used at the Clinical and Research Endoscopic Center for the following purposes:

1. To introduce new techniques and instruments and to evaluate their clinical value.

2. To increase diagnostic accuracy by seeing more, and to document the findings on a permanent film record.

3. To establish a teaching center for undergraduate and postgraduate students.

4. To initiate new projects in approaching organs heretofore were impossible to see without operating on the patient.

Application Received by Commissioner of Customs: July 14, 1969.

CHARLEY M. DENTON,
Assistant Administrator, for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-10072; Filed, Aug. 22, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21237]

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Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference and hearing in the above-entitled matter now assigned to be held on August 21, 1969, is hereby postponed to August 28, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

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

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 69-10079; Filed, Aug. 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-8-106]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority August 19, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transportation Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R-86 through R-88.

By Order 69-7-124, dated July 24, 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 69-7-124 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-86 through R-88, 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. 69-10080; Filed, Aug. 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-8-102]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority August 19, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R-84, and R-85.

By Order 69-7-111, dated July 22, 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 69-7-111 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-84, and R-85, 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. 69-10081; Filed, Aug. 22, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-8-103]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority August 19, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R-94, and R-95.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air

Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 5, 1969, names an additional specific commodity rate, as set forth in the attachment hereto,[1] which reflects a significant reduction from the general cargo rates. In addition, a rate has been canceled from Auckland to Miami, as indicated in the attachment.

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

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R–94, and R–95, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–10082; Filed, Aug. 22, 1969; 8:49 a.m.]

[Docket No. 21130; Order 69–8–101]

NORTHWEST AIRLINES, INC.

Order for Amendment of Its Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1969.

On June 26, 1969, Northwest Airlines, Inc. (Northwest), filed an application, pursuant to Subpart N of Part 302 of the Board's procedural regulations, for an amendment of its certificate of public convenience and necessity for Route 3 to permit turnaround service between Detroit, on the one hand, and Milwaukee and points west of Milwaukee on its existing system,[2] on the other hand.

Western Air Lines, Inc., has filed a statement requesting that the Board dismiss Northwest's application except insofar as Northwest requests turnaround authority between Detroit, on the one hand, and Milwaukee, Madison, Rochester, or Minneapolis/St. Paul, on the other hand.

Upon consideration of the pleadings and other relevant facts, the Board has decided to order further proceedings pursuant to the provisions of Subpart N, sections 302.1406–1410, insofar as the application requests Detroit-Milwaukee/Twin Cities turnaround authority.[3] With respect to these portions of Northwest's application, we do not find that the application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart N. We will dismiss the remainder of the application because we find that it is not in compliance with the provisions of Subpart N.[4]

Accordingly, it is ordered, That:

1. The application of Northwest Airlines, Inc., Docket 21130, insofar as it requests: (a) Turnaround authority between Detroit, on the one hand, and Milwaukee and Minneapolis/St. Paul, on the other hand, and (b) authority to serve Madison, Rochester, or Chicago on flights which originate at Detroit and terminate at Minneapolis/St. Paul, or which originate at Minneapolis/St. Paul and terminate at Detroit, be and it hereby is set for further proceedings pursuant to Rules 1406–1410 of the Board's procedural regulations;

2. Except to the extent herein set for further proceedings, the application of Northwest Airlines, Inc., Docket 21130, be and it hereby is dismissed; and

3. This order shall be served upon the city of Detroit, Mich.; cities of Milwaukee, Madison, Wis.; cities of Rochester, Minneapolis, St. Paul, Minn.; cities of Fargo, Grand Forks, Jamestown, Bismarck, N. Dak.; cities of Billings, Bozeman, Butte, Great Falls, Helena, Missoula, Mont.; cities of Spokane, Seattle, Wash.; city of Portland, Oreg.; Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Northeast Airlines, Inc.; Ozark Airlines, Inc.; Airlift International, Inc.; Pan American World Airways, Inc.; Frontier Airlines, Inc.; Trans World Airlines, Inc.; United Airlines, Inc.; Western Air Lines, Inc.; The Flying Tiger Line, Inc.; Air West, Inc.; Mohawk Airlines, Inc.; North Central Airlines, Inc.; and Alaska Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–10083; Filed, Aug. 22, 1969; 8:49 a.m.]

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[1] Filed as part of the original document.

[2] The points west of Milwaukee are Madison, Rochester, Minneapolis/St. Paul, Fargo, Grand Forks, Jamestown, Bismarck, Billings, Bozeman, Butte, Great Falls, Helena, Missoula, Spokane, Portland, and Seattle. Restriction 4 prohibits, inter alia, turnaround service between these cities and Detroit.

[3] Since Northwest has also proposed to serve Chicago, Madison, and Rochester on flights operated between Detroit and the Twin Cities, the necessary relief from restriction 4 to permit these flights will also be at issue.

[4] Northwest has failed to submit the schedule proposals, traffic forecasts, and financial estimates required by § 302.1404 for any points west of the Twin Cities, nor has the carrier proposed any turnaround service in the Madison and Rochester markets. Moreover, Northwest expressly recognizes that its application does not fully comport with the requirements of Subpart N, and requests that in the event such noncompliance should be deemed material, its application be considered for only Detroit-Milwaukee/Twin Cities turnaround authority.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 69–903]

HARRISON RADIO, INC., ET AL.

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

In re applications of Harrison Radio, Inc., Corydon, Ind., Docket No. 18636, File No. BPH–6226; Requests: 103.9 mcs, No. 280; 3 kw; 300 feet; M. R. Lankford, Stuart K. Lankford, George R. Lankford, and Ray J. Lankford, doing business as Lankford Broadcasting Co., New Albany, Ind., Docket No. 18637, File No. BPH–6427; Requests: 103.9 mcs, No. 280; 0.525 kw(H); 0.525(V); 634 feet; Radio 900, Inc., Louisville, Ky., Docket No. 18638; File No. BPH–6429; Requests: 103.9 mcs, No. 280; 2.35 kw(H); 2.35 kw(V); 332 feet; Trinity Towers Corp., Louisville, Ky., Docket No. 18639; File No. BPH–6742; Requests: 103.9 mcs, No. 280; 3 kw(H); 3 kw(V); 300 feet; for construction permits.

1. The Commission has before it for consideration (a) the above captioned and described applications; (b) "Petition for Reconsideration" of the acceptance of the Lankford Broadcasting Co. ("Lankford"), application, filed by Radio 900, Inc. ("Radio 900"); (c) "Lankford Opposition to Petition for Reconsideration"; and (d) Radio 900's "Reply to Opposition to Petition for Reconsideration".

2. Each of the four applicants herein seeks use of Channel 280A, assigned to Louisville, Ky. The first two (Harrison Radio, Inc., and Lankford) propose use of the channel elsewhere than in Louisville. Subsequent to the Harrison Radio filing, § 73.203(b) of the Commission's rules, which governs the filing of such applications, was amended to preclude removing more than one FM channel from any listed community. Since another Louisville channel had already been used elsewhere, the Lankford proposal conflicted with the amended rule. After consideration of Lankford's waiver request, the Commission decided that in the few cases like this which could arise it would be appropriate to grant waiver to permit a comparison between a nonconforming application filed in conflict with a like application filed before § 73.203(b) was amended. Radio 900 now seeks reversal of the Commission's decision to waive this provision and accept the Lankford proposal.

3. Radio 900 argues that the Commission overlooked its application in reaching the determination to accept the Lankford proposal, and that the Commission's rationale for accepting the application falls with the filing of a conforming proposal for Louisville. Radio 900 urges us to protect the integrity of the new rule by reversing our decision to grant waiver and insisting instead that Lankford proceed via rule making to obtain an FM channel for New Albany, Ind.[1] In Radio 900's view Lankford has not made a showing sufficient to overcome the Commission's rule making determination that the public interest would not be served by removal of a second channel from a listed community. Finally, Radio 900 asserts that reliance on a hearing to resolve these questions would permit an emasculation of the new rule.

4. Lankford, on the other hand, contends that the filing of a Louisville application is immaterial to the question of the propriety of the Commission's action waiving § 73.203(b). Rather, it argues that the merits of the respective needs of the communities will (as it should) be considered in a hearing. Accordingly, Lankford sees no basis for reversal of the Commission's action accepting this application.

5. We waived § 73.203(b) and accepted the New Albany application, because the Corydon application was filed before the rules became effective and was entitled to consideration. Under those circumstances, we felt that no useful purpose would be served by a rejection of the New Albany application, particularly since it represented a lesser deviation than did the Corydon application. None of the arguments advanced by Radio 900 alters this conclusion. Therefore, our action accepting the New Albany application will be affirmed.

6. The respective proposals are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Although specifying different communities, the applicants specifying Louisville and New Albany would serve substantially the same area and populations. The Corydon applicant, however, would serve a substantially different area and population from those served by the other three applicants. Consequently, it will be necessary to determine, pursuant to section 307(b) of the Communications Act of 1934, as amended, whether the Corydon or the Louisville/New Albany applicants would better provide a fair, efficient and equitable distribution of radio service. However, because of this similarity between the New Albany and Louisville applicants, these applicants will be compared under the contingent comparative issue if this group is favored over the Corydon proposal under the 307(b) issue.

[1] Radio 900 contends that Lankford's statement that no other channels are available should not be relied on in view of Lankford's failure to supply an engineering showing in this regard.

7. Lankford and Radio 900 both propose 50 percent or more duplicated programing while Trinity Towers proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the contingent comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 68-614 (1967).

8. A full programing comparison is warranted when one or more applicants propose predominantly specialized programing and others general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Radio 900 and Trinity Towers Corp., propose predominantly religious programing, while Lankford proposes general market programing. Therefore, the programing proposals of the applicants may be compared under the contingent comparative issue.

9. In Suburban Broadcasters, 30 FCC 1020, 20 RR. 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Neither Harrison Radio nor Trinity Towers Corp., appears to have adequately surveyed a cross-section of their communities as to community needs. In addition, neither has adequately supplied the comments received or the specific programs proposed to meet community needs as evaluated. Radio 900 does not appear to have directed its survey efforts toward ascertainment of community needs and it has not supplied adequate comments on these needs or the specific programs to meet these needs as evaluated. Thus, we are unable at this time to determine whether any of these three applicants is aware of and responsive to the needs of its area. Accordingly, Suburban issues are required.

10. Trinity Towers Corp., is a religiously affiliated organization which proposes significant amounts of religious programing. It, however, has not indicated whether it would provide an opportunity for the expression of views by other, including non-Christian, religious groups, and an issue on this matter will be specified.

11. Since no determination has yet been reached on whether the antenna proposed by Trinity Towers Corp. would constitute a menance to air navigation, an issue regarding this matter is required.

12. According to its application, Harrison Radio would require $21,615 to construct and operate for 1 year without reliance on revenues. Of this amount only $5,450 is earmarked for operational costs, an amount that appears to be unrealistic. To meet its needs, applicant relies on cash ($1,500) and funds to be supplied by the principals ($10,800). Applicant also relies on a bank loan but the stockholders have not indicated their willingness to endorse the loan as required by the bank. Since the total available ($12,300) is not adequate for applicant's needs, an issue will be specified to determine the reasonable cost for construction and first-year operation and applicant's ability to meet its needs.

13. According to its application, Lankford would require $20,016 to construct and operate for 1 year without reliance on revenues. To meet this need applicant relies on contributions from the partners totaling $21,000. However, only one of the four has shown his ability to meet his portion of this amount and an issue will be specified to determine the availability of the necessary additional funds.

14. According to its application, Trinity Towers Corp. requires $43,915 to construct and operate for 1 year without reliance on revenues. To meet this need applicant relies on cash on hand of $31,000 and a $75,000 bank loan, but the necessary commitment from the bank is lacking. As a result, an issue will be specified to determine the availability of the additional $12,915 required.

15. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, 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 applications must be designated for hearing on the issues set forth below.

16. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether there is a reasonable possibility that the tower height and location proposed by Trinity Towers Corp., would constitute a menace to air navigation.

(2) To determine the amount reasonably required by Harrison Radio to construct and operate for 1 year without reliance on revenues and applicant's ability to meet these needs to thus demonstrate its financial qualifications.

(3) To determine whether Lankford would have available from partnership contributions, or otherwise, the $20,016 necessary to construct and operate for 1 year without reliance on revenues to thus demonstrate its financial qualifications.

(4) To determine whether Trinity Towers Corp. has available to it the additional $12,915 required for construction and first-year operation without reliance on revenues to thus demonstrate its financial qualifications.

(5) To determine the efforts made by Harrison Radio to ascertain the community needs and interests of the area to be served and the means by which the

applicant proposes to meet those needs and interests.

(6) To determine the efforts made by Radio 900 to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(7) To determine the efforts made by Trinity Towers Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(8) To determine whether and on what basis Trinity Towers Corp. would make time available for the presentation of views by other, including non-Christian, religious groups.

(9) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other primary aural services in such areas.

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

(11) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the New Albany or Louisville proposals would, on a comparative basis, best serve the public interest.

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

17. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

18. *It is further ordered*, That the petition for reconsideration filed by Radio 900 is denied and our action granting waiver of § 73.203(b) of the Commission's rules to permit acceptance of the Lankford application is affirmed.

19. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, 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 evident on the issues specified in this order.

20. *It is further ordered*, That the applicants herein 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, either individually or, if feasible and consistent with the rules, jointly, 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: August 14, 1969.

Released: August 20, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10074; Filed, Aug. 22, 1969; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

GREAT WESTERN FINANCIAL CORP.

Notice of Receipt of Application for Permission to Retain Control of Santa Rosa Savings and Loan Association.

AUGUST 20, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from the Great Western Financial Corp., Beverly Hills, Calif., for approval of retention of control of the Santa Rosa Savings and Loan Association, Santa Rosa, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for savings and loan holding companies. Said control was acquired by the exchange of all of the outstanding shares of the guarantee stock of Santa Rosa Savings and Loan Association for shares of the common stock of Great Western Financial Corp. Comments on the application should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary, Federal Home Loan Bank Board.

[F.R. Doc. 69-10093; Filed, Aug. 22, 1969; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION AND ATLANTIC NATIONAL BANK OF JACKSONVILLE

Notice of Applications for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Atlantic Bancorporation and the Atlantic National Bank of Jacksonville, which are bank holding companies located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by applicants of not less than 80 percent of the voting shares of Lake Wales Bank & Trust, Lake Wales, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the comunity to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 18th day of August 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10033; Filed, Aug. 22, 1969; 8:45 a.m.]

UNITED VIRGINIA BANKSHARES INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by United Virginia Bankshares Inc., which is a bank holding company located in Richmond, Va., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of the successor by merger to The Peoples National Bank of Manassas, Manassas, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy

[3] Commissioner Wadsworth absent.

to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 18th day of August, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10034; Filed, Aug. 22, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2552]

AFFILIATED FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

AUGUST 18, 1969.

Notice is hereby given that Affiliated Fund, Inc. ("Applicant"), 63 Wall Street, New York, N.Y. 10005, a Delaware corporation, registered under the Investment Company Act of 1940 ("Act") as a management open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of the Eich Motor Co. ("Eich").

All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Eich, a Pennsylvania corporation, is an investment company, all of the outstanding stock of which is beneficially owned by one person and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Eich was incorporated on August 15, 1946, as a dealer in automobiles. In August 1954 Eich sold its automobile business and since such time it has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between Applicant and Eich, substantially all of the cash and securities owned by Eich, with a stated value of approximately $515,487.50 as of February 28, 1969, will be transferred to Applicant in exchange for shares of its capital stock. The number of shares of Applicant's capital stock to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Eich to be transferred to Applicant by the net asset value per share of Applicant both to be determined as of a valuation time, as defined in the agreement. If the valuation under the agreement had taken place on February 28, 1969, Eich would have received 58,511 shares of Applicant's stock. The exchange contemplated by the agreement would be prohibited by section 22(d) because it would constitute a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Eich, the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to Eich's stockholder on the liquidation of Eich. Applicant has been advised by the sole stockholder of Eich that he has no present intention of redeeming any of Applicant's shares following the proposed transaction.

There is no affiliation between Applicant and Eich. Eich is not an affiliated person of any affiliated person of Applicant, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Directors approved the agreement as being beneficially sound for its shareholders, because, among other things, Applicant will be able to acquire at one time additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 9, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10049; Filed, Aug 22, 1969; 8:46 a.m.]

[Files Nos. 7-3178—7-3188]

AIR REDUCTION CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Air Reduction Co.	7-3178
American-South African Investment Co., Ltd.	7-3179
Bobbie Brooks, Inc.	7-3180
City Investing Co.	7-3181
Coastal States Gas Producing Co.	7-3182
Crown Zellerbach Corp.	7-3183
Diamond Shamrock Corp.	7-3184
E. G. & G., Inc.	7-3185
Florida Power & Light Co.	7-3186
Freeport Sulphur Co.	7-3187
Helene Curtis Industries, Inc.	7-3188

Upon receipt of a request, on or before September 2, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10050; Filed, Aug. 22, 1969; 8:47 a.m.]

[Files Nos. 7-3169—7-3176]

ALASKA AIRLINES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Alaska Airlines, Inc.	7-3169
Cosmodyne Corp.	7-3170
Microdot, Inc.	7-3171
North Canadian Oils, Ltd.	7-3172
Reading & Bates Offshore Drilling Co.	7-3173
Resorts International, Inc.	7-3174
Skyline Corp.	7-3175
Vornado, Inc. (Delaware)	7-3176

Upon receipt of a request, on or before September 2, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10051; Filed, Aug. 22, 1969; 8:47 a.m.]

[811-252]

AMERICAN INTERNATIONAL CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 18, 1969.

Notice is hereby given that an application pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") has been filed by Adams Express Co. ("Adams"), % Adams Express Co., 48 Wall Street, New York, N.Y., on behalf of American International Corp. ("AIC"), a Maryland corporation and a management, closed end diversified investment company registered under the Act for an order declaring that AIC has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant represents that on September 10, 1968, the respective boards of directors of AIC and Adams approved and adopted a plan and agreement of merger, with Adams as the surviving corporation. The plan and agreement of merger was adopted by each corporation by the affirmative vote of more than two-thirds of the issued and outstanding shares entitled to vote thereon at a meeting of stockholders of each corporation held on November 22, 1968.

On January 1, 1969, the merger of AIC into Adams became effective and Adams succeeded to all the assets, rights, liabilities, and obligations of AIC and the existence of Applicant as a separate corporation ceased.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 8, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon AIC at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10052; Filed, Aug. 22, 1969; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 19, 1969.

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

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

August 20, 1969, through August 29, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10053; Filed, Aug. 22, 1969; 8:47 a.m.]

[File No. 7-3199]

ELECTRIC & MUSICAL INDUSTRIES, LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Electric & Musical Industries, Ltd., American Shares (ADRs), File No. 7-3199.

Upon receipt of a request, on or before September 2, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10054; Filed, Aug. 22, 1969; 8:47 a.m.]

[Files Nos. 7-3289—7-3198]

HIGH VOLTAGE ENGINEERING CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

High Voltage Engineering Corp.	7-3189
Ina Corp.	7-3190
Monogram Industries, Inc.	7-3191
Ogden Corp.	7-3192
Public Service Electric & Gas Co.	7-3193
Smith, Kline & French Laboratories	7-3194
The Travelers Corp.	7-3195
U.S. Plywood-Champion Papers, Inc.	7-3196
Virginia Electric & Power Co.	7-3197
White Consolidated Industries, Inc.	7-3198

Upon receipt of a request, on or before September 2, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10055; Filed, Aug. 22, 1969; 8:47 a.m.]

PACIFIC FIDELITY CORP.

Order Suspending Trading

AUGUST 18, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 18, 1969, 3:30 p.m., e.d.t., through August 27, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10056; Filed, Aug. 22, 1969; 8:47 a.m.]

[File No. 7-3177]

RAPID-AMERICAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 18, 1969.

In the matter of application of the Philadelphia Baltimore Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Rapid-American Corp., Warrants for Common Stock (expiring 1994), File No. 7-3177.

Upon receipt of a request, on or before September 2, 1969 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10057; Filed, Aug. 22, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 20, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41724—*Lime from Ft. Morgan, Colo.* Filed by Western Truck Line Committee, Agent, (No. A-2596), for interested rail carriers. Rates on lime, common, viz.: lump, crushed, pulverized or hydrated, in carloads, as described in the

application, from Ft. Morgan, Colo., to points in Colorado, Kansas, Nebraska and Wyoming.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 31 to Western Trunk Line Committee, Agent, tariff I.C.C. A-4697.

By the Commission.

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

[F.R. Doc. 69-10089; Filed, Aug. 22, 1969; 8:50 a.m.]

[Notice 889]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 18, 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 1131) 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 33641 (Sub-No. 88 TA) filed August 7, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, classes A and C explosives, and commodities requiring special equipment, between Vancouver, Wash., and Seattle, Wash., from Vancouver, Wash., over U.S. Highway 830 to junction Interstate Highway 5 (U.S. Highway 99), thence over Interstate Highway 5 (U.S. Highway 99), to Seattle, Wash., and return over the same routes, serving Tacoma, Wash., as an intermediate point, for 150 days. NOTE: Applicant does intend to tack to other authority held by it (MC-33641 and Subs) or to interline with other carriers at Portland, Oreg.; Seattle, Vancouver, and Tacoma, Wash. Supporting Shippers: There are approximately 106 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 42866 (Sub-No. 15 TA), filed August 7, 1969. Applicant: NATIONAL VAN LINES, INC., National Plaza, Broadview, Ill. 60153. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Hawaii, for 180 days. Supporting shipper: Applicant's statement and past shipment record. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Court House and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 64994 (Sub-No. 109 TA), filed August 7, 1969. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Croswell and Edmore, Mich., to points in Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Aunt Jane's Foods, division of The Borden Co., 55 East Sanborn Avenue, Croswell, Mich., 48422. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, BSR Building, Charlotte, N.C. 28202.

No. MC 107012 (Sub-No. 84 TA), filed July 24, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as above). 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, for 180 days. NOTE: Applicant intends to tack MC 107012 and MC 107012 Sub 30. Supporting shipper: Martin A. Weissert, Vice President—Law, North American Van Lines, Inc., Post Office Box 988, Fort Wayne, Ind. 46801. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 112148 (Sub-No. 44 TA), filed August 7, 1969. Applicant: POWERS TRANSPORTATION, INC., Post Office Box 87, Storm Lake, Iowa 50588. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Post Office Box 1634, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as defined in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Illinois, Indiana, and Ohio, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 119777 (Sub-No. 158 TA), filed August 7, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ernest A. Brooks, II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oils, greases, petroleum chemicals, and articles used in the care and maintenance of automotive vehicles*, between the plantsite of Quaker Oil Corp., at St. Louis, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: Said operation to be restricted against the transportation of commodities in bulk, for 180 days. Supporting shipper: Alan Kolker, Traffic Coordinator, Quaker Oil Corp., 601 East Red Bud Avenue, St. Louis, Mo. 63147. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124212 (Sub-No. 46 TA), filed August 7, 1969. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinker*, in bulk, from the plantsite of Lehigh Portland Cement Co. located at Union Bridge, Md., to the plantsite of Lehigh Portland Cement Co. located at Fogelsville, Pa., for 180 days. Supporting shipper: Lehigh Portland Cement Co., 718 Hamilton Street, Allentown, Pa. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No MC 126514 (Sub-No. 16 TA), filed August 7, 1969. Applicant: HELEN H. SCHEAFFER AND EDWARD P. SCHEAFFER, 5200 West Bethany Home Road, Glendale, Ariz. 85301. 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: *Greeting cards, envelopes, sample albums, wrappings and related trappings*, from Boston, Springfield, Leominster, and Webster, Mass., Nashua, N.H., North Bennington, Vt., White Plains, Elmira, and New York, N.Y. Pittsburgh and Philadelphia, Pa., Cincinnati, Ohio, and Cicero, Ill., to Oakland and Livermore, Calif., for 180 days. Supporting shipper: Carlton Card Co., 581 14th Street, Oakland, Calif. 94612.

Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129386 (Sub-No. 4 TA), filed August 7, 1969. Applicant: REESE, REESE & SHERMAN, INC., 1007 Mullowney Lane, Billings, Mont. 59102. Applicant's representative: R. F. Hibbs, Suite 301 Mutual Benefit Life Building, Post Office Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, slated, cooked, cured or preserved*, from Billings, Mont., to points in Arizona, Clark County, Nev., and the City of Hyrum, Utah, for 180 days. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133933 TA, filed August 7, 1969. Applicant: DUNCAN TRANSPORTS, INC., 1 Mill Street, Ellington, Mo. 63638. Applicant's representative: William H. Bruce, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Staves, unfinished lumber, industrial blocking, railroad ties, and wood chips*, from points in Carter, Shannon, Wayne, Iron, Madison, St. Francois, and Reynolds Counties, Mo., to Chicago, Alton, Kankakee, Waukegan, Ill., East Chicago, Ind., and Wickliff, Ky., for 120 days. Supporting shippers: Morrison Sawmill, Inc., Ellington, Mo.; Rishy Lumber Co., Ellsinore, Mo.; Nichols Stave Co., Inc., Van Buren, Mo.; Massie Pole Yard, Inc., Ellington, Mo.; Ducan Lumber, Co., Ellington, Mo. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

By the Commission.

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

[F.R. Doc. 69-10090; Filed, Aug. 22, 1969; 8:50 a.m.]

[Notice 891]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 20, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR part 1131), 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 30844 (Sub-No. 288 TA), filed August 14, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, from Croswell and Edmore, Mich., to points in Arkansas, Louisiana, and Texas, for 180 days. Supporting shipper: Aunt Jane's Foods, Division of the Borden Co., 55 East Sanborn Avenue, Croswell, Mich. 48422. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 59332 (Sub-No. 3 TA), filed August 14, 1969. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, N.J. 08110. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, pineapples, and plantains*, in straight or mixed shipments from Wilmington, Del., to points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 110420 (Sub-No. 596 TA), filed August 14, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Soybean products and blends thereof*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in Wisconsin, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402 (Harold L. Karr, General Truck Coordinator). Send protests to: District Supervisor Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 110420 (Sub-No. 597 TA), filed August 14, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, marine, vegetable oil products, and blends thereof*, from Conshohocken, Pa., to Middlesboro (Bell County), Ky., for 180 days. Supporting shipper: Reilly-Whiteman-Walton Co., Conshohocken, Pa. 19428 (M. P. Felton, Jr, president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123067 (Sub-No. 93 TA), filed August 14, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, in mixed shipments with gypsum and gypsum products, from warehouse and plantsite of National Gypsum Co., near Port Wentworth, Ga., to points in Alabama, for 180 days. Supporting shipper: National Gypsum Co., Executive Offices, 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 126222 (Sub-No. 7 TA), filed August 11, 1969. Applicant: JOSEPH A. SIEFERT AND JOSEPH J. SIEFERT, a partnership, doing business as SIEFERT BROS. TRUCKING CO., Post Office Box 310, DuQuoin, Ill. 62832. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, requiring refrigeration, from the plantsite of DuQuoin Packing Co., at DuQuoin, Ill., to points in Alabama, Florida, Maryland, Georgia, Kentucky, Tennessee, and South Carolina, for 150 days. Supporting shipper: DuQuoin Packing Co., East Cole Street, Post Office Box 186, DuQuoin, Ill. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 126715 (Sub-No. 2 TA), filed August 8, 1969. Applicant: TRANSPORT SERVICE, 6395 Southeast Alberta Street, Portland, Oreg. 97206. Applicant's representative: William B. Adams, Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road oil*, from points in Jackson County, Oreg., to points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, and Shasta Counties, Calif., and Curry County, Oreg., for 180 days. Supporting shipper: Chevron Asphalt Company, San Francisco, Calif. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 128868 (Sub-No. 1 TA), filed August 14, 1969. Applicant: COBO, INC.,

R.F.D. 2, Box 78–A, Round Rock, Tex., 78664. Applicant's representative: Austin L. Hatchell, Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Round Rock and Blum, Tex., to points in Oklahoma, New Mexico, Arkansas, and Louisiana, for 180 days. Supporting shipper: Round Rock Lime Company, Box 218, Round Rock, Tex. 78664. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 133952 TA, filed August 14, 1969. Applicant: MTD INCORPORATED, Stenersen Lane, Cockeysville, Md. 21030. Applicant's representative: Charles E. Creager, Suite 1609 Eldorado Towers, 11215 Oak Leaf Drive, Silver Spring, Md. 20901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), from Cockeysville and Halethorpe, Md., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract with D. A. Michel Warehousing Corp., Cockeysville, Md., for 180 days. Supporting shipper: D. A. Michel Warehousing Corp., Stenersen Lane, Cockeysville, Md. 21030. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

By the Commission.

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

[F.R. Doc. 69–10091; Filed, Aug. 22, 1969; 8:50 a.m.]

[Notice 397]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 18, 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 Interestate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71234. By order of August 11, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Dalton & Son Trucking Co., a corporation, Hamburg, Iowa, of the operating rights in certificate No. MC–26174 (Sub-No. 3), issued August 12, 1968, to M. W. Dalton, Robert D. Dalton, and Maurice Wayne Dalton, a partnership, doing business as M. W. Dalton & Sons, Hamburg, Iowa, authorizing the transportation of plastic articles, from Hamburg, Iowa, and Nebraska City, Nebr., to points in Illinois (except those in the Chicago, Ill., commercial zone), Minnesota, Kansas, South Dakota, and North Dakota, and points in Iowa, Missouri, and Nebraska (except points in Iowa, Missouri, and Nebraska within 30 miles of Hamburg, Iowa, including Hamburg); and fertilizer and feed, from St. Joseph, Mo., to Hamburg, Iowa. Howard B. Wenger, 1101 Main Street, Hamburg, Iowa 51640, attorney for applicants.

No. MC–FC–71235. By order of August 11, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to R. D. Dalton Transfer Co., Inc., Hamburg, Iowa, of the operating rights in certificate No. MC–26174 issued April 14, 1966, to M. W. Dalton, Robert D. Dalton, and Maurice Wayne Dalton, a partnership, doing business as M. W. Dalton & Sons, Hamburg, Iowa, authorizing the transportation of feed, petroleum products, and building materials, from Omaha, Nebr., to Hamburg, Iowa and points in Iowa within 25 miles of Hamburg; agricultural implements, lumber, shingles, and feed, from Omaha, Nebr., to Hamburg, Iowa, and points in Iowa, Missouri, and Nebraska within 15 miles of Hamburg, Iowa; and general commodities, with usual exceptions from Omaha, Nebr., to Hamburg, Iowa, and between points in Iowa, Missouri, and Nebraska within 30 miles of Hamburg, Iowa, including Hamburg. Howard B. Wenger, 1101 Main Street, Hamburg, Iowa 51640, attorney for applicants.

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–10092; Filed, Aug. 22, 1969; 8:50 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

KANSAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Kansas, dated July 19, 1969, and published July 26, 1969 (34 F.R. 12357), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1969:

Johnson.

Dated: August 18, 1969.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 69–10048; Filed, Aug. 22, 1969; 8:46 a.m.]

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