

# FEDERAL REGISTER

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Part I

(Part II begins on page 14053)

**Agencies in this issue—**

Agricultural Research Service  
Atomic Energy Commission  
Business and Defense Services  
Administration  
Civil Aeronautics Board  
Civil Service Commission  
Coast Guard  
Consumer and Marketing Service  
Customs Bureau  
Defense Department  
Federal Aviation Administration  
Federal Maritime Commission  
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Indian Affairs Bureau  
Interstate Commerce Commission  
Land Management Bureau  
National Park Service  
Post Office Department  
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Tariff Commission

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[Revised as of January 1, 1969]

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 713—EQUAL OPPORTUNITY

##### Miscellaneous Amendments

Part 713 is amended to align it with the new Executive Order 11478 relative to the program for "Equal Employment Opportunity in the Federal Government". The significant amendments are (1) the inclusion of references to "a continuing affirmative program" in §§ 713.201(a), 713.202, and 713.203; (2) a clarified statement as to applicability in § 713.201(b); (3) the specific coverage under the program of the "development, advancement, and treatment of employees" in § 713.203; (4) the requirements for agency resource commitment in § 713.203(a) and agency disciplinary action against employees who engage in discriminatory practices in §§ 713.203(b) and 713.204(d) (7) and (8); (5) the required utilization of employees' present skills plus the enhancement thereof in § 713.203 (c) and (d); (6) the added requirement to train and orient managers and supervisors to carry out the program in § 713.203(g); and (7) the inclusion of authority to collect race and national origin information under an automated data processing system that insures individual privacy and the separation of such information from regular personnel records.

#### Subpart B—Equal Opportunity Without Regard to Race, Color, Religion, Sex, or National Origin

##### GENERAL PROVISIONS

##### § 713.201 Purpose and applicability.

(a) *Purpose.* This subpart sets forth the regulations under which an agency shall establish a continuing affirmative program for equal opportunity in employment and personnel operations without regard to race, color, religion, sex, or national origin and under which the Commission will review an agency's program and entertain an appeal from a person dissatisfied with an agency's processing of his complaint of discrimination on grounds of race, color, religion, sex, or national origin.

(b) *Applicability.* (1) This subpart applies (i) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and to the employees thereof, including employees paid from nonappropriated funds, and (ii) to those portions of the legislative and judicial branches of the Federal Government and the government of the District of

Columbia having positions in the competitive service and to the employees in those positions.

##### § 713.202 General policy.

It is the policy of the Government of the United States and of the government of the District of Columbia to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.

##### § 713.203 Agency program.

The head of each agency shall exercise personal leadership in establishing, maintaining, and carrying out a continuing affirmative program designed to promote equal opportunity in every aspect of agency personnel policy and practice in the employment, development, advancement, and treatment of employees. Under the terms of its program, an agency shall, to the maximum extent possible:

(a) Provide sufficient resources to administer its equal employment opportunity program in a positive and effective manner;

(b) Conduct a continuing campaign to eradicate every form of prejudice or discrimination based upon race, color, religion, sex, or national origin, from the agency's personnel policies and practices and working conditions, including disciplinary action against employees who engage in discriminatory practices;

(c) Utilize to the fullest extent the present skills of employees by all means, including the redesigning of jobs where feasible so that tasks not requiring the full utilization of skills of incumbents are concentrated in jobs with lower skill requirements;

(d) Provide the maximum feasible opportunity to employees to enhance their skills through on-the-job training, work-study programs, and other training measures so that they may perform at their highest potential and advance in accordance with their abilities;

(e) Communicate the agency's equal employment opportunity policy and program and its employment needs to all sources of job candidates without regard to race, color, religion, sex, or national origin, and solicit their recruitment assistance on a continuing basis;

(f) Participate at the community level with other employers, with schools and universities, and with other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability;

(g) Review, evaluate, and control managerial and supervisory performance in such a manner as to insure a con-

tinuing affirmative application and vigorous enforcement of the policy of equal opportunity, and provide orientation, training, and advice to managers and supervisors to assure their understanding and implementation of the equal employment opportunity policy and program;

(h) Provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in equal employment opportunity;

(i) Inform its employees and recognized employee organizations of the affirmative equal employment opportunity policy and program and enlist their cooperation;

(j) Provide for counseling employees and applicants who believe they have been discriminated against because of race, color, religion, sex, or national origin and for resolving informally the matters raised by them;

(k) Provide for the prompt, fair, and impartial consideration and disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex, or national origin; and

(l) Establish a system for periodically evaluating the effectiveness of the agency's overall equal employment opportunity effort.

##### § 713.204 Implementation of agency program.

To implement the program established under this subpart, an agency shall:

(d) Assign to the Director of Equal Employment Opportunity the functions of:

(4) Providing for counseling, by an Equal Employment Opportunity Counselor, of any aggrieved employee or applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin and for attempting to resolve on an informal basis the matter raised by the employee or applicant before a complaint of discrimination may be filed under § 713.214;

(7) When authorized by the head of the agency making the decision under § 713.221 for the head of the agency on complaints of discrimination and ordering such corrective measures as he may consider necessary, including the recommendation for such disciplinary action as is warranted by the circumstances when an employee has been found to have engaged in a discriminatory practice; and

(8) When not authorized to make the decision for the head of the agency on complaints of discrimination, reviewing, at his discretion, the record on any complaint before the decision is made under



§ 713.221 and making such recommendations to the head of the agency or his designee as he considers desirable, including the recommendation for such disciplinary action as is warranted by the circumstances when an employee is found to have engaged in a discriminatory practice;

§ 713.205 Commission review and evaluation of agency program operations.

The Commission shall review and evaluate agency program operations periodically, obtain such reports as it deems necessary, and report to the President as appropriate on overall progress. When it finds that an agency's program operations are not in conformity with the policy set forth in § 713.202 and the regulations in this subpart, the Commission shall require improvement or corrective action to bring the agency's program operations into conformity with this policy and the regulations in this subpart.

§ 713.212 Coverage.

(a) The agency shall provide in its regulations for the acceptance of a complaint from any aggrieved employee or applicant for employment who believes that he has been discriminated against because of race, color, religion, sex, or national origin. A complaint may also be filed by an organization for the aggrieved person with his consent.

§ 713.220 Avoidance of delay.

(a) The complaint shall be resolved promptly. To this end, both the complainant and the agency shall proceed with the complaint without undue delay so that the complaint is resolved, except in unusual circumstances, within 60 calendar days after its receipt by the Equal Employment Opportunity Officer, exclusive of time spent in the processing of the complaint by the appeals examiner under § 713.218. When the complaint has not been resolved within this limit, the complainant may appeal to the Commission for a review of the reasons for the delay. Upon review of this appeal, the Commission may require the agency to take special measures to ensure the prompt processing of the complaint or may accept the appeal for consideration under § 713.234.

Subpart C—Minority Group Statistics System

§ 713.301 Applicability.

(a) This subpart applies (1) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and to the employees thereof, including employees paid from nonappropriated funds, and (2) to those portions of the legislative and judicial branches of the Federal Government and the government of the District of Columbia having

positions in the competitive service and to the employees in those positions.

§ 713.302 Agency systems.

(a) Each agency shall establish a system which provides statistical employment information by race or national origin.

(b) Data shall be collected only by visual identification and shall be disclosed only in the form of gross statistics. An agency shall not collect or maintain any information of the race or national origin of individual employees except when an automated data processing system is used in accordance with standards and requirements prescribed by the Commission to insure individual privacy and the separation of that information from personnel records.

(d) The agency may use the data only in studies and analyses which contribute affirmatively to achieving the objectives of the equal employment opportunity program. An agency shall not establish a quota for the employment of persons on the basis of race, color, religion, sex, or national origin.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 69-10543; Filed, Sept. 3, 1969;  
8:48 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 73—SCABIES IN CATTLE

#### PART 74—SCABIES IN SHEEP

##### Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 120, 121, 123, 125), Parts 73 and 74 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, containing the regulations restricting the interstate movement of cattle and sheep because of scabies, are amended as follows:

1. Section 73.9 is amended to read as follows:

§ 73.9 Shipment from public stockyards; conditions and requirements.

No cattle, except fat steers and fat spayed heifers consigned to a recognized slaughtering establishment, shall be shipped or moved interstate from any public stockyards without a certificate

issued by a Division inspector showing that the cattle are free from scabies or have been dipped for scabies: *Provided*, That this restriction shall not apply to shipments of cattle unloaded in transit for feed, water, and rest, and not offered for sale. If cattle affected with scabies are introduced into the noninfectious yards or portions thereof, the chutes, alleys, and pens used by them shall be thoroughly cleaned and disinfected under Division supervision.

2. Paragraph (d) of § 74.22 is amended to read:

§ 74.22 Interstate movement: conditions under which permitted.

(d) No sheep, except fat lambs consigned to a recognized slaughtering establishment, shall be shipped, trailed, driven, or otherwise moved interstate from a public stockyard or a specifically approved stockyard without a certificate, showing that the sheep are free from scabies or have been dipped for scabies as required in this part, issued by a Division inspector with respect to movements from public stockyards and by a State inspector or a designated accredited veterinarian with respect to movements from specifically approved stockyards: *Provided*, That this paragraph shall not require a new certificate to be issued when sheep which are unloaded in transit for feed, water, and rest, and not offered for sale, are reloaded.

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

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126; 29 F.R. 16210, as amended)

The purpose of the amendments is to permit the interstate movement of (1) fat steers and fat spayed heifers under § 73.9 of Part 73, 9 CFR and (2) fat lambs under § 74.22(d) of Part 74, 9 CFR, without a certificate when such animals are consigned to a recognized slaughtering establishment for slaughter.

The amendments relieve certain restrictions presently imposed 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 amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of August 1969.

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

[F.R. Doc. 69-10498; Filed, Sept. 3, 1969;  
8:45 a.m.]



# Title 7—AGRICULTURE

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

[Valencia Orange Reg. 292]

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

#### Limitation of Handling

§ 908.592 Valencia Orange Regulation 292.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges 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 Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any

special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 2, 1969.

(b) Order. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 5, 1969, through September 11, 1969, are hereby fixed as follows:

- (i) District 1: 350,000 cartons;
- (ii) District 2: 399,085 cartons;
- (iii) District 3: 5,000 cartons.

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

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

Dated: September 3, 1969.

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

[P.R. Doc. 69-10650; Filed, Sept. 3, 1969;  
11:22 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-19-AD; Amdt. 39-833]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Allison Models 250-C10 and 250-C18 Series Engines

Engineering investigations by the manufacturer have disclosed that operation at some power turbine (N<sub>2</sub>) speeds within the presently approved speed range can cause failure of the helical torque-meter shaftgear on Allison Model 250-C10 and 250-C18 Series Engines. This failure disengages the load from the power turbine and can result in power turbine overspeed and wheel burst. The manufacturer has issued Commercial Service Letter 250 CSL-34, dated August 4, 1969, which prescribes operating restrictions on affected engines of these models to reduce torque-meter shaftgear stress. The engines affected have gearboxes with P/N 6854147 or P/N 6871186 torque-meter shaftgears installed. Gearboxes incorporating nitrided helical torque-meter shaftgears P/N 6852085 or modified in accordance with Allison Commercial Engine Bulletin 250 CEB-90, dated August 21, 1969, or later FAA approved revision are not affected.

Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued imposing operating limitations on the affected Allison Models 250-C10 and 250-C18 Series Engines as described in Allison Commercial Service Letter No.

250 CSL-34, dated August 4, 1969, until these engines are modified in accordance with Allison Commercial Engine Bulletin No. 250 CEB-90, dated August 21, 1969, or later FAA approved revision or until P/N 6852085 nitrided helical torque-meter shaftgears are installed.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provision of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

ALLISON. Applies to Allison Models 250-C10 and 250-C18 Series Engines having Gearbox Serial Numbers CAG 20207 through 20211; CAG 20213; CAG 20217 through 20228; CAG 20232; CAG 20625; CAG 20638; CAG 20779; CAG 20836; CAG 20858; CAG 21001 through 21033; CAG 21035 through CAG 21225; CAG 21227 through 21276; CAG 21278 through 21329; CAG 21331 through 21352; CAG 21354 through 21360; CAG 21362; CAG 21364 through 21377; CAG 21382-21383; CAG 21387-21388; CAG 21392 through 21395; CAG 21600-21601; CAG 21603 through 21706; and CAG 21800 through 21803 installed, except those engines modified in accordance with Allison Commercial Engine Bulletin 250 CEB-90, dated August 21, 1969, or later FAA approved revision, or having P/N 6852085 nitrided helical torque-meter shaftgears. Compliance: Effective September 10, 1969. To prevent torque-meter shaftgear failure, accomplish the following:

(A) Adjust the N<sub>2</sub> speed at ground idle so that N<sub>2</sub> speed does not exceed 71 percent r.p.m. Allison Commercial Service Letter No. 250 CSL-34, dated August 4, 1969, or later FAA approved revision relates to this subject.

(B) Avoid continuous operation at any flight or ground condition, other than during ground idle or practice autorotation, at engine power turbine speeds (N<sub>2</sub>) below 98 percent or above 102 percent r.p.m. Allison Commercial Service Letter No. 250 CSL-34, dated August 4, 1969, or later FAA approved revision relates to this subject.

See footnote.<sup>1</sup>

This amendment becomes effective September 10, 1969.

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

Issued in Kansas City, Mo., on August 26, 1969.

EDWARD C. MARSH,  
Director, Central Region.

[P.R. Doc. 69-10502; Filed, Sept. 3, 1969;  
8:45 a.m.]

<sup>1</sup> As a result of these operating restrictions, the Rotorcraft Flight Manual and certain powerplant instrument markings for the Bell Model 206A and Hughes Model 369 Series Helicopters in which the affected engines are installed may require revision or modification. The necessary information for such changes is available from the manufacturers of these helicopters.



[Docket No. 69-CE-20-AD; Amdt. 39-834]

**PART 39—AIRWORTHINESS  
DIRECTIVES****Beech Models 99 and 99A Airplanes**

An airworthiness directive was adopted on August 25, 1969, and made effective as to all known owners of Beech Models 99 and 99A airplanes. This airworthiness directive was issued because there have been numerous incidents involving unscheduled pitch trim and resultant high stick forces which creates a hazardous condition in the longitudinal control of these model airplanes. Until such time as the manufacturer can develop modifications to reduce this hazard by relocating the pitch trim cutout button, installing an aural trim-in-motion warning system and an aural/visual takeoff position pitch trim warning system, redesigning and retrofitting a prolonged primary pitch trim cutout, revising the trim control system to prevent a short when the pilot and copilot actuate opposing trim, redesigning the elevator stabilizer trim system to reduce excessive control forces encountered during pitch trim runaway, and installing a pilot and copilot control wheel grip to eliminate slipperiness, this interim airworthiness directive is being issued which will provide a maximum speed restriction and emergency procedures in the event of pitch trim runaway. As a result of tests being conducted by the manufacturer, it may be necessary to issue additional airworthiness directives to further alleviate this problem.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to the owners of Beech Models 99 and 99A airplanes by individual telegrams dated August 25, 1969. This condition still exists and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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

**BEECH.** Applies to Models 99 and 99A Airplanes.

**Compliance:** Required as indicated, unless already accomplished.

To limit the hazardous conditions due to unscheduled pitch trim movements, accomplish the following:

A. Effective immediately, operation of the airplane in excess of 174 KIAS Vmo is prohibited.

B. Prior to further flight, remark the airspeed indicator red line speed at 174 knots.

**NOTE:** This red radial line may be placed on the outside glass face of the airspeed indicators with appropriate index or slip marks. Markings under the glass on the face of the instrument need not be changed.

C. Effective immediately, temporarily insert the following information in the airplane flight manual until such time as the manufacturer provides permanent revisions to the airplane flight manual which have been approved by the FAA.

1. Section I, Limitations, page 1-3, under the heading Airspeed Indicator, substitute where pertinent the following: Maximum operating, red radial, 174 knots; normal operating range, green arc, 90-174 knots.

2. In section I, Limitations, page 1-4 under the heading Airspeed Limits, substitute where pertinent the following: Maximum operating speed Vmo 174 knots; maximum operating mach number Mmo 0.46 mach not to exceed 174 knots.

3. In section I, Limitations, page 1-5, under the heading Placards, substitute where pertinent the following: "Airspeed limitations maximum operations 174 knots S.L. to 15,500 feet \* \* \*".

4. In section III, Emergency Procedures, add temporary page 3-7 containing detailed procedures for maintaining controllability during unscheduled runaway pitch trim as follows:

**Unscheduled Runaway Pitch Trim—Nose Up.**

A. Takeoff—All takeoffs in this airplane will be with zero flap. If a runaway pitch trim nose up is experienced, the following shall be executed immediately:

1. Activate pitch trim disconnect on pilot's control wheel.

**NOTE:** The pilot may only have 3 seconds to execute corrective action before control forces exceed 75 pounds.

2. Disconnect primary pitch trim switch.

3. Reduce power.

4. Maintain airspeed below 120 KIAS.

5. Maintain control by activating secondary pitch trim system.

6. Check secondary pitch trim circuit breaker closed.

7. Do not reactivate primary pitch trim system.

B. Climb—Follow Steps 1 through 7 above in "Takeoff".

C. Cruise:

1. Immediately reduce power.

2. Activate pitch trim disconnect on pilot's control wheel.

3. Disconnect primary pitch trim switch.

4. Use secondary pitch trim system to accomplish landing.

D. Approach and landing—Follows Steps 1 through 7 above in "Takeoff", and

8. Retract flaps immediately and make no-flap landing.

**Unscheduled Runaway Pitch Trim—Nose Down.**

A. Takeoff:

1. Apply maximum power thrust immediately.

2. Immediately extend flaps to 30 percent.

3. Activate pitch trim disconnect on pilot's control wheel.

**NOTE:** The pilot may have only 3 seconds to execute corrective action before control forces exceed 75 pounds.

4. Disconnect primary pitch trim switch.

5. Maintain airspeed below 120 KIAS.

6. Control by activating secondary pitch trim system.

7. Check secondary pitch trim circuit breaker closed.

8. Do not reactivate primary pitch trim system.

B. Climb—Same as "Takeoff", Steps 1 through 8 above.

C. Cruise:

1. Maintain power setting.

2. Immediately extend flaps to 30 percent.

3. Activate pitch trim disconnect on pilot's control wheel.

4. Primary pitch trim switch off.

5. Check secondary pitch trim circuit breaker closed.

D. Approach and Landing:

1. Apply full power and full flaps. Then follow Steps 3 through 8 above in "Takeoff".

**NOTE:** This airworthiness directive, or a duplicate thereof, may be used as a temporary amendment to the airplane flight manual and must be carried in the aircraft as a part of the airplane flight manual until replaced by the permanent revision to the airplane flight manual provided by the manufacturer and approved by the FAA.

This amendment becomes effective September 4, 1969, for all persons except those to whom it was made effective by telegram dated August 25, 1969.

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

Issued in Kansas City, Mo., on August 27, 1969.

EDWARD C. MARSH,  
Director, Central Region.

[F.R. Doc. 69-10522; Filed, Sept. 3, 1969; 8:47 a.m.]

[Docket No. 69-CE-10-AD; Amdt. 39-835]

**PART 39—AIRWORTHINESS  
DIRECTIVES****Continental Models TSIO-520-B-D-E  
Engines**

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring, within the next 100 hours' time in service after the effective date of this airworthiness directive, replacement of the scavenge pump drive gear and driving key of all Continental Models TSIO-520-B-D-E engines of certain designated serial numbers having more than 300 hours' time in service, in accordance with instructions contained in Continental Service Bulletin No. M69-8, dated June 11, 1969, was published in the FEDERAL REGISTER on July 24, 1969 (34 F.R. 12225).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

**CONTINENTAL.** Applies to Models TSIO-520-B (Serial Nos. 145001 through 145618), TSIO-520-D (Serial Nos. 156001 through 156103), and TSIO-520-E (Serial Nos. 165001 through 165493, 165496, and 165497) engines having 300 hours' or more time-in-service, except those engines having turbocharger oil scavenge pumps with P/N 635327 Shaft Gear Starter, P/N 635328 Body-Scavenge Pump, and P/N 635330 Gear-Scavenge Pump, or those engines equipped with P/N 635061-A1 Starter Adaptor and Scavenge Pump Assembly.

**Compliance:** Unless already accomplished, within the next 100 hours' time-in-service after the effective date of this airworthiness directive, on engines having 300 or more hours' time-in-service, or at or before 400 hours' time-in-service on engines that have



less than 300 hours' time-in-service at the effective date of this airworthiness directive, accomplish the following:

To prevent failure of the turbocharger lubricating oil scavenger pump:

Remove P/N 632597 scavenger pump drive gear and P/N MS 35756-3 Woodruff Key and replace with a P/N 636251 scavenger pump drive gear and a new P/N MS 35756-3 Woodruff Key. In the P/N 632602 scavenger body assembly drill a 0.093 inch ( $\frac{1}{32}$ ) diameter hole to a depth of 0.31 inch ( $\frac{1}{16}$ ) in the floor of the gear cavity midway between the center of the gears. Continental Service Bulletin No. M69-8 dated June 11, 1969, refers to the above and provides additional instructions on this modification.

This amendment becomes effective September 4, 1969.

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

Issued in Kansas City, Mo., on August 27, 1969.

EDWARD C. MARSH,  
Director, Central Region.

[F.R. Doc. 69-10523; Filed, Sept. 3, 1969; 8:47 a.m.]

[Airworthiness Docket No. 69-WE-21-AD; Amdt. 39-832]

## PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC-8-42, DC-8-43, DC-8F-54, DC-8F-55, DC-8-61, DC-8-62, DC-8-62F, DC-8-63, and DC-8-63F Aircraft

There has been an in-flight malfunction of the first officer's static system in a DC-8-63F resulting in erroneous altimeter and rate of climb indications. The malfunction was caused by a control cable chafing through the pipe assembly, P/N 7646168-228, in the first officer's static system.

Since this condition may occur in airplanes of the same type design, an airworthiness directive is being issued to require inspection for adequate clearance between the static pipe assembly, P/N 7646168-228 or 7754670-105, and the control cables, and for evidence of control cable chafing on the static pipe assembly.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), 139.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following airworthiness directive:

McDONNELL DOUGLAS. Applies to McDonnell Douglas Models DC-8-42, DC-8-43, DC-8F-54, DC-8F-55, DC-8-61, DC-8-62, DC-8-62F, DC-8-63, and DC-8-63F aircraft listed in McDonnell Douglas Service Bulletin No. 34-107, revised August 20, 1969, or later FAA-approved revision.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To detect possible chafing on the static pipe assembly by the aircraft control cables due to improper clearance from the static pipe assembly, accomplish the following, or an equivalent inspection or modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Inspect the first officer's static system for proper clearance, minimum one-half inch, between the static pipe assembly, P/N 7646168-228 or 7754670-105, and the aircraft control cables and for evidence of possible chafing on the static pipe assembly by the aircraft control cables. The static pipe assembly is located below the floor directly under the electrical power equipment panel in the cockpit area.

(b) (i) If the proper clearance, minimum one-half inch, is found and there is no evidence of chafing no further action is necessary.

(ii) If the proper clearance, minimum one-half inch, is not found and there is no evidence of chafing, provide the proper clearance, minimum one-half inch, in accordance with the Douglas Service Bulletin, No. 34-107, revised August 20, 1969, or a later FAA-approved revision, prior to further flight.

(iii) If there is evidence of chafing, replace the static pipe assembly, P/N 7646168-228 or 7754670-105, and provide proper clearance, minimum one-half inch, in accordance with the Douglas DC-8 Service Bulletin, No. 34-107, revised August 20, 1969, or a later PAA-approved revision, prior to further flight.

(iv) Aircraft upon which repairs must be accomplished may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

NOTE: McDonnell Douglas advises that a Service Bulletin No. 34-108, will be issued in September 1969, describing the installation of a new static pipe design in place of static pipe assembly, P/N 7646168-228 or 7754670-105. Based on present information, the installation will constitute an equivalent modification; and, if accomplished, will be considered as an alternative method of compliance with this AD.

This amendment become effective September 3, 1969.

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

Issued in Los Angeles, Calif., on August 22, 1969.

ARVIN O. BASNIGHT,  
Director, FAA Western Region.

[F.R. Doc. 69-10501; Filed, Sept. 3, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-23]

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

### Designation of Transition Area

#### Correction

In F.R. Doc. 69-10208, appearing at page 13698 in the issue for Wednesday, August 27, 1969, the eighth line of the description for Jacksonville, Ill. (§ 71.181), should read "northwest of the airport; and that airspace".

## Title 24—HOUSING AND HOUSING CREDIT

### Chapter IV—Government National Mortgage Association, Department of Housing and Urban Development

#### PART 1600—GENERAL

##### Power of Attorney

1. The powers of attorney heretofore granted to Messrs. Harry F. Bickford, Charles W. Harvey, Jr., and Kevin E. Keegan in 24 CFR 1600.11 are revoked; § 1600.11(c) is amended by revoking subparagraphs (3), (13), and (16) thereof.

2. To reflect the removal of Mr. K. A. Duncan from Atlanta, Ga., to Philadelphia, Pa., § 1600.11(c) (8) is amended by striking out "Atlanta, Ga." and inserting in lieu thereof "Philadelphia, Pa."

3. Messrs. John R. Coryell and Oliver J. McCarron are granted the powers of attorney set forth in 24 CFR 1600.11; § 1600.11(c) is amended by adding at the end thereof the following subparagraphs:

(24) John R. Coryell, of Los Angeles, Calif.

(25) Oliver J. McCarron, of Philadelphia, Pa.

(Sec. 309, National Housing Act; 12 U.S.C. 1723a)

Issued at Washington, D.C., September 2, 1969.

WOODWARD KINGMAN,  
President, Government  
National Mortgage Association.

[F.R. Doc. 69-10532; Filed, Sept. 3, 1969; 8:48 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER E—DEFENSE CONTRACTING

#### PART 163—DEFENSE CONTRACT FINANCING REGULATIONS

##### Miscellaneous Amendments

Sections 163.68a(b), 163.71-1, 163.72-2, and 163.85 are revised to read as follows:

§ 163.68a Excluded advance payments.

(b) Authorized insurance premiums, including insurance of official motor vehicles in foreign countries, and expenses of investigations in foreign countries, as authorized by section 603 of the Department of Defense Appropriation Act, 1960 (73 Stat. 378) or by other legislation authorizing payments for such expenses;

§ 163.71-1 Requests for proposals.

Requests for proposals shall state that contract provision for progress payments



will be made in conformity with regulations, and that the need for progress payments conforming to regulations will not be considered as a handicap or adverse factor in the award of contracts. Requests for proposals shall not state a liquidation rate for progress payments. See § 163.81.

**§ 163.72-2 Uniform standard percentages—contracts made on or after March 1, 1968.**

For new contracts, that is, those entered into on or after March 1, 1968, the uniform standard progress payment rate is 80 percent of total costs for firms which are not small business concerns, and 85 percent of total costs for small business concerns. This 85 percent rate applies to all new contracts hereafter awarded to small business concerns, whether or not awarded pursuant to formal advertising. These new uniform standard progress payment rates also apply to letter contracts awarded on or after March 1, 1968, and to definitive fixed price types of contracts which supersede letter contracts on or after March 1, 1968, regardless of the date of award of the superseded letter contract. Higher percentages for new contracts will be regarded as unusual (§ 163.74) and not within the category of customary progress payments. No percentage higher than the uniform standard progress payment rate may be offered by or in connection with any solicitation for a bid or proposal unless such higher percentage has had prior approval in conformity with the standards and procedures of § 163.74 for unusual progress payments.

**§ 163.85 Provisional delivery payments.**

Provision may be made for provisional billings and payments for items delivered to and accepted by the Government on letter contracts contemplating a definitive fixed price type of contract, on orders under basic ordering agreements, and on spares provisioning documents annexed to contracts. These provisional delivery billing prices should of course be without prejudice to definitive or final contract pricing. They should be set conservatively so as to cover no more than the costs fairly attributable to items to be delivered and accepted, taking into account prospective total costs and quantities contemplated for the letter contract and the definitive contract, or for all orders reasonably expected to be placed under the basic ordering agreement, or pursuant to the spares provisioning document and the contract of which it has become a part. These total provisional payments of course cannot exceed the amount obligated on the letter contract or on each order under a basic ordering agreement, or incident to execution of a spares provisioning document. Provisional billings for deliveries are of course subject to deductions for liquidation of progress payments, § 163.79-1(b).

[Rev. 3, ASFR, June 30, 1969]

(Secs. 2202, 2301-2314, 70A Stat. 120, 127-133; 10 U.S.C., 2202, 2301-2314)

For the Adjutant General.

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

[F.R. Doc. 69-10503; Filed, Sept. 3, 1969; 8:45 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### SUBCHAPTER C—INTERNATIONAL MAIL

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 39 is amended as follows:

#### PART 221—CONDITIONS APPLICABLE TO ALL CLASSES

Section 221.2(d) (6) is amended to reflect provisions of law extending the franking privilege to the widow of former President Eisenhower.

##### § 221.2 Postage.

(d) *Mailings without postage.* \* \* \*  
(6) *Mail of widows of Presidents.* All mail bearing the written or facsimile signature of Mrs. Mamie Doud Eisenhower or of Mrs. Jacqueline Bouvier Kennedy and the words "Postage and Fees Paid" shall be given the service indicated on its cover, subject to the conditions indicated in subparagraph (2) (i) of this paragraph.

NOTE: The corresponding section of the Postal Manual is 221.246.

#### PART 222—RATES AND CONDITIONS FOR SPECIFIC CLASSES

Sections 222.6(a) (1) and 222.9(b) (1) (i) are amended to correct certain rates; and § 222.7 is amended by updating the list of countries not accepting small packets.

##### § 222.6 Samples of merchandise.

(a) *Rates.*—(1) *Surface.* Surface rates for samples of merchandise to Canada and Mexico are 6 cents for the first 2 ounces and 2 cents for each additional ounce or fraction, with a minimum charge of 12 cents. To all other countries the rates are 6 cents for the first 2 ounces and 4 cents for each additional 2 ounces or fraction, with a minimum charge of 13 cents.

##### § 222.7 [Amended]

In § 222.7 *Small packets*, make the following changes in the listing of countries in paragraph (h):

1. Insert in proper alphabetical order, Korea (North) and Vietnam (North).
2. Delete Nepal.

#### § 222.9 Articles grouped together.

(b) *Rates.*—(1) *Surface.* The rates are as follows:

(i) To Canada and Mexico 6 cents for the first 2 ounces and 2 cents for each additional ounce, with a minimum of 12 cents.

NOTE: The corresponding sections of the Postal Manual are 222.611, 222.78, and 222.921a.

#### PART 243—INSURANCE

In § 243.7 paragraph (a) is amended to provide for use of a form by post offices; and new § 243.9 is added to cover indemnity.

##### § 243.7 Return receipts.

(a) *Issuance.* Return receipts for insured parcels are furnished under the same conditions as apply to registry return receipts, except that no return receipts are furnished for insured parcels to Canada. Post offices will use Form 2865 and follow the procedure prescribed in § 242.5 of this chapter for return receipts for registered mail.

##### § 243.9 Indemnity.

See Part 272 of this chapter.

NOTE: The corresponding Postal Manual sections are 243.71 and 243.9.

#### PART 247—RECALL AND CHANGE OF ADDRESS

##### § 247.3 [Amended]

In § 247.3 *Services and fees*, strike out "75 cents" which appears in the fourth sentence of paragraph (c) and insert in lieu thereof "80 cents".

NOTE: The corresponding Postal Manual section is 247.33.

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

DAVID A. NELSON,  
General Counsel.

[F.R. Doc. 69-10493; Filed, Sept. 3, 1969; 8:45 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

#### PART 10—MIGRATORY BIRDS

#### Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), authorizes and



directs the Secretary of the Interior, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7654-7655), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1969-70 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1969-70 seasons on waterfowl, coots, cranes, gallinule, and snipe. The State game departments were invited to submit recommendations for hunting seasons to conform to the shooting hours, daily bag, and possession limits, and season lengths within frameworks of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit the taking of these species within specified periods of time, as has been the case in past years. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.53(b) is amended as follows: In the table of States in the Mississippi Flyway delete the words "Closed season" for the States of Kentucky, Michigan, and Wisconsin; and delete the season dates of September 13-September 21 for the State of Minnesota; and September 12-September 14 for the

State of South Dakota; and insert instead for each of the above named States the words "see footnote 6." This subparagraph is further amended by adding after footnote 5, footnote 6 to read as follows:

\* In addition to the daily bag and possession limits prescribed for other ducks in these States, there is prescribed a daily limit of 2 and possession limit of 4 blue-winged teal only during the dates specified as follows: Kentucky, Nov. 23-Dec. 6; Minne-

sota and Wisconsin, Oct. 4-Oct. 12; Michigan, Oct. 10-Oct. 18; and South Dakota, Oct. 11-Oct. 19.

2. Section 10.53 is further amended by adding new paragraphs (d), (e), (f), (g), (h), (i), and (j) to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

(e) Atlantic Flyway States:

|                                   | Ducks (except mergansers)                        | Mergansers | Coots | Geese (except snow geese)         | Brant                            |
|-----------------------------------|--|------------|-------|-----------------------------------|----------------------------------|
| Daily bag limit.....              | (1)  | 2 5        | 10    | (2)                               | 6                                |
| Possession limit.....             | (1)  | 2 10       | 20    | (2)                               | 6                                |
| Shooting hours.....               | One-half hour before sunrise until sunset daily. |            |       |                                   |                                  |
| Seasons in:                       |  |            |       |                                   |                                  |
| Connecticut <sup>1</sup> .....    | Oct. 18-Nov. 1<br>Dec. 12-Jan. 10                |            |       | Oct. 18-Nov. 29<br>Dec. 8-Jan. 10 | Oct. 18-Dec. 28                  |
| Delaware.....                     | Nov. 1-Nov. 22<br>Dec. 12-Jan. 3                 |            |       | Nov. 1-Nov. 29<br>Dec. 1-Jan. 17  | Nov. 1-Jan. 9                    |
| District of Columbia.....         | Closed season                                    |            |       | Closed season                     | Closed season                    |
| Florida <sup>2</sup> .....        | Nov. 27-Jan. 12                                  |            |       | Closed season                     | Closed season                    |
| Georgia <sup>3</sup> .....        | Nov. 20-Jan. 15                                  |            |       | Closed season                     | Nov. 17-Jan. 25                  |
| Maine <sup>4</sup> .....          | Oct. 4-Oct. 25<br>Nov. 14-Dec. 6                 |            |       | Oct. 4-Dec. 19                    | Oct. 4-Dec. 12                   |
| Maryland <sup>5</sup> .....       | Oct. 31-Nov. 28<br>Dec. 23-Jan. 13               |            |       | Oct. 31-Jan. 15                   | Nov. 17-Jan. 24                  |
| Massachusetts <sup>6</sup> .....  | Oct. 29-Dec. 8<br>Oct. 4-Oct. 26                 |            |       | Oct. 29-Jan. 4<br>Oct. 4-Nov. 1   | Oct. 20-Dec. 28<br>Oct. 4-Nov. 1 |
| New Hampshire <sup>7</sup> .....  | Nov. 23-Dec. 13<br>Oct. 18-Oct. 25               |            |       | Nov. 11-Dec. 28                   | Nov. 11-Dec. 21                  |
| New Jersey <sup>8</sup> .....     | Nov. 21-Dec. 27                                  |            |       | Oct. 18-Jan. 2                    | Oct. 25-Jan. 2                   |
| New York <sup>9</sup> .....       |  |            |       |                                   |                                  |
| Long Island area.....             | Nov. 17-Jan. 5                                   |            |       | Nov. 17-Jan. 25                   | Nov. 17-Jan. 25                  |
| Lake Champlain area.....          | Oct. 11-Nov. 29                                  |            |       | Oct. 11-Dec. 26                   | Oct. 11-Dec. 19                  |
| Remainder of State.....           | Oct. 6-Dec. 1                                    |            |       | Oct. 6-Dec. 21                    | Oct. 6-Dec. 14                   |
| North Carolina.....               | Nov. 20-Jan. 15                                  |            |       | Nov. 20-Jan. 8                    | Nov. 20-Jan. 15                  |
| Pennsylvania <sup>10</sup> .....  | Oct. 11-Dec. 6                                   |            |       | Oct. 4-Dec. 19                    | Oct. 4-Dec. 12                   |
| Rhode Island <sup>11</sup> .....  | Nov. 16-Jan. 4                                   |            |       | Nov. 10-Jan. 25                   | Nov. 17-Jan. 25                  |
| South Carolina.....               | Nov. 29-Jan. 14                                  |            |       | Nov. 29-Jan. 14                   | Nov. 29-Jan. 14                  |
| Vermont <sup>12</sup> .....       | Oct. 11-Nov. 29                                  |            |       | Oct. 11-Dec. 26                   | Oct. 11-Dec. 19                  |
| Virginia <sup>13</sup> .....      |  |            |       |                                   |                                  |
| Back Bay area.....                | Nov. 22-Jan. 10                                  |            |       | Nov. 22-Jan. 10                   | Nov. 22-Jan. 10                  |
| Remainder of State.....           | Nov. 22-Jan. 10                                  |            |       | Nov. 10-Jan. 24                   | Nov. 10-Jan. 17                  |
| West Virginia <sup>14</sup> ..... | Oct. 11-Nov. 1                                   |            |       | Oct. 11-Nov. 27                   | Oct. 11-Dec. 19                  |
|                                   | Dec. 18-Jan. 15                                  |            |       | Dec. 18-Jan. 15                   |                                  |

<sup>1</sup> Ducks other than mergansers: In the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Vermont, Rhode Island, Virginia, and in the Long Island and Lake Champlain areas of New York, the daily bag limit is 3 and the possession limit is 6 and may not include more of the following species than: (a) 2 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 2 black ducks; the possession limit on ducks may not include more than: (a) 4 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 4 black ducks.

In the States of Georgia, Maryland, North Carolina, in the remainder of New York and West Virginia, the basic daily bag limit is 3 and the possession limit is 6, and may not include more of the following species than: (a) 2 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 1 black duck; and the possession limit on ducks may not include more than: (a) 4 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 2 black ducks.

In the State of Pennsylvania, the basic daily bag limit is 3 and the possession limit is 6, and may not include more of the following species than: (a) 2 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 1 black duck; and the possession limit may not include more than: (a) 2 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 2 black ducks.

In the States of Florida and South Carolina, the basic daily bag limit is 4 and the possession limit is 8, and may not include more of the following species than: (a) 2 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 1 black duck; and the possession limit may not include more of the following species than: (a) 4 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 2 black ducks.

<sup>2</sup> Mergansers: In all States the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

<sup>3</sup> Geese other than snow geese: In the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, excluding the Back Bay area, the daily bag limit is 3 and the possession limit is 6. In the State of West Virginia, the daily bag limit is 1 and the possession limit is 3.

In the States of North Carolina, South Carolina, and in the Back Bay area of Virginia, the daily bag limit is 1 and the possession limit is 2.

The Back Bay area of Virginia, includes the Back Bay and its tributaries and the marshes adjacent thereto, and on and along the shores of North Landing River and marshes adjacent thereto, and on and along the shores of Lake Teanahoc and Red Wing Lake and the marshes adjacent thereto.

<sup>4</sup> There will be no open season on geese in the States of Florida and Georgia.

<sup>5</sup> New York: The Long Island area consists of all of Nassau and Suffolk Counties and that part of Westchester County south of the Hutchinson River Parkway.

The Lake Champlain area consists of that part of New York lying east of the mainline tracks of the Delaware and Hudson Railroad running south from the New York-Canada border to Whitehall, N.Y., and north of the branchline tracks of the Delaware and Hudson Railroad running east from Whitehall, N.Y., to the New York-Vermont State line.

<sup>6</sup> Pennsylvania: In Crawford and Erie Counties, the open season for taking geese is Oct. 11-Dec. 19 and in Crawford County the daily bag limit may not include more than 1 Canada goose.

<sup>7</sup> Notwithstanding the provisions of 50 CFR 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; in the State of Maryland in those areas described, delineated, and designated in its hunting regulations as being open to sea duck hunting; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogone Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island.

<sup>8</sup> Gallinule: 15 daily and 30 in possession in Maryland, from Sept. 1-Nov. 1; and in Virginia from Nov. 22-Jan. 10.

<sup>9</sup> Snipe: 8 daily and 16 in possession in Florida, from Nov. 27-Jan. 15; and in New Jersey from Oct. 18-Dec. 6.

<sup>10</sup> Vermont: In Addison County, the daily bag limit is 2 geese and the possession limit is 4.

<sup>11</sup> Check State regulations for additional restrictions.



<sup>10</sup> Mississippi: For the lands and waters of the State of Mississippi lying westerly of the centerline of the main navigable channel of the Mississippi River between the north boundary of Louisiana to latitude 31° N., the season for taking geese is from Nov. 3-Jan. 11 for white-fronted; Nov. 15-Dec. 24 and Jan. 17-Feb. 15 for blue and snow geese.

<sup>11</sup> Missouri: In the Swan Lake area consisting of those portions of the Missouri counties of Livingston, Carroll, Lafayette, Saline, Howard, Chariton, and Linn, bounded by roads starting at the junction of U. S. Highway 26 and 65 at Chillicothe in Livingston County, thence south along U. S. Highway 26 to the junction with State Highway 200; thence north and east along State Highway 249 to the junction with State Highway 3 at Glasgow in Howard County; thence north along State Highway 5 to the junction with U. S. Highway 26 north of Marcelline in Linn County; thence west along U. S. Highway 26 to the point of beginning, the combined kill of Canada geese will be limited to a total of 20,000 birds; and when the Director, Bureau of Sport Fisheries and Wildlife, has determined the date upon which 20,000 Canada geese will have been killed in this area, the season will be closed therein by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and date of closing.

<sup>12</sup> In the Square Creek area, consisting of Atchison and Holt Counties and those portions of Andrew and Nodaway Counties lying west of U. S. Highway 11, Canada geese may be taken only during the period from Oct. 30-Dec. 28 and in this area the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese.

<sup>13</sup> Notwithstanding the provisions of § 10 of this part, geese taken in the States of Illinois and Missouri may not be transported, shipped, or delivered for transportation or shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter taking the birds.

<sup>14</sup> At Pymatuning Reservoir in Ashland County, Ohio, and that area bounded on the south by State Route 322, on the west by Pymatuning Lake Road, and on the north by County Road 206 known as Woodward Beach, the open season for taking ducks, coots, and mergansers is Oct. 11-Dec. 6 and the open season for taking geese and brant is Oct. 11-Dec. 19. In this area, the daily bag limit for ducks other than mergansers is 3 and may not include more than the following: (a) 1 black duck; (b) 1 black duck; and (c) 1 canvasback or 1 redhead. The possession limit is 6 and may not include more than the following: (a) 2 wood ducks; (b) 2 black ducks; and (c) 1 canvasback or 1 redhead. The season is closed on snow geese in this area. The limit on other geese is 2 daily and 6 in possession, of which not more than 1 daily and 2 in possession may be Canada geese. The daily bag and possession limit on brant in this area is 4. The daily limit on mergansers is 5 and the possession limit is 10. The daily limit for coots is 19 and the possession limit is 20.

<sup>15</sup> Wisconsin Canada geese: See Heron Zone, section 10.53(d).

<sup>16</sup> In the open season on Snow and Virginia rails in the State of Tennessee is from Dec. 6-Jan. 4; in the State of Wisconsin, from Oct. 4-Nov. 12. The daily bag and possession limit is 25 in the aggregate of these two species.

<sup>17</sup> Snipe: In Illinois, the season is Nov. 1-Nov. 20; Tennessee the season is Dec. 6-Jan. 4; Wisconsin, the open season is from Oct. 4-Nov. 22. The daily bag limit is 3 and the possession limit is 16.

<sup>18</sup> In addition to the limits prescribed for other ducks, the following States may take 2 blue-winged teal daily with 4 in possession during that part of their regular duck season as specified: Kentucky, the season is Nov. 28-Dec. 5; Michigan, the season is Oct. 10-Oct. 18; Minnesota and Wisconsin, the seasons are from Oct. 4-Oct. 12.

<sup>19</sup> Alabama: All goose hunting is closed in the counties of Russell and Barbour.

<sup>20</sup> Check State regulations for additional restrictions.

#### (g) Central Flyway States:

| Ducks (except mergansers)  | Mergansers      | Coots          | Gallinules      | Geese |
|--|-----------------|----------------|-----------------|-------|
| Daily bag limits   | 14              | 15             | 10              | 45    |
| Possession limits  | 18              | 20             | 30              | 15    |
| Shooting hours: One-half hour before sunrise until sunset daily. |                 |                |                 |       |
| Seasons in:  |                 |                |                 |       |
| Colorado: 111 East of Continental Divide                         | Oct. 25-Nov. 26 | Closed season  | Nov. 10-Jan. 15 |       |
| Kansas: 1  | Oct. 25-Nov. 20 | Oct. 1-Nov. 9  | Oct. 4-Dec. 10  |       |
| Montana: 1111  | Oct. 15-Nov. 28 | Closed season  | Oct. 4-Dec. 28  |       |
| Nebraska: 1111   | Oct. 15-Nov. 28 | Oct. 1-Nov. 26 | Oct. 1-Dec. 25  |       |
| New Mexico: 1111   | Nov. 1-Dec. 3   | Nov. 1-Dec. 4  | Nov. 1-Dec. 15  |       |
| North Dakota: 1  | Oct. 4-Nov. 12  | Closed season  | Oct. 1-Dec. 25  |       |
| Oklahoma: 111  | Oct. 25-Nov. 11 | Sept. 1-Nov. 9 | Oct. 11-Jan. 4  |       |
| South Dakota: 1111   | Oct. 11-Nov. 19 | Closed season  | Oct. 1-Dec. 21  |       |
| Texas: 11  | Oct. 11-Nov. 19 | Sept. 1-Nov. 9 | Oct. 11-Jan. 11 |       |
| Wyoming: 111 East of Continental Divide                          | Oct. 11-Nov. 12 | Closed season  | Oct. 11-Jan. 4  |       |

<sup>1</sup> Ducks other than mergansers: In all States except Texas, the daily bag limit may not include more of the following species than: (a) 2 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 2 mallards. The possession limit may not include more than: (a) 4 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 4 mallards.

<sup>2</sup> In Texas, the daily bag limit may not include more than: (a) 2 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 1 mallard. The possession limit may not include more than: (a) 4 wood ducks; (b) 1 canvasback or 1 redhead; and (c) 2 mallards.

<sup>3</sup> Mergansers: In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

#### (f) Mississippi Flyway States:

| Ducks (except mergansers)  | Mergansers      | Coots           | Gallinules      | Geese |
|--|-----------------|-----------------|-----------------|-------|
| Daily bag limit  | 14              | 15              | 10              | 45    |
| Possession limit   | 18              | 20              | 30              | 15    |
| Shooting hours: One-half hour before sunrise until sunset daily. |                 |                 |                 |       |
| Seasons in:  |                 |                 |                 |       |
| Alabama: 111   | Dec. 17-Jan. 15 | Nov. 1-Jan. 15  | Nov. 3-Jan. 11  |       |
| Arkansas: 1  | Nov. 20-Dec. 28 | Nov. 15-Jan. 15 | Oct. 20-Dec. 28 |       |
| Illinois: 1111   | Nov. 1-Nov. 28  | Closed season   | Oct. 20-Dec. 21 |       |
| Indiana: 1   | Nov. 1-Nov. 28  | Sept. 1-Nov. 9  | Oct. 15-Dec. 6  |       |
| Iowa: 1111   | Oct. 25-Nov. 28 | Closed season   | Dec. 20-Jan. 8  |       |
| Kentucky: 1  | Nov. 28-Dec. 27 | Nov. 3-Jan. 11  | Oct. 4-Dec. 12  |       |
| Louisiana: 1111  | Nov. 15-Dec. 24 | Nov. 15-Dec. 15 | Oct. 15-Dec. 11 |       |
| Michigan: 111  | Nov. 15-Dec. 24 | Nov. 15-Dec. 15 | Oct. 15-Dec. 11 |       |
| Minnesota: 111   | Oct. 4-Nov. 12  | Oct. 4-Nov. 12  | Oct. 4-Dec. 12  |       |
| Mississippi: 111   | Dec. 13-Jan. 11 | Nov. 1-Jan. 9   | Nov. 1-Jan. 11  |       |
| Missouri: 1111   | Nov. 1-Nov. 20  | Nov. 1-Nov. 20  | Oct. 20-Dec. 28 |       |
| Swan Lake area   | Nov. 1-Nov. 20  | Nov. 1-Nov. 20  | Oct. 20-Dec. 28 |       |
| Square Creek area  | Nov. 1-Nov. 20  | Nov. 1-Nov. 20  | Oct. 20-Dec. 28 |       |
| Remainder of State   | Nov. 1-Nov. 20  | Nov. 1-Nov. 20  | Oct. 20-Dec. 28 |       |
| Ohio: 111  | Oct. 25-Nov. 29 | Sept. 1-Nov. 8  | Oct. 20-Dec. 11 |       |
| Tennessee: 111   | Dec. 6-Jan. 4   | Oct. 4-Nov. 4   | Nov. 3-Jan. 11  |       |
| Wisconsin: 1111  | Oct. 4-Nov. 12  | Oct. 4-Nov. 12  | Oct. 4-Dec. 12  |       |

<sup>1</sup> Ducks other than mergansers: In the States of Alabama, Arkansas, Illinois, Iowa, Indiana, Kentucky, Mississippi, Missouri, and Tennessee, the daily bag limit on ducks may not include more than: (a) 1 canvasback or 1 redhead; (b) 2 mallards; and (c) 2 wood ducks. The possession limit shall not include more than: (a) 1 canvasback or 1 redhead; (b) 2 mallards; and (c) 4 wood ducks.

<sup>2</sup> In the States of Louisiana, Michigan, Minnesota, Ohio, and Wisconsin, the daily bag limit of ducks may not include more than: (a) 1 canvasback or 1 redhead; (b) 2 mallards; and (c) 2 wood ducks. The possession limit shall not include more than: (a) 1 canvasback or 1 redhead; (b) 2 mallards; and (c) 4 wood ducks.

<sup>3</sup> Mergansers: In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

<sup>4</sup> Geese: There is no season for taking Canada geese in Louisiana, Arkansas, and Washington Counties of Mississippi. In all other States except Wisconsin, Illinois, and Missouri, the daily bag and possession limits may not include more than: (a) 2 Canada geese; or (b) 2 white-fronted geese; or (c) 1 Canada goose and 1 white-fronted goose.

<sup>5</sup> In Wisconsin (excluding the Heron Zone), the daily bag limit may not include more than 1 Canada goose and 1 white-fronted goose.

<sup>6</sup> In the States of Illinois and Missouri, the daily bag limit may not include, in the alternative, more than 2 Canada geese or 2 white-fronted geese, or 1 of each; the possession limit may not include more than 4 Canada and white-fronted geese in the aggregate of which not more than 2 may be white-fronted geese.

<sup>7</sup> In Wisconsin (excluding the Heron Zone), the daily bag limit may not include more than 1 Canada goose and 1 white-fronted goose.

<sup>8</sup> In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 20,000 birds in each State. When the Director, Bureau of Sport Fisheries and Wildlife, has determined the date upon which 20,000 Canada geese will have been killed, the season will be closed by the Director upon having given public notice thereof through public information media no less than 48 hours in advance of the time and date of closing.

<sup>9</sup> Illinois: In the Illinois counties of Alexander, Jackson, Union, and Williamson, the season for geese is Nov. 17-Dec. 21. In these counties, shooting hours are from sunrise to 2 p.m. daily. In the rest of the State, shooting hours are from sunrise to sunset daily.

<sup>10</sup> In the State of Louisiana, the season for white-fronted geese is from Nov. 3-Jan. 11. The season on blue and snow geese is from Nov. 15-Dec. 24 and Jan. 17-Feb. 15.

<sup>11</sup> During the open season in which only white-fronted geese may be hunted, the daily bag and possession limit is 2 white-fronted geese.

<sup>12</sup> During the season in which white-fronted, blue, and snow geese may all be hunted, the daily bag and possession limit is 5 geese in the aggregate of which not more than 2 may be white-fronted geese.

<sup>13</sup> During the open season in which only blue and snow geese may be hunted, the daily bag and possession limit is 2 blue and snow geese.

<sup>14</sup> In the aggregate of these species.

<sup>15</sup> Louisiana: For the lands and waters of the State of Louisiana lying easterly of the centerline of the main navigable channel of the Mississippi River between the north boundary of Louisiana to latitude 31° N., the season for taking geese is Oct. 15-Nov. 26 and Dec. 13-Jan. 11. Canada geese may be taken in this area.

<sup>16</sup> Michigan: By special permit issued by the State, an experimental open season on ducks, coots, and mergansers is prescribed in the Shawano River State Game area in Shawano County, from October 10 through November 14. The specific aggregate daily bag and possession limits will depend upon the area and species taken so determined by a point value assigned to each by the State in its hunting regulations. In no event, under this point value system, shall the aggregate daily bag limit exceed 6 birds and the aggregate possession limit shall not exceed 2 days lawful bag limits.







<sup>1</sup> Brant: In the States of California, Oregon, and Washington, the open season on brant is Nov. 22-Feb. 22. The daily bag limit is 4 and the possession limit is 8.

<sup>2</sup> California: In the Tule Lake area (northeast California) and the Colorado River area, as described in title 14, § 502, of the California Administrative Code, the basic daily bag limit on ducks other than mergansers is 5 and the possession limit is 10. In the remainder of the State, the basic daily bag and possession limit is 6 ducks; *Provided*, further, That in the Colorado River area the daily bag and possession limit on geese may not include more than 2 Canada geese; and in the remaining portion of California Fish and Game District 22, not included in the Colorado River area, the daily bag and possession limit on geese may not include more than 1 Canada goose.

<sup>3</sup> Tehachapi Waterfowl area: An open hunting season for ducks, coots, and gallinule from Oct. 18-Nov. 26 and Dec. 6-Jan. 11, with a daily bag and possession limit of 6 is prescribed for that portion of southern California (but excluding the Colorado River area) lying southerly and easterly of a line beginning at the mouth of the Santa Maria River at the Pacific Ocean; thence easterly along the Santa Maria River to where it crosses State Highway 126 near the city of Santa Maria; thence easterly on State Highway 126 to the junction with U.S. Highway 99; thence southerly on U.S. Highway 99 to the crest of the Tehachapi Mountains at Tejon Pass; thence easterly and northerly along the crest of the Tehachapi Mountains to where it intersects State Highway 178 at Walker Pass; thence easterly on State Highway 178 to the junction of U.S. Highway 395 at the town of Inyokern; thence southerly on U.S. Highway 395 to the junction of State Highway 58; thence easterly on State Highway 58 to the junction of Interstate Highway 15; thence easterly on Interstate Highway 15 to the junction with State Highway 127; thence northerly on State Highway 127 to the point of intersection with the California-Nevada State line.

<sup>4</sup> Clark County, Nev.: The season on ducks, mergansers, coots, and gallinule is Oct. 18-Jan. 11.

<sup>5</sup> Check State regulations for additional restrictions.

(i) Special scaup season: A special open hunting season for scaup is prescribed according to the following table in those designated, delineated, and restricted areas described in the hunting regulations of the following States. The daily bag limit is 5 and the possession limit is 10. Shooting hours are ½ hour before sunrise to sunset daily.

#### Seasons in:

|                           |                  |
|---------------------------|------------------|
| Connecticut               | Jan. 16-Jan. 31. |
| Florida                   | Jan. 16-Jan. 31. |
| Georgia                   | Jan. 16-Jan. 31. |
| Maryland                  | Dec. 5-Dec. 20.  |
| Massachusetts             | Dec. 12-Dec. 27. |
| New York Long Island area | Jan. 10-Jan. 25. |
| Rhode Island              | Jan. 5-Jan. 20.  |
| West Virginia             | Nov. 21-Dec. 6.  |

(j) Bonus scaup: An additional 2 scaup daily and 4 in possession, in addition to the limits on other ducks during the regular duck hunting season as specified below, is prescribed in those designated, delineated, and restricted areas described in the hunting regulations of the following States:

#### Atlantic Flyway:

|                |                  |
|----------------|------------------|
| Maine          | Oct. 4-Oct. 25.  |
|                | Nov. 14-Dec. 6.  |
| New Hampshire  | Oct. 4-Oct. 26.  |
|                | Nov. 22-Dec. 13. |
| New Jersey     | Oct. 18-Oct. 25. |
|                | Nov. 21-Dec. 27. |
| New York       | Oct. 6-Dec. 1.   |
| North Carolina | Nov. 20-Jan. 15. |
| Pennsylvania   | Oct. 11-Dec. 6.  |
| South Carolina | Nov. 29-Jan. 14. |
| Vermont        | Nov. 1-Nov. 29.  |

#### Mississippi Flyway:

|             |                  |
|-------------|------------------|
| Alabama     | Dec. 17-Jan. 15. |
| Illinois    | Nov. 1-Nov. 16.  |
| Iowa        | Oct. 25-Nov. 16. |
| Louisiana   | Nov. 15-Dec. 24. |
| Michigan    | Nov. 1-Nov. 18.  |
| Minnesota   | Nov. 1-Nov. 12.  |
| Mississippi | Dec. 13-Jan. 11. |
| Missouri    | Nov. 1-Nov. 30.  |
| Ohio        | Oct. 21-Nov. 29. |
| Wisconsin   | Nov. 1-Nov. 12.  |

#### Central Flyway:

|              |                 |
|--------------|-----------------|
| Oklahoma     | Dec. 20-Jan. 6. |
| South Dakota | Nov. 1-Nov. 19. |

3. Section 10.54 is amended to read as follows:

#### § 10.54 Seasons and limits on little brown cranes and whistling swans.

Subject to the applicable provisions of the preceding sections of this part, the open seasons prescribed for taking little brown cranes with a daily bag limit of 3 and a possession limit of 6; and with shooting hours from ½ hour before sun-

rise until sunset, in the following described areas:

(a) In the Central Flyway portion of Colorado excluding the San Luis Valley area, 30 consecutive days from October 4, through November 2, 1969.

(b) In New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt; and in that portion of the State of Texas lying west of a line from the International Toll Bridge in Del Rio, Val Verde County; thence northward following U.S. Highway 277 to the junction with U.S. Highway 87 at San Angelo, Tom Green County; thence northwesterly following U.S. Highway 87 to the junction with U.S. Highway 287 at Dumas, Moore County; thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma State line in Dallam County, 58 consecutive days between November 1, and December 28, 1969.

(c) In the North Dakota counties of Kidder, Stutsman, McLean, and Burleigh. In South Dakota, in parts of Campbell, Walworth, Potter, Dewey, and Corson Counties described as follows: Beginning at the North Dakota State line, south on U.S. Highway 83 to U.S. Highway 212; west on U.S. Highway 212 to the Promise Road; north on the Promise Road to State Highway 20; north on State Highway 20 to U.S. Highway 12; northwest on U.S. Highway 12 to State Highway 63; north on State Highway 63 to the North Dakota State line; and east to the point of beginning, 30 consecutive days between November 8 and December 7, 1969.

(d) In that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, then State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, and then U.S. Highway 183 east from Vernon to the point of intersection with the Texas-Oklahoma State line in Wilbarger County; and east of a line from San Angelo along U.S. Highway 87 to the junction of Highways 87 and 287 at Dumas, Moore County, and then along U.S. Highway 287 from Dumas to the point of intersection with the Texas-Oklahoma State line in Dallam County; and in that portion of Oklahoma lying west of U.S. Highway 81, 30 consecutive days between December 13, 1969, and January 11, 1970.

(e) A limited open season for the taking of whistling swans under special permit is prescribed for the State of Utah

and for Churchill County, Nev., subject to the following conditions: (1) In the State of Utah, not more than 2,500 permits may be issued authorizing each permittee to take one whistling swan between October 11 and January 4; (2) in Churchill County, Nev., excluding Lahontan Reservoir, not more than 500 permits may be issued authorizing each permittee to take 1 whistling swan; and (3) permit forms and correspondingly numbered metal locking seals furnished by the Bureau of Sport Fisheries and Wildlife, will be issued by the appropriate Department of Fish and Game, to persons making written application for such permits: *Provided*, That if more than 2,500 applications are received in Utah and more than 500 applications are received in Nevada a drawing will be held to determine which applicants shall be issued permits. Each person must have been issued and carry on his person while hunting a properly validated 1969 whistling swan permit. When a whistling swan has been killed by a hunter, he must immediately attach and lock the metal seal and the proper portion of his numbered permit around the upper right wing of the swan.

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

AUGUST 27, 1969.

[F.R. Doc. 69-10471; Filed, Sept. 3, 1969; 8:45 a.m.]

#### SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

##### PART 32—HUNTING

#### Seney National Wildlife Refuge, Mich.

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

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

#### MICHIGAN

##### SENEY NATIONAL WILDLIFE REFUGE

Public hunting of Woodcock and Wilson's Snipe (Jacksnipe) on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 33,525 acres, is delineated on maps available at refuge headquarters, Seney Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of Woodcock and Wilson's Snipe (Jacksnipe) subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes and snow sleds are not permitted on the refuge.

The provisions of this special regulation supplements 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 November 14, 1969.

R. W. BURWELL,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

AUGUST 21, 1969.

[P.R. Doc. 69-10496; Filed, Sept. 3, 1969;  
8:45 a.m.]

## PART 32—HUNTING

### Certain National Wildlife Refuges in South Dakota, Michigan, and Illinois

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

#### SOUTH DAKOTA

##### LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Lacreek National Wildlife Refuge, S. Dak., is permitted from October 11 through November 19, 1969; and the hunting of geese is permitted from October 1 through December 21, 1969, but only on the area designated by signs as open to hunting. This open area comprising 310 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Martin, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

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 December 21, 1969.

#### MICHIGAN

##### SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Shiawassee National Wildlife Refuge, Mich., is permitted from waterfowl opening hour to 12 noon each day from October 1, through November 14, 1969, but only on the areas designated by signs as open to hunting. This open area comprising approximately 700 acres is delineated on maps located at the refuge headquarters, Saginaw, Mich., and at the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

- (1) Hunting shall be by Federal permit and only from assigned blinds.
- (2) A fee of \$2 per hunter will be charged for services and hunting facilities provided.
- (3) Two hunters will be permitted in each blind.

(4) Only shotguns 16 gauge or larger may be used with shells loaded with No. 4 shot or larger.

(5) Applications for hunting must be postmarked not later than September 15, 1969.

(6) Assignment of blinds will be at random by the refuge manager, and only successful applicants will be notified.

(7) After completion of the days hunt, all hunters must proceed to refuge headquarters for check out and the submission of geese for examination.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1969.

#### ILLINOIS

##### CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of teal on the Crab Orchard National Wildlife Refuge, Ill., is permitted from September 6 through September 14, 1969, but only on the area designated by signs as open to hunting. This open area comprising 12,380 acres is delineated on a map available at the refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting will be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds: Temporary blinds may be constructed. Blinds do not become the property of those constructing them.

(2) It is unlawful for any person to establish or use any blind for the taking of migratory waterfowl within 50 yards of any other blind on the refuge public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 14, 1969.

R. W. BURWELL,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

AUGUST 26, 1969.

[P.R. Doc. 69-10505; Filed, Sept. 3, 1969;  
8:46 a.m.]

## PART 32—HUNTING

### Missisquoi National Wildlife Refuge, Vt.

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

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

#### VERMONT

##### MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of migratory game birds on the Missisquoi National Wild-

life Refuge, Vt., is permitted only on the areas designated by signs as open to hunting. These areas are delineated on maps available at refuge headquarters, Swanton, Vt., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds.

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 December 31, 1969.

THOMAS A. SCHRADER,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1969.

[P.R. Doc. 69-10540; Filed, Sept. 3, 1969;  
8:48 a.m.]

## PART 32—HUNTING

### Missisquoi National Wildlife Refuge, Vt.

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.

#### VERMONT

##### MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vt., is permitted only on the areas designated by signs as open to hunting. These areas are delineated on maps available at refuge headquarters, Swanton, Vt., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

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 February 28, 1970.

THOMAS A. SCHRADER,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1969.

[P.R. Doc. 69-10541; Filed, Sept. 3, 1969;  
8:48 a.m.]

## PART 32—HUNTING

### Shiawassee National Wildlife Refuge, Mich.

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



## RULES AND REGULATIONS

## § 32.32 Special regulations; big game; for individual wildlife refuge areas.

## MICHIGAN

## SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Shiawassee National Wildlife Refuge is permitted from 7 a.m. to 6 p.m. each day from November 15, 1969, through November 30, 1969, only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is delineated on a map available at the refuge headquarters, Saginaw, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Public hunting of deer with bow and arrow is permitted on the entire refuge area from 7 a.m. to 6 p.m. each day from December 1, 1969, through December 31, 1969, only.

Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

(1) All hunters must exhibit their hunting licenses, deer tag, game, and vehicle contents to Federal and State Officers upon request.

(2) Bow and arrow hunting will be by Federal permit only, from December 1, 1969 through December 15, 1969. No permit will be required from December 16, 1969 through December 31, 1969.

(3) Applications for bow and arrow hunting permit must be received at the refuge office on or before November 15, 1969.

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 December 31, 1969.

JOHN R. FRYE,

*Refuge Manager, Shiawassee National Wildlife Refuge, Saginaw, Mich.*

AUGUST 27, 1969.

[F.R. Doc. 69-10539; Filed, Sept. 3, 1969; 8:48 a.m.]

## PART 32—HUNTING

## Necedah National Wildlife Refuge, Wis.

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

## § 32.32 Special regulations; big game; for individual wildlife refuge areas.

## WISCONSIN

## NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of deer, coyote, fox, skunk, and raccoon on the Necedah Na-

tional Wildlife Refuge, Wis., is permitted with bow and arrow from September 20 through November 16, 1969 and December 6 through December 31, 1969 and with firearms from November 22 through November 30, 1969, but only on those areas designated by signs as open to hunting. These open areas, comprising approximately 39,500 acres are delineated on a map available at the refuge headquarters, Necedah, Wis., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

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 December 31, 1969.

DAVID J. BROWN,

*Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.*

AUGUST 27, 1969.

[F.R. Doc. 69-10504; Filed, Sept. 3, 1969; 8:45 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### [ 36 CFR Part 7 ]

### OLYMPIC NATIONAL PARK, WASH.

#### Dogs and Cats

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of June 29, 1938 (52 Stat. 1241, 16 U.S.C. 254) and the Act of March 6, 1942 (56 Stat. 136, 16 U.S.C. 256b), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Western Regional Order No. (31 F.R. 5577), it is proposed to amend § 7.28 of Title 36 of the Code of Federal Regulations as set forth below. The purpose of this amendment is to revise and clarify the special regulation on dogs and cats in the park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Olympic National Park, Port Angeles, Wash. 98362, within 30 days of publication of this notice in the FEDERAL REGISTER.

Section 7.28 is amended by revising paragraph (d) as follows:

#### § 7.28 Olympic National Park.

(d) *Dogs and cats.* Dogs and cats are prohibited on any park land or trail, except within one-fourth mile of developed areas which are accessible by a designated public automobile road.

STURE T. CARLSON,  
Acting Superintendent,  
Olympic National Park.

[F.R. Doc. 69-10506, Filed, Sept. 3, 1969;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### [ 7 CFR Part 29 ]

### TOBACCO INSPECTION

#### Wisconsin Standard Grades

Notice is hereby given that the U.S. Department of Agriculture has under consideration a proposed amendment to the Official Standard Grades for Wisconsin Cigar-binder Tobacco, U.S. Types 54 and 55, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration leading to the proposed amendment. Grade standards for tobacco are issued under the

authority of The Tobacco Inspection Act of 1935 which provides for the issuance of official U.S. grades to designate different levels of quality for the use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and a permissive basis. This service is rendered free of charge when performed on designated auction markets. When inspection is made at the request of an owner or other person financially interested, a fee is charged to cover the cost of the service.

Grower representation has requested the Department to consider two changes in the specifications for grade B3. The proposed changes would lower the length requirement from 19 to 17 inches and raise the body specification from heavy to medium.

The request to lower the length requirement was prompted by the current usage of B3 tobacco for processed or homogenized binder. Length is not as essential for tobacco used in homogenized sheet as it is for natural binder. By raising the body specification for grade B3 from heavy to medium, greater distinction would be achieved between the Binder (B) and Stripper (C) Groups.

Favorable response was received during discussions of the proposed changes with the trade.

In addition to the two changes in grade specifications, the word "natural" would be deleted from the group definition of Binder (B Group). This deletion would be necessitated by the shortened length of B3 which would not qualify as a natural binder.

All persons who desire to submit written data, views, or arguments in connection with the proposed amendment should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed amendment is as follows:

1. In § 29.6126 the word "natural" is deleted from the heading for Binder (B Group).

2. Also in § 29.6126 U.S. grade B3 is amended to read as follows:

B3 Low Quality Binder. Medium, ripe, firm, semielastic, normal strength and width, and 17 inches or over in length. Uniformity, 70 percent; injury tolerance, 30 percent.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 28th day of August 1969.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 69-10544, Filed, Sept. 3, 1969;  
8:48 a.m.]

#### [ 7 CFR Part 948 ]

##### [Area 3]

### IRISH POTATOES GROWN IN COLORADO

#### Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th 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 proposals are as follows:

#### § 948.260 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1970, will amount to \$3,849.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be \$0.0015 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1970, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: August 28, 1969.

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

[F.R. Doc. 69-10499, Filed, Sept. 3, 1969;  
8:45 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

Bureau of Customs

### CERTAIN SNEAKER OR BASKETBALL TYPE FOOTWEAR

Appraisement; American Selling Price Basis

#### Correction

In F.R. Doc. 69-10354 appearing at page 13879 in the issue of Friday, August 29, 1969, the phrase "important footwear" in the first line of the third paragraph should read "imported footwear".

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

### AK-CHIN RESERVATION, ARIZ.

#### Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

August 27, 1969.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, 1st session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Ak-Chin Reservation, Ariz., was adopted on May 21, 1969, by the Ak-Chin Indian Community Council, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Be it enacted, by the Community Council of the Maricopa, Ak-Chin Indian Reservation, Ariz., pursuant to the Articles of Association of the Ak-Chin Indian Community, approved by the Secretary of the Interior, December 20, 1961, and in accordance with the U.S. laws (18 U.S.C. 1161), that the members of the Ak-Chin Indian Community and other persons, including corporations, partnerships, associations, and natural persons are hereby authorized to introduce, store, sell, and possess alcoholic beverages, in accordance with the laws of the State of Arizona, on the Maricopa, Ak-Chin Indian Reservation, Ariz.: *Provided*, That introduction for sale or sales by persons, members or nonmembers, Indians or non-Indians, shall be first specifically approved by the Community Council and such sales shall be subject to such taxes and license fees as may from time to time be imposed by the Community Council.

J. L. NORWOOD,  
Acting Deputy Commissioner  
of Indian Affairs.

[F.R. Doc. 69-10508; Filed, Sept. 3, 1969; 8:46 a.m.]

[Sacramento Area Office Redlegation Order 1]

### AREA FIELD REPRESENTATIVE AND DIRECTOR OF PALM SPRINGS, SACRAMENTO AREA OFFICE

#### Redlegation of Authority

##### PART 1—GENERAL

SECTION 1.1 This order is a revision of Sacramento Order 1 and amendments thereto and supersedes all previous redlegation orders. Authority to issue this order is contained in 33 BIAM 4.7 and Part 230 Chapter 2 of the Departmental Manual.

SEC. 1.2 *Appeals.* Any action taken by any Area Field Representative, Director, or other officer pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Area Field Representative, Director, or other officer to the Area Director, Sacramento Area Office. An appeal must be filed in writing with such Area Field Representative, Director, or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Sacramento Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1(a) of Order 2508, as amended, of the Secretary of the Interior.

SEC. 1.3 *Limitations.* Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs, nor the authority to issue guidelines or instructions for the implementation of the delegated authorities which shall be binding on the Area Field Representative and Director.

SEC. 1.4 *Authority of Assistant Area Director.* The Assistant Area Director, Bureau of Indian Affairs, Sacramento Area Office, is authorized to exercise all the power and authority of the Area Director of the Sacramento Area Office, as delegated by the Commissioner of Indian Affairs in 10 BIAM 3. This redlegation also includes future authorities of the Commissioner to the Area Director. In the absence of the Area Director and the Assistant Area Director, persons authorized to act in their stead may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

### PART 2—AUTHORITY OF AREA FIELD REPRESENTATIVES AND DIRECTOR OF PALM SPRINGS

Subject to the provisions of Part 1, Area Field Representatives and Director of Palm Springs may exercise the authority of the Area Director as indicated in this part.

#### FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.1 *Sales, fee patents, and other matters in 25 CFR Part 121.* The taking of action with respect to those matters set forth in 25 CFR Part 121, except:

(a) The approval of issuance of patents in fee and the removal of restrictions from restricted fee patents or deeds.

(b) The approval of mortgages or deeds of trust on trust or restricted land.

(c) The approval of sales to non-Indians.

(d) The approval of exchanges of lands between individual Indians and non-Indians and between Indian tribes and non-Indians.

SEC. 2.2 *Land acquisitions.* The approval of the purchase of lands for individual Indians and Indian tribes provided that when fee lands are acquired the case assembly will be referred to the Regional Solicitor's office for title examination.

SEC. 2.3 *Rights of way.* The granting of rights of way pursuant to 25 CFR Part 161. This authority extends to and includes the issuance of advance authority for permission to survey prior to granting of the right-of-way. This authority extends to and includes the issuance of an appropriate instrument terminating a right-of-way.

SEC. 2.4 *Mineral leases and permits.* The approval of coal, sand, gravel, pumic, and building stone leases and permits of tribal and trust or restricted individually owned lands. This authority does not apply to lands purchased or reserved for agency, school, or other administrative purposes.

SEC. 2.5 *Surface leases and permits.* (a) The authority of the Area Director relating to surface leases and permits for terms up to and including ten (10) years pursuant to 25 CFR Part 131.

(b) To the Director of the Palm Springs Office. The authority of the Area Director relating to subleases, assignments of subleases, amendments to subleases, and encumbrances of subleases.

SEC. 2.6 *Allotment applications.* The approval of certification of applications for allotments on the public domain under authority of the Act of February 8, 1887 (25 U.S.C. 1946 ed., sec. 334), or Acts of February 28, 1891, and June 25,



1910 (25 U.S.C. 1946 ed., sec. 336) and in the National Forest pursuant to the Act of June 25, 1910 (25 U.S.C. 1946 ed., sec. 337).

#### FUNCTIONS RELATING TO ROADS

**SEC. 2.10 Roads.** The closing of roads pursuant to 25 CFR 162.6 (Secretarial Order 2508, sec. 28).

#### FUNCTIONS RELATING TO FOREST MANAGEMENT

**SEC. 2.20 Timber sales and advertisement.** (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 50,000 feet board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

#### FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

**SEC. 2.30 Individual Indian moneys.** All those matters set forth in 25 CFR Part 104.

#### FUNCTIONS RELATING TO TRIBAL PROGRAMS

**SEC. 2.40 Tribal budgets.** The approval of the annual operating budget and modifications thereof, provided such operation budgets do not exceed anticipated operating income for the budget year. This does not include expenditures for capital improvements or of reserves. For the purpose of this delegation operating income does not include mineral bonuses, judgments, or other income of a nonrecurring nature.

**SEC. 2.41 Tribal officers' surety bonds.** The approval of surety bonds: *Provided*, That in the case of a corporate surety the bonding company has been approved by the Treasury Department.

#### PART 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES

#### FUNCTIONS RELATING TO SPECIFIC ACTS

**SEC. 3.1 Authority under the Act of September 21, 1959 (25 U.S.C. 1946 ed., sec. 951).** The Director, Palm Springs Office, is authorized to exercise all authority vested in the Secretary of the Interior in said Act, and in all Acts amendatory thereof, delegated to the Commissioner of Indian Affairs in 10 BIAM 2.1, sec. 30(a) (39) (Amdt. 77, 33 F.R. 15455) and redelegated to the Area Director, Sacramento Area, in 10 BIAM 3.1 (34 F.R. 637).

The effective date of this delegation will be the date of signature by the Area Director.

Dated: August 7, 1969.

WILLIAM E. FINALE,  
Area Director, Bureau of Indian  
Affairs, Sacramento Area Of-  
fice, Sacramento, Calif.

Approved: August 28, 1969.

LOUIS R. BRUCE,  
Commissioner of Indian Affairs,  
[F.R. Doc. 69-10492; Filed, Sept. 3, 1969;  
8:45 a.m.]

#### Bureau of Land Management CHIEF, BRANCH OF LANDS, ET AL. Redelegation of Authority by Land Office Manager; Correction

AUGUST 27, 1969.

In F.R. Doc. 69-9730, appearing at page 13376 of the issue of Tuesday, August 19, 1969, the following correction is made. The reference in paragraph 1(a) to 43 CFR "1825.1-7(a)" should read 43 CFR "1852.1-7(a)".

R. E. MCCARTHY,  
Manager.

Approved: August 27, 1969.

E. J. PETERSEN,  
Acting State Director,  
California.  
[F.R. Doc. 69-10538; Filed, Sept. 3, 1969;  
8:48 a.m.]

## DEPARTMENT OF COMMERCE

### Business and Defense Services Administration

#### KENDALL SCHOOL FOR THE DEAF

#### Notice of Applications for Duty-Free Entry of Scientific Articles

##### Correction

In F.R. Doc. 69-10194, appearing at page 13706, in the issue for Wednesday, August 27, 1969, in Docket No. 70-00082-33-46040, the model reference should read "Model EM 9S".

## DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

### Food and Drug Administration

#### AMERICAN PETROLEUM INSTITUTE

#### Notice of Withdrawal of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (21

CFR 120.8), American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020, has withdrawn its petition (PP 9F0771), notice of which was published in the FEDERAL REGISTER of February 15, 1969 (34 F.R. 2276), proposing that § 120.149 *Mineral oil; tolerances for residues* (21 CFR 120.149) be amended to revise the specifications in paragraph (a) and that § 120.1001 *Exemptions from the requirement of a tolerance* (21 CFR 121.1001) be amended to accomplish various technical changes as specified.

Dated: August 27, 1969.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 69-10509; Filed, Sept. 3, 1969;  
8:46 a.m.]

#### ELANCO PRODUCTS CO.

#### Notice of Filing of Petition Regarding Pesticide Chemicals and Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d) (1), 409(b) (5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d) (1), 348 (b) (5)), notice is given that a petition (PP 0F0862) has been filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing establishment of tolerances (21 CFR 120.-207) for negligible residues of the herbicide trifluralin  $\alpha,\alpha,\alpha$ -trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine in or on the raw agricultural commodities peppermint, peppermint hay, spearmint, and spearmint hay at 0.05 part per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 0H2445) proposing the establishment of food additive tolerances for residues of the herbicide in peppermint oil and spearmint oil at 2 parts per million resulting from application of the herbicide to the growing raw agricultural commodities peppermint and spearmint.

The analytical methods proposed in the petition for determining residues of the herbicide are gas chromatographic procedures.

Dated: August 27, 1969.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 69-10510; Filed, Sept. 3, 1969;  
8:46 a.m.]

#### HUMBLE OIL & REFINING CO.

#### Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations



(21 CFR 121.52), Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, has withdrawn its petition (FAP 9A2394), notice of which was published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7665), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of light petroleum naphtha (with boiling-point range of 125° F.-300° F.) as a solvent for petroleum wax for use as a protective coating on raw fruits and vegetables.

Dated: August 27, 1969.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 69-10511; Filed, Sept. 3, 1969;  
8:46 a.m.]

#### OLIN MATHIESON CHEMICAL CORP. Notice of Amended Filing of Petition Regarding Pesticide Chemicals

Notice was given in the FEDERAL REGISTER of October 1, 1968 (33 F.R. 14659), that a petition (PP 9F0754) had been filed by Olin Chemicals, 745 Fifth Avenue, New York, N.Y. 10022, proposing the establishment of tolerances for residues of the fungicide pentachloronitrobenzene in or on certain raw agricultural commodities.

Subsequently the petition was amended as indicated in the notice published December 27, 1968 (33 F.R. 19860).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that said petition has again been amended to propose the establishment of tolerances for residues of pentachloronitrobenzene in or on the raw agricultural commodities: Lettuce and mushrooms at 2 parts per million; alfalfa, clover, and peanuts at 1 part per million; and bananas, beans, brussels sprouts, cabbage, broccoli, cauliflower, cottonseed, garlic, potatoes, peppers, and tomatoes at 0.1 part per million (negligible residues).

Dated: August 27, 1969.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 69-10512; Filed, Sept. 3, 1969;  
8:46 a.m.]

#### R. T. VANDERBILT CO., INC.

#### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2439) has been filed by R. T. Vanderbilt Co., Inc., 230 Park Avenue, New York, N.Y. 10017, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of

zinc di(2-ethylhexoate) as a stabilizer for polyvinyl chloride film for food-contact use.

Dated: August 27, 1969.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 69-10514; Filed, Sept. 3, 1969;  
8:46 a.m.]

#### SALT INSTITUTE

#### Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the Salt Institute, 208 North Washington Street, Alexandria, Va. 22314, has withdrawn its petition (FAP 9A2352), notice of which was published in the FEDERAL REGISTER of November 7, 1968 (33 F.R. 16350), proposing that § 121.1032 *Yellow prussiate of soda* (21 CFR 121.1032) be amended to provide for the safe use of yellow prussiate of soda as an anticaking agent in all forms of dry salt for human consumption at a level not in excess of 13 parts per million expressed as anhydrous sodium ferrocyanide.

Dated: August 27, 1969.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 69-10513; Filed, Sept. 3, 1969;  
8:46 a.m.]

#### Office of the Secretary

#### TRANSFERS OF THREE OFFICES

Notice is hereby given of the following transfers within the Office of the Secretary, Department of Health, Education, and Welfare:

(1) The Office of Indian Affairs is transferred from the Office of the Assistant Secretary (Education) to the Office of the Assistant Secretary (Planning and Evaluation), as approved by the Secretary on June 13, 1969.

(2) The Office of Spanish Surnamed Americans is transferred from the Office of the Assistant Secretary (Education) to the Office of the Assistant Secretary (Planning and Evaluation) as approved by the Secretary on June 13, 1969.

(3) The staff for the President's Council on Physical Fitness and Sports is transferred from the Office of the Assistant Secretary (Education) to the Office of the Assistant Secretary for Administration, as approved by the Secretary on June 26, 1969. The Assistant Secretary for Administration shall serve as the Secretary's Alternate on the President's Council on Physical Fitness and Sports.

These transfers are to take place effective the date of the Secretary's approval.

Dated: July 17, 1969.

JAMES FARMER,  
Assistant Secretary  
for Administration.

[F.R. Doc. 69-10542; Filed, Sept. 3, 1969;  
8:48 a.m.]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### CERTAIN HUD EMPLOYEES IN REGION III (ATLANTA)

#### Redelegation of Authority To Administer Oaths Under Title VIII (Fair Housing) of Civil Rights Act of 1968

The redelegation of authority to certain HUD employees in Region III (Atlanta), effective April 29, 1969 (34 F.R. 7043-7044, Apr. 29, 1969), is hereby amended in the following respects:

(1) In item 10, by deleting "Donald Watts" and inserting "James A. Stolpestad".

(2) By adding the following:

13. James R. Lemon.  
14. Joseph R. Terry.

(Redelegation of authority by Regional Administrator, effective Apr. 29, 1969 (34 F.R. 7043, Apr. 29, 1969).)

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

ALBERT L. THOMPSON,  
Assistant Regional Administrator  
for Equal Opportunity, Region III.

[F.R. Doc. 69-10527; Filed, Sept. 3, 1969;  
8:47 a.m.]

#### ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION IV (CHICAGO)

#### Designation

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

1. Deputy Assistant Regional Administrator for Program Coordination and Services.
2. Director, Planning Division, Program Coordination and Services Office.



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

Effective as of the 8th day of July 1969.

FRANCIS D. FISHER,  
Regional Administrator.

[F.R. Doc. 69-10528; Filed, Sept. 3, 1969;  
8:47 a.m.]

# **ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION VI (SAN FRANCISCO)**

## **Designation**

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

1. Deputy Assistant Regional Administrator for Program Coordination and Services.
2. Delphia S. Duncan, Assistant to the Assistant Regional Administrator for Program Coordination and Services.

This designation revokes designation effective October 14, 1968 (34 F.R. 6709, Apr. 19, 1969).

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

Effective date: April 20, 1969.

ROBERT B. PITTS,  
Regional Administrator, Region VI.

[F.R. Doc. 69-10529; Filed, Sept. 3, 1969;  
8:47 a.m.]

# **ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION, REGION VI (SAN FRANCISCO)**

## **Designation**

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

ignation are unable to act by reason of absence:

1. Director, Budget Division.
2. Director, Financial Review and Accounting Division.
3. Director, Personnel Operations Division.
4. Director, Management and Organization Division.
5. Director, General Services Division.

This designation supersedes the designation effective August 10, 1967 (32 F.R. 12924, Sept. 9, 1967).

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

Effective as of the 1st day of June 1969.

ROBERT B. PITTS,  
Regional Administrator, Region VI.

[F.R. Doc. 69-10530; Filed, Sept. 3, 1969;  
8:47 a.m.]

# **ACTING DIRECTOR, SOUTHWEST AREA OFFICE AT LOS ANGELES, REGION VI**

## **Designation**

The officer named herein and appointed to the following listed position in Region VI (San Francisco) is hereby designated to serve as Acting Director, Southwest Area Office at Los Angeles, Region VI, during the absence of the Director, Southwest Area Office at Los Angeles, Region VI, with all the powers, functions, and duties redelegated or assigned to the Director, Southwest Area Office at Los Angeles, Region VI:

Walter T. Slattery, HUD Program Coordinator.

(Redelegation by Assistant Secretary for Administration to Regional Administrators effective May 4, 1969)

Effective date of this designation is June 15, 1969.

ROBERT B. PITTS,  
Regional Administrator,  
Region VI (San Francisco).

[F.R. Doc. 69-10531; Filed, Sept. 3, 1969;  
8:47 a.m.]

# **ATOMIC ENERGY COMMISSION SPECIAL NUCLEAR AND OTHER MATERIALS**

## **Increase in Use Charges**

1. The U.S. Atomic Energy Commission hereby gives notice of an increase in its use charge for special nuclear and other materials, effective November 1, 1969.

2. This notice amends a notice entitled "Uranium Hexafluoride, Base Charges, Special Charges, Table of Enriching Services, Specification and Packaging" as published in the FEDERAL REGISTER on November 29, 1967 (32 F.R. 16289), and as amended in 34 F.R. 2626 of February 26, 1969, by deleting paragraph 4 of said notice and substituting in lieu thereof the following:

4. *Use charge for material.* The use charge rate for special nuclear material and other materials leased by AEC is seven and one-half percent (7½%) per annum of the base charge or value established by the Commission for such materials.

3. This notice amends a notice entitled "Plutonium and Uranium Enriched in U-233" published in the FEDERAL REGISTER on May 29, 1963 (28 F.R. 5314), as amended in 32 F.R. 16289 of November 20, 1967, and as further amended in 34 F.R. 2626 of February 26, 1969, by deleting paragraph 4 of said notice and substituting in lieu thereof the following:

4. *Use charges.* The use charge rate for plutonium and uranium enriched in U<sup>235</sup>, when leased by the AEC, is seven and one-half percent (7½%) per annum of the base charge.

*Effective date.* This notice shall become effective as of November 1, 1969.

Dated at Germantown, Md., this 29th day of August 1969.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 69-10613; Filed, Sept. 3, 1969;  
8:48 a.m.]

# **CIVIL AERONAUTICS BOARD**

[Docket Nos. 20244, 20336]

**ALOHA AIRLINES, INC., AND  
HAWAIIAN AIRLINES, INC.**

## **Notice of Prehearing Conference Regarding Subsidy Mail Rates**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 17, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., August 28, 1969.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[F.R. Doc. 69-10533; Filed, Sept. 3, 1969;  
8:48 a.m.]

[Docket No. 19485; Order 69-8-152]

**EASTERN AIR LINES, INC., ET AL.**

## **Order Regarding Reservations Practices and Procedures in East Coast-Florida Market**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of August 1969.

Agreement adopted by Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., relating to reservations practices and procedures in the East Coast-Florida market; Docket 19485, Agreement CAB 21202.



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 Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), and Northeast Airlines, Inc. (Northeast), for ticketing time limits in certain East Coast Markets<sup>1</sup> in an effort to alleviate reservation problems during the peak year-end holiday period.<sup>2</sup>

Under the agreement the following limits upon the time for ticketing and payment of the tariff fares would be applied to all reservations for transportation in these markets during peak travel periods:

| Reservations accepted before departure date | Ticketing time limits                  |
|---|--|
| More than 8 weeks....                       | 4 weeks from booking date.             |
| Less than 8 weeks....                       | 2 weeks from booking date.             |
| Less than 4 weeks....                       | 1 week from booking date.              |
| Less than 2 weeks....                       | 24 hours from booking date.            |
| Less than 1 week....                        | No later than 1 hour before departure. |

It also contains a provision that reservations made prior to the effective date of the tariff rule must be ticketed within 45 days after the effective date of the tariff. These ticketing limitations would apply to all bookings made by the three carriers and by travel agents; the agreement also provides certain ticketing procedures to be followed by travel agents to assure proper application of the rules.

The agreement differs in substance from a similar agreement filed last year<sup>3</sup> in that it applies not only to the coming 1969-70 year-end holiday period but also to four succeeding year-end holiday periods, ending with the 1973-74 period.<sup>4</sup>

For the same reason we approved last year's agreement, the Board has determined to approve the subject agreement for this year's year-end holiday season. In our view the plan may help to alleviate the serious problem which the traveling public has had in obtaining reservations in the Florida market during this peak travel season. By establishing ticketing time limits, the problem of multiple reservations and large block holding of seats by travel agents should be reduced substantially and many more seats made available for bona fide advance reservations. However, the misgivings previously

expressed by the Board as to the prepayment element of this plan have not been resolved. We stated in the past that we expected the carriers to continue to explore other means of resolving the peak-period reservation problem that would be less burdensome to persons who are not responsible for the present situation. There is no showing that the carriers have made any determined effort to do so. Furthermore, there has been no justification shown for extension of this agreement for an unprecedented 5-year period. Therefore, we will limit our approval to the 1969-70 year-end holiday season only.<sup>5</sup> In addition, we expect that if any similar request is made in the future, the carriers should demonstrate the fact that diligent efforts were exerted to find some other solution or solutions to the peak-period problem; and it is doubtful that further extension of the agreement in its present form would be approved, absent ample evidence and justification that any other solution than that presently employed is not possible or practicable.

We will also expect the carriers to file in this docket detailed information on the operation of the plan within 30 days after January 7, 1970, and show specifically how it resulted in benefits to the public in terms of the availability of advance reservations, the clearing of wait-listed passengers, and any periods when the carriers would not wait-list passengers for travel during the season. We will expect the carriers to continue to supply us with data upon which the results of this plan can be evaluated.

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

1. Agreement CAB 21202 be and is hereby approved for the 1969-70 year-end holiday season only, and disapproved to the extent it would apply to any succeeding year-end holiday seasons.

2. This order shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 69-10534; Filed, Sept. 3, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-8-139]

# INTERNATIONAL AIR TRANSPORT ASSOCIATION Order Regarding Specific Commodity Rates

Issued under delegated authority August 25, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific com-

<sup>3</sup>Southbound, December 17 through 26, 1969, Northbound, Dec. 30, 1969, through Jan. 7, 1970.

modity rates; Docket 18650, Agreement CAB 20806, R-53.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 21, 1969, names an additional specific commodity rate, as set forth below, which reflects a significant reduction from the general cargo rate.

R-53:

Commodity Item 4211—Automobile Parts and Accessories, Automobile Repair Equipment, 40 cents per kg., minimum weight 2,000 kgs. Sao Paulo to Miami.

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

Accordingly, it is ordered, That: Action on Agreement CAB 20806, R-53, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity description 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. 69-10536; Filed, Sept. 3, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-8-129]

# INTERNATIONAL AIR TRANSPORT ASSOCIATION Order Regarding Specific Commodity Rates

Issued under delegated authority August 22, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 18650, Agreement CAB 20806, R-50 through R-52.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic

<sup>1</sup> Between Fort Lauderdale, Fort Myers, Key West, Miami, Sarasota/Bradenton, Tampa/St. Petersburg, and West Palm Beach, Florida, on the one hand, and Baltimore, Boston, Hartford/Springfield, New Haven, New York/Newark, Philadelphia, Providence, Washington, D.C., and Wilmington on the other hand.

<sup>2</sup> Southbound from December 17 through December 26, 1969, and northbound from December 30, 1969 through January 7, 1970; similar dates are projected for the 4-year-end seasons 1970-71 through 1973-74.

<sup>3</sup> Order 68-7-107, July 22, 1968 (Agreement CAB 20236).

<sup>4</sup> The agreement provides that "(u)less otherwise requested by one of the carriers party to this agreement, the agreement shall remain in effect through January 9, 1974."



Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unopposed notices to the carriers and promulgated in an IATA letter dated August 14, 1969, names additional specific commodity rates, as set forth in the attachment hereto,<sup>1</sup> which reflect significant reductions from the general cargo rates. In addition, a rate has been specified for a new commodity description "Leather Goods, Namely Saddles" from Buenos Aires to Houston, as indicated in the attachment.<sup>1</sup>

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

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-50 through R-52, 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.

[P.R. Doc. 69-10537; Filed, Sept. 3, 1969;  
8:48 a.m.]

[Docket No. 21238 etc.; Order 69-8-163]

## SERVICE MAIL ROUTES FOR INTRA-ALASKA ROUTES

### Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of August 1969.

Service mail rates for intra-Alaska routes, Docket 21238; Kodiak Airways, Inc., Wien Consolidated Airlines, Inc., lines, Inc., Docket 11164.

By petition filed July 25, 1969, the Postmaster General has requested the Board to reduce the service mail rates for Reeve Aleutian Airways, Inc., Alaska Airlines, Inc., Wien Consolidated Airlines, Inc., and Western Airlines, Inc., for intra-Alaska service. By his petition the Postmaster General seeks to have the issues

presented thereby set for investigation and hearing and to have consolidated with this investigation and hearing the issues presented in the pending petitions for service mail rates by Western Alaska Airlines, Inc., in Docket 11164 and Kodiak Airways, Inc., in Docket 12474.

In support of his position the Postmaster General states that: (1) Revenue ton-mile costs have decreased 32 percent and available ton-mile costs have decreased 39 percent for intra-Alaska service since the existing rate of \$1.29 per ton-mile was originally established. (2) The \$1.29 rate was established on the basis of the ratio of unit operating costs of intra-Alaska carriers to those of the Big Four as applied to the latter's then priority service mail rate. Present application of the cost ratio indicates a priority rate of 48.58 cents per ton-mile for intra-Alaska mail. (3) Kodiak Airways, Inc., and Western Alaska Airlines, Inc., have presently pending before the Board petitions for service mail rates in Dockets 12474 and 11164, respectively.

An answer to the Postmaster General's petition has been filed by Alaskan Airlines, Inc., taking issue with the Postmaster General on the question whether rates should be lowered or raised, but supporting an investigation to determine the appropriate rates.

In view of the foregoing, it is the Board's opinion that an investigation should be instituted to determine the fair and reasonable rates to be paid for the transportation of mail by aircraft in intra-Alaskan service. This investigation should include all carriers providing intra-Alaska mail service, and we will consolidate therein the proceedings pending in Dockets 11164 and 12474.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof:

It is ordered, That:

1. An investigation is hereby instituted to fix and determine the fair and reasonable rates of compensation to be paid to Reeve Aleutian Airways, Inc., Alaska Airlines, Inc., Wien Consolidated Airlines, Inc., and Western Airlines, Inc., on and after July 25, 1969, to Kodiak Airways, Inc., on and after December 5, 1960, and to Western Alaska Airlines, Inc., on and after February 27, 1960, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for their intra-Alaska operations.

2. The proceedings with respect to service mail rates for Kodiak Airways, Inc., in Docket 12474 and Western Alaska Airlines, Inc., in Docket 11164 are hereby consolidated into this Docket 21238, and included in the heretofore ordered investigation.

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

4. This order will be served upon Western Alaska Airlines, Inc., Kodiak Airways, Inc., Reeve Aleutian Airways, Inc., Alaska Airlines, Inc., Wien Consolidated Air-

lines, Inc., Western Airlines, Inc., and the Postmaster General, who are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[P.R. Doc. 69-10535; Filed, Sept. 3, 1969;  
8:48 a.m.]

## FEDERAL MARITIME COMMISSION

### CONCORDIA LINE ET AL.

#### Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Thomas K. Roche, Esq., Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 9815, between Concordia Line, Grace Line, Inc., Independent Gulf Line, A. P. Moller-Maersk Line, and Meyer Line will establish a cooperative working arrangement to be known as the "Unit Load Council" to promote the use of the "unit load concept" in the United States and in international trade. Members shall cooperate in collecting and exchanging technical information, by joint institutional type advertising, and shall be free to exchange information as to comparative costs involved in the unit load concept. The members shall not discuss or agree to take any joint action regarding rate making.

The above parties shall be regular members of the agreement. Other parties may be admitted as regular members with the concurrence of at least three-fifths of the regular membership. Associate members, including but not limited to truckers, railroads, and port authorities may be admitted with the concurrence of three-fifths of the regular members. All members shall be entitled

<sup>1</sup> Attachment filed as part of the original document.



to participate in discussions but all decisions shall be made by vote of regular members only.

Dated: August 29, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 69-10524; Filed, Sept. 3, 1969;  
8:47 a.m.]

## **SOUTH AFRICAN MARINE CORP., LTD., ET AL.**

### **Notice of Agreement Filed**

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kilgler, Esq., Herman Goldman, Attorneys and Counselors at Law, Equitable Building, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9816, between South African Marine Corp., Ltd., Springbok Lines, Ltd., and Springbok Shipping Co., Ltd., provides for the establishment of rates (where the parties are not members of a conference) and a sailing arrangement by the parties in the trade between ports in the United States and ports in southwest, south, southeast and east Africa, the islands in the Indian Ocean, including Madagascar, Reunion, Mauritius, the Comores, and Seychelles, and the islands of Ascension and St. Helena. Each of the parties will maintain at least one sailing during each 3 consecutive monthly period in accordance with the terms and conditions set forth in the agreement.

Dated: August 29, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 69-10525; Filed, Sept. 3, 1969;  
8:47 a.m.]

## **NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION**

### **Notice of Petition Filed for Approval**

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

Mr. Charles J. Moran, Agent, The North Atlantic Westbound Freight Association, 17 Battery Place, New York, N.Y. 10004.

An application has been filed to modify Clause 9 of The North Atlantic Westbound Freight Association's Wines and Spirits Contract to provide that the contract rates scheduled through September 30, 1971, will be in force and effect, and shall continue in effect from year to year subject to notice of change on or before March 31st of any subsequent year. Such notice will be effective as of the next succeeding October 1st.

Dated: August 29, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 69-10526; Filed, Sept. 3, 1969;  
8:47 a.m.]

## **SECURITIES AND EXCHANGE COMMISSION**

[70-4782]

### **COLUMBIA GAS SYSTEM, INC.**

### **Notice of Proposed Issue and Sale of Debentures at Competitive Bidding**

AUGUST 28, 1969.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Com-

pany Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$50 million principal amount of ----- percent Debenture, Series due October 1994. The interest rate of the debentures (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which will be not less than 98½ percent nor more than 101½ percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture between Columbia and Morgan Guaranty Trust Company of New York, trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a 13th Supplemental Indenture to be dated October 1, 1969. Columbia will not have the right to redeem any of the debentures prior to October 1, 1974, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost to Columbia of the debentures.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and together with funds presently available and funds to be generated from operations, will be used by Columbia to finance, in part, the cost of its subsidiary companies' 1969 construction program, estimated at \$200 million.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commissions, and expenses related to the proposed transaction is to be filed by amendment.

Notice is further given that any interested person may, not later than September 17, 1969, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended,



may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from such rules and regulations as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,  
Secretary.

[P.R. Doc. 69-10494; Filed, Sept. 3, 1969;  
8:45 a.m.]

### COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

#### Order Suspending Trading

August 28, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 29, 1969, through September 7, 1969, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[P.R. Doc. 69-10495; Filed, Sept. 3, 1969;  
8:45 a.m.]

### TARIFF COMMISSION

[332-61]

#### ASSEMBLED AND PROCESSED ARTICLES

#### Notice of Investigation and Hearing

In response to a request dated August 18, 1969, by the President of the United States, the U.S. Tariff Commission has instituted an investigation of the economic factors affecting the use of items 806.30 and 807.00 of the Tariff Schedules of the United States (TSUS). The full text of the request is as follows:

DEAR MR. CHAIRMAN: I hereby request that the Tariff Commission conduct an investigation, under section 332 of the Tariff Act of 1930, and report to me at the earliest opportunity, but not later than January 31, 1970, on all relevant economic factors affecting the use of items 806.30 and 807.00 of the Tariff Schedules of the United States. The Com-

mission's report should include, but not be limited to, an analysis of

(1) The competitive relationship in U.S. consumption of articles admitted under items 806.30 and 807.00 and other like or directly competitive articles;

(2) The operations of U.S. industries, or firms, utilizing items 806.30 and 807.00 of the TSUS, including data with respect to their production, imports, exports, foreign investments in production facilities, and the effect of the operation of these provisions upon their competitive position in the United States and in foreign markets;

(3) The effect of operations under these provisions of the TSUS upon the U.S. balance of payments; and

(4) The relationship of these provisions and imports thereunder to employment opportunities and wage levels in the United States, particularly in the industries utilizing these provisions; and

(5) The probable effect of repeal of either 806.30 or 807.00, or both.

I am asking the Secretary of Labor to make available to the Commission any data at his disposal pertinent to this matter and any other assistance which the Commission may require from his department in the conduct of this investigation.

I am also making similar requests on furnishing data and assistance to the Secretary of the Treasury, the Secretary of Commerce, and to the heads of other agencies concerned.

Sincerely,

RICHARD NIXON.

A hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., on November 18, 1969. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, on or before November 7, 1969. It is suggested that parties who have a common interest endeavor wherever possible to arrange for a consolidated presentation of their views.

Requests to appear must contain the following information:

a. The products or industry segments on which testimony will be presented.

b. The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

c. A statement indicating whether the testimony to be presented will be on behalf of importer, domestic producer, or labor interests.

d. A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. In this connection, experience in similar previous hearings has indicated that in most cases the essential information can be effectively summarized in an oral presentation of 15 to 30 minutes. Parties desiring an allowance of time in excess of this amount should set forth any special circumstances in support of such request. Witnesses may supplement their oral testimony with written statements of any desired length. These should be

submitted when the oral testimony is presented.

Persons who have properly filed requests to appear will be individually notified of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

Questioning of witnesses will be limited to members of the Commission and the Commission's staff.

Written information and views in lieu of appearance at the public hearings may be submitted by interested persons. A signed original and 19 true copies of such statements shall be submitted.

Business data which are deemed confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential". All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearance should be submitted at the earliest practicable date, but not later than November 25, 1969.

All communications regarding the Commission's investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: August 28, 1969.

By order of the Commission.

[SEAL]

WILLARD W. KANE,  
Acting Secretary.

[P.R. Doc. 69-10507; Filed, Sept. 3, 1969;  
8:46 a.m.]

### INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 32-A]

#### ANN ARBOR RAILROAD

#### Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 32 (Ann Arbor Railroad) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 32 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 12:01 a.m., August 31, 1969.

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

Issued at Washington, D.C., August 29, 1969.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[P.R. Doc. 69-10518; Filed, Sept. 3, 1969;  
8:47 a.m.]



[S.O. 994; ICC Order 37]

## ILLINOIS CENTRAL RAILROAD CO.

## Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Illinois Central Railroad Co. is unable to transport traffic via the port of Gulfport, Miss., because of hurricane damage to the port facilities.

## It is ordered, That:

(a) The Illinois Central Railroad Co. being unable to transport traffic via the port of Gulfport, Miss., because of hurricane damage to the port facilities, The Illinois Central Railroad Co. is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. Billing covering all such cars rerouted shall carry a reference to this order as authority for rerouting.

(b) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(c) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

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

(e) Effective date: This order shall become effective at 4 p.m., August 28, 1969.

(f) Expiration date: This order shall expire at 11:59 p.m., September 15, 1969, unless otherwise modified, changed, or suspended.

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

Issued at Washington, D.C., August 28, 1969.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[P.R. Doc. 69-10616; Filed, Sept. 3, 1969;  
8:46 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 29, 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.

## AGGREGATE-OF-INTERMEDIATES

FSA No. 41730—Increased passenger fares—Chicago and North Western Railway Co., et al. Filed by H. B. Siddall, agent (No. 16), for interested rail carriers. This is in relation to the transportation of passengers between points within Western Railroad Passenger Association territory and between points in said territory, on the one hand, and points in the United States, on the other.

Grounds for relief—Establishment of increased fares by applicant carriers and maintenance of depressed joint through rates.

FSA No. 41731—Increased passenger fares—The Chicago and North Western Railway Co. Filed by Chicago and North Western Railway Co. (No. 2), for itself. This is in relation to the transportation of passengers—intercity, from, to, and between specified points in Illinois, Iowa, Michigan, and Wisconsin, on Chicago and North Western Railway Co., also between said points on the one hand, and other points in the United States, on the other.

Grounds for relief—Establishment of increased fares by applicant carrier and maintenance of depressed joint through rates.

Tariffs—Chicago and North Western Railway Co. tariffs ICC 9127, 9128, 9129, 9130, and 9132, respectively.

By the Commission.

[SEAL]

ANDREW ANTHONY, Jr.,  
Acting Secretary.

[P.R. Doc. 69-10521; Filed, Sept. 3, 1969;  
8:47 a.m.]

[Notice 566]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 29, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the

proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

## MOTOR CARRIERS OF PROPERTY

No. MC 35320 (Deviation No. 17), T.I.M.E.-DC, Inc., Post Office Box 2550, Lubbock, Tex. 79408, filed August 21, 1969. Carrier's representative: John T. Coon, same address as applicant. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Nashville, Tenn., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 42 to junction U.S. Highway 31W, thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 41 via Murfreesboro, Tenn., to junction unnumbered highway near Cassville, Ga., thence over unnumbered highway to Cartersville, Ga., thence over Georgia Highway 293 to junction U.S. Highway 41, near Emerson, Ga., thence over U.S. Highway 41 to Atlanta, Ga. (also from Nashville, over Alternate U.S. Highway 41 to junction Tennessee Highway 96, thence over Tennessee Highway 96 to Murfreesboro, Tenn.), (2) from Central City, Ky., over U.S. Highway 431 to junction U.S. Highway 41 north of Springfield, Tenn., thence over U.S. Highway 41 to Nashville, Tenn. (with certain restriction), (3) from Evansville, Ind., over U.S. Highway 41 to Henderson, Ky., thence over U.S. Highway 60 to Owensboro, Ky., thence over Kentucky Highway 54 to junction Kentucky Highway 81, thence over Kentucky Highway 81 to Central City, Ky., thence over U.S. Highway 62 to Greenville, Ky.; (4) From Louisville, Ky., over U.S. Highway 31W to junction U.S. Highway 460, thence over U.S. Highway 460 to St. Croix, Ind., thence over Indiana Highway 37 to Tell City, Ind., thence over Indiana Highway 66 to junction U.S. Highway 231, thence over U.S. Highway 231 to and across the Ohio River into Kentucky, thence continue over U.S. Highway 231 to Owensboro, Ky., (5) from Nashville, Tenn., over U.S. Highway 41 via Springfield, Tenn., and Hopkinsville, Ky., to junction Alternate U.S. Highway 41 (portion formerly U.S. Highway 41), thence over Alternate U.S. Highway 41 via Madisonville, Ky., to Henderson, Ky., thence over U.S. Highway 41 to Evansville, Ind., (6) from Nashville over the route in (5) above to junction Alternate U.S. Highway 41 and Kentucky Highway 56, thence over Kentucky Highway 56 to the Kentucky-Illinois State line, thence over Illinois Highway 13 to junction Illinois Highway 142, thence over



Illinois Highway 142 to McLeansboro, Ill., thence over U.S. Highway 460 to Mount Vernon, Ill., thence over Illinois Highway 15 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., and (7) from Louisville, Ky., over U.S. Highway 150 to junction Indiana Highway 56, thence over Indiana Highway 56 to Haysville, Ind., thence over U.S. Highway 231 via Jasper and Dale, Ind., to junction U.S. Highway 460, thence over U.S. Highway 460 via Boonville, Ind., to Evansville, Ind., and return over the same routes.

No. MC 59583 (Deviation No. 29), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, Tenn. 37622, filed August 25, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Washington, Pa., and Erie, Pa., over Interstate Highway 79, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Washington, Pa., and Erie, Pa., over U.S. Highway 19.

No. MC 59583 (Deviation No. 30), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, Tenn. 37622, filed August 21, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Erie, Pa., over Interstate Highway 90 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Ohio Highway 8, thence over Ohio Highway 8 to Akron, Ohio, and (2) from Erie, Pa., over Interstate Highway 90 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 18 near Medina, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Erie, Pa., over U.S. Highway 20 to Ashtabula, Ohio, thence over Ohio Highway 46 to junction Ohio Highway 5, thence over Ohio Highway 5 to Akron, Ohio, thence over Ohio Highway 18 to Medina, Ohio, and return over the same route.

No. MC 59583 (Deviation No. 31), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, Tenn. 37622, filed August 21, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Washington, D.C., and Middletown, Va., over Interstate Highway 66, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Washington, D.C., over U.S. Highway 50 to junction U.S. Highway 11, thence over U.S. Highway 11 to

Middletown, Va., and return over the same route.

No. MC 59583 (Deviation No. 32), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, Tenn. 37622, filed August 21, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Columbus, Ohio, and Cleveland, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Columbus, Ohio, over Ohio Highway 3 to Wooster, Ohio, thence over Ohio Highway 585 (formerly Ohio Highway 5) to junction U.S. Highway 21, thence over U.S. Highway 21 to Cleveland, Ohio, and return over the same route.

No. MC 59583 (Deviation No. 33), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, Tenn. 37622, filed August 21, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 42 and Interstate Highway 80S (near Lodi, Ohio) over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 70 and U.S. Highway 119, near New Stanton, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 42 and U.S. Highway 224, near Lodi, Ohio, over U.S. Highway 224 to Akron, Ohio, thence over Ohio Highway 8 to Canton, Ohio, thence over U.S. Highway 30 to junction U.S. Highway 119, thence over U.S. Highway 119 to junction Interstate Highways 70 and 76, and return over the same route.

No. MC 59583 (Deviation No. 34), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, Tenn. 37622, filed August 21, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Indianapolis, Ind., over Interstate Highway 70 to Breezewood, Pa., thence over Interstate Highway 76 to Philadelphia, Pa., (2) from Indianapolis, Ind., over Interstate Highway 70 to Frederick, Md., thence over Interstate Highway 70N to Baltimore, Md., and (3) from Indianapolis, Ind., over Interstate Highway 70 to Frederick, Md., thence over Interstate Highway 70S to Washington, D.C., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Indianapolis, Ind., over U.S. Highway 40 to Washington, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., (2) from Indianapolis, Ind., over

U.S. Highway 40 to Baltimore, Md., and (3) from Indianapolis, Ind., over U.S. Highway 40 to Frederick, Md., thence over U.S. Highway 240 to Washington, D.C., and return over the same routes.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1940 (Deviation No. 18), TRAILWAYS OF NEW ENGLAND, INC., 4000 Trailway Building, 1200 I Street NW., Washington, D.C. 20005, filed August 18, 1969, amended August 19, 1969. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passenger, over deviation route as follows: From junction Connecticut Highways 9 and 99, at or near Cromwell, Conn., over Connecticut Highway 9 to junction Interstate Highway 91, thence over Interstate Highway 91 to Hartford, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hamden, North Haven, and Wallingford, Conn., to junction Alternate U.S. Highway 5, approximately 3 miles south of Meriden, Conn., thence over Alternate U.S. Highway 5 via Meriden to junction U.S. Highway 5, approximately 3 miles north of Meriden, thence over U.S. Highway 5 via Newington and Wethersfield, Conn., to Hartford, Conn. (also from New Haven over U.S. Highway 5 to Hartford; also from New Haven over Connecticut Highway 17 (formerly Connecticut Highway 15) to Middletown, Conn., thence over Connecticut Highway 9 to Cromwell, Conn., thence over Connecticut Highway 99 (formerly Connecticut Highway 9) to Hartford, Conn., and return over the same routes.

No. MC 2890 (Deviation No. 81), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed August 18, 1969. Carrier proposes to operate as a common carrier, by motor vehicle of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From San Diego, Calif., over California Highway 94 (Helix Freeway) to junction California Highway 67 (Helix Freeway), thence over California Highway 67 (Helix Freeway) to junction Interstate Highway 8, thence over Interstate Highway 8 to El Centro, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Tucson, Ariz., over Arizona Highway 84 to Gila Bend, Ariz., thence over U.S. Highway 80 to San Diego, Calif., and return over the same route.

No. MC 29623 (Deviation No. 2), SOUTHEASTERN STAGES, INC., 226 Alexander Street NW., Atlanta, Ga.



30313, filed August 18, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle, with passengers, over a deviation route as follows: From junction Interstate Highway 20 and Georgia Highway 12 over Interstate Highway 20 to junction Georgia Highway 83, thence over Georgia Highway 83 to junction Georgia Highway 12, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Thomson, Ga. (also from Atlanta over Georgia Highway 12 to Conyers, Ga., thence over relocated Georgia Highway 12 to Covington, thence over Georgia Highway 12 to Thomson), thence over U.S. Highway 78 to Augusta, Ga., and return over the same route.

By the Commission.

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

[P.R. Doc. 69-10517; Filed, Sept. 3, 1969;  
8:46 a.m.]

[Notice 1326]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 29, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

No. MC 1515 (Sub-No. 136 (Republication)), filed April 21, 1969, published in the FEDERAL REGISTER issue of May 15, 1969, and republished this issue. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as applicant). By application filed April 21, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Ithaca, N.Y., and junction New York State Thruway and New York Highway 414 (at Inter-

change No. 41), from Ithaca over New York Highway 89 to junction New York Highway 5 approximately 3 miles north-east of Seneca Falls, N.Y., thence over New York Highway 318, thence over New York Highway 318 to Magee, N.Y., thence over New York Highway 414 to junction New York State Thruway (Interchange No. 41), and return over the same route, restricted to serving the intermediate points located on New York Highway 89 in the Town of Seneca Falls, N.Y., including the site of Eisenhower College. An order of the Commission, Operating Rights Board, dated July 31, 1969, and served August 20, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Ithaca, N.Y., and the junction of New York Highway 414 and Interstate Highway 90 (the New York State Thruway) near Magee, N.Y., from Ithaca over New York Highway 89 to junction New York Highway 318 near Seneca Falls, N.Y., thence over New York Highway 5 to junction New York Highway 318, thence over New York Highway 318 to Magee, N.Y., and thence over New York Highway 414 to junction Interstate Highway 90, and return over the same route, serving all intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 83539 (Sub-No. 245) (Republication), filed March 24, 1969, published in the FEDERAL REGISTER issue of April 17, 1969, and republished this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. By application filed March 24, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) low-speed motor vehicles not suitable for general highway transportation, and (2) accessories, attachments and parts when moving in connection therewith, from the plantsite

of Ottawa Steel Products, Ottawa, Kans., to points in the United States (except Alaska, Hawaii, and Kansas). An order of the Commission, Operating Rights Board, dated July 31, 1969, and served August 20, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of tractors (except truck-tractors), from the plantsite of Ottawa Steel Products, at Ottawa, Kans., to points in the United States (except Alaska, Hawaii, and Kansas); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107839 (Sub-No. 130) (Republication), filed October 25, 1968, published in the FEDERAL REGISTER issue of November 14, 1968, and republished this issue. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. By report and order in the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, the commodities, to, and from points substantially as indicated below. An order of the Commission, division 1, effective August 5, 1969, and served August 14, 1969, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, over irregular routes, (1) of oleomargarine, table sauces, table spreads, salad dressing, vegetable oils, shortening, lard, tallow and animal fats, in containers (a) from the plantsites and storage facilities of Anderson, Clayton & Co. at Sherman, Tex., to points in Arkansas, Colorado, Illinois (except Chicago, Ill., and points in the Chicago, Ill., commercial zone, and Bradley, Ill., and points in the Bradley, Ill., commercial zone), Kansas, Missouri, Nebraska, Oklahoma, and Wyoming; and (b) from the plantsites and storage facilities of Anderson, Clayton & Co. at Jacksonville, Ill., to points in Arkansas, Colorado, Kansas, Missouri, Nebraska, Oklahoma,



Texas, and Wyoming; and (2) of containers, advertising materials, supplies, machinery, materials, and ingredients used in the manufacturing, packing, and distribution of commodities named in (1) above, between the plantsites and storage facilities of Anderson, Clayton & Co. at Sherman, Tex., and the plantsites and storage facilities of Anderson, Clayton & Co. at Jacksonville, Ill. Restriction: The authority granted herein is restricted to traffic originating at the plantsites and storage facilities of Anderson, Clayton & Co. at Sherman, Tex., and Jacksonville, Ill.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133246 (Republication), filed October 14, 1968, published in the FEDERAL REGISTER issue of March 6, 1969, and republished this issue. Applicant: FRED ROGERS COMPANY, a corporation, 915 Yale Avenue North, Seattle, Wash. 98109. Applicant's representative: Fred Rogers (same address as above). By application filed October 14, 1968, applicant sought certificated authority to operate as a common carrier by motor vehicle, of alcoholic beverages, moving inbound, between Seattle, Wash., and Portland, Oreg., on the one hand, and on the other, ports having water facilities in Washington and Oregon. An order of the Commission, Operating Rights Board, dated July 31, 1969, and served August 20, 1969, finds that operation by applicant in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of alcoholic beverages, moving inbound, from the storage facilities of Fred Rogers Co., at Seattle, Wash., and Portland, Oreg., to points in Washington and Oregon, restricted to the transportation of traffic having a subsequent movement by water; under a continuing contract with the Fred Rogers Co. of Seattle, Wash., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have interest in and would be prejudiced by the lack of proper notice of the authority

described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

#### NOTICE OF FILING OF PETITIONS

No. MC 127667 (Sub-No. 1), (Notice of filing of petition to add shipper), filed August 14, 1969. Petitioner: W. E. DELISLE TRANSPORT, INC., 181 Main Street, Enosburg Falls, Vt. 05450. Petitioner holds permit No. MC 127667 (Sub-No. 1) to transport Lumber, over irregular routes, from ports of entry on the United States-Canada boundary line at or near Richford, Vt., and Rouses Point, Rooseveltown, and Ogdensburg, N.Y., to points in Vermont, New Hampshire, and those in St. Lawrence, Franklin, Clinton, Jefferson, Essex, Warren, Washington, and Saratoga Counties, N.Y., with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating in the Province of Ontario and Quebec, Canada, under a continuing contract, or contracts, with Gordon A. Winters of Swanton, Vt. By the instant petition, petitioner seeks to add Fairfax Corp. of 580 West Boylston Street, Worcester, Mass., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

#### APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 32839 (Sub-No. 17), filed April 9, 1969. Applicant: E. A. SCHLAIFER TRANSFER CO., a corporation, 701 Harcourt Road, Post Office Box 271, Mount Vernon, Ohio 43050. Applicant's representatives: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603, and John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: (A) irregular routes: (1) General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Loveland, Ohio, on the one hand, and, on the other, points in Ohio, (b) between Cincinnati, Ohio, and points in Ohio within the commercial zone of Cincinnati, on the one hand, and, on the other, points in Ohio, (c) between Newark, Ohio, on one hand, and, on the other, points in Ohio, (d) between Marion, Ohio, on the one hand, and, on the other, points in Ohio, (e) between Mount Ver-

non, Ohio, on the one hand, and, on the other, points in Ohio, and (f) between Columbus, Ohio, on the one hand, and, on the other, points in Ohio.

(2) General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, logs, ties, lumber, and sawmill supplies), between Utica, points in Morgan, Miller, Clay, Harrison, and Pleasant Townships, Knox County, and Burlington, Washington, Eden, and Newton Townships, Licking County, Ohio, on the one hand, and, on the other, points in Ohio. (B) Regular routes: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cincinnati, and Cleveland, Ohio, over Interstate Highway 71 to Cleveland, and return over the same route, (2) between Cincinnati, and Toledo, Ohio: From Cincinnati over Interstate Highway 75 and/or U.S. Highway 25 to Toledo, and return over the same route, (3) between Cincinnati, and Marietta, Ohio: From Cincinnati over U.S. Highway 50 to junction Ohio Highway 7 (at or near Coolville); thence over Ohio Highway 7 to Marietta, and return over the same route, (4) between Cincinnati, and Steubenville, Ohio, over U.S. Highway 22 to Steubenville, and return over the same route, (5) between Cincinnati, and Findlay, Ohio: From Cincinnati over U.S. Highway 42 to Xenia; thence over U.S. Highway 68 to Findlay, and return over the same route, (6) between Cincinnati, and Toledo, Ohio, from Cincinnati over U.S. Highway 127 to junction U.S. Highway 24; thence over U.S. Highway 24 to Toledo, and return over the same route, (7) between Portsmouth, and Toledo, Ohio, over U.S. Highway 23 to Toledo, and return over the same route, (8) between Marietta, and Cleveland, Ohio: From Marietta over U.S. Highway 21 and/or Interstate Highway 77 to Cleveland, and return over the same route.

(9) Between the Indiana-Ohio State line and Bridgeport, Ohio, from the Indiana-Ohio State line (approximately 4 miles east of Richmond, Ind.) over Interstate Highway 70 and/or U.S. Highway 40 to Bridgeport, and return over the same route, (10) between the Indiana-Ohio State line and Youngstown, Ohio, from the Indiana-Ohio State line (approximately 12 miles west of Van Wert, Ohio) over U.S. Highway 224 to Akron; thence over Ohio Highway 18 to Youngstown, and return over the same route, (11) between Toledo, and Conneaut, Ohio, from Toledo over U.S. Highway 20 to Fremont; thence over U.S. Highway 6 to Cleveland; thence over U.S. Highway 20 to Conneaut, and return over the same route, serving all points in Ohio as intermediate and off-route points in connection with the above-described routes in (1) through (11) above. Restriction: The authority sought over the above-described regular routes shall be restricted to traffic moving to, from, or



through Newark, Marion, Mount Vernon, Columbus, or Cincinnati, Ohio, or points in Ohio within the Cincinnati commercial zone. **NOTE:** Applicant states that if the related application of Terminal Transport Co., Inc., and application herein shall be approved, and the Commission shall require the merger of the operating rights and properties of applicant into Terminal Transport, the operating rights of Terminal Transport Co., Inc., and applicant will be tacked at Cincinnati, Ohio, so as to permit operations between points in Ohio served by applicant, on the one hand, and, on the other, points in the States authorized to be served by Terminal Transport, namely, Michigan, Ohio, Illinois, Indiana, Kentucky, Tennessee, Arkansas, Alabama, Missouri, Mississippi, Georgia, and Florida. Applicant further states that the purpose of the request for irregular route authority sought herein is to convert its certificate of registration No. MC 32839 Sub 13 to a certificate of public convenience and necessity. This application is a matter directly related to Docket No. MC-F-10447, published FEDERAL REGISTER issue of April 16, 1969. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 48963 (Sub-No. 6), filed August 4, 1969. Applicant: REPUBLIC TRUCK LINES, INC., 207 West Avery, Dallas, Tex. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except articles of unusual value, livestock, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Santo, Tex., and Fort Worth, Tex.: From Santo, Tex., over Texas Farm Road 4 to its junction with U.S. Highway 80, thence over U.S. Highway 80 to its junction with U.S. Highway 281, thence over U.S. Highway 281 to Mineral Wells, Tex., thence over U.S. Highway 180 to Weatherford, Tex., thence over U.S. Highway 80 (Interstate Highway 20) to Fort Worth, Tex., and return over the same route, serving the intermediate points of Mineral Wells and Weatherford and the off-route points of Brazos and Lone Camp; (2) between Stephenville, Tex., and Fort Worth, Tex.: From Stephenville, Tex., over U.S. Highway 377, and return over the same route, serving all intermediate points; (3) between Stephenville, Tex., and Wichita Falls, Tex.: From Stephenville, Tex., over U.S. Highway 281 to Wichita Falls, Tex., and return over the same route, serving all intermediate points; (4) between Wichita Falls, Tex., and Wichita Falls Airport and Sheppard Air Force Base:

(a) From Wichita Falls, Tex., over U.S. Highways 277 and 281 to the intersection with an unnumbered county road, thence over said county road to Wichita Falls Airport and Sheppard Air Force Base, and return over the same route serving all intermediate points; and (b) from Wichita Falls, Tex., over unnumbered county road to Wichita Falls Airport and

Sheppard Air Force Base, and return over the same routes, serving all intermediate points; (5) between Fort Worth, Tex., and Dallas, Tex.: (a) From Fort Worth, Tex., over Texas Highway 183, to Dallas, Tex., and return over the same route, serving all intermediate points and the off-route points of Fort Worth International Airport and the Menasco Manufacturing Co. plant; (b) from Fort Worth, Tex., over the Dallas-Fort Worth Turnpike, and return over the same route, serving all intermediate points and utilizing the access roads to and from said Turnpike serving points located on U.S. Highway 80 and Texas Highways 183 and 356 between Dallas and Fort Worth which carrier is presently authorized to serve; (c) from Fort Worth, Tex., over U.S. Highway 80 to Dallas, Tex., and return over the same route, serving all intermediate points; (d) serving points in the Dallas, Tex., commercial zone, as defined by the Commission, as intermediate or off-route points in connection with carrier's regular route operations to and from Dallas; (e) serving points in the Fort Worth, Tex., commercial zone, as defined by the Commission, as intermediate or off-route points in connection with carrier's regular route operations to and from Fort Worth; (6) between Dallas, Tex., and Wichita Falls, Tex.: From Dallas, Tex., over Texas Highway 114 to its junction with U.S. Highways 81 and 287 near Rhame, Tex., thence over U.S. Highway 287 to Wichita Falls, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and

(7) Between Fort Worth, Tex., and Sheppard Air Force Base, Tex.: From Fort Worth, Tex., over U.S. Highways 81 and 287 to Bowie, Tex., thence over U.S. Highway 287 to Sheppard Air Force Base, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. **NOTE:** Applicant states it will joint at Dallas, Fort Worth, Wichita Falls, Mineral Wells, and Stephenville, Tex., so as to authorize continued coordinated service with certificated authority contained in certificate MC-48963 authorizing operations from Houston to Dallas and an area north thereof, and between Wichita Falls and Stephenville via Mineral Wells. Applicant states the sole purpose of the instant application is to convert certificate of registration MC-48963 (Sub-No. 5) to a certificate of public convenience and necessity authorizing same operations. Applicant further states no duplicate authority is sought. This is a matter directly related to MC-F-10573, published in the FEDERAL REGISTER issue of August 13, 1969. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 73866 (Sub-No. 5) (Correction), filed July 3, 1969, published FEDERAL REGISTER issue of August 6, 1969, and republished as corrected this issue. Applicant: LOUIS J. GARDELLA, INC., 111 Harbor Avenue, Norwalk, Conn. 06852. Applicant's representative: Sidney L.

Goldstein, 109 Church St., New Haven, Conn. 06510. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in New Haven County, Conn., on the one hand, and, on the other, points in Connecticut. **NOTE:** Common control may be involved. Applicant states it will tack at New Haven, Conn., and points in New Haven County, Conn., authorized in MC 73866, to serve points in Connecticut. Applicant seeks to convert the certificate of registration of Davis Storage Co. (MC 48554 Sub 2) to a certificate of public convenience and necessity. This application is directly related to MC-F-10533, published in the FEDERAL REGISTER issue of July 24, 1969. The purpose of this republication is to show the origin as New Haven County, Conn., in lieu of New Haven, Conn., as previously published. If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-9728. (Supplement) (RYDER TRUCK LINES, INC.—Purchase (Portion)—GUIGNARD FREIGHT LINES, INC.), published in the FEDERAL REGISTER, April 26, 1967, on page 6473. This supplement filed August 26, 1969, to show substitution of RYDER TRUCK LINES, INC. (A FLORIDA CORPORATION) in lieu of RYDER TRUCK LINES, INC. (A TENNESSEE CORPORATION), as party applicant. **NOTE:** Pursuant to order by the entire Commission, dated December 3, 1968, proceeding recalled and reopened on the Commission's own motion for review on the present record.

No. MC-F-10295. (Supplement), (RYDER TRUCK LINES, INC.—Control and Merger—BOYCE MOTOR LINES, INC.), published in the FEDERAL REGISTER, November 14, 1968, on page 16623. This supplement filed August 25, 1969, to show substitution of RYDER TRUCK LINES, INC. (A FLORIDA CORPORATION) in lieu of RYDER TRUCK LINES, INC. (A TENNESSEE CORPORATION), as party applicant. **NOTE:** Pursuant to the order by Review Board No. 5, authority was granted March 12, 1969 and the control consummated May 15, 1969.

No. MC-F-10427. (Supplement), (RYDER TRUCK LINES, INC.—Control and Purchase—W. T. BYRNS MOTOR EXPRESS, INC.), published in the FEDERAL REGISTER, April 3, 1969, on page 6065 and a correction published April 23, 1969, on page 6822. This supplement filed



August 25, 1969, to show substitution of RYDER TRUCK LINES, INC. (A FLORIDA CORPORATION), in lieu of RYDER TRUCK LINES, INC. (A TENNESSEE CORPORATION), as party applicant. Note: No final disposition has been taken in this case.

No. MC-F-10528 (Amendment) (MORRISON MOTOR FREIGHT, INC.—Control and Merger—RAZ DELIVERY, INC.), published in the July 9, 1969, issue of the FEDERAL REGISTER, on page 11400. By amendment filed August 20, 1969, DECATUR CARTAGE CO., and WALTER F. MULLADY, seek to join in the application as parties in control of MORRISON MOTOR FREIGHT, INC.

No. MC-F-10580 (Correction) (HALAMORE MOTOR TRANSPORTATION, INC.—Purchase—BERNARDO BROS., INC.), published in the August 20, 1969, issue of the FEDERAL REGISTER, on page 13451. This notice to show prior notice should read: "Application has been filed for temporary authority under section 210a(b)" in lieu of Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10576 (Republication) (WILSON FREIGHT CO.—Purchase—SHAW MOTOR FREIGHT, INC.), published in the August 13, 1969, issue of the FEDERAL REGISTER, on page 13134. This notice to show the complete description of the authority sought to be transferred should read as follows in lieu of the prior notice: Under a certificate of registration, in Docket No. MC-99552 Sub-1, covering the transportation of general commodities, except those requiring special equipment and unmanufactured leaf tobacco, containers and materials, supplies and equipment used in the manufacturing of tobacco, as a common carrier, in intrastate commerce, between points within a radius of 50 miles of Salisbury, N.C.

No. MC-F-10590. Authority sought for control by U.S. INDUSTRIES, INC., 250 Park Avenue, New York City, N.Y. 10017, of the operating rights of M & M TRANSPORTATION COMPANY, 186 Alewife, Brook Parkway, Cambridge, Mass. 02138. Applicants' attorney: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Operating rights sought to be controlled: General commodities excepting among others household, commodities in bulk, as a common carrier over regular routes, between Worcester, Mass., and Ashburnham, Mass., between Fitchburg, Mass., and Lunenburg, Mass., between Worcester, Mass., and Gardner, Mass., between West Boylston, Mass., and Erving, Mass., between Worcester, Mass., and Orange, Mass., between Worcester, Mass., and Ware, Mass., between West Brookfield, Mass., and West Warren, Mass., between Springfield, Mass., and Palmer, Mass., between Monson, Mass., and Three Rivers, Mass., between Springfield, Mass., and South Hadley, Mass., between Springfield, Mass., and Turners Falls, Mass., between Easthampton, Mass., and junction U.S. Highway 5 and Massa-

chusetts Highway 116, between Springfield, Mass., and Southwick, Mass., between Easthampton, Mass., and Mount Tom, Mass., between Southwick, Mass., and junction U.S. Highway 202 and Massachusetts Highway 116, between Springfield, Mass., and Russell, Mass., between Russell, Mass., and Williamstown, Mass., between Pittsfield, Mass., and Dalton, Mass., serving all intermediate and to or from all points within 5 miles of said routes as off-route points, with restriction; between New Haven, Conn., and Hartford, Conn., between New Haven, Conn., and Hartford, Conn., between Bristol, Conn., and junction U.S. Highway 5 and Connecticut Highway 72, between New Haven, Conn., and Pawcatuck, Conn., between junction U.S. Highway 1 and Connecticut Highway 12, and Norwich, Conn., between New London, Conn., and Norwich, Conn., between New Haven, Conn., and Torrington, Conn., between New Haven, Conn., and Greenwich, Conn., serving all intermediate and to or from all points within 5 miles of said routes as off-route points, with restriction;

General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, bakery goods and containers, and metal office furniture and equipment, between New York, N.Y., and York, Pa., with restriction; between Newark, N.J., and junction U.S. Highways 222 and 30, between junction U.S. Highway 22 and New Jersey Highway 31, and Scranton, Pa., between Scranton, Pa., and junction Pennsylvania Turnpike Northeast Extension, and Pennsylvania Turnpike, serving Allentown, Pa., as an off-route point, between junction Pennsylvania Turnpike and U.S. Highway 422, and Philadelphia, Pa., with restriction; between junction Pennsylvania Highway 100 and U.S. Highway 22, and York, Pa., between New York, N.Y., and Harrisburg, Pa., between junction New Jersey Turnpike and U.S. Highway 46, and junction U.S. Highway 46 and New Jersey Highway 31, between junction U.S. Highway 22 and New Jersey Highway 24, and Hackettstown, N.J., between junction U.S. Highway 22 and New Jersey Highway 31, and Flemington, N.J., between Allentown, Pa., and Stroudsburg, Pa., between junction U.S. Highway 22 and Pennsylvania Highway 512, and Pen Argyl, Pa., between Allentown, Pa., and Hazleton, Pa., between Allentown, Pa., and Tamaqua, Pa., between Allentown, Pa., and Kutztown, Pa., between Allentown-Bethlehem, Pa., and Doylestown, Pa., between Allentown, Pa., and Lansdale, Pa., between junction U.S. Highway 309 and Pennsylvania Highway 29, and Spring City, Pa., between junction Pennsylvania Highways 29 and 100, and Boyertown, Pa., between Scranton, Pa., and Honesdale, Pa., between Scranton, Pa., and Tobyhanna, Pa., between Scranton, Pa., and Danville, Pa., between Scranton, Pa., and Daleville, Pa.;

Between junction U.S. Highway 11 and Pennsylvania Highway 315, and Wilkes-Barre, Pa., between Wilkes-Barre, Pa., and Blakeslee, Pa., between Wilkes-Barre, Pa., and West Nanticoke, Pa., between Wilkes-Barre, Pa., and Hazleton, Pa., between junction U.S. Highway 309 and Pennsylvania Highway 437, and Hazleton, Pa., between Hazleton, Pa., and Shickshinny, Pa., between Reading, Pa., and Sunbury, Pa., between Pottsville, Pa., and Minersville, Pa., between Reading, Pa., and Phoenixville, Pa., between junction Pennsylvania Highways 10 and 724, and West Chester, Pa., between Kennett Square, Pa., and junction Pennsylvania Highway 82 and U.S. Highway 322, between Reading, Pa., and Lancaster, Pa., between Lancaster, Pa., and Morgantown, Pa., between Lititz, Pa., and Brownstown, Pa., between Reading, Pa., and Lebanon, Pa., between York, Pa., and Harrisburg, Pa., between junction Interstate Highway 83 and Pennsylvania Highway 181, and York Haven, Pa., between York, Pa., and Harrisburg, Pa., between Elizabethtown, Pa., and Annville, Pa., between Marietta, Pa., and Manheim, Pa., between York, Pa., and Dillsburg, Pa., between York, Pa., and Gettysburg, Pa., between junction U.S. Highway 30 and Pennsylvania Highway 116, and Littlestown, Pa., between Hanover, Pa., and Gettysburg, Pa., between Hanover, Pa., and York Springs, Pa., between Hanover, Pa., and East Berlin, Pa., between Gettysburg, Pa., and Dillsburg, Pa., between Hanover, Pa., and Spring Grove, Pa., between York, Pa., and New Freedom, Pa., between junction U.S. Highway 30 and Pennsylvania Highway 616, and Railroad, Pa., between York, Pa., and Delta, Pa., service in connection with the 54 routes described immediately above is authorized (1) to or from all intermediate points on said routes except those located on the Pennsylvania Turnpike, Pennsylvania Turnpike Northeast Extension, New Jersey Turnpike, and interstate highways and are not specifically named herein; and

(2) to or from all points within 5 miles of said routes as off-route points except those routes which are interstate highways and the Pennsylvania Turnpike, Pennsylvania Turnpike Northeast Extension, and the New Jersey Turnpike; with restrictions; between Boston, Mass., and Philadelphia, Pa., serving the intermediate and off-route points of Springfield, Lee, and Great Barrington, Mass., Hartford, New Haven, Bridgeport, and Greenwich, Conn., Hudson and Kingston, N.Y.; Camden, N.J.; Worcester, Mass., and those within 20 miles of City Hall, Worcester, Providence, R.I., and those in Rhode Island and Massachusetts within 30 miles of Providence; those in Pennsylvania and New Jersey within 15 miles of City Hall, Philadelphia; New York, N.Y., and those in Orange, Westchester, and Rockland Counties, N.Y.; those on Long Island, N.Y., on and west of New York Highway 110; Newark, N.J., and those within 25 miles of Newark; and those in Massachusetts within 35 miles of Boston; between York Springs, Pa., and the plant site of the Sylvania



Shoe Manufacturing Corp., and its affiliate at Mount Holly Springs, Pa., serving no intermediate points, with restriction; *fish and fish oils*, from Barnstable, Mass., to New York, N.Y., serving intermediate and off-route points in Barnstable County, Mass.; *packinghouse products*, from Boston, Mass., to Baltimore, Md., serving the intermediate and off-route points of Springfield, Mass., New Haven and Bridgeport, Conn., and those within 15 miles of City Hall, Boston; *cranberries*, from Plymouth and Barnstable, Mass., to New York, N.Y., serving intermediate and off-route points in Plymouth and Barnstable Counties, Mass.;

*General commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, Camden, N.J., and points in that part of New Jersey north of and including Mercer and Middlesex Counties; and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 15 to junction U.S. Highway 11, thence and on and south of U.S. Highway 6 from the said junction of U.S. Highways 6 and 11 to the Pennsylvania-New York State line, between Camden, N.J., and points in the above-described territory in New Jersey, on the one hand, and, on the other, points in the above-described territory in Pennsylvania, with restriction; and in No. MC-69275 Sub 40 (this authority was acquired pursuant to MC-F-10189, granted January 22, 1969, consummated June 27, 1969, and certificate not yet issued); *general commodities*, excepting among others household goods and commodities in bulk, as a common carrier over regular routes, between Albany, N.Y., and Buffalo, N.Y., between Syracuse, N.Y., and Buffalo, N.Y., serving all intermediate points, between Albany, N.Y., and Utica, N.Y., serving from, to, and between all intermediate points in Oneida County, between Albany, N.Y., and Yonkers, N.Y.;

*General commodities*, excepting among others household goods and commodities in bulk, between Syracuse, N.Y., on the one hand, and, on the other, certain specified points in New York, between points in Oneida County on the one hand, and, on the other, certain specified points in New York, between points in St. Lawrence County, N.Y., between points in Onondaga County, N.Y., on the one hand, and, on the other, certain specified points in New York, between points in Dutchess County, N.Y., from points in Westchester County, N.Y., to points in Orange County, N.Y., between certain specified points in New York, with restriction. U.S. INDUSTRIES, INC., holds no authority from this Commission. However, it controls B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa., which is authorized to operate as a common carrier in Wisconsin, Ohio, Illinois, Kentucky, Michigan, Maryland, Virginia, Pennsylvania, Indiana, Delaware, West Virginia, New York, New Jersey, and the District of

Columbia and C. I. WHITTEN TRUCKING COMPANY, Post Office Box 1833, Huntington, W. Va., which is authorized to operate as a common carrier in West Virginia, Pennsylvania, Kentucky, Ohio, Virginia, New Jersey, Alabama, Connecticut, Delaware, Massachusetts, Vermont, Maryland, Maine, New York, Tennessee, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10591. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., Post Office Box 179, Sidney, Ohio 45365, of the operating rights and property of SWANTON TRUCK LINES, INC., Post Office Box 92, Swanton, Ohio 43558, and for acquisition by PAUL B. LONG, Sr., 140 Parkwood Boulevard, Sidney, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Paul F. Beery, 88 East Broad Street, Suite 1650, Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities, as a common carrier, over regular routes, between Swanton, Ohio, and Toledo, Ohio; serving no intermediate points but serving certain off-route points; and under a certificate of registration, in Docket No. MC-3128 Sub-4, covering the transportation of property, as a common carrier in intrastate commerce within the State of Ohio. Vendee is authorized to operate as a common carrier in Ohio and under a certificate of registration in intrastate within the State of Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10592. Authority sought for purchase by CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8372 C. H. East, Rural Delivery No. 6, Ravena, Ohio 44266, of a portion of the operating rights of BAKER HIGHWAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicants' attorneys: Robert N. Krier, 88 East Broad Street, Columbus, Ohio 43215, and Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *Vitrified clay products*, as a common carrier, over irregular routes, from Mogadore, Ohio, to points in Illinois, Kentucky, Minnesota, and Iowa. Vendee is authorized to operate as a contract carrier in Ohio, Delaware, Michigan, Maryland, New Jersey, New York, Pennsylvania, West Virginia, Indiana, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). Note: No. MC-127527 Sub-5 is a matter concurrently filed.

No. MC-F-10593. Authority sought for continuance in control by BRICK DELIVERY COMPANY, 413 East Market Street, Kingsport, Tenn. 37660, of STEADMAN TRUCKING COMPANY, 413 East Market Street, Kingsport, Tenn. 37660. (This authority is contingent upon approval of this section 5(2) application, pursuant to order granted April 17, 1969, by the Operating Rights Board, in No. MC-133267 Sub-1), and for acquisition by H. V. STEADMAN and ROBERT N.

STEADMAN, both also of Kingsport, Tenn., of control of STEADMAN TRUCKING COMPANY, through the acquisition by BRICK DELIVERY COMPANY. Applicants' attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Operating rights sought to be controlled: *Mixtures of bituminous materials and crushed stone, and asphalt mix and crushed stone*, as a contract carrier, over irregular routes, from the facilities of Kingsport Asphalt & Concrete Corp., in Sullivan County, Tenn., to points in Scott, Lee, Washington, Wise, and Russell Counties, Va., under a continuing contract with Kingsport Asphalt & Concrete Corp., of Kingsport, Tenn.; and *crushed stone, pea gravel, lime, and sand*, from the plant-site of Vulcan Materials Co. at Kingsport, Tenn., to points in Scott, Lee, Washington, Wise, and Russell Counties, Va., under a continuing contract with Vulcan Materials Co. (MidSouth Division), of Knoxville, Tenn. BRICK DELIVERY COMPANY is authorized to operate as a contract carrier in Tennessee, Virginia, North Carolina, Kentucky, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10594. Authority sought for control by THURSTON, INC. (a holding company), 816 Atlantic National Bank Building, Jacksonville, Fla. 32202, of THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28201, and for acquisition by D. J. THURSTON, Jr., Post Office Box 10638, Charlotte, N.C. 28201, of control of THURSTON MOTOR LINES, INC., through the acquisition by THURSTON, INC. Applicants' attorney: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Wilmington, N.C., and Clarkton, N.C., serving all intermediate points, with restriction, between Charlotte, N.C., and Asheville, N.C., serving all intermediate points, and serving those points in North Carolina west of U.S. Highway 29 as off-route points, with restrictions, between Raleigh, N.C., and Fayetteville, N.C., serving all intermediate points, and the off-route points of Willow Springs and Linden, N.C., between Cardenas, N.C., and Fayetteville, N.C., between Raleigh, N.C., and Rocky Mount, N.C., between Zebulon, N.C., and Rocky Mount, N.C., serving all intermediate points, between Rocky Mount, N.C., and Elizabeth City, N.C., serving all intermediate points, and certain off-route points, between Richmond, Va., and Fayetteville, N.C., serving all intermediate points, and certain off-route points, between Wilson, N.C., and Washington, N.C., serving all intermediate points, and certain off-route points, between Kinston, N.C., and Jacksonville, N.C., serving all intermediate points, between Roanoke Rapids, N.C., and Norfolk, Va., serving all intermediate points in North Carolina, between



Raleigh, N.C., and Lexington, N.C., between Goldsboro, N.C., and Wilmington, N.C., serving all intermediate points, between Raleigh, N.C., and New Bern, N.C., serving all intermediate points, and the off-route point of Hookerton, N.C.;

Between Greenville, S.C., and Memphis, Tenn., between Knoxville, Tenn., and junction Tennessee Highway 57 and U.S. Highway 72 at or near Collierville, Tenn., between junction Georgia Highway 20 and U.S. Highway 41 and Chattanooga, Tenn., between Monteagle, Tenn., and Nashville, Tenn., between junction Alternate U.S. Highway 72 and U.S. Highway 43 at or near Tusculum, Ala., and Savannah, Tenn., serving all intermediate and off-route points in South Carolina and Tennessee, with restriction; between Charlotte, N.C., and Memphis, Tenn., serving all intermediate points in Tennessee, and all other points in Tennessee and those in North Carolina and South Carolina within 35 miles of Clover, S.C., as off-route points, with restriction; between Greenville, S.C., and High Point, N.C., between Beaufort, N.C., and Greenville, N.C., between Williamston, N.C., and Plymouth, N.C., between Williamston, N.C., and Elizabeth City, N.C., between Asheboro, N.C., and Charlotte, N.C., between junction North Carolina Highway 49 and North Carolina Highway 8 and Charlotte, N.C., serving all intermediate points; between Greensboro, N.C., and Winston-Salem, N.C., between Friendship, N.C., and High Point, N.C., between Greensboro, N.C., and Asheboro, N.C., between Norlina, N.C., and Weldon, N.C., between junction U.S. Highways 1 and 401 at or near Raleigh, N.C., and Henderson, N.C., between Franklinton, N.C., and junction North Carolina Highway 56 and U.S. Highway 401, at or near Louisburg, N.C., between Jackson, N.C., and junction U.S. Highways 258 and 158, at or near Murfreesboro, N.C., between Lawrence, N.C., and junction U.S. Highways 258 and 64, at or near Princeville, N.C., between junction North Carolina Highways 43 and 42, at Canetoe, N.C., between Faison, N.C., and Warsaw, N.C., between Charlotte, N.C., and junction North Carolina Highways 41 and 87, at or near Dublin, N.C., between Bladenboro, N.C., and junction North Carolina Highway 131 and U.S. Highway 701, between Tabor City, N.C., and Fayetteville, N.C.;

Between Tabor City, N.C., and Whiteville, N.C., between Fayetteville, N.C., and Tabor City, N.C., between Laurinburg, N.C., and Fayetteville, N.C., between Lumberton, N.C., and Clarkton, N.C., serving all intermediate points, with restriction; between Greenville, S.C., and Atlanta, Ga., serving all intermediate points and points in South Carolina as off-route points, between junction U.S. Highway 78 and Georgia Highway 138 and Atlanta, Ga., serving all intermediate points, and serving all points in Georgia as off-route points in connection with the two routes described above, with restriction; between Augusta, Ga., and Greenville, S.C., between Augusta, Ga., and Charleston, S.C., serving all intermediate points, and points

in South Carolina and Georgia as off-route points, with restriction; between junction U.S. Highways 17 and 321 and junction U.S. Highway 278 and South Carolina Highway 64, serving all intermediate points and points in South Carolina and Georgia as off-route points, between Sumter, S.C., and Savannah, Ga., serving all intermediate points and points in Georgia as off-route points, between junction U.S. Highways 321 and 278 and Rock Hill, S.C., serving all intermediate points, and points in South Carolina as off-route points, with restriction; between Charleston, S.C., and Greenville, S.C., between Charleston, S.C., and Kings Mountain, N.C., between Columbia, S.C., and Pineville, N.C., between Columbia, S.C., and Augusta, Ga., between Augusta, Ga., and Atlanta, Ga., serving all intermediate points except those on U.S. Highway 52, and certain off-route points, with restriction; over one alternate route for operating convenience only;

*General Commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between Winston-Salem, N.C., and Richmond, Va., serving all intermediate points, and the off-route point of Richmond Deep Water Terminal, Va., restricted against pickup or delivery of household goods as defined by the Commission, between Greensboro, N.C., and Fayetteville, N.C., between Ramseur, N.C., and Siler City, N.C., serving all intermediate points, between Charlotte, N.C., and Greenville, S.C., between Charlotte, N.C., and Columbia, S.C., between Charlotte, N.C., and Charleston, S.C., between Charlotte, N.C., and Florence, S.C., between Charleston, S.C., and Greenville, S.C., between Charleston, S.C., and Fayetteville, N.C., between Columbia, S.C., and Florence, S.C., between Charlotte, N.C., and Florence, S.C., between Fayetteville, N.C., and Florence, S.C., between Peedee, S.C., and Lumberton, N.C., serving all intermediate points and all other points in South Carolina as off-route points; *compressed inflammable gases*, in bulk, in Government-owned tube trailers, and *empty tube trailers*, and *classified and secret materials*, between the Savannah River Plant of the Atomic Energy Commission, at Dunbarton, S.C., and the site of the Atomic Energy Plant at Oak Ridge, Tenn., serving no intermediate points; *general commodities*, excepting, among others commodities in bulk, but not excepting household goods, over regular and irregular routes, between Richmond, Va., and points in North Carolina, serving all intermediate points between Richmond, Va., and Norlina, N.C., restricted to traffic moving over U.S. Highway 1;

*General commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, from certain specified points in North Carolina, to points in North Carolina, between points in that part of Virginia south of Virginia Highway 33, and east of U.S. Highway 1, and that part of North Carolina east of U.S. Highway 29, and Winston-Salem, N.C., and Danville, Va., and points on the indicated portions

of the highways specified, between Roanoke Rapids, N.C., on the one hand, and, on the other, points in North Carolina and Virginia, between Charlotte, N.C., on the one hand, and, on the other, certain specified points in Virginia, with restriction; between Wilmington, N.C., on the one hand, and, on the other, points in Horry County, S.C., with restrictions; between Augusta, Ga., on the one hand, and, on the other, points in Georgia within 100 miles of Augusta, between points in Georgia, on the one hand, and, on the other, points in South Carolina, between Charlotte, N.C., on the one hand, and, on the other, certain specified points in South Carolina, between Columbus, Ga., on the one hand, and, on the other, points in Russell County, Ala.; *class A, class B, and class C explosives*, as defined in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles, between Norfolk and St. Juliens Creek, Va., on the one hand, and, on the other, Camp LeJeune and Cherry Point, N.C., and certain specified points in South Carolina, between Charleston and Inness, S.C., on the one hand, and, on the other, Camp LeJeune, Cherry Point, N.C., and Quantico, Va., between Camp LeJeune, N.C., on the one hand, and, on the other, Parris Island, S.C., and Quantico, Va.; *The commodities* classified as class A, and B, or class C explosives in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles; *ammunition* not included within the commodities classified by the Commission as class A, class B, or class C explosives;

*Component parts of ammunition*, and *empty containers* therefor, between St. Juliens Creek, Va., and points within 35 miles thereof, on the one hand, and, on the other, certain specified points in Florida, Quantico, Va., and Edenton, N.C., and points within 15 miles of each, between points within 35 miles of St. Juliens Creek (not including St. Juliens Creek nor Norfolk, Va.), on the one hand, and, on the other, Cherry Point and Camp LeJeune, N.C., and Parris Island and Inness, S.C., and points within 15 miles of each; *textile machinery and textile products*, between Winnsboro, S.C., on the one hand, and, on the other, certain specified points in North Carolina, with restriction; *meats, meat products, and meat byproducts, and dairy products*, as described in the appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, between Columbia, S.C., and points within 10 miles thereof, on the one hand, and, on the other, Fort Bragg, N.C., and points within 10 miles thereof, with restriction; *cotton*, from Winnsboro, S.C., to Gastonia, N.C., with restriction; *hay*, from Beech Island, S.C., to Harlem, Ga., from Augusta, Ga., to Wallhalla, S.C., with restriction; *fertilizer*, from Augusta, Ga., to points in South Carolina, with restriction; *flour*, from Augusta and Savannah, Ga., and Charleston, S.C., to points in South Carolina, with restriction; *cotton seed*, from Beech Island, S.C., to Augusta, Ga., with restriction;



canned goods, meat, and sugar, from Savannah, Ga., to Augusta, Ga., with restriction; *canned goods and agricultural commodities*, from Charleston, S.C., to Augusta, Ga., with restriction; and *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between certain specified points in Tennessee, on the one hand, and, on the other Roanoke and Danville, Va., and points in North Carolina and South Carolina. Application has not been filed for temporary authority under section 210a(b). **NOTE:** Motion to dismiss application for lack of jurisdiction is included.

By the Commission.

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

[F.R. Doc. 69-10519; Filed, Sept. 3, 1969;  
8:47 a.m.]

[Notice 404]

### MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 28, 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 re-

consideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71486. By order of August 21, 1969, the Motor Carrier Board approved the transfer to Puhl & Falconer, Inc., Pittsburgh, Pa., of the operating rights in certificate No. MC-3876 issued January 15, 1943, to J. R. Puhl and L. M. Falconer, a partnership, doing business as Puhl & Falconer, Pittsburgh, Pa., authorizing the transportation, over irregular routes, of steel bars and coils from Carnegie and Beaver Falls, Pa., to Camden, N.J.; linoleum from Wilmington, Del., and Philadelphia, Pa., to Pittsburgh, Johnstown, Braddock, and Jeannette, Pa.; Youngstown, Cleveland, Canton, Steubenville, and Akron, Ohio, and Wheeling, Parkersburg, Fairmont, and Morgantown, W. Va., and from Camden and Salem, N.J., to Youngstown, Cleveland, Canton, Steubenville, and Akron, Ohio, and Wheeling, Parkersburg, Fairmont, and Morgantown, W. Va.; prepared foodstuffs between Pittsburgh Pa., and Salem, N.J.; and machinery used in the manufacture and production of foodstuffs between Salem, N.J., on the one hand, and, on the other, Pittsburgh and New Kensington, Pa. Harvey A. Rosen-

zweig, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-71541. By order of August 22, 1969, the Motor Carrier Board approved the transfer to James David Proffitt, doing business as David Proffitt Moving Service, Post Office Box 10183, Knoxville, Tenn. 37919, of the certificate in No. MC-124873, issued January 31, 1963, to Rowe Moving & Storage Co., Inc., 2006 Hoitt Avenue, Knoxville, Tenn. 37917, authorizing the transportation of household goods between Knoxville, Tenn., and points within 100 miles thereof, on the one hand, and, on the other, points in Georgia, South Carolina, North Carolina, and Kentucky.

No. MC-FC-71531. By order of August 25, 1969, the Motor Carrier Board approved the transfer to Harold K. Nuckles, doing business as Nuckles Transfer, 1005½ Summerlee Avenue, Oak Hill, W. Va. 25901, of the certificate in No. MC-66390, issued September 30, 1949, to Haven G. Stevens, doing business as Stevens Transfer Co., Oak Hill, W. Va., authorizing the transportation of household goods between Oak Hill, W. Va., and points within 10 miles thereof, on the one hand, and, on the other, points in Kentucky, Ohio, Virginia, and West Virginia.

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

[F.R. Doc. 69-10520; Filed, Sept. 3, 1969;  
8:47 a.m.]

### CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

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

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| 213             | 13968                     | 97               | 13970        | 221             | 14028              |
| 713             | 14023                     | PROPOSED RULES:  |              | 222             | 14028              |
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| 1007            | 13994                     | 32 CFR           |              | 49 CFR          |                    |
| 1090            | 13994                     | 163              | 14027        | PROPOSED RULES: |                    |
| 9 CFR           |                           | 36 CFR           |              | Ch. IV          | 14054              |
| 73              | 14024                     | PROPOSED RULES:  |              | 1002            | 14000              |
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# FEDERAL REGISTER

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PART II

## DEPARTMENT OF TRANSPORTATION

Coast Guard

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Certification of Cargo  
Containers for Transport  
Under Customs Seal

Notice of Proposed Rule Making





# DEPARTMENT OF TRANSPORTATION

Coast Guard

[ 49 CFR Ch. IV ]

[ CGFR 69-79 ]

## CERTIFICATION OF CARGO CON- TAINERS FOR TRANSPORT UNDER CUSTOMS SEAL

### Notice of Proposed Rule Making

Notice is hereby given that the Commandant, U.S. Coast Guard, under authority of Executive Order 11459 of March 7, 1969 (34 F.R. 5057) and the delegation of authority in 49 CFR 1.4(a) (6) (34 F.R. 9988) is considering the addition of a new Chapter IV to Title 49, Code of Federal Regulations, to implement the provisions of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), done at Geneva on January 15, 1959 (TIAS 6633) and the Customs Convention on Containers, done at Geneva on May 18, 1956 (TIAS 6634).

Interested persons are invited to submit written data, views, arguments or comments regarding the proposed new chapter to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591. Communications received on or before October 15, 1969, will be considered before final action is taken on the proposal.

To expedite the handling of submissions regarding this proposal, it is requested that each submission state the subject and section number to which it is directed; the specific wording recommended; the reason for the recommended change, and the name, address and firm or organization, if any, of the person making the submission.

In addition to publication in the FEDERAL REGISTER, copies of this document will be mailed to persons and organizations who have previously requested that they be furnished with copies of proposed changes in the regulations. Also, copies of the printed document will be furnished upon request to the Commandant (CMC), as long as they are available. Copies will in any event be available for examination at the office of the Commandant (CMC), as well as at the offices of the Coast Guard District Commanders. Attached to the printed copies of this document are some copies of Form CG-3287 which may be used for the submittal of comments. This form may be reproduced, if desired.

No hearing is contemplated on the proposal in this document. However, arrangements may be made for informal conferences with cognizant Coast Guard personnel by contacting Commandant (CMC), Room 4211, U.S. Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences should also be submitted in writing in accordance with this notice, in order to become a part of the record.

Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination by interested persons in Room 4211, U.S. Coast Guard Headquarters, Washington, D.C., both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the communications received. Communications received will not be acknowledged.

By Executive Order 11459, dated March 7, 1969 (34 F.R. 5057), the President authorized the Secretary of Transportation or his delegate to take appropriate actions to carry out the approval and certification of containers and vehicles for the international transport of goods under Customs seal. The conditions prescribed in the proposed regulations are in accord with the procedures and technical conditions set forth in the Annexes to the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention) (TIAS 6633) and the Customs Convention on Containers (TIAS 6634) as modified, amended or otherwise supplemented by the participating governments to December 31, 1968. The Senate gave its advice and consent to U.S. accession to these Conventions on March 1, 1967. Legislation necessary to implement the Conventions was enacted in Public Law 90-635 (82 Stat. 1351) on October 24, 1968 and the United States acceded to the Conventions on December 3, 1968. The Conventions became effective in the United States on March 3, 1969.

The benefits of the TIR Convention and the Customs Convention on containers will be available to users of containers which have been approved and certificated in accordance with these proposed regulations by a competent authority. Executive Order 11459 authorized the Secretary of Transportation to designate one or more nonprofit organizations and associations to perform the physical approval and certification functions. Arrangements have been made to designate the American Bureau of Shipping to perform these functions for containers. When suitable arrangements are made for approval and certification of vehicles, notice will be given in the FEDERAL REGISTER.

The regulations proposed in this document are concerned with the security of containers rather than their structural safety. No safety factors or proof-loadings are specified. However, the regulations require that container sides, floor, and roof plates, boards and panels be "of sufficient strength"—that is, that the materials be sufficiently rigid and impenetrable—that any effort to gain access to the cargo through the sides, floor, doors, and roof must necessarily result in visible deformations, punctures, or other marks or else break the customs seals.

By obtaining approvals and certificates for containers moving in international

transportation, users can expect that movement through intermediate Customs points will be facilitated when shipped with the appropriate Customs seals and documentation.

Rapid changes in the container transportation systems make changes in the certification procedures necessary from time to time. Any regulations adopted as a result of this proposal will be amended as the nations signatory to the conventions agree to changes in the technical annexes to the conventions.

In consideration of the foregoing, it is proposed to amend Subtitle B of Title 49 of the Code of Federal Regulations by adding a new Chapter IV to read as follows:

### Chapter IV—Coast Guard, Department of Transportation

#### PART 420—CONTAINER CERTIFICATION—GENERAL

Sec.  
420.1 Purpose.  
420.2 Application.  
420.3 Definitions.

AUTHORITY: The provisions of this Part 420 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.4(a) (6) (34 F.R. 9988).

#### § 420.1 Purpose.

This chapter establishes procedures for certifying containers in conformance with the Customs Convention on Containers (1956) (TIAS 6634) and the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (1959) (TIAS 6633) by applying the procedures and technical conditions set forth in the Annexes to these conventions as modified, amended, or otherwise supplemented from time to time.

#### § 420.2 Application.

Certification of containers for international transport under Customs seal is voluntary. This chapter does not require that containers be certified.

#### § 420.3 Definitions.

(a) For the purposes of this chapter—  
(1) "Certifying Authority" means a nonprofit firm or association designated by the Commandant.

(2) "Commandant" means the Commandant of the U.S. Coast Guard.

(3) "Container" means an article of transport equipment (liftvan, portable tank, or other similar structure including normal accessories and equipment when imported with the equipment), other than a vehicle or conventional packaging—

(i) Of a permanent character and accordingly strong enough to be suitable for repeated use;

(ii) Specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;

(iii) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;

(iv) So designed as to be easy to fill and empty; and

(v) Having an internal volume of one cubic meter or more.



(4) "Manufacturer" means an organization or person constructing containers for certification in accordance with this chapter.

(5) "Prototype" means a sample unit of a series of identical containers all built so far as practical under the same conditions.

## PART 421—CONTAINER CERTIFICATION—ADMINISTRATION

### Subpart A—Designation of Certifying Authorities

- Sec.  
421.1 Designation of Certifying Authority.  
421.2 Designation of additional Certifying Authorities.

### Subpart B—Functions of the Certifying Authority

- 421.10 Examination of drawings.  
421.11 Examination of containers.  
421.12 Issuance of Certificates of Approval by design type.  
421.13 Issuance of individual Certificates of Approval.

### Subpart C—Fees

- 421.20 Establishment of fees.

### Subpart D—Records and Reports

- 421.30 Records maintained by the Certifying Authority.  
421.31 Records to be furnished the Commandant.  
421.32 Reporting serial numbers.  
421.33 Notification of Certifying Authority prior to production.

### Subpart E—Appeal Provisions

- 421.40 Appeal procedures.  
421.41 Decision of Commandant final.

AUTHORITY: The provisions of this Part 421 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.4(a) (6) (34 F.R. 9988).

### Subpart A—Designation of Certifying Authorities

- § 421.1 Designation of Certifying Authority.

(a) The American Bureau of Shipping, 45 Broad Street, New York, N.Y. 10004, is designated as Certifying Authority.

- § 421.2 Designation of additional Certifying Authorities.

Upon the written request of any manufacturer or owner the Commandant may designate as Certifying Authorities additional nonprofit firms or associations which he finds to be competent for this purpose.

### Subpart B—Functions of the Certifying Authority

- § 421.10 Examination of drawings.

The Certifying Authority shall examine drawings and specifications for containers to be certified under Part 422 of this chapter and advise the owner or manufacturer of the changes, if any, in design that must be made to make the container comply with the applicable provisions of Part 424 of this chapter.

- § 421.11 Examination of containers.

The Certifying Authority shall conduct such physical examinations of containers as may be required for certification under the procedures of Part 422 or Part 423 of this chapter.

- § 421.12 Issuance of Certificates of Approval by design type.

The Certifying Authority shall issue Certificates of Approval by design type for containers certified under Part 422 of this chapter. Certificates of Approval by design type may not be issued until the Certifying Authority has examined one or more prototype containers and is satisfied that the requirements of Part 424 of this chapter have been met.

- § 421.13 Issuance of individual Certificates of Approval.

The Certifying Authority shall issue and renew Certificates of Approval for individual containers not approved by design type. Individual Certificates of Approval may be issued only after the Certifying Authority is satisfied as the result of inspection that the container for which the approval is sought meets the applicable provisions of Part 424 of this chapter.

### Subpart C—Fees

- § 421.20 Establishment of fees.

The Certifying Authority may establish fees for the performance of the certification procedures of this chapter. The fees shall be proportional to the costs (including transportation expense) actually incurred by the Certifying Authority, and shall be filed with and subject to review by the Commandant.

### Subpart D—Records and Reports

- § 421.30 Records maintained by the Certifying Authority.

The Certifying Authority shall keep a copy of each Certificate of Approval by design type issued, together with a copy of the plans and application to which the approval refers. The Certifying Authority shall also maintain a record of the manufacturer's serial numbers assigned to containers manufactured under each approval. Where individual approvals are issued the Certifying Authority shall keep a copy of each Approval Certificate.

- § 421.31 Records to be furnished the Commandant.

The Certifying Authority shall send to the Commandant a copy of each Certificate of Approval by design type issued, together with a copy of the plans and application to which the approval refers.

- § 421.32 Reporting serial numbers.

Manufacturers shall periodically advise the Certifying Authority of the serial numbers assigned to containers manufactured under each Certificate of Approval by design type.

- § 421.33 Notification of Certifying Authority prior to production.

The manufacturer shall notify the Certifying Authority before each production run of approved container types.

### Subpart E—Appeal Provisions

- § 421.40 Appeal procedures.

Whenever a manufacturer or owner feels aggrieved by a determination of the Certifying Authority with respect to any

matter arising in the performance of activities as a Certifying Authority, and after exhausting any appeal reviews provided by the Certifying Authority, the manufacturer or owner may, within 30 days after he has been notified of that determination (including any appellate review provided by the Certifying Authority), appeal to the Commandant. Any determination which is appealed shall remain in effect pending a decision by the authority to whom the appeal is directed.

- § 421.41 Decision of Commandant final.

The decision of the Commandant on any matter appealed to him is final.

## PART 422—PROCEDURES FOR APPROVAL OF CONTAINERS BY DESIGN TYPE

Sec.

- 422.1 General.  
422.2 Application for approval.  
422.3 Plan review.  
422.4 Certificates of Approval by design type.  
422.5 Approval plates.  
422.6 Alterations.  
422.7 Nonconformance.

AUTHORITY: The provisions of this Part 422 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.4(a) (6) (34 F.R. 9988).

- § 422.1 General.

The Certifying Authority shall, at the request of a manufacturer, evaluate containers for approval by design type during the manufacturing stage.

- § 422.2 Application for approval.

(a) Requests for approval may be made by the manufacturer or owner to the Certifying Authority and shall include the following:

(1) Four copies of the drawings and specifications. For ease of review those features prescribed by Part 424 of this chapter should be illustrated on a single drawing hereinafter referred to as a Customs and TIR Plan. (Drawings shall have outside dimensions no greater than 3 feet by 4 feet.)

(2) Name and address of manufacturer.

(3) Type of container.

(4) Nominal overall dimensions.

(5) Material of construction.

(6) Type of construction.

(7) Coating systems to be used.

(8) Identification marks and numbers.

(9) Tare weight.

(10) Capacity (designated gross weight).

(11) Customs and TIR Plan Number.

(12) Location and date for inspection of prototype.

(13) A statement by the manufacturer that he will make available any containers of the type concerned that may be required for physical examination and approval by the Certifying Authority; permit the Certifying Authority to examine further units at any time during production of the type series concerned; advise the Certifying Authority of each change in the design before it is adopted; and mark the containers, in addition to



the markings required on the approval plate by § 422.5 with the identification numbers or letters of the design type and the serial number of the container in the design series.

#### § 422.3 Plan review.

The Certifying Authority shall, after examining the drawings and specifications, advise the manufacturer of any necessary changes to be made in the design before approval can be granted. When changes in design are made during the process of construction (after the initial examination of drawings and specifications by the Certifying Authority) the manufacturer shall furnish as-built drawings of the container to the Certifying Authority before the final physical inspection of the prototype container is made. The Certifying Authority shall give its final approval only after making a physical examination of one or more containers of the production series concerned.

#### § 422.4 Certificates of Approval by design type.

The Certifying Authority shall issue a Certificate of Approval by design type to the manufacturer for each container type that it approves.

#### § 422.5 Approval plates.

(a) The manufacturer shall affix, in a clearly visible place, on or near one of the doors or other main openings of each container manufactured to the approved design, a metal approval plate measuring at least 20 centimeters (7.8 inches) by 10 centimeters (3.9 inches). The following shall be embossed on or stamped into the surface of the approval plate:

(1) "Approved for transport under Customs seal."

(2) "USA/(number of the certificate of approval)/(last two digits of year of approval)." (E.g. "USA/16-AB/69" means "United States of America certificate of approval 16 issued by the American Bureau of Shipping in 1969.")

(3) Identification of the type of container and of the number of the container in the type series.

#### § 422.6 Alterations.

Any container whose essential characteristics have been changed shall no longer be covered by the design type approval. Such a container may be made available to a Certifying Authority for inspection and individual approval in accordance with Part 423 of this chapter.

#### § 422.7 Nonconformance.

Any Customs authority may refuse to allow the use of any individual container in international traffic under Customs seal whenever it is found not to conform to the technical conditions of Part 424 of this chapter.

### PART 423—PROCEDURES FOR INDIVIDUAL APPROVAL OF CONTAINERS

#### Sec.

- 423.1 General.
- 423.2 Application.
- 423.3 Approval.
- 423.4 Individual Certificates of Approval.
- 423.5 Periodic inspection and renewal of approval.
- 423.6 Termination of approval.

**AUTHORITY:** The provisions of this Part 423 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.4(a) (6) (34 F.R. 9988).

#### § 423.1 General.

This part provides for the individual approval and certification of containers which are not manufactured under a Certificate of Approval by design type or are altered so as to void their design type approval.

#### § 423.2 Application.

(a) A request for individual approval of a container shall be made by the manufacturer or owner to the Certifying Authority and shall include the following:

- (1) Type of container.
- (2) Name and business address of applicant.
- (3) Identification marks and numbers.
- (4) Tare weight.
- (5) Nominal overall dimensions in centimeters.
- (6) Type of construction and essential particulars of structure (nature of materials, parts which are reinforced, whether bolts are riveted or welded, and similar matters).
- (7) Proposed location and date for inspection of container.

#### § 423.3 Approval.

A container for which individual approval is sought shall be submitted to the Certifying Authority for inspection. The Certifying Authority will inspect the container and will issue an individual Certificate of Approval to each container found to comply with the applicable provisions of Part 424 of this chapter.

#### § 423.4 Individual Certificates of Approval.

The Certifying Authority shall issue an individual Certificate of Approval, valid for 2 years, for each individually approved container. The Certificate shall accompany the container, inserted in the protective frame required by Part 424 of this chapter and shall be sealed so that it cannot be removed from the protective frame without breaking the seal.

#### § 423.5 Periodic inspection and renewal of approval.

A Certificate of Approval may be renewed by making the container available for inspection by the Certifying Authority for compliance with the appli-

cable provisions of Part 424 of this chapter.

#### § 423.6 Termination of approval.

Approval of a container terminates if any of its essential features are altered or ownership of the container is changed.

### PART 424—TECHNICAL REQUIREMENTS FOR CONTAINERS

#### Subpart A—General

##### Sec.

- 424.1 Container marking.
- 424.2 Customs security.
- 424.3 Accessibility of spaces.
- 424.4 Empty spaces in sides, floor, or roof.
- 424.5 Frame for Certificate of Approval.

#### Subpart B—Structure of Container

- 424.10 Sides, floor, and roof.
- 424.11 Essential fasteners.
- 424.12 Apertures for ventilation.
- 424.13 Apertures for drainage.

#### Subpart C—Closing Systems

- 424.20 Customs sealing of doors.
- 424.21 Hinges.
- 424.22 Effectiveness of closures.
- 424.23 Protection for Customs seal.

#### Subpart D—Containers for Special Use

- 424.30 General.
- 424.31 Tank containers.
- 424.32 Folding or collapsible containers.

#### Subpart E—Sheeted Containers

- 424.40 Application.
- 424.41 Sheets.
- 424.42 Seams.
- 424.43 Repairs to sheets.
- 424.44 Securing rings and eyelets.
- 424.45 Support for sheets.
- 424.46 Fastenings.
- 424.47 Height of container sides.
- 424.48 Closure of openings.

**AUTHORITY:** The provisions of this Part 424 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.4(a) (6) (34 F.R. 9988).

#### Subpart A—General

##### § 424.1 Container marking.

The container shall be durably marked with the name and address of its owner; with particulars of its tare weight and with identification marks and numbers.

##### § 424.2 Customs security.

The container shall be constructed and equipped in such a manner that Customs seals can be simply and effectively affixed thereto; no goods can be removed from or introduced into the sealed part of the container without obvious damage to it or without breaking the seals; and it includes no spaces where goods may be hidden.

##### § 424.3 Accessibility of spaces.

The container shall be so constructed that all spaces in the form of compartments, receptacles or other recesses which are capable of holding goods are readily accessible for Customs inspection.



**§ 424.4 Empty spaces in sides, floor, or roof.**

If any empty spaces are formed by the different layers of the sides, floor and roof of the container, the inside surface shall be firmly fixed, solid, unbroken, and incapable of being dismantled without leaving obvious traces.

**§ 424.5 Frame for Certificate of Approval.**

Containers to be approved individually in accordance with Part 423 of this chapter shall have on one of their outside walls a frame to hold the Certificate of Approval, which shall be covered on both sides by transparent plastic sheets hermetically sealed together. The frame shall adequately protect the seal and be designed to protect the Certificate of Approval and to make it impossible to remove the Certificate without breaking the seal that will be affixed in order to prevent the removal of the Certificate.

**Subpart B—Structure of Container**

**§ 424.10 Sides, floor, and roof.**

The sides, floor, and roof of the container shall be constructed of plates, boards, or panels of sufficient strength, of adequate thickness, and welded, riveted, grooved, or jointed in such a way as not to leave any gaps in the structure through which access to the contents can be obtained. The various parts shall fit each other exactly and be so arranged that it is impossible either to move or remove them without leaving visible traces or damaging the Customs seals.

**§ 424.11 Essential fasteners.**

(a) Essential fasteners, such as bolts, rivets, etc., shall be seated on the outside and fastened in such a manner that they cannot be removed from the outside without leaving visible traces. If the fasteners holding the essential parts of the sides, floor, and roof are seated on the outside, other bolts may be seated on the inside if the nut is properly welded on the outside and is not covered with non-transparent paint.

(b) For the assembly of the constituent elements (that is, floor, roof, sides) of containers, the majority of the fasteners may be fixed in such a way that they do not protrude into the container interior, provided an adequate number are seated on the outside and fastened on the inside of the container and the Certifying Authority is satisfied that constituent elements so assembled cannot be moved without leaving obvious traces of tampering.

**§ 424.12 Apertures for ventilation.**

Apertures for ventilation may be installed if their longest side does not exceed 400 millimeters (15.7 inches). If they permit direct access to the interior of the container, they shall be covered

with metal gauze or perforated metal screens (maximum dimension of holes: 3 millimeters (0.1 inch) in both cases) and protected by welded metal lattice-work (maximum dimension of holes: 10 millimeters (0.4 inch)). If they do not permit direct access to the interior of the container (for example, by means of multiple-bend air ducts), they shall be provided with the same protective devices but the dimensions of the holes may be increased to 10 millimeters (0.4 inch) and 20 millimeters (0.8 inch), respectively. Metal gauze may be of wire at least 1 millimeter (0.04 inch) in diameter and so made that single strands cannot be pushed together and that the size of individual holes cannot be increased without leaving visible traces. The aperture covers shall be installed so that it is not possible to remove them from outside the container without leaving visible traces.

**§ 424.13 Apertures for drainage.**

Apertures for drainage may be installed if their longest side does not exceed 35 millimeters (1.4 inches). They shall be covered with metal gauze or perforated metal screens (maximum dimension of holes: 3 millimeters (0.1 inch) in both cases) and protected by welded metal lattice-work (maximum dimension of holes: 10 millimeters (0.4 inch)). The aperture covers shall be installed so that it is not possible to remove these devices from outside the container without leaving visible traces.

**Subpart C—Closing Systems**

**§ 424.20 Customs sealing of doors.**

Each door or other closing system of a container shall be fitted with a device which permits simple and effective Customs sealing. This device shall be affixed in such a manner that it is impossible to remove without leaving visible traces.

**§ 424.21 Hinges.**

Hinges shall be made and fitted so that doors and other closing systems, once shut, cannot be lifted off the hinge-pins. The screws, bolts, hinge-pins, and other fasteners shall be welded to the outer parts of the hinges. Alternate arrangements may be used, however, if the doors and other closing systems have a locking device inaccessible from the outside which, once it is applied, prevents the doors from being lifted off the hinge-pins.

**§ 424.22 Effectiveness of Closures.**

Each door shall be constructed so as to cover all interstices and ensure complete and effective closure.

**§ 424.23 Protection for Customs seal.**

Each container shall have a satisfactory device for protecting the Customs seal, or shall be so constructed that the Customs seal is adequately protected.

**Subpart D—Containers for Special Use**

**§ 424.30 General.**

Sections 424.1 through 424.23 apply to insulated and refrigerator containers, tank containers, furniture containers, and to containers specially built for air transport so far as they are not incompatible with the technical requirements which those containers must fulfill in accordance with their use.

**§ 424.31 Tank containers.**

The flanges (filler caps), drain cocks and manholes of tank containers shall be constructed to allow simple and effective Customs sealing.

**§ 424.32 Folding or collapsible containers.**

Folding or collapsible containers are subject to the same conditions as non-folding or noncollapsible containers, if the locking devices enabling them to be folded or collapsed allow for Customs sealing and no part of the containers can be moved without breaking the seals.

**Subpart E—Sheeted Containers**

**§ 424.40 Application.**

Each container covered by a removable sheet (in place of a fixed roof) shall conform to the appropriate conditions of §§ 424.1 through 424.23. In addition, these containers shall conform to the conditions specified in this subpart.

**§ 424.41 Sheets.**

The sheet shall be of strong canvas and fashioned in one piece or of strips, each in one piece. It shall be in good condition and made in such a way that once the closing device has been fastened, it is impossible to gain access to the load without leaving obvious traces.

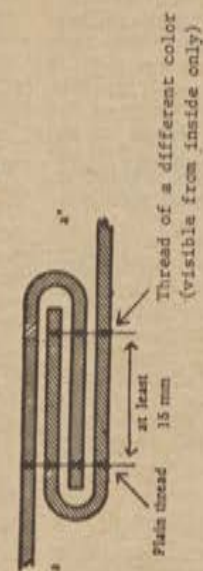
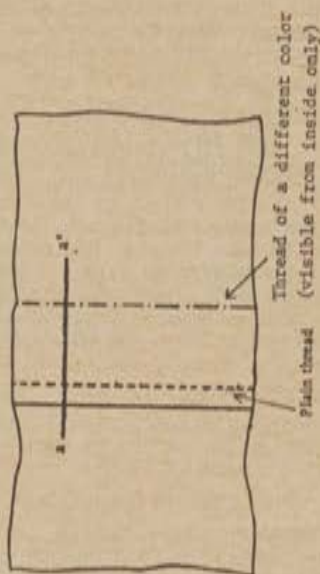
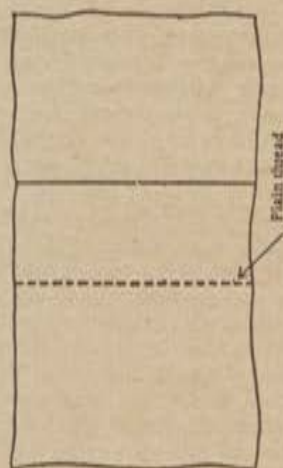
**§ 424.42 Seams.**

(a) If the sheet is made up of several strips, their edges shall be folded into one another and sewn together with two seams at least 15 millimeters (0.6 inch) apart. These seams shall be made as shown in figure 424.42(a) (1); however, if in the case of certain parts of the sheet, such as flaps at the rear and reinforced corners, it is not possible to assemble the strips in that way, it is sufficient to fold the edge of the top section and make the seams as shown in figure 424.42(a) (2). The threads used for each of the two seams shall be plainly different in color; one of the seams shall be visible only from the inside and the color of the thread used for that seam shall be plainly different from the color of the sheet itself. All seams shall be machine-sewn.



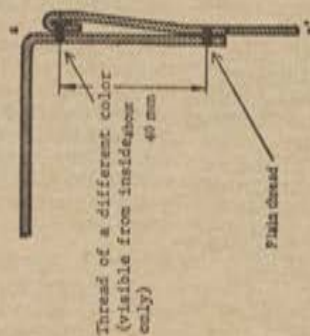
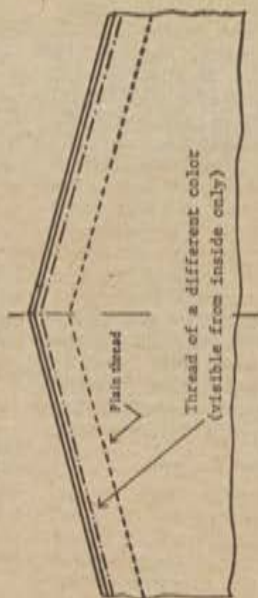
Figure 424.42(a)(1)-  
Seams in sheets.

## SECTION OF SHEET



Double flat seam for joining pieces

## SECTION OF SHEET

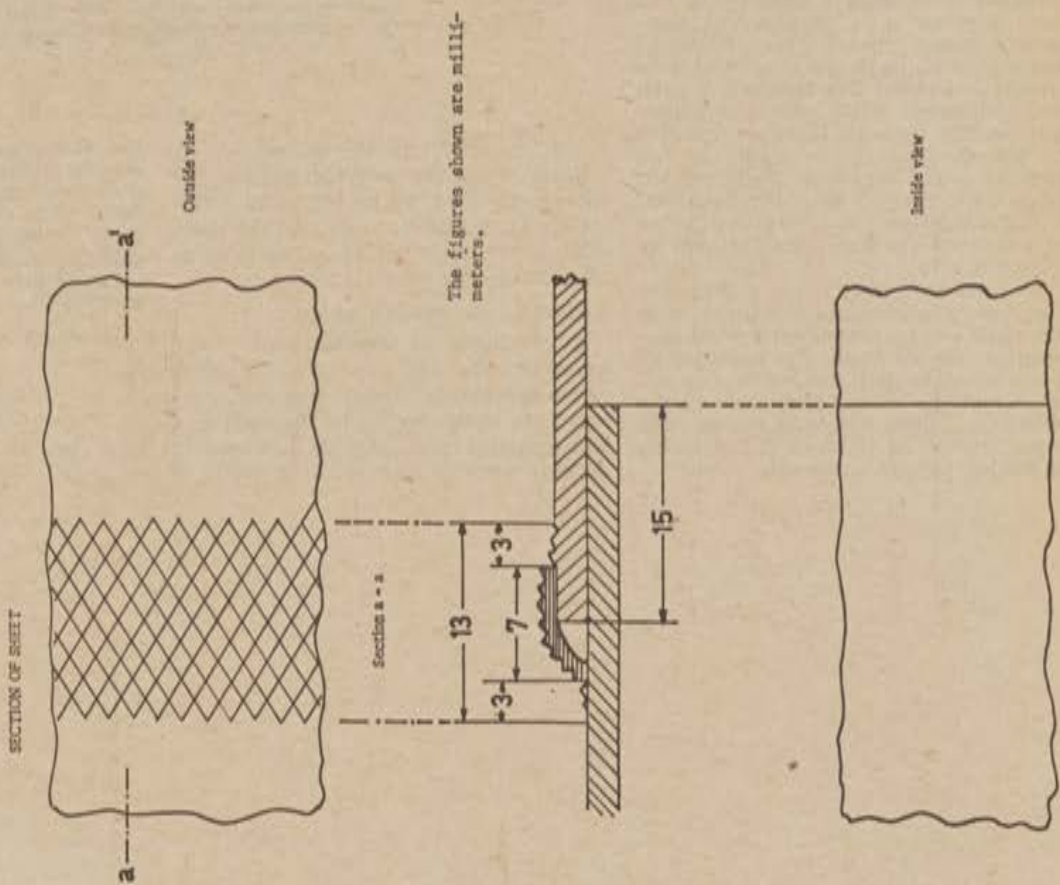


Seam for attaching top section



(b) If the sheet is of plastic-covered cloth, and is made up of several strips, the strips may also be welded together in the manner shown in figure 424.42(b). The edges of the strips shall overlap by at least 15 millimeters (0.6 inch). The strips shall be fused together over the whole width of the overlapping parts. The edge of the outer sheet shall be covered without leaving obvious traces.

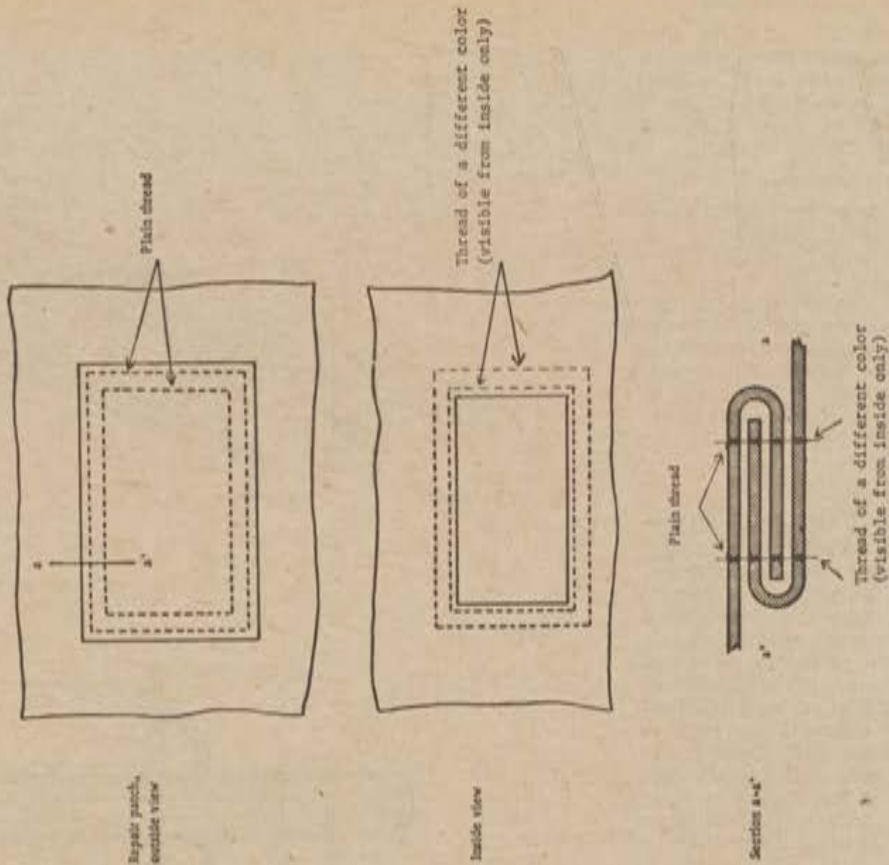
Figure 424.42(b) -  
Seams in plastic-covered cloth sheets.



§ 424.43 Repairs to sheets.

Repairs shall be made using the method described in figure 424.43. The edges shall be folded into one another and sewn together with two visible seams at least 15 millimeters (0.6 inch) apart; the color of the thread visible from the

Figure 424.43 -  
Sheet repairs.





#### § 424.44 Securing rings and eyelets.

Securing rings shall be so fitted that they cannot be removed from the outside. Eyelets in the sheet shall be reinforced with metal or leather. The interval between eyelets or rings shall not exceed 200 millimeters (7.8 inches).

#### § 424.45 Support for sheets.

The sheet shall be so fixed to the sides as to render the load inaccessible. It shall be supported by at least three lengthwise bars or laths resting at the ends of the container, either on hoops or on the end walls of the container; when the length of the container exceed 4 meters (13 feet), at least one intermediate hoop shall be provided. The hoops shall be fixed so that it is impossible to change their position from the outside of the closed container.

#### § 424.46 Fastenings.

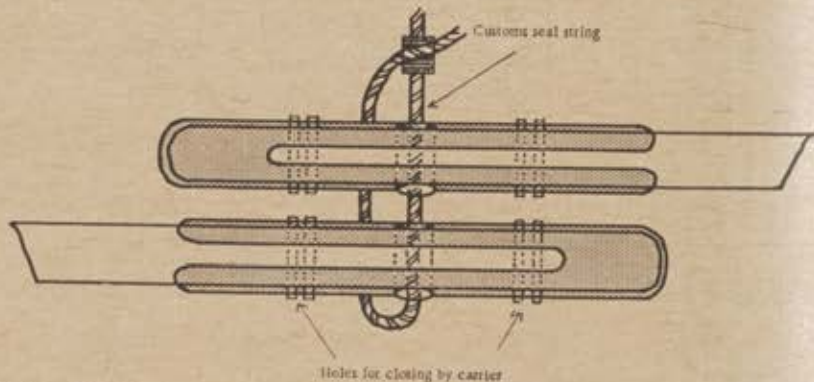
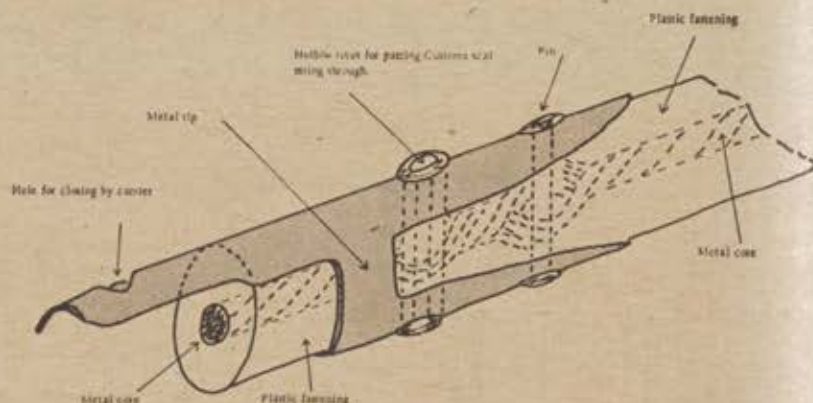
(a) Fastenings for the sheet shall be one of the types described in this section:

(1) Steel wire rope shall have a diameter of at least 3 millimeters (0.1 inch) and shall not be covered except with a transparent, nontensile plastic sheath. Each wire rope shall be in one piece and have a metal end-piece. The fastener of each metal end-piece shall include a hollow rivet passing through the rope to allow the introduction of the string of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ascertain whether the rope is one piece as illustrated by figure 424.46(a).

(2) Hemp or sisal rope shall have a thickness of at least 8 millimeters (0.3 inch) encased in a transparent nontensile plastic sheath. Each hemp or sisal rope shall be in one piece and have a metal end-piece. The fastener of each metal end-piece shall include a hollow rivet passing through the rope to allow the introduction of the string of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ascertain whether the rope is in one piece as illustrated by figure 424.46(a).

(3) Iron bars shall have a diameter of at least 8 millimeters (0.3 inch). Iron bars shall not be coated with nontransparent materials. Each iron bar shall be in one piece. It shall have a hole at one end to take the closing device and, at the other end, a head forged to the bar and so constructed as to make it impossible for the bar to turn on its axis.

Figure 424.46(a)—  
End pieces.



#### § 424.47 Height of container sides.

When ropes are used the sides of the containers shall be at least 350 millimeters (13.8 inches) high and the sheet shall cover the sides to a depth of at least 300 millimeters (11.8 inches).

#### § 424.48 Closure of openings.

At the openings used for loading and unloading the container, the two edges of the sheet shall have an adequate overlap. They shall likewise be fastened by a flap attached to the outside and sewn in accordance with § 424.42. In addition to

the fastenings referred to in § 424.46, leather thongs may be used, provided that they are at least 20 millimeters (0.8 inch) wide and 3 millimeters (0.1 inch) thick. These thongs shall be attached inside the sheet and fitted with eyelets to take the wire, rope or iron bar mentioned in § 424.46.

Dated: August 27, 1969.

W. J. SMITH,  
Admiral, U.S. Coast Guard,  
Commandant.

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8:45 a.m.]



