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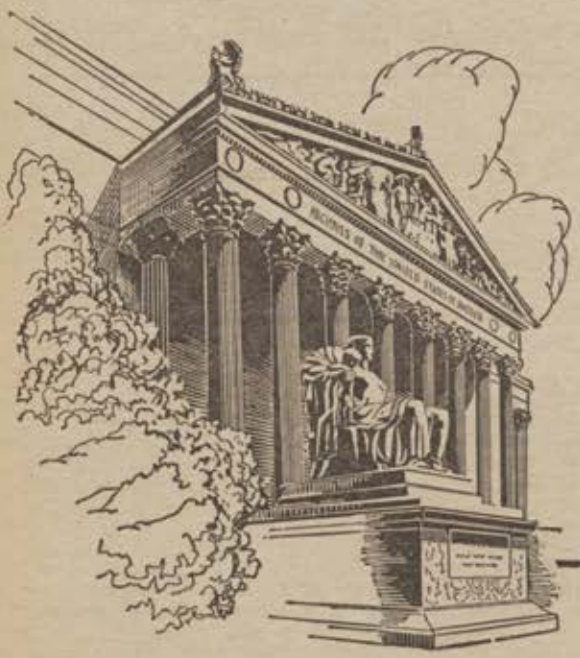

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Title 3—THE PRESIDENT

Proclamation 3934

GENERAL VON STEUBEN MEMORIAL DAY

By The President of the United States of America

A Proclamation

It is with pleasure that I comply with the request of a joint resolution of the Congress that today, September 17, 1969, be proclaimed as General von Steuben Memorial Day.

When Friedrich Wilhelm von Steuben joined Washington at Valley Forge, he was among the first of more than eight million Germans who came to our shores in search of liberty. As he went on to distinguish himself in battle at Monmouth and Yorktown, General von Steuben became a symbol of the contributions made to the cause of freedom by more than 26 million Americans of German descent who live and work and serve in every part of our country and in every aspect of our national life.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate September 17, 1969, as General von Steuben Memorial Day.

I call upon all officials of the Government to display the flag of the United States on all Government buildings, and I invite all of our people to join with our citizens of German descent who today are conducting special ceremonies to commemorate General von Steuben's birth.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-11315; Filed, Sept. 18, 1969; 12:03 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Revision of Certain Disposition Dates

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising certain crop disposition dates. The Regulations Governing Determination of Acreage and Compliance, 32 F.R. 9069, as amended, are further amended as follows:

Paragraph (b) of § 718.27 is amended for certain States as follows:

Montana—revise subparagraphs (1) and (2) and add a new subparagraph (3).
New Mexico—revise entire subparagraph (2).
Utah—revise all subdivisions and add new subparagraphs (1) and (2).
Washington—revise all subparagraphs.

The revised subparagraphs read as follows:

§ 718.27 Crop disposition dates.

* * * * *

MONTANA

(1) *Wheat and Rye. July 15.* All counties.
(2) *Barley, Corn, and Grain Sorghums. July 25.* All counties.
(3) *Oats. August 15.* All counties.

* * * * *

NEW MEXICO

* * * * *

(2) *Barley (spring-seeded). June 30.* Chaves, Colfax, Curry, De Baca, Dona Ana, Eddy, Grant, Harding, Hidalgo, Lea, Luna, Otero, Quay, Roosevelt, Sierra, Socorro, and Valencia.

* * * * *

UTAH

(1) *Wheat, Barley, Oats, Rye, Corn, and Grain Sorghums.* (i) *June 20.* Box Elder, Cache, Davis, Grand, Jaub, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington (except grain sorghums), and Weber.
(ii) *July 1.* Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete, and Uintah.
(iii) *July 10.* Daggett, Garfield, Morgan, Rich, Summit, Wasatch, and Wayne.
(2) *Grain Sorghums. July 20.* Washington County.

* * * * *

WASHINGTON

(1) *Wheat, Barley, Oats, and Rye*—(i) *June 25.* Asotin (area 2), Garfield (area 1), Kittitas (area 2), and Walla Walla (under 1,205 feet elevation).

WASHINGTON—Continued

(ii) *July 1.* Franklin and Grant (area 1).
(iii) *July 5.* Benton, Columbia (area 1), and Klickitat (area 2).
(iv) *July 10.* Adams, Whitman (area 1) and Yakima.
(v) *July 15.* Clallam, Clark, Cowlitz, Grant (area 2), Grays, Harbor, Island, Jefferson, King, Kitsap, Kittitas (area 1), Klickitat (area 1), Lincoln, Mason, Okanogan (area 2), Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Spokane, Thurston, Wahkiakum, Walla Walla (over 1,205 feet elevation), and Whatcom.
(vi) *July 20.* Chelan and Lewis.
(vii) *July 25.* Asotin (area 1), Garfield (area 2), and Whitman (area 2).
(viii) *August 1.* Douglas, Grant (area 3), Pend Oreille, and Stevens.
(ix) *August 5.* Columbia (area 2).
(x) *August 15.* Asotin (area 3), Ferry, and Oknanogan (area 1).
(2) *Spring-seeded Oats—August 10.* Lincoln, Pend Oreille, Spokane, and Stevens.
(3) *Corn and Grain Sorghums. August 15.* All counties.

* * * * *

(Secs. 373, 374, 375, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1373, 1374, 1375)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 12, 1969.

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

[F.R. Doc. 69-11193; Filed, Sept. 18, 1969; 8:47 a.m.]

PART 729—PEANUTS

Subpart—1969 Crop Peanuts: Acreage Allotments and Marketing Quotas

COUNTY NORMAL YIELD DETERMINATIONS

Correction

In F.R. Doc. 69-10629, appearing at page 14121 in the issue of Saturday, September 6, 1969, and the correction appearing at page 14461 in the issue of Wednesday, September 17, 1969, the normal yield for the county of Tulsa in Oklahoma is corrected to read "662".

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

[948.362]

PART 948—IRISH POTATOES GROWN IN COLORADO

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

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Area No. 2 (San Luis Valley Colo.), was published in the FEDERAL REGISTER September 10, 1969 (34 F.R. 14225). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

Statement of consideration. The notice was based on the recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said amended marketing agreement and order, and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1969 crop in Area No. 2 and of the marketing prospects for this season.

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

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

Findings. After consideration of all relevant matter presented, including that in the aforesaid notice, based upon the recommendations of the Area No. 2 Committee, and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1969 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) similar regulations have been in effect during previous marketing seasons for potatoes produced in Area No. 2, and a similar regulation has been issued under the State order for intrastate shipments, so producers and handlers are aware of the provisions of this regulation, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.362 Limitation of shipments.

During the period September 22, 1969, through June 30, 1970, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 15, 1969, at 11:59 p.m., m.s.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Maturity (skinning) requirements.*—(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of 1½ inches minimum diameter, and if U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) *Other special purposes.* The grade, size and maturity requirements of paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for livestock feed, relief, charity, or for seed pursuant to § 948.6.

(d) *Safeguards.* Each handler of potatoes which do not meet the grade, size and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(f) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection, as shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c)(1) of this section shall be exempt from this 5-day requirement.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Definitions.* The terms "U.S. No. 2," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1, *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period September 22, 1969, through June 30, 1970, shall meet the grade, size, and quality requirements specified in paragraph (a) and during the period September 22, 1969, through October 15, 1969, meet the maturity requirements of paragraph (b) of this section.

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

Dated September 16, 1969, to become effective September 22, 1969.

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

[F.R. Doc. 69–11224; Filed, Sept. 18, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69–WE–56]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On August 6, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12791) stating that the Federal Aviation Administration was considering the designation of Restricted Area R–2603 in the vicinity of Platteville, Colo.

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

The Weld County Airport Board objected to the proposed restricted area for the following reasons:

1. The restriction is along the most direct route to Denver.

2. The Weld County Municipal Airport has a heavy student activity program. Such a restriction would cause future problems with less experienced pilots.

3. Such restrictions are not conducive to the free flow of traffic for all pilots.

4. Under certain weather conditions, such restrictions could make IFR flight more difficult.

5. The future expansion of the Weld County Municipal Airport could be hampered by being adjacent to any restricted area.

It is agreed that the proposed restricted area would lie close to a direct line between Weld County Airport and Denver, Colo. However, it should impose no undue hardship on air traffic as it would extend only 1,000 feet above the surface and would be located approximately 4 miles east of U.S. Highway No. 85 and the adjacent railroad, which is normally used as the VFR flyway between Greeley, Colo., and Denver, Colo. IFR traffic would not be penalized as it would operate along the Federal airways which have a minimum en route altitude of 7,000 feet MSL in this area or 1,000 feet higher than the ceiling of the restricted area. The proposal should have no adverse effect on either student training or future airport expansion as the restricted area would be 16 nautical miles south of the airport. No other comments were received.

The designator R–2603 assigned to the Platteville Restricted Area was cited in error in the notice. It should be R–2604. Corrective action is taken herein.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

In § 73.26 Colorado, the following is added:

R–2604 PLATTEVILLE, COLO.

Boundaries. A circle with a 2,000-foot radius centered at latitude 40°10'48" N., longitude 104°43'30" W.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Denver, Colo., Approach Control.

Using agency. Environmental Science Services Administration Research Laboratories, Boulder, Colo.

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

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

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–11187; Filed, Sept. 18, 1969; 8:46 a.m.]

[Airspace Docket No. 69–CE–60]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

On August 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12597) stating

that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 131 from Greater Southwest, Tex., via Texarkana, Ark.; Little Rock, Ark., to Evansville, Ind.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. November 13, 1969, as hereinafter set forth.

In § 75.100 (34 F.R. 4856) Jet Route No. 131 is amended by deleting in the caption "Greater Southwest, Tex." and substituting "Evansville, Ind.", and in the text "to Greater Southwest." is deleted and "Greater Southwest; Texarkana, Ark.; Little Rock, Ark.; to Evansville, Ind." is substituted therefor.

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

Issued in Washington, D.C., on September 16, 1969.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-11197; Filed, Sept. 18, 1969; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9832; Amdt. 667]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Hamilton, Ohio—Hamilton Airport, Inc., ADF 1, Amdt. 2, 15 Jan. 1966 (established under Subpart C).
Laconia, N.H.—Municipal, NDB (ADF) Runway 8, Amdt. 5, 12 Dec. 1968 (established under Subpart C).
Chincoteague, Va.—Nasa Wallops Station, VOR 1, Amdt. 1, 8 June 1963 (established under Subpart C).
Galion, Ohio—Galion Municipal, VOR 1, Amdt. 4, 18 Dec. 1965 (established under Subpart C).

2. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Pahokee, Fla.—Palm Beach County Glades, TerVOR-17, Amdt. 2, 9 Jan. 1965 (established under Subpart C).

3. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.4 miles after passing SWL VORTAC.
Willards Int	SWL VORTAC (NOPT)	Direct	2000	Climbing right turn to 2000' direct to SWL VOR and hold.
Salisbury VORTAC	SWL VORTAC (NOPT)	Direct	2000	
Crisfield Int	SWL VORTAC	Direct	2000	Supplementary charting information: Hold SW, 1 minute, left turns, 039° Inbnd. Final approach crs intercepts runway centerline 800' from threshold. Chart R-6604. 165' water tank and 241' radio tower on airport. Runway 17, TDZ elevation, 39'.

Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 2000' within 10 miles of SWL VORTAC.
FAF, SWL VORTAC. Final approach crs, 196°, Distance FAF to MAP, 6.4 miles.
Minimum altitude over SWL VORTAC, 2000'.
MSA: 000°-090°—1700'; 090°-180°—1600'; 180°-270°—1600'; 270°-360°—1700'.
NOTES: (1) Prior permission required. (2) When Wallops Station altimeter unavailable, use Salisbury altimeter and increase straight-in and circling MDA 80'.
*Night minimums not authorized Runways 4/22 and 17/35.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-17*	440	1	401	440	1	401	440	1	401		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	560	1	519	560	1	519	560	1¼	519	600	2	559
A	Not authorized		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Chincoteague; State, Va.; Airport name, NASA Wallops Station; Elev., 41'; Facility, SWL; Procedure No. VOR Runway 17, Amdt. 2; Eff. date, 9 Oct. 69; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 8 June 63

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.9 miles after passing MFD VORTAC.
				Climbing left turn to 2800' direct to MFD VORTAC and hold.*

Supplementary charting information:
*Hold NE, 1 minute, right turns, 224° Inbnd.
1423' tower 1.5 miles SW of airport.
1525' tower 2 miles NW of airport.
Runway 23, TDZ elevation, 1225'.

Procedure turn W side of crs, 044° Outbnd, 224° Inbnd, 2700' within 10 miles of MFD VORTAC.
FAF, MFD VORTAC. Final approach crs, 224°. Distance FAF to MAP, 8.9 miles.
Minimum altitude over MFD VORTAC, 2700'; over 5-mile DME Fix R 224°, 1860'.
MSA: 000°–270°—2800'; 270°–360°—2500'.
NOTE: Use Mansfield, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-23	1860	1	635	1860	1	635	1860	1¼	635	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1900	1	675	1900	1	675	1900	1½	675	NA
	DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-23	1700	1	475	1700	1	475	1700	1	475	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng—Standard.			

City, Galion; State, Ohio; Airport name, Galion Municipal; Elev., 1225'; Facility, MFD; Procedure No. VOR Runway 23, Amdt. 5; Eff. date, 9 Oct. 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 18 Dec. 65

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 11.7 miles after passing JAN VORTAC.
R 335°, JAN VORTAC within 15 miles	JAN VORTAC (NOPT)	Direct	1900	Climbing left turn to 2000' R 129° JAN VORTAC within 15 miles.
Berryville Int	JAN VORTAC (NOPT)	Direct	1900	
R 240° JAN VORTAC CW	R 332°, JAN VORTAC (NOPT)	7-mile DME Arc	1900	Supplementary charting information:
R 049° JAN VORTAC CCW	R 332°, JAN VORTAC (NOPT)	7-mile DME Arc	1900	HIRLS all runways.
				Runway 15L, TDZ elevation, 310'.

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 1900' within 10 miles of JAN VORTAC.
FAF, JAN VORTAC. Final approach crs, 152°. Distance FAF to MAP, 11.7 miles.
Minimum altitude over JAN VORTAC, 1900'; over Sawmill Int/JA LOM, 1240'.
MSA: 000°–090°—1800'; 090°–180°—2300'; 180°–270°—3500'; 270°–360°—1800'.
NOTE: ASR.
*Authorized VOR/DME, VOR/NDB, VOR/FM only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15L	1240	RVR 50	930	1240	RVR 60	930	1240	1½	930	1240	2	930
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	895	1240	1¼	895	1240	1½	895	1240	2	895
	VOR/DME, VOR/NDB, VOR/FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15L	660	RVR 24	350	660	RVR 24	350	660	RVR 24	350	660	RVR 40	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	435	800	1	455	800	1½	455	900	2	555
A	Standard.*		T 2-eng. or less—RVR 24', Runway 15L; Standard all others.				T over 2-eng.—RVR 24', Runway 15L; Standard all others.					

City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345'; Facility, JAN; Procedure No. VOR Runway 15L, Amdt. Orig.; Eff. date, 9 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 12.5 miles after passing JAN VORTAC.
R 335°, JAN VORTAC within 15 miles	JAN VORTAC (NOPT)	Direct	1900	Climbing left turn to 2000', R 120° JAN VORTAC within 15 miles.
Berryville Int	JAN VORTAC (NOPT)	Direct	1900	Supplementary charting information:
R 249°, JAN VORTAC CW	R 332°, JAN VORTAC (NOPT)	7 mile DME Arc	1900	HIRLS all runways.
R 049°, JAN VORTAC CCW	R 332°, JAN VORTAC (NOPT)	7-mile DME Arc	1900	Runway 15R, TDZ elevation, 314'.

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 1900' within 10 miles of JAN VORTAC.
FAF, JAN VORTAC. Final approach crs, 155°. Distance FAF to MAP, 12.5 miles.
Minimum altitude over JAN VORTAC, 1900'; over Ruth Int/JA LOM, 1280'.
MSA: 000°-090°—1800'; 090°-180°—2300'; 180°-270°—2500'; 270°-360°—1800'.
NOTE: ASR.
*Authorized VOR/DME, VOR/NDB, VOR/FM only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15R	1280	1	966	1280	1¼	966	1280	1½	966	1280	2	966
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	935	1280	1¼	935	1280	1½	935	1280	2	935
	VOR/DME, VOR/NDB, VOR/FM Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-15R	660	¾	346	660	¾	346	660	¾	346	660	1	346
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	780	1	435	800	1	455	800	1½	455	900	2	555
A	Standard.*			T 2-eng. or less—RVR 24', Runway 15L; Standard all others.			T over 2-eng.—RVR 24', Runway 15L; Standard all others.					

City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345'; Facility, JAN; Procedure No. VOR Runway 15R, Amdt. Orig.; Eff. date, 9 Oct. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PHK VORTAC.
PHK R 009°, CCW	PHK R 342°	8-mile Arc	1500	Climb to 1500' direct Canal Int via PHK R 169°.
PHK R 274°, CW	PHK R 342°	8-mile Arc	1500	Supplementary charting information:
Sherman Int	Cristol Int (NOPT)	R 342°	1000	LRCO 122.1R.
8-mile Arc	Cristol Int (NOPT)	R 342°	1000	CAUTION: 185' tower ¼ mile SSE.
				Runway 17, TDZ elevation, 17'.

Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 1500' within 10 miles of PHK VORTAC.
Final approach crs, 162°.
Minimum altitude over Cristol DME Int, 1000'.
MSA: 000°-090°—1300'; 090°-180°—2100'; 180°-360°—1700'.
NOTES: (1) Use Palm Beach FSS altimeter setting. (2) Night operations not authorized Runway 7/25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-17	540	1	523	540	1	523	540	1	523	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	620	1	603	620	1	603	620	1½	603	NA
	DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-17	500	1	483	500	1	483	500	1	483	NA
A	Not authorized.			T 2-eng. or less—All Runways 300-1.			T over 2-eng.—Not authorized.			

City, Pahokee; State, Fla.; Airport name, Palm Beach County Glades; Elev., 17'; Facility, PHK; Procedure No. VOR Runway 17, Amdt. 3; Eff. date, 9 Oct. 69; Sup. Amdt. No. Ter VOR-17, Amdt. 2; Dated, 9 Jan., 65

4. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.5 miles after passing FST VOR TAC.
FEQ VOR	FST VORTAC	Direct	5000	Turn left, climb to 5000' on FST R 086°
INK VORTAC	FST VORTAC	Direct	5000	within 20 miles.
MAF VORTAC	FST VORTAC	Direct	5000	Supplementary charting information: LRCO 122.1.

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 4500' within 10 miles of FST VORTAC.
FAF, FST VORTAC. Final approach crs, 117°. Distance FAF to MAP, 3.5 miles.
Minimum altitude over FST VORTAC, 4000'.
MSA: 000°-090°—5400'; 090°-180°—6600'; 180°-270°—6500'; 270°-360°—5100'.
NOTE: Use Wink FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-11R	3580	1	570	3580	1	570	3580	1	570		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	3660	1	650	3660	1	650	3660	1¼	650		NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Fort Stockton; State, Tex.; Airport name, Pecos County; Elev., 3010'; Facility, FST; Procedure No. VOR Runway 11R, Amdt. 2; Eff. date, 9 Oct. 69; Sup. Amdt. No. 1 Dated, 28 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing SAV VORTAC.
SA LOM	SAV VORTAC	Direct	1500	Right turn, climb to 1700' on R 283° within
R 322°, SAV VORTAC CW	R 062°, SAV VORTAC (NOPT)	10-mile Arc R 052° lead radial.	1500	15 miles.
Burton Int	SAV VORTAC (NOPT)	Direct	1500	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. Runway 27, TDZ elevation, 50'.

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 1500' within 10 miles of SAV VORTAC.
FAF, SAV VORTAC. Final approach crs, 242°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over SAV VORTAC, 1500'.
MSA: 000°-090°—1400'; 090°-180°—1600'; 180°-360°—2200'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	520	¾	470	520	¾	470	520	¾	470	520	1	470
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	470	520	1	470	520	1¼	470	600	2	550
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Savannah; State, Ga.; Airport name, Savannah Municipal; Elev., 50'; Facility, SAV; Procedure No. VOR Runway 27, Amdt. 8; Eff. date, 9 Oct. 69; Sup. Amdt. No. 4; Dated, 18 July 68

5. By amending § 97.23 of Subpart C to cancel very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

Jackson, Miss.—Allen C. Thompson Field, VOR Runways 15L/R, Amdt. 7, 6 Mar. 1969, canceled, effective 9 Oct. 1969.

6. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing Gloria Int.
SAV VORTAC	Gloria Int	Direct	1500	Climb to 2000' on front crs SAV LOC 272° to SA LOM; or, when directed by ATC, climbing right turn to 2000' direct to SAV VORTAC.
SA LOM	Gloria Int	LOC crs	1500	
SAV VORTAC, R 024° CW	SAV LOC Crs	8-mile Arc SAV, R 092° lead radial.	1500	
SAV VORTAC, R 196° CCW	SAV LOC Crs	8-mile Arc SAV, R 121° lead radial.	1500	Supplementary charting information: Runway 27, TDZ elevation, 50'.
8-mile Arc	Gloria Int (NOPT)	LOC crs	1200	

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 1500' within 10 miles of Gloria Int.
FAF, Gloria Int. Final approach crs, 272°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over Gloria Int, 1200'.

NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	440	¾	390	440	¾	390	440	¾	390	440	1	390
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	450	500	1	450	500	1½	450	600	2	550
A	Standard.		T 2-eng. or less—RVR 24', Runway 9; Standard all other runways.				T over 2-eng.—RVR 24', Runway 9; Standard all other runways.					

City, Savannah; State, Ga.; Airport name, Savannah Municipal; Elev., 50'; Facility, I-SAV; Procedure No. LOC (BC) Runway 27, Amdt. 4; Eff. date, 9 Oct. 69; Sup. Amdt. No. 3; Dated, 18 July 68

7. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.6 miles after passing HAO NDB.
Bath Int	HAO-NDB	Direct	2500	Climb straight ahead to 2500', then right turn direct HAO NDB and hold.
Millville Int	HAO NDB	Direct	2500	
Moss Int	HAO NDB	Direct	2500	Supplementary Charting information:
Mason Int	HAO NDB	Direct	2600	Hold W, 1 minute, right turns, 097° Inbd. Chart 941' tower, 39° 20' 20" N./84° 31' 30" W.

Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 2500' within 10 miles of HAO NDB.
FAF, HAO NDB. Final approach crs, 097°. Distance FAF to MAP, 1.6 miles.
Minimum altitude over HAO NDB, 1700'.
MSA: 025°–115°—3100'; 115°–205°—2800'; 205°–295°—2300'; 295°–025°—2400'.

NOTES: (1) Radar vectoring. (2) Use Cincinnati Lunken Field altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS
C	1240	1	572	1320	1	652	1320	1¼	652		NA
A	Not authorized.		T 2-Eng. or less—Standard.				T over 2-eng.—Standard.				

City, Hamilton; State, Ohio; Airport name, Hamilton Airport, Inc.; Elev., 668'; Facility, HAO; Procedure No. NDB(ADF) Runway 11, Amdt. 3; Eff. date, 9 Oct. 69; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 15 Jan. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.7 miles after passing LCI NDB.
Gunstock Int	LCI NDB	Direct	3800	Climb on bearing 085° from LCI NDB to 2000', left-climbing turn to 3800' direct LCI NDB and hold. Supplementary charting information: Hold W of LCI NDB, 085° Inbnd, 1 minute, left turns.

Procedure turn N side of crs, 265° Outbnd, 085° Inbnd, 3800' within 10 miles of LCI NDB.
FAF, LCI NDB. Final approach crs, 085°. Distance FAF to MAP, 2.7 miles.
Minimum altitude over LCI NDB, 2300'.
MSA: 000°-090°—5400'; 090°-180°—3400'; 180°-270°—4000'; 270°-360°—5100'.
NOTES: (1) Use Concord altimeter setting. (2) Approach from a holding pattern not authorized; procedure turn required.
CAUTION: 1000' to 2400' terrain 1 to 4 miles S of airport.
%Departures: Depart over airport at 1100'. Climb to 2300' or above direct LCI NDB. Continue climb in holding pattern to MEA for direction of flight.
#Night operations not authorized Runways 17/35.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1600	1½	1048	1600	1¾	1048	1780	2¼	1228	2240	3	1688
A	Not authorized.			T 2-eng. or less—600-1, Runways 8/26; all others not authorized.#%				T over 2-eng.—600-1, Runways 8/26; all others not authorized.#%				

City, Laconia; State, N.H.; Airport name, Municipal; Elev., 552'; Facility, LCI; Procedure No. NDB (ADF) Runway 8, Amdt. 6; Eff. date, 9 Oct. 69; Sup. Amdt. No. 5; Dated, 12 Dec. 68

8. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing DA LOM.
DAL VORTAC	DA LOM	Direct	2200	Climb to 2000' on bearing 128° within 15 miles or climb to 2000' left turn direct to Dallas VORTAC.
GSW VORTAC	DA LOM	Direct	2200	
ADS VOR	DA LOM	Direct	2200	
Fair Park Int	DA LOM	Direct	2200	Supplementary charting information:
Kleberg Int	DA LOM	Direct	2200	TDZ elevation: Runway 13L, 483'; Runway 13R, 475'.

Procedure turn N side of crs, 308° Outbnd, 128° Inbnd, 2200' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 13L—128°, 13R—135°. Distance FAF to MAP, 13L—4.1 miles, 13R—4.2 miles.
Minimum altitude over DA LOM, 1800'.
MSA: 160°-250°—3400'; 250°-160°—2800'.

NOTE: ASR.
*Facilities inoperative components table does not apply.
#RVR 24', Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13L	900	1	417	900	1	417	900	1	417	900	1	417
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	900	1	425	900	1	425	900	1	425	900	1	425
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1½	515	1080	2	595
A	Standard.			T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#				

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Facility, DA; Procedure No. NDB (ADF) Runways 13L/13R, Amdt. 2; Eff. date, 9 Oct. 69; Sup. Amdt. No. 1; Dated, 26 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: AWM NDB.
Walls Int	AWM NDB	Direct	1800	Climb to 1800' right turn direct to AWM NDB and hold.
Porter Int	AWM NDB	Direct	1800	
Marion Int	AWM NDB	Direct	1800	Suppelmentary charting information:
Kerrville Int	AWM NDB	Direct	1800	Hold N of AWM NDB on bearing 347°–167° Inbnd, right turns, 1 minute.
				TDZ elevation, 212'.

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 1800' within 10 miles of AWM NDB.
Final approach crs, 167°.
Minimum altitude over AWM NDB, 700'.
MSA: 045°–135°—2400'; 135°–045°—1700'.

NOTES: (1) Use Memphis altimeter setting. (2) Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-17	700	1	488	700	1	488	700	1	488	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	700	1	488	700	1	488	700	1¼	488	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, West Memphis; State, Ark.; Airport name, West Memphis Municipal; Elev., 212'; Facility, AWM; Procedure No. NDB (ADF) Runway 17, Amdt. 1; Eff. date, 9 Oct. 69; Sup Amdt. No. Orig.; Dated, 12 Dec. 68

9. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by DAL ASR minimum altitude vectoring chart.										ASR Runways 31L and 31R: Intermediate approach fix 5 miles from threshold 2000'. Descent aircraft to MDA after FAF. ASR Runways 31L and 31R, FAF 3 miles from threshold 1500'. Minimum altitude over 1.3-mile Radar Fix on final approach crs., 1000'. TDZ elevation: Runway 31L—475'; Runway 31R—485'.

Missed approach: Climb to 2200' on runway heading within 10 miles or climb to 2000', right turn, direct to DAL VORTAC.
*Facilities inoperative components table does not apply.
#RVR 24', Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R*	880	1	395	880	1	395	880	1	395	880	1	395
S-31L	880	RVR 40	405	880	RVR 40	405	880	RVR 40	405	880	RVR 50	405
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1¼	515	1080	2	595
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Facility, DAL ASR; Procedure No. ASR-1, Amdt 15; Eff. date, 9 Oct. 69; Sup. Amdt. No. 14; Dated, 28 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Notes
As established by DAL ASR minimum altitude vectoring chart.												Descend aircraft to MDA after FAF. ASR Runway 13R; ASR Runway 13L. FAF 5 miles from threshold 2000'. TDZ elevation: Runway 13R—475'; Runway 13L—483'.

Missed approach: Climb to 2000' on runway heading within 10 miles or climb to 2000', left turn, direct to DAL VORTAC.
*Facilities inoperative components table does not apply.
#RVR 24, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	880	¾	405	880	¾	405	880	¾	405	880	1	405
S-13L*	880	RVR 50	397	880	RVR 50	397	880	RVR 50	397	880	RVR 50	397
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	920	1	435	1000	1	515	1000	1¼	515	1080	2	595
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Facility, DAL ASR; Procedure No. ASR-2, Amdt. 3; Eff. date, 9 Oct. 69; Sup. Amdt. No. 2; Dated, 26 June 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 3, 1969.

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

[F.R. Doc. 69-10831; Filed, Sept. 18, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-586]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Modernization of Traffic and Capacity Data Collection System

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1969.

In a notice of proposed rule making, EDR-146, September 25, 1968,[1] the Board proposed amendment of Part 241 of the Economic Regulations to provide, inter alia, for collection of traffic and capacity data on a flight stage basis by route carriers and transmittal of such data to the Board on magnetic tape or punched cards for direct automatic processing.[2] This proposal was a sequel to a joint Industry-Board work group which surveyed the traffic data processing systems of a sample group of carriers, and submitted a questionnaire to all route carriers to determine the extent of similarity in their data-collection systems. On the basis of the results, the work group concluded that sufficiently similar procedures existed among carriers to make it technically feasible for the Board to prescribe uniform classifications for statistical data of all route carriers. The proposal adhered, as nearly as possible, to the data collection patterns already generally in use by the carriers.

The proposal specifically required that individual flight-stage data, summarized by flight number, service segment,[3] service class, and aircraft type, would be transmitted to the Board on a monthly basis, apart from the CAB Form 41 summary T schedules. Those carriers having access to automatic data processing equipment were to utilize either magnetic ADP tapes or ADP punched cards for transmitting the prescribed data to the Board. Those air carriers not having access to automatic processing equipment were to utilize conventional mediums of transmitting data to the Board, and all such data were to be transmitted not later than 20 days following the close of the month to which applicable.

Pursuant to the notice,[4] comments were received from the Air Transport Association (ATA) on behalf of 24 of its members, to which were appended an appraisal prepared at ATA's request by National Economic Research Associates, a firm of consulting economists; from seven carriers individually, a number of civic parties, and a financial analyst. The 24 ATA carriers are strongly opposed to the submission of flight-stage data, but the two other carriers filing comments—Airlift and Mohawk—generally favor the proposal.

After full consideration, the Board has decided to adopt the rule with the modifications described below. Except as modified, the tentative findings set forth in the explanatory statement of EDR-146 are incorporated herein by reference and made final. The principal modifications to the proposal are:

(1) The proposal to require a breakdown of segment passengers by fare category will not be adopted at this time and a breakdown only by class of service-first class/coach—will be required. The proposal regarding submission of detailed data for nonscheduled services will also not be adopted;

(2) The effective date for maintenance and submission of segment O&D passenger and cargo data and aircraft hours data will be deferred until January 1, 1971;

(3) The effective date of the remainder of the rule shall be January 1, 1970;

(4) Prescribed traffic and capacity data shall be transmitted in time to be received in the Washington, D.C., offices of the Board on or before 30 elapsed days after the close of the month to which the data relates, instead of being mailed within 20 days as proposed; and

(5) Summary reports shall be submitted in formats which will facilitate more integrated processing from the four information streams characteristic of

[1] 33 F.R. 14717, Oct. 2, 1968 (Docket 20290).

[2] As noted in EDR-146, in 1962 the Board deferred final action on a proposed rule (EDR-41) (Docket 13656) which would have provided for the collection of CAB Form 41 data by means of ADP. By reason of our action herein, the rule making proceeding in Docket 13656 is terminated.

[3] Defined as "accumulation of flight stages in one direction." The definition will be revised herein to read: "A pair of points served or scheduled to be served by a single stage of at least one flight within any given time period."

[4] The time for filing comments was extended to Jan. 31, 1969.

air carrier systems than was provided for in the proposed rule.[5]

1. In its comments ATA contends that the proposals "go far beyond any reasonable regulatory requirements" and that the Board "now desires a drastic escalation of statistical data which is neither required nor justified." ATA further argues that the present reporting requirements, supplemented by ad hoc information requests and O&D data, adequately serve the Board's regulatory requirements.

It is true that over the years the Board has developed and required detailed reports on a system basis which are very useful for drawing conclusions concerning individual carriers, the status of the industry, and the relative effectiveness of various aircraft types. However, system reports have substantial defects which, prior to the development of computer technology, were impractical to correct. System data are of very limited value for enabling the Board to carry out its prime function of regulating routes and rates, since they do not give information concerning the particular points under consideration. Thus, in estimating the operating and financial results of service over a given route for the purpose of regulating fares or determining the adequacy of existing service in particular markets, and in considering whether a proceeding should be instituted to authorize new service, the amount of traffic and capacity of each carrier serving the route is of crucial importance. Information as to carrier system load factors, on the other hand, is irrelevant to such inquiries. Yet, while carriers report system load factors, they do not report load factors for each service segment, notwithstanding that the service segment is the basic element of regulation, and the Board is therefore deprived of this vital information which would be provided on a current basis under the proposed rule.

While ATA argues that the proposal goes beyond any reasonable regulatory purpose, ATA does not specify in what particular respects the data exceed the Board's requirements. Moreover, the Board has carefully reviewed the data which would be submitted under the regulation and finds that, except as modified herein, the information is in fact needed to carry out its regulatory responsibilities.

Essentially, the passenger service segment data to be provided under the rule will give precise information of passenger load factors for each flight stage of each particular flight. As set forth above, information of this nature is of crucial importance, since the relation of traffic carried to available capacity is a key to profitability of the service and to the efficiency and economy of the operation. A breakdown by flight numbers is also needed to evaluate the average load factors over each segment, since loads are developed on peak and off-peak flights and information by service segments will enable the Board to determine whether capacity is being operated at the time the traffic desires to move. Detailed data on station enplanements, as well as on-flight origin and destination are needed, among other things, to assess the needs for additional nonstop services and, together with revenue aircraft hours, will provide valuable information for costing purposes. On international flights, on-board loads and traffic origin and destination are important in constructing a "freedom profile" for use in negotiations with foreign countries. On-board segment load data are also important in rate cases for assessing the impact of fare and rate changes, past and proposed, on the movement of traffic, and segment loads are also valuable for forecasting traffic volume and profitability in route cases.

ATA also suggests that O&D data are sufficient for the Board's needs in monitoring routes and evaluating the commercial fare structure. O&D data have in fact been the basic tool used by the Board for monitoring routes, but the deficiencies in O&D data, as compared to service segment data, are so great as to forcefully demonstrate why the Board cannot continue to rely on O&D data alone.

Assuming a flight from Washington to Seattle via Chicago and Minneapolis, the O&D surveys would show passengers originating at one of the four points and destined for another, but would not show service segment data except to the extent that a passenger's flight coupon origin and destination are confined to that segment. For example, passengers originating at Washington with flight coupon destinations of Minneapolis or Seattle, although traveling on a flight over the segment Chicago-Minneapolis, would not be counted in Chicago-Minneapolis O&D figures. Any load factors for this segment constructed on the basis of O&D data would therefore be understated.[6] Such passengers would, however, be included in the flight stage data provided for herein.

In addition to the fact that O&D data do not include segment passengers which would be included in flight stage data, O&D data have a number of deficiencies. In the first place, O&D data are predicated on only a 10 percent sample and therefore subject to sampling error which can grossly distort small markets. O&D data are not precisely related to time of travel, since all flight coupon stages of an itinerary (including return travel on round trips) are recorded as traveling in the calendar quarter in which the reporting flight coupon is used. Also, O&D data are overall figures not broken down by flight. Flight stage data, on the other hand, will give complete on-flight data by flight. Load factors computed with the aid of schedules also have the infirmity of assuming that the schedules are performed, and performed with the equipment indicated, and nonperformance or performance with different equipment cannot be taken into account. This infirmity would not exist with respect to flight stage data. Further, since flight stage data are reported by flight number, service adequacy by time of day can be determined. Finally, O&D data, unlike flight segment data, do not include cargo, and thus provide no information whatsoever on this important and fast growing traffic component.

ATA's further suggestion that through ad hoc information requests the Board can obtain "all the data it needs" is completely unrealistic. In the first place, ad hoc information requests are generally confined to formal cases, whereas the great majority of Board actions are taken in informal proceedings and based on pleadings alone, e.g., determinations as to whether a particular route application should go to hearing and decisions on exemption requests, suspension applications, tariff proposals, and the like. Further, the time involved in requesting information on an ad hoc basis makes its use virtually prohibitive. The Board, in fact, could not process its workload were it to attempt to get this information in such manner for informal cases where it would be relevant. For years, the Board has been compelled to decide these cases on the basis of extrapolated system data, O&D data, and such segment data as the parties choose to submit. Such information, in the Board's view, is inadequate and unreliable for the purposes of deciding informal cases, and it should not continue to decide them on the limited evidence available heretofore when service segment data can now be made available with the development of ADP techniques. In sum, service segment data will be invaluable to the Board in the prompt disposition of informal proceedings, as well as provide far more reliable data on which to base decision than has previously been possible.

In addition, where ad hoc information requests are used, as in formal proceedings, their reliability is frequently questionable. The Board can never be assured that the information-gathering techniques employed will provide complete, uniform, and objective data, nor is such information subject to audit from a practical standpoint because of the exigencies of time. By contrast, a gathering and reporting system, which will be required for all carriers subject to the rule, is inherently more reliable, since it will be applicable to these carriers on a routine basis and subject to audit by the Board's staff.

[5] Specifically, the three summary reports proposed will be realigned without change in basic content to fit into the following information streams: (1) Scheduled service traffic and capacity data; (2) nonscheduled service traffic and capacity data; (3) aircraft hours data and (4) miscellaneous operational data. (In addition, "Nonscheduled Revenue Aircraft Departures Performed" would be omitted from Schedule T-2.)

[6] The on-line O&D tabulations, similar to those in the former Competition Among Domestic Air Carriers, also understate traffic between consecutive points having an intermediate connection, since these tabulations are limited to single carrier O&D. For example, a passenger, originating in Washington and destined for Seattle making an intraline connection in Chicago is shown only as a Washington-Seattle passenger, and is not included in the Washington-Chicago or Chicago-Seattle markets.

Furthermore, ad hoc information requests are otherwise not a practical substitute for the ready availability of segment data which will be provided under the regulation, as experience has shown. For example whenever new competitive authorizations are being considered it is customary for the hearing examiner to direct the production of representative load factor data as the result of the prehearing conference. At the present time the responsibility for producing the information rests on the carriers already serving the markets in question, but if one of these carriers is not a party to the proceeding the information to this extent is not forthcoming. Moreover, this process can be burdensome and time-consuming, particularly if multiple markets are involved, and often the carriers plead for lengthy delays in procedural dates because of the magnitude of the task. On occasion the examiner is faced with the necessity of foregoing some information that would otherwise be desirable because of the greater need to move forward with the particular proceeding. These problems will be overcome under the EDR–146 proposal and it will be a relatively simple task to extract the monthly load factor information.

In one major and one minor respect, however, the Board finds that proposed segment data will not adequately serve its needs so as to warrant adoption at the present time. The rule would have required a breakdown of passengers between first class, coach, standby fare-first class, standby fare-coach, other discount fare-first class and other discount fare-coach. These data are apparently not being generally collected by the carriers, and we find that this new burden on the carriers would not, presently, be commensurate with the limited use to which the data could be put. Thus, the full passenger breakdown would not provide revenue information for flights. While the data could be used with other information for making estimates of revenues, it would still not furnish us with the means of making the precise analysis which the other data called for would afford. Accordingly, the only passenger breakdown which will be finalized herein will be by class of service—first class and coach.

In addition, we find that detailed data for nonscheduled services are not needed at this time. While the burden of submitting such information would not appear significant, the limited use which would be made of the data does not presently warrant adoption of the proposal.

To sum up, contrary to ATA's assertions, the information which will be provided through implementation of EDR–146, as modified herein, does serve a valid regulatory purpose; it is needed by the Board to meet its statutory responsibilities; and it cannot be provided through any other alternate means presently available. We turn next to the question of burden.

2. At the outset it is to be noted that except for collection of data by fare category, it appears that the basic service segment data which would be submitted under the proposal are presently being collected by carriers and that the fundamental difficulty, according to ATA, is not one of collection but one of retrieval. Indeed, it would appear that the collection of such data would be necessary in order for the carriers to be kept informed of the efficiency of their operations, and it appears that much of this data are already put on computers. Moreover, as was noted in EDR–146, the 1965 Joint Industry-Board Work Group concluded "that sufficiently similar procedures existed among carriers to make it technically feasible for the Board to prescribe uniform classifications for statistical data of all route carriers." Notwithstanding this conclusion, ATA states: "The survey is more than 3 years old, and, accordingly does not reflect modifications made by the carriers during those years."

Certainly the carriers must share some responsibility for having failed to achieve uniformity in the face of the known desire of the Board to enable it to prescribe uniform classification for statistical data of route carriers. In any event, it is apparent that if such uniformity is not now achieved and the carriers continue on their present course, the data systems of the carriers will become even more disparate and it will become even more costly for them to provide the Board with the recurrent data the Board needs. Accordingly, the necessity is underscored for the Board to take action at this time to forestall further incompatibility and minimize costs for achieving compatibility. We shall, as stated previously, defer the effective date for maintenance and submission of on-flight origin and destination and aircraft hour data in order to give the carriers additional time to make their systems compatible with the requirements of the rule.

Moreover, in our judgment there has been no showing that the burden on the carriers resulting from the proposal, as modified herein, is sufficient to offset the important public benefits it affords. ATA cites questionnaire responses from 20 of its members indicating that $1.6 million will be needed by the carriers to design and program new data systems to meet the requirements of the proposal. The estimates for setup costs vary widely,[7] depending basically on the compatibility of present systems and the requirements of EDR–146, and to some degree these costs must be attributed to the failure of certain carriers to advance compatibility, as noted earlier.

In addition, the 20 carriers estimate recurring annual costs required by the new system at $3.9 million. We have no means to test the reliability of these figures, but as in the case of setup costs, the estimates vary widely,[8] indicating no particular burden for some, and significant burden of others. These figures are, however, overstated in at least two respects. In the first place, we are not requiring the submission of passenger data by six fare breakdowns, but only by first class and coach. The industry survey showed that while enplaned passenger data were generally available with respect to first class and coach passengers, data with respect to reduced fare classes were not generally available at the service segment level. Accordingly, removal of this requirement should afford substantial relief from the burdens which EDR–146 would have imposed. Secondly, the carriers do not take into consideration the savings to be effected from the elimination of ad hoc information requests which the proposal will afford. While there are no available data on such savings, the time often required by carriers to furnish the data suggests that the expense has been significant.

In perspective, even taking the ATA figures at face value, they do not constitute significant overall burden. The $3.9 million estimate of recurrent annual costs represents an increase of only 0.06 percent in current certificated route carrier operating expenses and is less than 2 percent of the recently approved industrywide fare increases of approximately $250 million annually. Moreover, the burden on particular carriers is far outweighed by considerations of public interest which must be paramount. In short, we do not feel that we and the public generally should be denied access to service segment data because of significant burden to a relatively few of the approximately 40 carriers to which the rule would apply.[9]

3. In contrast to the united front of 24 ATA members against the submission of flight stage data, two other carriers filing comments do not oppose the rule. The comment of Mohawk, a local service carrier and an ATA member, concerns public disclosure, a subject dealt with subsequently. Airlift, an all-cargo carrier, favors the general intent of the rule, but raises a question concerning the adoption of the rule regarding segment data for nonscheduled services and opposes the more accelerated filing dates of

[7] From $8,500 to $350,000. For 14 of these 20 carriers the estimate is $100,000 or less.

[8] From $2,000 to $1,360,000, with 12 carriers estimating $78,000 or less. The highest figure, which amounts to about one-third of the total is of dubious reliability and is mainly predicated on an assumed need for 120 additional station agents. Eight other trunk carriers express no need for additional station agents and the nearest figure approaching it is a claim of 12 more station agents.

[9] ATA contends that the proposal would be wasteful and inefficient for the Board with over 30 million individual pieces of data each month or more than 360 million separate numbers each year. ATA's figures come from the study of NERA, which does not explain their derivation. The Board estimates about 5,000 service segments involving approximately 60 million characters annually under the proposal as modified herein and including summary data. By contrast the passenger O&D survey involves 500 million characters annually. The magnitude of the numbers involved has never precluded effective and efficient use of O&D data, as the industry is well aware, and the same will be true of service segment data.

T-schedules [10] and requests retention of the present dates. As noted previously, the Board is not finalizing the rule with respect to segment data for nonscheduled services, and Airlift's comment on this subject is moot. We have decided to revise the proposal that all data be transmitted no later than 20 days following the close of the month to which applicable to provide in the final rule (Sec. 19-3) that the data be received by the Board no later than 30 days following the close of the month to which applicable. While this modification will not give Airlift all the relief it seeks, it is the only carrier expressing any concern on this question, and if it has a special problem it may seek an extension of time for filing the reports.[11]

It was proposed to revise Schedule T-3—Airport Activity Statistics—to exclude revenue passenger on-line originations, and 15 civic parties by form letter oppose the change. They state that on-line originations, as well as revenue passengers enplaned, are important and serve a useful purpose in airport traffic planning. Revenue passenger enplanements are used to measure airport activity, and revenue passenger originations are used to measure airport traffic generated. In our view, enplanements reliably measure activity but originations as reported in Form 41 do not reliably measure traffic generated. This is so because the count of originations as prescribed by the regulations duplicates the count of passengers transferring from one airline to another or from one entity to another of the same airline. For example, a passenger originating at Utica and destined for Washington traveling from Utica to Newark on one airline and from Newark to Washington on another is counted both as a Utica-originating and a Newark-originating passenger in the quarter reported. The reliability of originations is further reduced by the tendency to improperly count as originations passengers transferring from one flight to another of the same airline and stopover passengers continuing their trip on the same airline. On the other hand, the O&D surveys are a far more reliable indication of airport traffic generation since they do not reflect such duplications. We shall, accordingly, eliminate reporting of "revenue passenger on-line originations" from Form 41 as proposed.

It was also proposed to amend Schedule T-1 by eliminating the total number of employees based in and outside the United States, and in this connection it was stated that "detail figures by employee classifications would continue to be reported quarterly on Schedule P-10." A financial analyst objects to the proposal under the impression that the quarterly reports would reflect only a quarterly count. This matter will be clarified by provision in the final rule that Schedule P-10 shall show a monthly count.

4. *Public disclosure.* The notice stated that the Board is aware that detailed flight-stage data have traditionally been regarded by carriers as trade secrets, not to be disclosed to competitors or the general public. The Board found that flight-stage data on international routes should be withheld from disclosure because no reciprocal information is provided by foreign air carriers and disclosure would subject U.S.-flag carriers to a serious competitive disadvantage.[12] With respect to domestic flight-stage data, however, the Board stated that the competitive effect of disclosure is less sensitive because all carriers would be on an equal footing. The carriers were invited to address their comments, inter alia, to particular problems that might be involved in the event of public disclosure of domestic flight-stage data.

The carriers almost overwhelmingly oppose disclosure.[13] They argue that, as in the case of flight-stage data on international routes which the Board found should be withheld from disclosure because no reciprocal information is provided by foreign air carriers and disclosure would subject U.S.-flag carriers to a serious competitive disadvantage, the same condition exists with respect to the disclosure of domestic flight-stage data. Thus, they contend, reciprocal information would not be supplied by supplemental carriers, intrastate carriers not subject to CAB regulations, air taxi operators, and other competing modes of transportation; and disclosure of this detailed marketing information would have a serious competitive effect on domestic route carriers. Moreover, according to the air carriers, the data reflect the essence of management decision-making of the individual route carriers and are an expression of the results of management innovation and creativity which produce profitable or unprofitable operations for owners of the air carriers. To freely expose such data would develop a climate in which carrier managements would cease to innovate or experiment on their own, thus limiting the continued progress of the industry and working a detriment to the traveling public. One carrier underscores the seriousness of the problem created by omission of the so-called intrastate carriers from the application of the proposed regulation in that it engages in intense competition with such carriers and asserts that it would be severely handicapped if the data became known to them. The carriers as a whole oppose public disclosure of all proposed detailed flight-stage traffic and capacity data for domestic and international routes.

One attorney representing three civic parties supports public disclosure of domestic flight-stage data. It is contended that if the Board needs flight-stage data to carry out its responsibilities, as it surely does, the public also needs this information to carry out Congress' plan that the public may request regulatory action. It is also argued that in this day of scheduling committees at major airports, the amount of information exchange between carriers is so great that it is indefensible to withhold flight-stage data from the public.

Upon consideration of all the comments filed, the Board has determined to provide for limited confidential treatment of these data. As a general principle, of course, public policy favors disclosure of all data filed with the Board unless there are compelling reasons for withholding. On the other hand, service segment data have traditionally been regarded as data of a proprietary nature, in the category of trade secrets, and not to be disclosed generally to competitors. Unrestricted public disclosure might adversely affect each individual carrier in relation to its competitors, especially with respect to data for experimental markets, and might even induce some carriers to forego market experimentation, with possible detrimental effects on the public.

Balancing these considerations the Board has determined, in an attempt to accommodate both the needs of the carriers for protection from competitors, on the one hand, and the public's right to know, on the other hand, to consider service segment data as confidential to a limited extent. Thus, we shall provide for restricted access to service segment information for a period of 12 months following the close of the calendar year to which such data are applicable. We shall not, however, restrict their use in formal Board proceedings. Therefore, information pertinent to a particular proceeding would be made available to individual parties under such circumstances and controls as are deemed necessary in the particular proceeding involved. In the past, information obtained in formal Board proceedings has generally been made available to the public as part of the record of the proceeding, and this will continue to be the practice with reported service segment data. The Board may also disclose service segment data to agencies and other components of the U.S. Government and may make other disclosures, upon the Board's own motion or upon application of any interested person, when the Board finds the public interest so requires. Finally, the Board will reserve the right, from time to time, to publish summary information compiled from the service segment data in a form which would not identify individual carrier data.[14]

[10] See the following table:

Schedule	Filing period	
	Present	Proposed
T-1	30	20
T-2	30	20
T-3	40	20
T-41	90	20

[11] See § 385.18(b) of the Organization Regulations.

[12] *Cf.* PS-39 adopted May 16, 1969, 34 F.R. 8038, May 22, 1969, with respect to confidential treatment of international passenger O&D survey data.

[13] Only two carriers (Mohawk and Airlift) do not object to public disclosure of service segment data.

[14] The Board's grant of limited confidentiality of service segment data in this proceeding should not be interpreted as a resolution of this issue for all time. The rule is subject to reexamination after the Board gains experience in the processing of individual requests for specific data.

Accordingly, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1970, as follows:

1. Amend the Table of Contents by inserting the following center heading and new sections:

OPERATING STATISTICS CLASSIFICATIONS

Sec.
19 Uniform Classification of Operating Statistics.
19–1 Chart of Operating Statistical Elements.
19–2 Maintenance of Data.
19–3 Accessibility and Transmittal of Data.
19–4 Service Classes.
19–5 Air Transport Traffic and Capacity Elements.
19–6 Public Disclosure of Service Segment Data.

2. Amend section 03—*Definitions* as follows:

A. Delete the definition of "excess baggage".

B. Revise the definition of "Cargo" and add a definition for "Cargo transported" as follows:

Cargo—all traffic other than passengers.

Cargo transported—cargo on board each flight stage.

C. Delete the definition for "Hop, inter-airport"; revise the definition of "Hours, block-to-block (ramp-to-ramp)" to read:

Hours, ramp-to-ramp—the aircraft hours computed from the moment the aircraft first moves under its own power for purposes of flight, until it comes to rest at the next point of landing.

D. Revise the definition of "Miles flown, aircraft", to read:

Miles flown, aircraft—the miles (computed in airport-to-airport distances) for each flight stage actually completed, whether or not performed in accordance with the scheduled pattern. For this purpose, operation to a flag stop is a stage completed even though a landing is not actually made. In cases where the interairport distances are inapplicable, aircraft miles flown are determined by multiplying the normal cruising speed for the aircraft type by the airborne hours.

E. Revise the definition of "Passenger-mile" to read:

Passenger-mile—one passenger transported 1 mile. Passenger-miles are computed by multiplying the aircraft miles flown on each flight stage by the number of passengers transported on that stage.

F. Delete the definition of "Passenger originations, number of on-line".

G. Add a definition for "Passengers transported" immediately following "Passenger, revenue", to read:

Passengers transported—passengers on board each flight stage.

H. Revise the title and definition of "Seat-miles, available", and add definition for "Segment, service", to read:

Seat-miles available, revenue—the aircraft miles flown on each flight stage multiplied by the number of seats available for revenue use on that stage.

Segment, service—a pair of points served or scheduled to be served by a single stage of at least one flight within any given time period.

I. Delete the definition of "Service, combination passenger".

J. Revise the definition of "Service, mixed" to read:

Service, mixed—transport service for the carriage of both first-class and coach (tourist) passengers on the same aircraft.

K. Add a new definition, immediately following "Service, nonscheduled" to read:

Service, passenger-cargo—transport service established for the carriage of passengers which may also be used jointly for the transportation of cargo.

L. Revise the definition of "Ton-mile" to read:

Ton-mile—one ton transported 1 mile. Ton-miles are computed by multiplying the aircraft miles flown on each flight stage by the number of tons transported on that stage.

M. Revise the definition of "Ton-miles, available" to read:

Ton-miles available, revenue—the aircraft miles flown on each flight stage multiplied by the ton capacity available for use on that stage.

N. Revise the definitions of "Traffic, enplaned" and "Traffic, deplaned" to read:

Traffic, enplaned—a count of the number of passengers boarding and tons of cargo loaded on an aircraft. For this purpose, passengers and cargo on aircraft entering a carrier's system on interchange flights are considered as enplaning at the interchange point; and passengers and cargo moving from one operation to another operation of the same carrier, for which separate reports are required by the Civil Aeronautics Board, are considered as enplaning at the junction point.

Traffic, deplaned—a count of the number of passengers getting off and tons of cargo unloaded from an aircraft. For this purpose, passengers and cargo on aircraft leaving a carrier's system on interchange flights are considered as deplaning at the interchange point; and passengers and cargo moving from one operation to another operation of the same carrier, for which separate reports are required by the Civil Aeronautics Board, are considered as deplaning at the junction point.

O. Revise the definition of "Traffic, revenue" to read:

Traffic, revenue—passengers and cargo transported by air for which remuneration is received by the air carrier. Passengers (including air carrier employees) and cargo carried for token service charges are not considered revenue traffic.

P. Revise the definition of "Weight, allowable gross" to read:

Weight, allowable gross—the maximum gross weight (of the aircraft and its contents) which an aircraft is licensed to carry into the air on each flight stage.

3. Add a new center heading "Operating Statistics Classifications", and Section 19 and subsections, to read as follows:

OPERATING STATISTICS CLASSIFICATIONS

Section 19—Uniform Classification of Operating Statistics

Sec. 19–1 Chart of Operating Statistical Elements.

	Air transport traffic and capacity elements	*Service classes*
	AIRPORT-TO-AIRPORT TRAFFIC AND CAPACITY	
501	Interairport distance	Z.
110	Revenue passengers enplaned	A, C, E, G, L, N, P, R.
111	First class	A, E.
112	Coach	C, E.
120	Nonrevenue passengers enplaned	A, C, E, G, L, N, P, R.
210	Revenue cargo tons enplaned	A, C, E, G, L, N, P, R.
213	U.S. mail—priority	A, C, E, G, L, N, P, R.
214	U.S. mail—nonpriority	A, C, E, G, L, N, P, R.
215	Foreign mail	A, C, E, G, L, N, P, R.
216	Express	A, C, E, G, L, N, P, R.
217	Freight	A, C, E, G, L, N, P, R.
130	Revenue passengers transported	A, C, E, G, L, N, P, R.
131	First class	A, E.
132	Coach	C, E.
150	Nonrevenue passengers transported	A, C, E, G, L, N, P, R.
230	Revenue tons transported	A, C, E, G, L, N, P, R.
231	Passenger	A, C, E, G, L, N, P, R.
233	U.S. mail—priority	A, C, E, G, L, N, P, R.
234	U.S. mail—nonpriority	A, C, E, G, L, N, P, R.
235	Foreign mail	A, C, E, G, L, N, P, R.
236	Express	A, C, E, G, L, N, P, R.
237	Freight	A, C, E, G, L, N, P, R.
250	Nonrevenue tons transported	A, C, E, G, L, N, P, R.
310	Seats available	A, C, E, G, L, N, P, R.
311	First Class	A, E, G.
312	Coach	C, E, G.
270	Tons available	A, C, E, G, L, N, P, R.
410	Revenue aircraft miles flown	A, C, E, G, L, N, P, R.
411	Scheduled	A, C, E, G.
412	Extra section	A, C, E, G.
430	Revenue aircraft miles scheduled	A, C, E, G.
510	Revenue aircraft departures performed	A, C, E, G, L, N, P, R.
511	Scheduled	A, C, E, G.
512	Extra section	A, C, E, G.
520	Revenue aircraft departures scheduled	A, C, E, G.

	Air transport traffic and capacity elements	*Service classes*
	AIRCRAFT OPERATIONS	
420	Nonrevenue aircraft miles flown	Z.
610	Revenue aircraft hours (airborne)	A, C, E, G, L, N, P, R.
620	Nonrevenue aircraft hours (airborne)	Z.
621	Ferry	Z.
622	Personnel training	Z.
623	Developmental projects (costs not deferred)	Z.
624	Publicity (inaugural flights or similar hours)	Z.
625	Miscellaneous	Z.
630	Aircraft hours (ramp-to-ramp)	A, C, E, G, L, N, P, R.
640	Aircraft hours in capitalized projects (airborne)	Z.
	MISCELLANEOUS OPERATING ELEMENTS	
810	Aircraft days assigned to service—carrier's equip	Z.
820	Aircraft days assigned to service—carrier's routes	Z.
830	Hours on other carriers' interchange equipment (airborne).	Z.
840	Revenue hours on other carriers' interchange equipment (airborne).	Z.
850	Hours by others on carrier's interchange equipment (airborne).	Z.
921	Aircraft fuels issued (gallons)	Z.
922	Aircraft oils issued (gallons)	Z.

Sec. 19–2 Maintenance of data.

(a) Each air carrier shall maintain its operating statistics covering the movement of traffic according to the uniform classifications prescribed herein. Uniform codes are also prescribed for each operating element and service class for the convenience of the Board, and at the option of each carrier, may or may not be used for internal carrier purposes.

(b) Each carrier shall maintain data applicable to the specified traffic and capacity elements prescribed in Section 19–5, by general service classes as prescribed in Section 19–4.

(c) As a general rule the data to be maintained shall represent measurements of physical operations reflected by the revenues and expenses, respectively, allocated to the same time period. Thus, aircraft capacity associated with deferred costs is to be separately maintained and identified in order that in any summarizations: (1) the capacity information associated with deferred costs may be excluded from capacity associated with costs of the current period; and (2) the revenue and related traffic measurements associated with such capacity may be credited to other flights.

(d) The classifications prescribed for traffic and capacity elements are designed to reflect, on a uniform basis, the physical factors relating to air transport operations as actually conducted. All such statistics shall be compiled in accordance with the definitions set forth in section 03. In principle, elements which are common to different statistics shall be measured on a consistent basis for all statistics of which they are a component. Thus, all aircraft-mile statistics applicable to a particular service or operation shall be compiled on a direct airport-to-airport mileage basis in terms of a consistent measurement of aircraft movement by flight stages. Similarly, all scheduled mileages and all scheduled departures shall be compiled as each flight is scheduled to be performed pursuant to the air carrier's published flight schedule, whereas scheduled miles performed and scheduled departures performed shall both be compiled in accordance with the pattern through which each point scheduled for service is actually served. Consistent with this principle, all statistics pertaining to actual operations shall be compiled in terms of each flight stage as actually performed.

(e) Separate sets of operating statistics shall be maintained for each operating entity as set forth in section 21.

(f) For convenience of reference each prescribed statistical element has been assigned a distinctive four-character alpha-numeric code. The first character of the four-character code denotes the basic class of service; for example, code AXXX denotes Scheduled First-Class Passenger-Cargo Service; code CXXX, Scheduled Coach-Passenger Cargo Service; and ZXXX, All Services. The last three characters denote the particular detailed operating element involved, with the first character of the last three characters denoting the basic operating element involved; for example, X1XX, passengers; X4XX, miles; and X9XX, miscellaneous information.

Sec. 19–3 Accessibility and transmittal of data.

Each air carrier shall maintain its prescribed operating statistics in a manner and at such locations as will permit ready availability for examination by representatives of the Board. Individual flight stage data for scheduled services as prescribed in section 19–5, summarized by flight number, service segment, service class, and aircraft type, shall be transmitted to the Board on a monthly basis. Those air carriers having access to automatic data processing equipment shall utilize either magnetic ADP tapes or ADP punched cards for transmitting the prescribed data to the Board. Those air carriers not having access to automatic processing equipment shall utilize conventional documentary mediums of transmitting the data to the Board. Both ADP-oriented and documentary records shall be transmitted in accordance with standard practices to be established by the Board's Bureau of Accounts and Statistics. All such data shall be received by the Civil Aeronautics Board at its offices in Washington, D.C., no later than 30 days following the close of the month to which applicable.

Sec. 19–4 Service classes.

The statistical classifications are designed to reflect the operating elements attributable to each distinctive class of service offered. Accordingly, the operating elements shall be grouped in accordance with their inherent characteristics as follows:

(a) *Scheduled services.* For scheduled services, which shall include traffic and capacity elements applicable to air transportation performed between points prescribed in certificates of public convenience and necessity held by the air carrier for the transportation of individually ticketed passengers or waybilled cargo shipments (as differentiated from charter of aircraft) on flights performed pursuant to published schedules filed with the Board, including extra sections or other flights performed as an integral part of the published flight schedules, the following classifications shall be maintained, as applicable:

A000 Scheduled First Class Passenger-Cargo Service
C000 Scheduled Coach Passenger-Cargo Service
E000 Scheduled Mixed Passenger-Cargo Service
G000 Scheduled Cargo Service

(b) *Nonscheduled services.* For nonscheduled services, which shall include all traffic and capacity elements applicable to air transportation between pairs of points not prescribed in certificates of public convenience and necessity held by the air carrier, the performance of on-line aircraft charters, and other air transportation services not constituting an integral part of services performed pursuant to published schedules filed with the Board (but shall not include data applicable to flights performed as extra sections to published flight schedules, which shall be reported in the appropriate classification of scheduled services), the following classifications shall be maintained, as applicable:

L000 Nonscheduled Civilian Passenger-Cargo Service.
N000 Nonscheduled Military Passenger-Cargo Service.
P000 Nonscheduled Civilian Cargo Service.
R000 Nonscheduled Military Cargo Service.

(c) *All services.* This classification shall reflect, for the applicable elements, the aggregate amounts for all services performed by the operating entity:

Z000 All services

Sec. 19–5 Air transport traffic and capacity elements.

(a) Within each of the service classifications prescribed in section 19–4, data shall be maintained as applicable to specified air transport traffic and capacity elements.

(b) Under the category of airport-to-airport traffic and capacity data, data

applicable to those traffic and capacity elements in scheduled services (including extra sections) which are directly related to the performance of air transportation over each service segment shall be maintained. Separate data with respect to each individual flight stage in scheduled service shall be maintained in a manner which will permit summarization by flight number, service segment, service class, and aircraft type for each monthly period.

(c) Under the category of aircraft operations, data applicable to movements of aircraft, which are not encompassed by the elements included in the airport-to-airport traffic and capacity data, shall be maintained. Effective January 1, 1971, aircraft hours shall be maintained for each flight stage operated in the scheduled service on the basis of both "airborne", and "ramp-to-ramp" time, and in a manner which will permit summarization of the operating elements by aircraft type and, where applicable, by service class for each monthly period.

(d) Under the category of miscellaneous operating factors, data applicable to operating elements not ordinarily assembled from sources associated with records of airport-to-airport traffic or aircraft movements shall be maintained. These elements shall be maintained in a manner which will readily permit identification with each aircraft type for each monthly period.

(e) The elements, by category and alph-numeric code, for which data are to be maintained in accordance with the above are as follows:

AIRPORT-TO-AIRPORT TRAFFIC AND CAPACITY DATA

Z501 Interairport Distance. The great circle distance, in statute miles, between airports served by each flight stage, as published in the Civil Aeronautics Board's "Official Route and Mileage Manual." (See Part 247 of the Economic Regulations.)

X110 Revenue passengers enplaned. The number of revenue passengers enplaned. Effective January 1, 1971, data shall be maintained with respect to such enplanements to show for each airport subsequently served by each flight, the number of deplaning revenue passengers, i.e., the on-flight origin and destination thereof. Separate data shall be maintained as follows:

X111 First class.
X112 Coach.

X120 Nonrevenue passengers enplaned. The number of nonrevenue passengers enplaned.

X210 Revenue cargo tons enplaned. The total of revenue cargo tons enplaned. Effective January 1, 1971, data shall be maintained with respect to such enplanements to show for each airport subsequently served by each flight, the tons of deplaning revenue traffic, i.e., the on-flight origin and destination thereof, for each of the following classes:

X213 U.S. mail—priority.
X214 U.S. mail—nonpriority.
X215 Foreign mail.
X216 Express.
X217 Freight.

X130 Revenue passengers transported. The number of revenue passengers transported. Separate data shall be maintained as follows:

X131 First class.
X132 Coach.

X150 Nonrevenue passengers transported. The number of nonrevenue passengers transported.

X230 Revenue tons transported. The number of tons of revenue traffic transported. Separate data shall be maintained for each of the following classes of traffic:

X231 Passenger.
X233 U.S. mail—priority.
X234 U.S. mail—nonpriority.
X235 Foreign mail.
X236 Express.
X237 Freight.

X250 Nonrevenue tons transported. The number of nonrevenue tons of traffic transported.

X310 Seats available. The number of seats available. This figure shall reflect the actual number of seats available on the particular aircraft with which each flight stage is performed. Separate data shall be maintained as follows:

X311 First class.
X312 Coach.

X270 Tons available. The tons available. This figure shall reflect the payload capacity actually provided by the particular aircraft with which each flight stage is performed.

X410 Revenue aircraft miles flown. The revenue aircraft miles flown. All such data shall be maintained in accordance with the airport pairs between which service is actually performed whether or not in conformance with published schedules. At the option of the air carrier, aircraft miles may be developed from the data maintained for aircraft departures performed, described in code reference X510. Separate records shall be maintained as follows:

X411 Scheduled.
X412 Extra section.

X430 Revenue aircraft miles scheduled. The number of revenue aircraft miles scheduled. All such data shall be maintained in conformance with the airport pairs between which service is scheduled whether or not in accordance with actual performance. At the option of the air carrier, scheduled aircraft miles may be developed from the data maintained for scheduled aircraft departures, described in code reference X520.

X510 *Revenue aircraft departure performed.* The number of revenue aircraft departures performed. Separate data shall be maintained for each of the following classes of performed departures:

X511 Scheduled.
X512 Extra section.

X520 Revenue aircraft departures scheduled. The number of revenue aircraft departures scheduled.

AIRCRAFT OPERATIONS

Z420 Nonrevenue aircraft miles flown. The nonrevenue aircraft miles flown based upon the airport-to-airport distance of each flight stage. In circumstances where an interairport movement is not involved, the mileage may be computed by converting nonrevenue aircraft hours at the appropriate speed for the particular flight.

X610 Revenue aircraft hours (airborne). The revenue aircraft hours flown based upon the airborne time of each aircraft movement.

Z620 Nonrevenue aircraft hours (airborne). The aircraft hours flown in nonrevenue service based upon the "airborne" time of each aircraft movement. Separate data shall be maintained as follows:

Z621 Ferry.
Z622 Personnel training.
Z623 Developmental projects (costs not deferred).
Z624 Publicity (inaugural flights and similar hours).
Z625 Miscellaneous.

Z630 *Aircraft hours (ramp-to-ramp).* The aircraft hours flown in both revenue and nonrevenue services, based upon the "ramp-to-ramp" time of each aircraft movement.

Z640 *Aircraft hours in capitalized projects (airborne).* The aircraft hours flown in projects for which the associated costs have been deferred for subsequent disposition through amortization or otherwise. Both the airborne hours maintained here and the equivalent ramp-to-ramp hours shall be excluded from other aircraft hours data.

MISCELLANEOUS OPERATING ELEMENTS

Z810 *Aircraft days assigned to service—carrier's equipment.* The number of aircraft days that owned or rented aircraft are in the possession of the air carrier and assigned to services of the reporting air carrier or assigned to services of other carriers under aircraft interchange agreements. Aircraft days shall be allocated between operating entities as follows:

(1) Aircraft assigned exclusively to a particular operation shall be recorded for the operation to which assigned.

(2) Aircraft used interchangeably in two or more operating entities shall be prorated between entities on the basis of the ramp-to-ramp time the individual aircraft was in operation in each entity.

(3) The time of aircraft in maintenance or overhaul, or in reserve status, shall be assigned between operating entities on the basis of the relative ramp-to-ramp time all aircraft of the same type were in operation in each entity.

Z820 Aircraft days assigned to service—carrier's routes. The number of aircraft days that owned or rented aircraft and aircraft of others under interchange agreements are assigned to services performed by the air carrier.

Z830 Hours on other carriers' interchange equipment (airborne). The airborne hours flown with aircraft of others in both revenue and nonrevenue services of the air carrier under aircraft interchange agreements.

Z840 Revenue hours on other carriers' interchange equipment (airborne). The airborne hours flown with aircraft of others in revenue service of the air carrier under aircraft interchange agreements.

Z850 Hours by others on carrier's interchange equipment (airborne). The total airborne hours flown with aircraft owned or rented by the air carrier in the service of other air carriers under aircraft interchange agreements.

Z921 Aircraft fuels issued (gallons). The gallons of aircraft fuels issued during the current accounting period for both revenue and nonrevenue flights.

Z922 Aircraft oils issued (gallons). The gallons of aircraft engine oils issued during the current accounting period for both revenue and nonrevenue flights.

Sec. 19–6 Public disclosure of service segment data.

Service segment data in reports submitted by air carriers to the Board, in data banks on magnetic tape maintained at the CAB, and in tabulations prepared from the data banks by CAB shall not be disclosed, prior to 12 months following the close of the calendar year to which the data relate, except as follows:

(1) To parties to any proceeding before the Board to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the hearing examiner assigned to the case or by the Board. Any data to which access is granted pursuant to this section may be introduced into evidence, subject to the normal rules of admissibility of evidence.

(2) To agencies and other components of the U.S. Government.

The Board will make other disclosure of the subject data, upon its own motion or upon application of any interested person, when the Board finds the public interest so requires. The Board may, from time to time, publish summary information compiled from the service segment data, in a form which would not identify individual carrier data.

4. Amend paragraphs (k) and (l) of Section 21 to read as follows:

Section 21—Introduction to System of Reports

* * * * *

(k) Generally, nonscheduled services shall be treated as an integral part of the reporting entity to which most closely related without regard to the geographic area in which such nonscheduled services may actually be performed. However, supplemental reports shall be made of nonscheduled services (including services for the Department of Defense) in areas not encompassed by the prescribed reporting entity in any month in which the available ton-miles of such nonscheduled services exceed 5 percent of the total available ton-miles of the reporting entity. Such supplemental reports shall continue until waived by the Board upon a showing that such nonscheduled operations will not in the subsequent 12-month period exceed the 5-percent limit. The supplemental reports to be filed each month or calendar quarter, as applicable, shall be comprised of report schedules D-1, P-5, T-1, and T-2. Transport and nontransport revenues pertaining to such separately reported nonscheduled services shall be reflected on schedule P-2 each quarter with appropriate cross-references inserted on schedules P-3 and P-4, as applicable.

(l) When and as required in the national interest, any air carrier which performs nonscheduled transport services for the Department of Defense shall, when directed by the Board, make separate reports for such services as if they were conducted by a physically separated transport entity. Such reports shall consist of schedules P-1 through P-9, T-1, and T-2. The letter "D" shall be inserted on such reports, following the schedule number of each P and T schedule. Where a carrier has more than one reporting entity, nonscheduled transport and nonscheduled Defense services shall be assigned to the reporting entity to which more closely related.

5. Amend the list of schedules in paragraph (a) of Section 22—"General Reporting Instructions" by deleting present schedules T-1, T-1(a), T-2, T-3, T-4, and T-5, and substituting therefor new schedules T-1, T-2, and T-3; changing the filing date for schedule T-41; deleting footnote 2; and inserting a new footnote 2 applicable to schedules T-1, T-2, T-3, and T-41 so that the list in pertinent part reads:

Schedule No.		Filing	
		Frequency	Postmark interval (days)
* * *	* * *	* * *	* * *
T-1	Traffic and Capacity Statistics by Class of Service.	Monthly	[2] 30
T-2	Traffic, Capacity, Aircraft Operations and Miscellaneous Statistics by Type of Aircraft.	Quarterly	[2] 30
T-3	Airport Activity Statistics.	Quarterly	[2] 30
T-6	Summary of Civil Aircraft Charters.	Quarterly	40
T-41	Charter and Special Service Revenue Aircraft Miles Flown.	Annually	[2] 30
* * *	* * *	* * *	* * *

[1] In accordance with the provisions of §§ 235.4 and 235.5 of Part 235 of this subchapter.
[2] Interval relates to receipt by the Board in Washington, D.C., rather than postmark for these schedules.

6. Amend section 24 by revising paragraphs (b) and (c) of Schedule P-10—Payroll to read:

(b) A single set of this schedule shall be filed for personnel employed within the 48 contiguous States and the District of Columbia and separate sets shall be filed for each operating entity for personnel employed outside these locations. Flight and other personnel subject to travel shall be reported in accordance with the location at which normally based.

(c) Column 3, "Number of Employees" shall reflect, for each classification in column 1 the number of full- and part-time employees, both permanent and temporary, who worked or received pay for any part of the pay period(s) ending nearest the 15th day of the last month of the quarter whether paid weekly, monthly, or otherwise. Immediately below the total reported in column 3 shall be reported the comparable total number of employees for each of the first two months in the quarter being reported upon.

7. Amend Section 25 by deleting the present text through Schedule T-5, and substituting therefor the following text:

Section 25—Traffic and Capacity Elements

General instructions. (a) All prescribed reporting for traffic and capacity elements shall conform with the data compilation practices and standards set forth in Section 19—Uniform Classification of Operating Statistics. Additional codes are provided herein for elements to be reported on the T schedules which are derived from data prescribed in section 19.

(b) Schedules T-1, T-2, and T-3 shall be in a form prescribed by the Board or in the form of approved machine listings. The same information reported in these schedules shall be submitted on magnetic tape or punched cards at the time the schedules are submitted.

Schedule T-1—Traffic and Capacity Statistics by Class of Service

(a) This schedule shall be filed monthly by each route air carrier.

(b) Separate schedules shall be filed for each operating entity of the air carrier.

(c) The data shall be compiled as aggregates of the basic data prescribed in Section 19, Uniform Classification of Operating Statistics.

(d) A description of each item shall be given in the left margin, and separate columns shall be used to present the codes and data as applicable for each classification of service prescribed in section 19-4, namely, Scheduled First Class Passenger-Cargo Service, Scheduled Coach Passenger-Cargo Service, Scheduled Mixed Passenger-Cargo Service, Scheduled Cargo Service, Nonscheduled Civilian Passenger-Cargo Service, Nonscheduled Military Passenger-Cargo Service, Nonscheduled Civilian Cargo Service, Nonscheduled Military Cargo Service and All Services. In addition, columns are provided for total scheduled and total nonscheduled services. The schedule shall include the following items:

Code	*Elements*
X110	Revenue passengers enplaned.
X140	Revenue passenger-miles.
X141	First class.
X142	Coach.
X160	Nonrevenue passenger-miles.
X240	Revenue ton-miles.
X241	Passenger.
X243	U.S. mail—priority.
X244	U.S. mail—nonpriority.
X245	Foreign mail.
X246	Express.
X247	Freight.
X260	Nonrevenue ton-miles.
X320	Available seat-miles.
X321	First class.
X322	Coach.
X280	Available ton-miles.
X410	Revenue aircraft miles flown.
X411	Scheduled miles flown.
X430	Revenue aircraft miles scheduled.
X510	Revenue aircraft departures performed.
X610	Revenue aircraft hours.
X620	Nonrevenue aircraft hours.

Schedule T-2—Traffic, Capacity, Aircraft Operations and Miscellaneous Statistics by Type of Aircraft

(a) This schedule shall be filed quarterly by each route air carrier.

(b) Separate schedules shall be filed for each operating entity of the air carrier.

(c) The data shall be compiled as aggregates of the basic data prescribed in Section 19, Uniform Classification of Operating Statistics.

(d) A description of each item and the identifying code shall be given in the left margin, and separate columns shall be used for the data applicable to each type of aircraft as identified for reporting purposes by the Civil Aeronautics Board. Small aircraft of similar size may be

grouped in a single classification in accordance with section 24, schedules P–5.1 and P–5.2, paragraph (d). Similarly, aircraft not generally used in revenue service also may be grouped in a single classification. Aircraft of the same basic structure, but different cabin design shall be classified accordingly as passenger or cargo aircraft types. The schedule shall include the following items:

SCHEDULED SERVICES

Code	Elements
	Revenue Passenger - Miles (000).
A140	First Class Passenger-Cargo.
C140	Coach Passenger-Cargo.
E141	Mixed Passenger-Cargo, First Class.
E142	Mixed Passenger - Cargo, Coach.
G140	Cargo.
K140	Total.
	Available Seat-Miles (000).
A320	First Class Passenger-Cargo.
C320	Coach Passenger-Cargo.
E321	Mixed Passenger-Cargo, First Class.
E322	Mixed Passenger - Cargo, Coach.
G320	Cargo.
K320	Total.
K240	Revenue Ton-Miles.
K280	Available Ton-Miles.
	Revenue Aircraft Miles Flown.
A410	First Class Passenger-Cargo.
C410	Coach Passenger-Cargo.
E410	Mixed Passenger-Cargo.
G410	Cargo.
K410	Total.

NONSCHEDULED SERVICES

V140	Revenue Passenger - Miles (000).
V320	Available Seat-Miles (000).
V240	Revenue Ton-Miles.
V280	Available Ton-Miles.
V410	Revenue Aircraft Miles Flown.

ALL SERVICES

Z140	Revenue Passenger - Miles (000).
Z320	Available Seat-Miles (000).
Z240	Revenue Ton-Miles.
Z280	Available Ton-Miles.
Z410	Revenue Aircraft Miles Flown.

AIRCRAFT HOURS FLOWN

Z610	Revenue Aircraft Hours (airborne).
Z620	Nonrevenue Aircraft Hours (airborne).
Z621	Ferry.
Z622	Personnel Training.

AIRCRAFT HOURS FLOWN

Z623	Developmental Projects (Costs not Deferred).
Z624	Publicity (inaugural flights, etc.).
Z625	Miscellaneous.
Z650	Total Aircraft Hours (airborne).

MISCELLANEOUS OPERATING FACTORS

Z810	Aircraft Days Assigned to Service—Carrier's Equipment.
Z820	Aircraft Days Assigned to Service—Carrier's Routes.
Z420	Nonrevenue Aircraft Miles Flown.
Z411	Revenue Aircraft Miles in Scheduled Services excluding extra section.
	Carrier's Interchange Equipment:
Z830	Hours on Others (airborne).
Z840	Revenue Hours on Others (airborne).
Z850	Hours by Others (airborne).
Z640	Aircraft Hours in Capitalized Projects.
Z630	Aircraft Hours (ramp-to-ramp).
Z921	Aircraft Fuels Issued (gallons).
Z922	Aircraft Oils Issued (gallons).

SCHEDULE T–3—AIRPORT ACTIVITY STATISTICS

(a) This schedule shall be filed quarterly by each route air carrier.

(b) Separate schedules shall be filed for each operating entity of the air carrier.

(c) The data shall be compiled as aggregates of the basic data prescribed in Section 19, Uniform Classification of Operating Statistics.

(d) Separate data shall be given for each on-line airport at points certificated by the Civil Aeronautics Board for Scheduled services. Where a certificated point is served by more than one airport, the data pertaining to each airport shall be separately identified. The airports shall be listed in the left margin and separate columns, appropriately headed, shall be used to present the pertinent statistics. The schedule shall include the following items:

Item	Scheduled service	Nonscheduled service
On-line airport code		
Revenue aircraft departures scheduled	K520	
Scheduled revenue departures performed	K511	
Revenue aircraft departures performed in nonscheduled services		V510
Revenue aircraft departures performed in scheduled services. Total and by aircraft type	K510	
Revenue passengers enplaned	K110	V110
Revenue cargo tons enplaned:		
U.S. mail-priority	K213	V213
U.S. mail-nonpriority	K214	V214
Foreign mail	K215	V215
Express	K216	V216
Freight	K217	V217

8. Amend CAB Form 41 by deleting schedules T–1, T–1(a), T–2, T–3, T–4, and T–5, and substitute therefor schedules T–1, T–2, and T–3, which are attached hereto [1] and incorporated herein by reference.

(Secs. 204(a), 407(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

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

[F.R. Doc. 69–11226; Filed, Sept. 18, 1969; 8:49 a.m.]

[1] Filed as part of original document.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Assistant Secretary for Water Quality and Research is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (35) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

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

(35) One Special Assistant to the Assistant Secretary for Water Quality and Research.

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

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

[F.R. Doc. 69–11299; Filed, Sept. 18, 1969; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Simplification of Export Documentation

Notice is hereby given that pursuant to the authority contained in title 13, United States Code, section 302, the Foreign Trade Statistics Regulations (15 CFR Part 30) are amended as set forth below. Notice and hearing on the amendment and postponement of the effective date thereof are unnecessary because (1) the amendment is a change in substantive rules which grant or recognize exemptions or relieve restrictions, and (2) is an interpretive rule and statement of policy.

Effective date. This amendment to the Foreign Trade Statistics Regulations is effective on October 1, 1969.

Section 30.1, paragraph (b), is amended to read as follows:

§ 30.1 General statement of requirements for Shipper's Export Declarations.

* * * * *

(b) Shipper's Export Declarations shall be filed for merchandise moving as described above regardless of the method of transportation. Instructions for the filing of Shipper's Export Declarations for vessels, aircraft, railway cars, etc.,

when sold foreign appear in § 30.33. Exemptions from these requirements and exceptions to some of the provisions of these regulations for particular types of transactions will be found in Subparts C and D of this part.

Section 30.54, paragraph (a)(2), is amended to read as follows:

§ 30.54 Special exemptions for mail shipments.

* * * * *

(a) * * *

(2) The shipment is valued at $250 or under.

* * * * *

Section 30.55, paragraph (h), is amended to read as follows:

§ 30.55 Miscellaneous exemptions.

* * * * *

(h) Shipments (except shipments requiring a validated export license) between the United States and Puerto Rico, to the U.S. possessions, and to all countries except countries included in country groups S, W, Y, and Z, as defined in the export control regulations of the Office of Export Control (15 CFR Parts 368–399),* where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is $250 or under: *Provided, however,* That this exemption shall be conditioned upon the filing of such reports as the Bureau of the Census shall periodically require to compile statistics on $250-and-under shipments.

* * * * *

GEORGE H. BROWN,
Director, Bureau of the Census.

SEPTEMBER 9, 1969.

I concur: September 15, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-11306; Filed, Sept. 18, 1969; 10:05 a.m.]

PART 30—FOREIGN TRADE STATISTICS

Simplification of Export Documentation

Notice is hereby given that pursuant to the authority contained in title 13, United States Code, section 302, the Foreign Trade Statistics Regulations (15 CFR Part 30) are amended as set forth below. Notice and hearing on the amendment and postponement of the effective date thereof are unnecessary because (1) the amendment is a change in substantive rules which grant or recognize exemptions or relieve restrictions, and (2) is an interpretive rule and statement of policy.

Effective date. This amendment to the Foreign Trade Statistics Regulations is effective on October 1, 1969.

Section 30.39 is hereby amended by deleting paragraphs (b) and (c) and inserting in lieu thereof, new paragraphs (b), (c), and (d) to read as follows:

§ 30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.

* * * * *

(b) In addition to the procedures authorized in paragraph (a) of this section, the Bureau of the Census, with the concurrence of the Office of Export Control, may, on an individual case basis, authorize exemption from the requirement of § 30.6 that an export declaration be filed for each shipment, the exemption to be conditioned upon the filing, after the close of each month, of a single export declaration or other statistical report, in an approved format including punch cards, computer tapes, etc., covering shipments made during the month to all destinations except countries in country groups S, W, Y, and Z, as defined in the export control regulations of the Office of Export Control (Parts 368–399 of this title),* as follows:

(1) Application for permission to file export information on a monthly basis may be made directly to the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, with a copy sent to the Office of Export Control, Bureau of International Commerce, Washington, D.C. 20230.

(2) Authorization will be issued only when in the judgment of the Bureau of the Census complete and accurate information will be available on a monthly basis from the records of the applicant, and where the exemption from the filing of a Shipper's Export Declaration for individual shipments represents a reduction of reporting procedure in the individual case. (In general, these special reporting procedures will be limited to shippers who, on a continuing basis, make at least twenty (20) shipments per month out of an individual port by each of any one or more methods of transportation, and who are able to furnish summary data each month in all the detail required for statistical processing in terms of the various classifications and cross-classifications now required for statistical purposes, such as commodity data by port, by method of transportation and/or by name of carrier.) Where export control is a consideration, such authorizations will be granted when in the judgment of the Office of Export Control the applicant also has demonstrated that it has established adequate internal operating procedures and has taken other satisfactory safeguards to assure compliance with export control regulations without government review of individual declarations.

(3) (i) Procedures for clearing individual shipments through Customs without the presentation of a declaration, and the exact type of monthly or other report to be delivered, will be discussed and specifications developed in connection with each application.

(ii) Such authorizations will be subject to the requirement that declarations or other approved summarizations containing the necessary statistical information for all such shipments made during a given month will be submitted no later than the fifth working day of the month following the month of export. Moreover, records must be maintained in such a manner that the Bureau of the Census, the Office of Export Control, or the Bureau of Customs may, if desired, verify that a given shipment was, in fact, included in a particular monthly report.

(c) Authorization for the filing of monthly declarations or other summarizations under paragraphs (a) and (b) of this section may be terminated at any time.

(d) Part 386 of the Department of Commerce Export Control Regulations contains complete information on the requirements of the Office of Export Control in connection with the granting of authorizations for the filing of monthly summaries of export shipments.

ROBERT F. DRURY,
Acting Director, Bureau of the Census.

AUGUST 15, 1969.

I concur: September 10, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-11307; Filed, Sept. 18, 1969; 10:05 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[File 206-10-1]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Generic Names and Definitions for Manufactured Fibers

On January 30, 1967, the Rohm and Haas Co., Philadelphia, Pa. 19105, filed an application with the Federal Trade Commission for establishment of a generic name to cover a manufactured fiber developed by it which it designated XFE. The application was supplemented

*The following countries, as listed in Schedule C, comprise country groups S, W, Y, and Z, as defined in the export control regulations: Southern Rhodesia, Poland including Danzig, Rumania, Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Union of Soviet Socialist Republics, China, North Korea, North Viet Nam, and Cuba.

*The following countries, as listed in Schedule C, comprise country groups S, W, Y, and Z, as defined in the export control regulations: Southern Rhodesia, Poland including Danzig, Rumania, Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Union of Soviet Socialist Republics, China, North Korea, North Viet Nam, and Cuba.

on February 16, and July 31, 1967; and by letter of April 14, 1967, the Commission assigned to XFE the temporary designation "RH–0002," in accordance with § 303.8 (16 CFR § 303.8) [Rule 8] of the Commission's rules and regulations under the Textile Fiber Products Identification Act, 72 Stat. 1717, as amended; 15 U.S.C. section 70 (sometimes hereinafter referred to as "Act").

On April 3, 1968, a notice of proposed rule-making was issued by the Commission in this proceeding and subsequently published in the FEDERAL REGISTER at 33 F.R. 5459. Such notice provided that upon application of Rohm and Haas Co. for a generic name for the above-mentioned fiber and pursuant to section 4 of the Administrative Procedure Act, 60 Stat. 237, as amended; 5 U.S.C. 551, the Federal Trade Commission would give consideration to an amendment of section 303.7 (16 CFR § 303.7) [Rule 7] of the rules and regulations under the Act at a public hearing to be held in Washington, D.C., on May 21, 1968. Such notice further provided that interested parties could participate by attending the hearing or submitting to the Commission, in writing, on or before the date of the hearing, their views, arguments, or other pertinent data; and that any party wishing to submit further views, arguments, or data in response to other submittals pursuant to the notice could do so in writing at anytime within 30 days after the hearing closed. Such notice also provided that the matters to be considered were an examination of Rohm and Haas' application for the purpose of ascertaining whether Fiber RH–0002 could properly be designated by any existing generic name or names contained in § 303.7 (16 CFR § 303.7) [Rule 7] of the rules and regulations under the Act and for the further purpose of amending said section to provide for an appropriate generic name and definition covering Fiber RH–0002 in accordance with section 7(c) of the Act, 72 Stat. 1721; 15 U.S.C. 70e(c), if such action were determined to be necessary and proper.

Pursuant to the above notice, an oral hearing was held by the Commission on May 21, 1968; and by a further notice issued by the Commission on June 20, 1968, published in the FEDERAL REGISTER at 33 F.R. 9304, the time for filing further written views, arguments, and data was extended to July 22, 1968.

The only party who made submittals in this proceeding other than applicant was the Man-made Fiber Producers Association, Inc. (hereinafter referred to as "Man-made"), composed of a number of U.S. fiber producers which were said to account for more than 90 percent of U.S. production of man-made fibers (Tr. 30).

According to the application and other information submitted by applicant, its Fiber RH–0002 is an elastomeric fiber composed of from 56 percent to 63 percent by weight of butyl acrylate units, a substantial amount (but less than 30 percent by weight) of halogenated vinyl units, and a remainder of "other mono-unsaturated monomers," titanium dioxide, dye additives, and minor compounding agents. Applicant's proposed generic classification to cover RH–0002 is as follows:

> A manufactured elastomeric fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 75 percent by weight of at least one ester of a monohydric alcohol and acrylic acid, $CH_2=CH—COOH$, and up to 25 percent by weight of other mono-unsaturated monomers.

The first question is whether any of the existing generic name definitions encompass RH–0002. Applicant and Man-made take the view that they do not. After an examination of § 303.7 (16 CFR § 303.7) [Rule 7] of the rules and regulations under the Act in relation to RH–0002, it is concluded that RH–0002 is not covered by any of the classification therein.

The next matter for consideration is the argument of Man-made that promulgation of a new generic name to cover RH–0002 would be premature because applicant has not shown "convincing evidence that there is a probability of commercial success" of RH–0002. Such a showing is not regarded as necessary, since the Commission has neither found nor been referred to anything in the Act which would require it. Applicant has shown increasing production of RH–0002 and considerable testing thereof in apparel and other textile uses for which it was designed, with initially favorable results. It has shown significant market testing over a period of years which it regards as favorable and encouraging. It has shown the preliminaries of construction of necessary facilities to enter the market and estimates it will soon do so.

Applicant has made a convincing showing that it has developed a useful and practical fiber which it has resolved to develop commercially. It has demonstrated this resolve with concrete steps looking toward early marketing. This is a sufficient basis for promulgating a new generic name to cover a fiber not otherwise covered by a generic name provided by the Commission's rules.

Applicant's proposed generic name definition is broader than its fiber, in that such definition covers all acrylic esters rather than just butyl acrylate, the principal fiber former of RH–0002. Applicant's position is that fibers based on any of these acrylic esters will have unique chemical properties compared with other fibers and will be elastomeric, except it admitted that conceivably an inelastic fiber could be produced from some combinations of monomers which could come within the definition. Man-made urged that the definition be limited to butyl acrylate and also that the qualifying term "elastomeric" be stricken from applicant's definition. It stated that precedent favored the narrow definition; that the broad definition would likely encompass some fibers different from RH–0002 and perhaps some inelastic fibers; and finally that the definition was objectionable because it was based in part on a physical, rather than a chemical criterion—elasticity—contrary to the intent of the Act and past practice of the Commission.

The central point to consider in a matter such as this is that butyl acrylate is not a more or less chemically isolated synthetic fiber former, as some of the others are; it is a member of an homologous series of chemical compounds which must necessarily have very similar chemical characteristics. There is every reason to anticipate that other members of this series will be used as basic fiber formers for textile fibers. Applicant's patent application covering RH–0002 describes an elastomeric fiber based on ethyl acrylate as well as an elastic fiber backing based on 2-ethylhexyl acrylate. Moreover, Man-made conceded in its comments that "it is possible, and perhaps probable" that a definition restricted to butyl acrylate fibers would have to be amended in the future "because closely related esters of butyl ester (for example, isobutyl or amyl) could conceivably be developed which would yield fiber-forming polymers having properties similar to those of butyl derivative." From the comments submitted and from an analysis of this matter there appears to be no question that a definition limited to butyl acrylate would be too narrow.

It is determined that the whole series of acrylic esters should be included. The very similar chemical composition of these esters will, to a large degree, impart similar physical characteristics to commercial fibers developed from them. It it well known that elasticity is characteristic of acrylic esters and that a group of commercial heat and chemical resistant rubbers, the acrylate rubbers, are based on them. It is conceivable that an inelastic or otherwise noncharacteristic fiber could be made from an acrylic ester, but we do not regard this as barring the broader definition. The Commission's system of generic name definitions has evolved primarily as a chemical composition system rather than a physical properties system, in accordance with the Commission's convictions as to the intent of Congress. It is known that noncharacteristic fibers could be produced within several of the other fiber definitions (see, for example, testimony from an earlier proceeding, Tr. pp. 65–69, *Application of Rohm and Haas*, May 13, 1963, File 206–5–1), and no doubt to some degree this possibility is inherent in a chemical composition system. Should future problems arise in this regard, there is nothing to prevent reexamination by the Commission of any of the definitions of generic names.

The argument of Man-made that a definition including all the acrylic esters is broad from the standpoint of precedent is not persuasive. The polyester definition, paragraph (c) of § 303.7 (16 CFR § 303.7) [Rule 7(c)] of the rules and regulations is exactly parallel to the one favored here in that it too covers an entire range of esters by specifying the acid—terephthalic acid—but not the alcohol. Some of the other definitions in the said § 303.7 [Rule 7] are likewise

broad; paragraph (m), for example, includes the entire range of olefin units, and not just one or two.

Man-made also stated that the term "elastomeric"—being a criterion based on a physical property—would appear to have no place in the definition, since, as mentioned above, the Commission's system is based primarily on chemical composition. Nothing has been brought to the Commission's attention, nor does the Commission know of anything that would require use of this term; and indeed, applicant has conceded that it is not essential to a definition to cover its fiber. Therefore, the term "elastomeric" has been eliminated from the definition.

In applicant's proposed definition, the acrylic ester or esters comprise 75 percent or more by weight of that portion of the fiber described as the "fiber-forming substance," the remainder of such portion being "and up to 25 percent by weight of other mono-unsaturated monomers." This language would exclude most of the materials under the rubber definitions in paragraph (j) of the aforementioned § 303.7 (16 CFR § 303.7(j)) [Rule 7(j)]. There is no reason for excluding these materials while including wide ranges of other materials, and accordingly, the exclusion has been removed from the definition prescribed herein.

According to the application, the fiber-forming substance of RH–0002 is 80 percent to 90 percent by weight butyl acrylate. But the application goes on to say that the fiber-forming substance comprises only about 70 percent by weight of the fiber, "the balance consisting of an halogenated vinyl filler, titanium dioxide and dye additives, and minor compounding agents." The definition suggested by applicant does not cover this "balance" part at all, since applicant has not considered it to be part of the "fiber-forming substance" in its definition. However, from the patent application covering RH–0002 and various other information submitted by applicant, it is apparent that the "filler" portion of the fiber could be any one of the following: vinylidene chloride (principal fiber former of saran, 16 CFR § 303.7(f) [Rule 7(f)]), vinylidene fluoride, vinylidene fluorochloride, vinyl chloride (principal fiber former of vinyon, 16 CFR § 303.7(n) [Rule 7(n)]) or vinyl fluoride, along with a small amount of some modifier. Applicant wants it to be assumed that the unmentioned "filler," consisting of one of these vinyls plus a modifier, may be present in large, unspecified amounts in fibers under the new definition.

For a number of reasons, the "filler" portion of acrylic ester fibers should be accounted for in a generic definition of such fibers. These "fillers" are organic polymers just like the fiber formers of most other synthetic fibers, and there is no doubt that the "filler" in RH–0002 is chemically bound to the butyl acrylate portion of the fiber. The application and other information submitted by applicant indicates this, and no one has denied it. Moreover, the patent application submitted indicates that this chemical bonding would exist with regard to all the wide range of acrylic ester fibers described therein. Applicant's justification for its approach with regard to these "fillers" is that the "filler" in an acrylic ester fiber is a reinforcing agent, just as carbon black is in rubber, and carbon black is not mentioned in the rubber definitions in § 303.7(j) (16 CFR § 303.7(j)) [Rule 7(j)].

The Commission's study of this matter has indicated that there probably are differences between the sort of bonding occurring between the elastic and reinforcing components in RH–0002 and that occurring in the other more common rubbers, but the exact nature of these bonds in either case appears to be either unknown or a matter of scientific debate. It is concluded, therefore, that the scope of a generic term definition of acrylic ester fibers should not be made to turn on so nebulous a criterion as whether there is or is not an analogy between reinforcing processes in such fibers and those in other more common rubbers; nor is there any necessity for this. Therefore, the unspecified portion in applicant's definition has been changed from 25 percent to 50 percent, with the intention that such percentage include anything chemically bound to the elastic portion.

It is true that the reinforcing filler is not mentioned in the rubber definitions in § 303.7 of the rules and regulations [Rule 7] (16 CFR § 303.7) where primary chemical bonds may exist between the elastic and reinforcing components of the fibers, but use of carbon black fillers in those rubbers has been traditional. Moreover, conventional fiber-forming organic polymers have found little use as fillers in those rubbers, and carbon alone has not developed into an important fiber former in connection with household textile articles.

It will be observed that the definition prescribed herein would overlap with the definition of "modacrylic," as contained in paragraph (b) of § 303.7 (16 CFR § 303.7(b)) [Rule 7(b)] in that fibers ranging from 50 percent acrylic ester units—50 percent acrylonitrile units to 65 percent acrylic ester units—35 percent acrylonitrile units could fall in either definition. It has therefore been provided that such fibers, if developed, shall fall in the new definition because the likelihood is that they will be elastomeric and more characteristic of other fibers falling within the new definition than fibers falling within the modacrylic definition.

After consideration of the views, arguments, and data submitted pursuant to the notice of proposed rule-making herein and other pertinent information and material available to the Commission, the Commission has determined to amend its rules and regulations under the Textile Fiber Products Identification Act in the manner set forth below.

Section 303.7, Generic Names and Definitions for Manufactured Fibers, of Part 303, Subchapter C, Chapter 1, Title 16, Code of Federal Regulations [Rule 7], is hereby amended as follows:

Paragraph (b) of the § 303.7 [Rule 7] is amended and the following paragraph, designated as paragraph (q), is added to the end of the § 303.7 [Rule 7]:

§ 303.7 Generic names and definitions for manufactured fibers.

* * * * *

(b) *Modacrylic.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of less than 85 percent but at least 35 percent by weight of acrylonitrile units

$$(-CH_2-\underset{\underset{CN}{|}}{CH}-),$$

except fibers qualifying under subparagraph (2) of paragraph (j) of this section and fibers qualifying under paragraph (q) of this section. (Sec. 7, 72 Stat. 1717; 15 U.S.C. section 70e)

* * * * *

(q) *Anidex.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 50 percent by weight of one or more esters of a monohydric alcohol and acrylic acid, $CH_2{=}CH{-}COOH$.

Effective date. The amendments to the Commission's rules and regulations prescribed herein shall become effective 45 days after publication in the FEDERAL REGISTER.

Issued: September 16, 1969.

By the Commission.

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

[F.R. Doc. 69–11196; Filed, Sept. 18, 1969; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–207]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of August 1969, of approved fruit products and other approved products containing sugar amounts to Australian $85.20 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $85.20 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) under "Australia—Sugar content of certain articles"

is amended (1) by deleting therefrom the reference to T.D. 69-138 and (2) by adding a reference to this Treasury Decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
		69-168	New rate.
		69-190	New rate.
		69-207	New rate.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: September 9, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-11240; Filed, Sept. 18, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Certain Cheeses, Identity Standards; Confirmation of Effective Date of Order Regarding Use of Additional Safe, Suitable Milk-Clotting Enzymes

In the matter of amending the standards of identity for brick cheese, muenster cheese, edam cheese, limburger cheese, monterey cheese, provolone cheese, caciocavallo siciliano cheese, parmesan cheese, mozzarella cheese, low moisture mozzarella cheese, romano cheese, asiago fresh cheese, hard cheeses, semisoft cheeses, semisoft part-skim cheeses, soft ripened cheeses, spiced cheeses, hard grating cheeses, and skim-milk cheese for manufacturing (21 CFR 19.545, 19.550, 19.555, 19.575, 19.580, 19.590, 19.591, 19.595, 19.600, 19.605, 19.610, 19.615, 19650, 19.655, 19.660, 19.665, 19.670, 19,680, and 19.685) to permit use of all safe and suitable milk-clotting enzymes in cheesemaking:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 4, 1969 (34 F.R. 8908). Accordingly, the amendments promulgated by that order became effective August 3, 1969.

Dated: September 12, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11176; Filed, Sept. 18, 1969; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

PART 146—ANTIBIOTIC DRUGS: PROCEDURAL AND INTERPRETATIVE REGULATIONS

Hearing Procedure for Refusal or Withdrawal of Approval of New Drug Applications and for Issuance, Amendment, or Repeal of Antibiotic Drug Regulations; Interpretative Description of Adequate and Well-Controlled Clinical Investigations

The reports of the drug effectiveness review conducted by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, have resulted and will continue to result in the initiation of formal administrative proceedings to withdraw approval of new drug applications and to repeal regulations which provide for the certification of batches of antibiotic drugs. Before initiating such proceedings, the NAS-NRC reports are published and mailed to interested persons to offer an opportunity to present any available evidence that would satisfy the requirements of law as defined by the term "substantial evidence." If no such evidence is presented, formal proceedings are initiated on the ground there is a lack of substantial evidence to support the effectiveness the drugs purport and are represented to possess.

After the issuance of a notice of opportunity for a hearing on the proposed withdrawal of new drug approval, and after the publication of an order repealing an antibiotic regulation, persons who will be adversely affected are entitled to request a hearing. Before any evidentiary hearing will be ordered, it must appear affirmatively that there is a genuine and substantial issue of fact requiring such a hearing. In the case of novobiocin-tetracycline and novobiocin-sulfamethizole fixed combination drugs, which are the subject of another publication in this issue of the FEDERAL REGISTER, the Commissioner has ruled that the medical documentation offered by the Upjohn Co. in support of its request for a hearing does not provide any adequate and well-controlled clinical investigational data to support the promotional claims, that the agency cannot accept the type of empirical evidence of effectiveness the company seeks to offer through an evidentiary hearing as satisfying the requirement of law for "substantial evidence", and thus that there is no genuine and substantial issue of fact requiring an evidentiary hearing.

The scientific principles which characterize an adequate and well-controlled clinical investigation, and the reasons why the data presented in support of the drug claims do not satisfy these principles, are set forth in that order, and are published here for application in all similar administrative proceedings, whether in connection with the withdrawal of new drug approval or the repeal of antibiotic regulations. Unless a new drug applicant seeking a hearing on the proposed withdrawal of his application or the sponsor of an antibiotic drug covered by a regulation that is being repealed can show a reasonable likelihood that he is prepared to produce "substantial evidence" derived from adequate and well-controlled clinical investigations in support of his promotional claims, there is no basis for a hearing to receive evidence that would not in any event satisfy the legal requirement as to proof of effectiveness.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 701(a), 52 Stat. 1052, 1055; 59 Stat. 463; as amended by Public Law 87-781, 76 Stat. 781-782, 785-787, 21 U.S.C. 355, 357, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 130 and 146 are amended as follows:

1. Section 130.12(a)(5) is revised to read as follows:

§ 130.12 Refusal to approve the application.

(a) * * *

(5) (i) Evaluated on the basis of information submitted as part of the application and any other information before the Food and Drug Administration with respect to such drug, there is lack of substantial evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

(ii) The following principles have been developed over a period of years and are recognized by the scientific community as the essentials of adequate and well-controlled clinical investigations. They provide the basis for the determination whether there is "substantial evidence" to support the claims of effectiveness for "new drugs" and antibiotic drugs.

(*a*) The plan or protocol for the study must include the following:

(*1*) A clear statement of the objective of the study.

(*2*) A method of selection of the subjects that provides for:

(*i*) Adequate confirmation of the disease state present, including criteria of diagnosis and appropriate confirmatory laboratory tests.

(*ii*) Assignment of the patients to test groups without bias.

(*3*) An outline of the methods of quantitation and observation of the parameters studied in the subjects.

(*4*) A description of the steps taken to document comparibility of variables, such as age, sex duration of disease and use of drugs other than those being studied.

(*5*) A description of the methods of recording and analyzing the patient response variables studied and the means of excluding or minimizing bias from the observations.

(*6*) A precise statement of the nature of the control group against which the effects of the new treatment modality can be compared. Three types of controlled comparisons are possible:

(*i*) Placebo control: The new drug entity may be compared quantitatively with an inactive placebo control. This type of study requires at the minimum that the patient not be able to distinguish between the active product and the placebo. Double blinding, to include the clinical observer, may or may not be desirable, depending on the measurement system used to evaluate the results.

(*ii*) Active drug control: The new drug entity may be compared quantitatively with another drug known to be effective in situations where it is not ethical to deprive the subject of therapy. The same considerations to the level of "blinding" apply as with a placebo control study.

(*iii*) Historical control: In some circumstances, involving diseases with high and predictable mortality (acute leukemia of childhood) or with signs and symptoms of predictable duration or severity (fever in certain infections), the results of use of a new drug entity may be compared quantitatively with prior experience historically derived from the adequately documented natural history of the disease in comparable patients with no treatment or with treatment with an established effective therapeutic regimen.

(*7*) A summary of statistical methods used in analysis of the data derived from the subjects.

(*b*) For such an investigation to be considered adequate for consideration for approval of a new drug, it is required that the test drug be standardized as to identity, strength, quality, purity, and dosage form to give significance to the results of the investigation.

(*iii*) Uncontrolled studies or partially controlled studies are not acceptable evidence to support claims of effectiveness. A study is uncontrolled when there is no comparison study against which to evaluate the treatment results, or when such experimental factors as disease identity are not controlled.

(iv) A study is inadequately controlled when the criteria for patient selection are not adequately defined, investigator bias is not minimized, or an inadequately sensitive method of observation and evaluation of results is employed.

* * * * *

2. Section 130.14(b) is revised to read as follows:

§ 130.14 Contents of notice of hearing.

* * * * *

(b) If the applicant elects to avail himself of the opportunity for a hearing, he is required to file a written appearance requesting the hearing within 30 days after the publication of the notice and giving the reason why the application should not be refused or should not be withdrawn together with a well-organized and full factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition to the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the refusal to approve the application or the withdrawal of approval of the application, e.g., no adequate and well-controlled clinical investigations to support the claims of effectiveness have been identified, the Commissioner will enter an order on this data, making findings and conclusions on such data. If a hearing is requested and is justified by the applicant's response to the notice of hearing, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

* * * * *

3. The heading of Part 146 is changed to read as set forth above.

4. Section 146.1 (34 F.R. 6238) is amended by revising paragraph (d) and by adding a new paragraph (g), as follows:

§ 146.1 Procedure for the issuance, amendment, or repeal of regulations.

* * * * *

(d) The Commissioner on his own initiative or on the application or request of any interested person may publish in the FEDERAL REGISTER a notice of proposed rule-making to issue, amend, or repeal any regulation contemplated by section 507 of the act. An opportunity shall be given for interested persons to submit written comments and to request an informal conference on the proposal, unless such notice and opportunity for comment and informal conference have already been provided in connection with the announcement of the reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, to persons who will be adversely affected, or unless the no controversy or imminent hazard conditions set forth in paragraph (b) of this section have been met. After considering the written comments, the results of any conference, and the data available, the Commissioner will publish an order acting on the proposal, with opportunity for any person who will be adversely affected to file objections, to request a hearing, and to show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be made in writing within 30 days after the publication of the order acting on the proposal, and shall state the reasons why the proposal should not be adopted, or should not be adopted as proposed, together with a well-organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that there is no genuine issue of fact which precludes the action taken on the proposal, e.g., no adequate and well-controlled clinical investigations to support the claims of effectiveness have been identified, the Commissioner will enter an order on this data, making findings and conclusions on such data. If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing, in which case the provisions of Subpart F of Part 2 of the chapter shall apply to such hearing, except as modified by paragraph (f) of this section, and to judicial review in accord with section 701 (f) and (g) of the act.

* * * * *

(g) (1) No regulation providing for the certification of any batch of any drug composed wholly or in part of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, intended for use by man shall be promulgated and no existing regulation will be continued in effect unless it is established by "substantial evidence" that the drug will have such characteristics of identity, strength, quality, and purity necessary to adequately insure safety and efficacy of use. "Substantial evidence" has been defined by Congress to mean "evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effectiveness it purports and is represented to have under the conditions prescribed, recommended, or suggested in the labeling thereof." This definition is made applicable to a number of antibiotic drugs by section 507(h) of the act, and it is the

test of efficacy that will be applied in promulgating, amending, or repealing regulations for the certification of all antibiotics under section 507(a) of the act as well.

(2) The scientific essentials of an adequate and well-controlled clinical investigation and some characteristics of uncontrolled and inadequately controlled clinical investigations are described in § 130.12(a)(5) of this chapter.

Effective date. This order which is procedural and interpretative shall be effective upon publication in the FEDERAL REGISTER.

Dated: September 10, 1969.

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

[F.R. Doc. 69-11190; Filed, Sept. 18, 1969; 8:46 a.m.]

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

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

PART 148j—NOVOBIOCIN

Novobiocin-Tetracycline Combination Drugs: Calcium Novobiocin-Sulfamethizole Tablets; Final Order Repealing Regulations and Revoking Certificates

On Saturday, August 9, 1969, there was published in the FEDERAL REGISTER, 34 F.R. 12958, an order ruling on the Upjohn Co.'s objections and request for a hearing. Upjohn was afforded an opportunity to make an oral presentation before the Commissioner to offer its analysis of the reported medical literature on which it relies and explain its theory as to why the medical documentation it included in its objections can and should be accepted as satisfying the legal requirements of "substantial evidence" to support its claims of effectiveness for the fixed combination antibiotic drugs, tetracycline-novobiocin and sulfamethiozole-novobiocin, marketed by Upjohn under the trade names Panalba, Albamycin-T and Albamycin G.U.

On Wednesday, August 13, the oral presentation was made.

1. *Upjohn's motion to disqualify the Commissioner.* At the outset, Upjohn filed a motion and brief to disqualify the Commissioner on the grounds that he had prejudged the facts and that there had been an improper intrusion into the administrative process by the Monopoly Subcommittee of the Senate Select Committee on Small Business and by the Subcommittee on Intergovernmental Relations, House Committee on Government Operations, in Hearings on May 13 and May 27.

Both subcommittees were examining the Food and Drug Administration's actions to implement the reports of the National Academy of Sciences-National Research Council and the requirements of proof of effectiveness on fixed combination antibiotic drugs.

These subcommittees sought information as to what administrative steps had been taken and the basis for the actions. Answering these inquiries did not prejudge the facts involved. Nor did the congressional hearings improperly intrude into the administrative process. The Commissioner stated that he had acted on scientific data that was before him on May 9, but made it clear that Upjohn would have an opportunity to object, to request a public hearing, and to show reasonable grounds for a hearing. When the objections were filed on June 16, 1969, an additional review of the medical documentation was undertaken. And the critical issue now is whether the medical documentation satisfies the legal requirements. Over a period of months, the Commissioner has given Upjohn several opportunities to support its claims, and has maintained a willingness to examine all of the data the company has been able to present. Evaluating the data to take the steps required by law, such as the notice of proposed rule-making on December 24, 1968, the repeal of the regulations on May 9, 1969, and the publication of an order ruling on the Upjohn's objections on August 9, were not improper prejudgments of the scientific facts. The motion is denied.

2. *Upjohn's medical documentation does not satisfy the requirement of substantial evidence.* Upjohn's most earnest plea at the oral presentation was that it had shown reasonable grounds for a hearing and that a hearing on its objections was required. Its counsel listed eight factual issues it had presented in its initial objections and 10 questions it thought raised by the August 9 order.

These questions do not confront the vital issue whether, accepting the medical documentation offered by the Upjohn Co. as authentic, this documentation meets the statutory criteria of adequate and well-controlled investigations, including clinical investigations, on the basis of which it can fairly and responsibly be concluded by appropriately qualified experts that the fixed combination drugs will have the effectiveness they purport to possess and that they are represented to possess.

No amount of examination and cross-examination and oral explanation can change the scientific studies and the data reported into something they are not.

The real point at issue is what kind of scientific data is required by law to support the claims of effectiveness for the fixed combination antibiotic drugs.

Upjohn contends that "the totality of materials, which include these 54 articles, the material submitted to the FDA over the years since these products were certified, and the clinical experience in totality clearly satisfy the substantial evidence." It says that "clinical experience, widespread throughout the world, used by thousands upon thousands of doctors in 750 million doses * * * is a very significant factor."

The Commissioner concludes that Congress itself has described the type of evidence that is suitable to support claims of effectiveness. The claims must be supported by adequate and well-controlled investigations. This means that the experimental factors must be so controlled that the effectiveness of an antiinfective drug on the disease process in patients can be compared with the effect of no treatment or of a recognized effective treatment of patients with the same disease conditions. The Commissioner concludes that with combination drugs purported to have advantages exceeding those of the components, there must be adequate, well-controlled data documenting the claimed advantages.

While a controlled investigation does not always require comparisons with placebo or with a known active drug, when that type of double blind clinical study is not done other factors must be controlled for the study to yield meaningful results.

In this case, only three partially controlled studies have been identified. Two involve Panalba and the other Albamycin-T. They do not purport to cover the full range of claimed effectiveness for the combination drugs. Each of the three studies has a number of deficiencies that have been noted in the August 9 order. These three studies do not qualify as adequate and well-controlled investigations on the basis of which it could fairly and responsibly be concluded by experts that the drugs will have the effectiveness they purport to possess and that they are represented to possess.

Upjohn recognizes this fact, but contends that the several in vitro studies reported, the mouse study, and the uncontrolled observations reported in the literature, when added to the evidence obtained from the studies in which controls were attempted, raise the quality of the data to the level required by the law.

The in vitro studies are suggestive of some effectiveness for the combination of antibiotics in laboratory experiments utilizing artificially cultivated microorganisms as test systems, but because the studies are not at all correlated with clinical experience they cannot be used as a basis for concluding that the drugs will have the effectiveness claimed for them when used to treat naturally occurring clinical disease in man.

The single mouse study adds little. The authors admit that these experimental results with infections induced experimentally cannot be extrapolated to clinical experience.

The uncontrolled studies, made without comparison groups of patients and without other features of control that would yield comparative results such as by comparison with established treatments, yield only a type of qualitative comparison without any documentation or measured parameters. A large number of uncontrolled observations cannot have equal weight with adequate and

well-controlled investigations. These are random clinical observations without true scientific significance. Upjohn's medical spokesman agreed that quantitative evaluations should be done, and that there has been a trend toward such studies over the last 10 or 15 years, yet such studies are not available for appraising the effectiveness of the fixed combination drugs at this time.

Upjohn contends that bacteriologic tests in these studies constitute controls in a clinical study.

Bacteriological tests, especially if they include sensitivities as well as cultures, contribute to the control of studies by permitting control of one variable, that of etiology. This permits exclusion from the final results of those infectious cases in which the organism was resistant to the test drug and in which any patient improvement could not reasonably be attributed to the drug.

For adequate control, the treated group must be compared to an appropriate control group who are either untreated (placebo) or treated with some accepted form of therapy. Under some circumstances, the control group might be derived from the well-documented natural history of the disease, providing the conditions of observation of that group permit comparison with the treated group.

If an in vitro study shows a combination of antibiotics to have a "clear advantage over the use of a single antibiotic", as Dr. Vecchio stated, this can be tested in a controlled clinical situation in a number of ways, none of which has been done for these combinations. One way is to set up a double blind study and use control groups of patients, randomly selected, each group receiving one of the antibiotics alone, and one group receiving the fixed combination drug, and compare the clinical results.

Another way is to study a single disease, the natural course of which is known, including response to each of the component drugs alone, use only the combination drug being tested, and perform bacteriologic studies to be sure that any improvement which results can be attributed to the combination drug. The results must be compared with those obtained with each component alone.

Without the controls outlined, clinical studies are virtually meaningless.

3. *The reclassification of one study as inadequately controlled rather than uncontrolled.* There was some question as to whether the Seddon Study should be classified as a controlled study.

This paper was classified as an uncontrolled study in the August 9 order.

At the oral presentation, I stated that the paper should have been classified with the studies in which control was attempted.

This study was placed originally in the "uncontrolled" group because the method for randomization of the patients' assignment into the two groups, Albamycin-T and Tetracycline, was vague or undetermined, and therefore the validity of the significance level of the claimed results could not be assessed.

For example, the study was designed to include both those patients with acute and those with chronic bronchitis, but it does not explain how many of each were assigned to each treatment group. Table II reports on 63 patients in the tetracycline group and 60 in the Albamycin-T group. But, these two groups of patients total 123, not 143, the number of patients in the study. In addition, Table II indicates that three (3) out of the 63 patients in the tetracycline group had had no previous attacks of bronchitis, and nine (9) out of the 60 patients in the Albamycin-T group had had no previous attacks. Using these figures in Table II, it can be seen that three out of 63, or 4.7 percent of the tetracycline group had acute, first-time bronchitis, whereas nine out of 60, or 15 percent of the Albamycin-T group had acute, first-time bronchitis. It is reasonable to expect that first-time bronchitis responds more readily to treatment than chronic bronchial infection. This bias, in my opinion, makes the study as a whole uncontrolled even though a control group was technically present.

4. *Upjohn's insistence upon an evidentiary hearing.* The issues presented by Upjohn's counsel as disputed issues of fact (Argument, pp. 17–20) are not issues which require an evidentiary hearing.

In the "Dyestuffs" case, the Supreme Court had ruled that the statute did not require or allow the establishment of a safe tolerance for a coal tar color that was itself toxic. When the company objected to an order removing certain colors from the approved list, instead of establishing a safe tolerance for them, the court of appeals held that the objections presented on grounds for a hearing because the agency was being asked to take action it was not lawfully authorized to take.

Here the Congress has defined the kind of evidence that must be presented by sponsors of new drugs and antibiotic drugs to support the claims of effectiveness. Upjohn is asking for a hearing to prove that it has other kinds of evidence, particularly successful marketing experience with the combination drugs and a number of uncontrolled, partly controlled, and in vitro studies, which, it contends, can satisfy the requirement of "substantial evidence." The Agency cannot accept this evidence as a substitute for what the law plainly requires, and a hearing to prove Upjohn's marketing experience or the opinions of a number of experts that they would accept the evidence available as substantial evidence of effectiveness would not change the situation.

Upjohn's claim that it has had no opportunity to develop or to present the kind of evidence newly required as a result of the December 1968 announcement fails to take account of the fact that this substantial evidence requirement was introduced in 1962. The NAS-NRC classification of Panalba as ineffective as a fixed combination was simply a way of stating that there is no substantial evidence that the drug will have the effectiveness it purports and is represented to possess. Eight months have passed since that evaluation was announced. The time has come to end the marketing of these combination drugs which fail to meet the legal standards of effectiveness and which involve a significant and unacceptable hazard in the light of the failure of proof of effectiveness.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 76 Stat. 780, 781, 785–787; 21 U.S.C. 352, 357), and under authority delegated to the Commissioner (21 CFR 2.120), the request for an evidentiary hearing is denied, Parts 141c, 146c, and 148j are amended by repealing §§ 141c.234, 141c.238, 141c.239, 141c.261, 146c.234, 146c.238, 146c.239, 146c.261, and 148j.4, and certificates of safety and effectiveness issued under those regulations are revoked.

Effective date. In accordance with the order dated July 25, 1969, in The Upjohn Company v. Finch, et al., C.A. No. 163, U.S. District Court for the Western District of Michigan, this order shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: September 10, 1969.

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

[F.R. Doc. 69-11191; Filed, Sept. 18, 1969; 8:47 a.m.]

Title 25—INDIANS

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

SUBCHAPTER N—GRAZING

PART 152—NAVAJO GRAZING REGULATIONS

Regulations; Scope; Exceptions

On pages 10578–10581 of the FEDERAL REGISTER of December 24, 1957, there was republished Part 152, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations pertaining to the Navajo Grazing Regulations.

Incident to the decision of the United States District Court for the District of Arizona in Healing v. Jones, 210 F. Supp. 125 (1962), and the affirmance of that decision by the Supreme Court of the United States, 373 U.S. 758 (1963), section 152.4 of Part 152, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations, as republished in the FEDERAL REGISTER on December 24, 1957 (22 F.R. 10578), is amended to read as follows:

§ 152.4 Regulations; scope; exceptions.

The grazing regulations in this part apply to all lands within the boundaries of the Navajo Reservation held in trust by the United States for the Navajo Tribe and all the trust lands hereafter added to the Navajo Reservation. The

regulations in this part do not apply to any of the area described in the Executive order of December 16, 1882, to individually owned allotted lands within the Navajo Reservation nor to tribal purchases, allotted or privately owned Navajo Indian lands outside the exterior boundaries of the Navajo Reservation.

Since this amendment, which eliminates the entire 1882 Executive Order reservation area from the applicability of Part 152, is made in recognition of the determination in Healing v. Jones, supra, that the presently excluded area is jointly held by the Navajo and Hopi Tribes, notice and public procedure on the amendment are not necessary and this amendment becomes effective upon publication in the FEDERAL REGISTER.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1969.

[F.R. Doc. 69-11178; Filed, Sept. 18, 1969; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on April 12, 1969 (34 F.R. 6424). The following amendments are made to Part 601:

PARAGRAPH 1. Section 601.106 is amended by revising paragraphs (a)(1), (b), and (f)(5) to read as follows:

§ 601.106 Appellate functions.

(a) *General.* (1) There is provided in each region an Appellate Division with office facilities within the region. Unless they otherwise specify, taxpayers residing outside the territorial limits of the regional Appellate Divisions use the facilities of the Washington, D.C., branch office of the Appellate Division of the Mid-Atlantic Region. Subject to the limitations set forth in subparagraphs (2) and (3) of this paragraph, the Commissioner has delegated to certain officers of the Appellate Division of each region authority to represent the regional commissioner in his exclusive and final authority for the determination of Federal income, profits, estate, or gift tax liability (whether before or after the issuance of a statutory notice of deficiency) and for the determination of employment or certain Federal excise tax liability, in any case originating in the office of any district director situated in the region or in any case in whch jurisdiction has been transferred to the region, in which the taxpayer requests Appellate consideration and submits a written protest, when required, to the determination of liability made by that officer. A written protest is required if the total amount of proposed additional tax, proposed additions to tax and penalties, proposed overassessment, or claimed refund (or in an offer in compromise, the total amount of unpaid tax, additions to tax, penalties, and assessed interest sought to be compromised) exceeds $2,500 for any taxable period. A written protest is also required if no district conference is held regardless of the amount involved. The Appellate Division has complete jurisdiction of every income, profits, estate, or gift tax case after the issuance of the statutory notice of deficiency, subject to the limitations provided in subparagraph (2) of this paragraph. If the statutory notice of deficiency was issued by a district director of the Director of International Operations, the Appellate Division may waive jurisdiction to the director who issued the statutory notice during the 90-day (or 150-day) period for filing petition with the Tax Court, except where criminal prosecution has been recommended and not finally disposed of or the statutory notice includes the ad valorem fraud penalty. After the filing of a petition in the Tax Court the Appellate Division continues to have exclusive jurisdiction of the case, subject to the provisions of subparagraph (2) of this paragraph. Subject to the exceptions and limitations set forth in subparagraph (2) of this paragraph, there is also vested in the Appellate Division of the region authority to represent the regional commissioner in his exclusive authority to settle (i) all cases docketed in the Tax Court of the United States and designated for trial at any place within the territory comprising the region and (ii) all docketed cases originating in the office of any district director situated within the region or in which jurisdiction has been transferred to the region, which are designated for trial at Washington, D.C., unless the petitioner resides in and his books and records are located (or can be made available) in the region which includes Washington, D.C.

* * * * *

(b) *Initiation of proceedings before the Appellate Division.* In any case in which the district director has issued a preliminary or "30-day letter" and the taxpayer requests Appellate consideration and files a written protest when required (see paragraph (c)(1) of §§ 601.103 and 601.507) against the proposed determination of tax liability, except as to those taxes described in paragraph (a)(3) of this section, the taxpayer has the right (and will be so advised by the district director) of administrative appeal to the regional office of the Appellate Division. However, the appeal procedures do not extend to cases involving solely the failure or refusal to comply with the tax laws because of moral, religious, political, constitutional, conscientious, or similar grounds. Organizations such as labor unions and trade associations which have been examined by the district director to determine the amounts expended by the organization for purposes of lobbying, promotion or defeat of legislation, political campaigns, or propaganda related to those purposes are treated as "taxpayers" for the purpose of this right of administrative appeal. Thus, upon requesting appellate consideration and filing a written protest, when required, to the district director's findings that a portion of member dues is to be disallowed as a deduction to each member because expended for such purposes, the organization will be afforded full rights of administrative appeal to the Appellate Division of the region similar to those rights afforded to taxpayers generally. After review of any required written protest by the district director, the case and its administrative record are referred to the Appellate Division. No taxpayer is required to submit his case to the Appellate Division for consideration. Appeal is at the option of the taxpayer. A request for administrative appeal to the Appellate Division will not be denied because no district conference was held in the district director's office. After the issuance by the district director of a statutory notice of deficiency, upon the taxpayer's request, the Appellate Division may take up the case for settlement and may grant the taxpayer a conference thereon. Except in unusual circumstances, however, no conference will be granted prior to the filing of a petition in the Tax Court for a redetermination of the deficiency proposed in the statutory notice.

* * * * *

(f) *Conference and practice requirements.* * * *

(5) *Rule V.* In order to bring an unagreed income, estate, or gift tax case in prestatutory notice status, an unagreed employment or excise tax case, or an offer in compromise before the Appellate Division, the taxpayer or his representative should first file with the district office, Service Center, or Office of International Operations a written protest setting forth specifically the reasons for his refusal to accept the findings. If the protest includes a statement of facts upon which the taxpayer relies, such statement should be declared to be true under the penalties of perjury. The protest and any new facts, law, or arguments presented therewith will be reviewed by the receiving office for the purpose of deciding whether further development or action is required prior to referring the case to the Appellate Division. Where the Appellate Division has an issue under consideration it may, with the concurrence of the taxpayer, assume jurisdiction in a related case, after the office having original jurisdiction has completed any necessary action. The Director, Appellate Division, may authorize the regional Appellate Divisions to accept jurisdiction (after any necessary action by office having original jurisdiction) in specified classes of cases without written protests provided written or oral requests for Appellate Division consideration are submitted by or for each taxpayer.

* * * * *

PAR. 2. Section 601.201 is amended by revising paragraphs (c)(4) and (d)(3), and by revising subparagraphs (6)(iii)

and (12) of paragraph (e). These revised provisions read as follows:

§ 601.201 Rulings and determination letters.

* * * * *

(c) *Determination letters issued by district directors.* * * *

(4) Notwithstanding the provisions of subparagraphs (1), (2), (3), (5), and (6) of this paragraph, a district director will not issue a determination letter in response to an inquiry, although the inquiry presents a question specifically covered by statute, regulations, rulings, etc., published in the Internal Revenue Bulletin, where (i) it appears that the taxpayer has directed a similar inquiry to the National Office, (ii) the identical issue involving the same taxpayer is pending in a case before the Appellate Division, (iii) the determination letter is requested by an industry, trade association, or similar group, or (iv) the request involves an industrywide problem. Under no circumstances will a district director issue a determination letter unless it is clearly indicated that the inquiry is with regard to a taxpayer or taxpayers who have filed or are required to file returns in the district under his supervision. Notwithstanding the provisions of subparagraph (3) of this paragraph, a district director will not issue a determination letter on an employment tax question when the specific question involved has been considered or is being considered by the Central Office of the Social Security Administration. Nor will district directors issue determination letters on excise tax questions if a request is for a determination of a constructive sales price under section 4216 (b) or 4218(e) of the Code. However, the National Office will issue rulings in this area. See paragraph (d)(3) of this section.

* * * * *

(d) *Discretionary authority to issue rulings and determination letters.* * * *

(3) The National Office will issue rulings in all cases on prospective or future transactions when the law or regulations require a determination of the effect of a proposed transaction for tax purposes, as in the case of a transfer coming within the provisions of sections 1491 and 1492 of the Code, or an exchange coming within the provisions of section 367 of the Code. The National Office will issue rulings in all cases involving the determination of a constructive sales price under section 4216(b) or 4218(e) of the Code.

* * * * *

(e) *Instructions to taxpayers.* * * *

(6) * * *

(iii) A person, other than an attorney or certified public accountant, enrolled to practice before the Service, and who files with the Service a written declaration that he is currently enrolled (including in the declaration either his enrollment number or the expiration date of his enrollment card) and that he is authorized to represent the principal. (See Treasury Department Circular No. 230, as amended, C.B. 1966-2, 1171, for the rules on who may practice before the Service. See § 601.503(c) for the statement required as evidence of recognition as an enrollee.)

* * * * *

(12) Where a taxpayer has received an adverse determination under section 367 of the Code, a protest directed to the position upon which the adverse determination is based will be considered by an informal board established for this purpose by the Assistant Commissioner (Technical). All protests, whether or not there is a conference, will be considered by the board and the board will notify the Income Tax Division of its decision. The taxpayer will be notified by the Income Tax Division of the results of the board's consideration of the protest. This procedure is invoked by a request directed to the Assistant Commissioner (Technical).

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PAR. 3. Section 601.202 is amended by revising paragraphs (b) and (c)(6) to read as follows:

§ 601.202 Closing agreements.

* * * * *

(b) *Use of prescribed forms.* In cases in which it is proposed to close conclusively the total tax liability for a taxable period ending prior to the date of the agreement, Form 866, Agreement as to Final Determination of Tax Liability generally will be used. In cases in which agreement has been reached as to the disposition of one or more issues and a closing agreement is considered necessary to insure consistent treatment of such issues in any other taxable period Form 906, Closing Agreement as to Final Determination Covering Specific Matters, generally will be used. A request for a closing agreement which determines tax liability may be submitted and entered into at any time before the determination of such liability becomes a matter within the province of a court of competent jurisdiction and may thereafter be entered into in appropriate circumstances when authorized by the court (e.g., in certain bankruptcy situations). The request should be submitted to the district director of internal revenue with whom the return for the period involved was filed. However, if the matter to which the request relates is pending before an office of the Appellate Division, the request should be submitted to that office. A request for a closing agreement which relates only to a subsequent period should be submitted to the Commissioner of Internal Revenue, Washington, D.C. 20224.

(c) *Approval.* * * *

(6) Closing agreements providing for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, or under Revenue Procedure 69-13, I.R.B. 1969-14, 24, or for such mitigation and relief under Revenue Procedure 65-17, C.B. 1965-1, 833, may be entered into and approved by the Director of International Operations. The Director of International Operations may also enter into and approve closing agreements for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods, as the competent authority in the administration of the operating provisions of the tax conventions of the United States.

* * * * *

PAR. 4. Section 601.203 is amended by revising paragraph (d) to read as follows:

§ 601.203 Offers in compromise.

* * * * *

(d) *Conferences.* Before filing a formal offer in compromise, a taxpayer may request a meeting in the office which would have jurisdiction over his offer to explore the possibilities of compromising unpaid tax liability. After all investigations have been made, the taxpayer may also request a meeting in the office having jurisdiction of his offer to determine the amount which may be accepted as a compromise. If agreement is not reached at such meeting and the district director has processing jurisdiction over the offer, the taxpayer will be informed that he may request a district conference. A written protest is required if the assessed tax, penalty, and interest exceeds $2,500 for any return or taxable period. If agreement is not reached at the district conference, the taxpayer will be offered an opportunity to request consideration of his case by the regional office of the Appellate Division. Such request may be in writing or oral. If the assessed tax, penalty, and interest exceeds $2,500 for any return or taxable period, a written protest is required. The procedure in the three preceding sentences does not apply if the offer relates to a tax over which Appellate Division has no authority (see § 601.106(a)(3)). Taxpayers and their representatives are required to fulfill and comply with the applicable conference and practice requirements. See Subpart E of this part.

PAR. 5. The following new section is added immediately after section 601.205:

§ 601.206 Certification required to obtain reduced foreign tax rates under income tax treaties.

(a) *Basis of certification.* Most of the income tax treaties between the United States and foreign countries provide for either a reduction in the statutory rate of tax or an exemption from tax on certain types of income received from sources within the foreign treaty country by citizens, domestic corporations, and residents of the United States. Some of the treaty countries reduce the withholding tax on such types of income or exempt the income from withholding tax after the claimant furnishes evidence that he is entitled to the benefits of the treaty. Other countries initially withhold the tax at statutory rates and refund the excess tax withheld after satisfactory evidence of U.S. residence has been accepted. As part of the proof that the applicant is a resident of the United States and thus entitled to the benefits of the treaty, he must usually furnish a certification from the U.S. Government that he has filed a U.S. income tax return as

a citizen, domestic corporation, or resident of the United States.

(b) *Procedure for obtaining the certification.* Most of the treaty countries which require certification have printed special forms. The forms contain a series of questions to be answered by the taxpayer claiming the benefits of the treaty, followed by a statement which the foreign governments use for the U.S. taxing authority's certification. This certification may be obtained from the office of the district director of the district in which the claimant filed his latest income tax return. Some certification forms are acceptable for Service execution; however, others cannot be executed by the Service without revision. In these instances the office of the district director will prepare its own document of certification in accordance with internal instructions. This procedure has been accepted by most treaty countries as a satisfactory substitute.

(c) *Obtaining the official certification forms.* The forms may be obtained from the foreign payor, the tax authority of the treaty country involved, or the Office of International Operations.

PAR. 6. Section 601.301 is amended by revising paragraph (c) to read as follows:

§ 601.301 Imposition of taxes, qualification requirements, and regulations.

* * * * *

(c) *Regulations.* The procedural requirements with respect to matters relating to distilled spirits, wines, and beer which are within the jurisdiction of the Alcohol, Tobacco, and Firearms Division are published in the regulations described in this paragraph. These regulations contain full information as to the general course and method by which the functions concerning liquors are channeled and determined, including the nature and requirements of formal and informal procedures, the forms, records, reports, and other documents required, and the contents of applications, notices, registrations, permits, bonds, and other documents. Supplies of prescribed forms may be obtained from the office of assistant regional commissioners (alcohol, tobacco, and firearms), except that Forms 52–A, 52–B, 122, 133, 338, 2051, 2056–2060, 2621, and 2637 must be provided by the users at their own expense. Users and commercial printers may procure specimen copies of such forms from such offices. IRS Publication No. 480, which contains a listing of alcohol, tobacco, and firearms public-use forms, may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Such publication is available, for reference purposes, in Internal Revenue Service reading rooms. The following is a brief description of the several regulations arranged according to the principal subjects and operations concerned:

* * * * *

PAR. 7. Section 601.303 is amended by revising paragraphs (d) and (e) to read as follows:

§ 601.303 Claims.

* * * * *

(d) *Claims for allowance, credit, or relief.* A qualified permittee, manufacturer, or proprietor may, subject to the conditions in the appropriate regulations, file claim on Form 2635 with the assistant regional commissioner (alcohol, tobacco, and firearms) for allowance of loss, credit of tax, or relief from tax liability, as applicable, on (1) spirits returned to bonded premises, lost or destroyed on bonded premises or in transit thereto, lost in rectification or bottling operations, or lost by accident or disaster; (2) wine lost or destroyed on bonded premises or in transit thereto, and unmerchantable domestic wine returned to bond; (3) beer removed from the market, lost (other than by theft), or destroyed by fire, casualty, or act of God; (4) denatured spirits lost or destroyed in bond, or lost on the premises of a qualified dealer or user or in transit to such premises; and (5) tax-free spirits lost on the premises of a qualified user or in transit to such premises.

(e) *Claims for payment—disaster losses.* When distilled spirits, wines, rectified products, or beer held or intended for sale is lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" as determined by the President of the United States, the person holding such product for sale at that time may, subject to the conditions in the appropriate regulations, file claim on Form 843 with the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which the product was lost, rendered unmarketable, or condemned, for payment of an amount equal to the internal revenue taxes paid or determined and any customs duties paid thereon. Claims must be filed within 6 months from the date on which the President makes the determination that the disaster has occurred. The determination date is construed to mean the date the Director, Office of Emergency Preparedness, identifies the specific disaster area.

PAR. 8. Section 601.315 is amended by revising paragraph (f) to read as follows:

§ 601.315 Claims.

* * * * *

(f) *Losses caused by disaster.* Payment of an amount equal to the amount of internal revenue taxes paid or determined and customs duties paid on cigars, cigarettes, and cigarette papers and tubes removed from the factory or released from customs custody, which are lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" as determined by the President of the United States may be made only if, at the time of the disaster, such articles were being held for sale by the claimant. Claims must be filed within 6 months from the date on which the President makes the determination that the disaster has occurred. The determination date is construed to mean the date the Director, Office of Emergency Preparedness, identifies the specific disaster area.

* * * * *

PAR. 9. Section 601.318 is revised to read as follows:

§ 601.318 Forms.

Detailed information as to all forms prescribed for use in connection with tobacco taxes is contained in the regulations referred to in § 601.311(b). Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from assistant regional commissioners (alcohol, tobacco, and firearms). IRS Publication No. 480, which contains a listing of alcohol, tobacco, and firearms public-use forms, may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Such publication is available, for reference purposes, in Internal Revenue Service reading rooms.

PAR. 10. Section 601.319 is revised to read as follows:

§ 601.319 Applicable laws.

Chapter 53 of the Internal Revenue Code (26 U.S.C. 5801–5872), the provisions of which are chiefly derived from the National Firearms Act amendments of 1968 (82 Stat. 1227), imposes a tax on the manufacture and transfer in the United States, of machine guns, destructive devices, and certain other types of firearms, and an occupational tax upon every importer and manufacturer of, and dealer in, such firearms. Section 1(b)(2) of the act of August 9, 1939 (53 Stat. 1291; 49 U.S.C. 781–788) makes provision for the seizure and forfeiture of vessels, vehicles, and aircraft which are used to transport, carry, or possess, or to facilitate the same, any firearm with respect to which there has been committed any violation of the National Firearms Act or any regulations issued pursuant thereto. Title 1, State Firearms Control Assistance (18 U.S.C., chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213), provides for the licensing of importers and manufacturers of, and dealers in, firearms and ammunition, and of collectors of firearms and ammunition curios and relics, and establishes controls for firearms and ammunition acquisitions and dispositions. Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C., Appendix), of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197), as amended by Title III of the Gun Control Act of 1968 (82 Stat. 1236), prohibits the receipt, possession, or transportation of firearms by felons (as that term is defined in that Title), veterans who are discharged under dishonorable conditions, mental incompetents, aliens who are illegally in the country, and former citizens of the United States who have renounced such citizenship; and also prohibits the same by any employee of such persons in the course of his employment.

PAR. 11. Section 601.320 is revised to read as follows:

§ 601.320 Taxes relating to machine guns, destructive devices, and certain other firearms.

Part 179 of this chapter contains the regulations relative to the (a) payment of special (occupational) taxes by manufacturers and importers of, and dealers in, machine guns, destructive devices, and certain other types of firearms, (b) payment of the tax on the making or transfer of such firearms, (c) registration, identification, importation and exportation of such firearms, (d) keeping of books and records and rendering of returns, and (e) the forfeiture and disposition of seized firearms under the provisions of the National Firearms Act.

PAR. 12. Section 601.321 is revised to read as follows:

§ 601.321 Commerce in firearms and ammunition.

Part 178 of this chapter contains the regulations relative to (a) the licensing of importers and manufacturers of, and dealers in, firearms and ammunition, and collectors of firearms and ammunition curios and relics, (b) the identification of firearms, (c) the acquisition and disposition of firearms and ammunition, (d) the records required to be kept by licensees, and (e) the forfeiture and disposition of seized firearms and ammunition, under the provisions of title 1 of the Gun Control Act of 1968, and also (f) the restrictions regarding the receipt, possession, or transportation of firearms by certain persons under the provisions of title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

PAR. 13. Section 601.323 is revised to read as follows:

§ 601.323 Assessments.

Where the evidence disclosed by investigation establishes that additional or delinquent tax liability has been incurred and not paid, the assistant regional commissioner (alcohol, tobacco, and firearms), will notify the director of the service center to list the tax as an assessment. Notification and demand for payment of assessed taxes will be issued the taxpayer by the director of the service center.

PAR. 14. Section 601.324 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 601.324 Claims.

* * * * *

(a) Claims for refund of the making and transfer taxes, and of occupational taxes, whether assessed or voluntarily paid, and claims for redemption of "National Firearms Act" stamps, are prepared and filed in accordance with the procedures set forth in Part 179 of this chapter.

(b) Claims for abatement of making and transfer taxes are prepared and filed in accordance with the procedures set forth in § 601.303(b).

(c) Claims for abatement of occupational taxes and penalties erroneously assessed, and claims for redemption of stamps for occupational taxes, are prepared and filed in accordance with the procedures set forth in § 601.304(h).

* * * * *

PAR. 15. Section 601.326 is revised to read as follows:

§ 601.326 Seizure and forfeiture of personal property.

Part 172 of this chapter contains the regulations relative to the personal property seized by officers of the Internal Revenue Service as subject to forfeiture as being used, or intended to be used, to violate certain Federal laws; the remission or mitigation of such forfeiture; and the administrative sale or other disposition, pursuant to forfeiture, of such seized property other than firearms seized under the National Firearms Act and firearms and ammunition seized under title 1 of the Gun Control Act of 1968. For disposal of firearms under the National Firearms Act, see 26 U.S.C. 5872(b). For disposal of firearms and ammunition under title 1 of the Gun Control Act of 1968, see 18 U.S.C. 924(d).

PAR. 16. Section 601.327 is amended by revising paragraph (c) to read as follows:

§ 601.327 Offers in compromise.

* * * * *

(c) *Forfeiture liabilities.* The assistant regional commissioner (alcohol, tobacco, and firearms) is authorized to compromise liabilities to administrative forfeiture of personal property seized under the laws administered and enforced by the Internal Revenue Service, including liabilities to forfeiture under the internal revenue laws pertaining to wagering. Persons desiring to submit offers in compromise of such liabilities may submit such offers on Form 656–E to the chief special investigator (alcohol, tobacco, and firearms). Such offers are forwarded to the assistant regional commissioner (alcohol, tobacco, and firearms) for final action. When the offer is acted upon, the proponent is notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer in compromise is returned to the proponent. If the offer is accepted, the proponent is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

PAR. 17. Section 601.328 is amended by revising paragraph (a) to read as follows:

§ 601.328 Rulings.

(a) *Requests for rulings.* Any person who is in doubt as to any matter arising in connection with (1) operations or transactions in the alcohol tax area or under the Federal Alcohol Administration Act, (2) operations or transactions in the tobacco tax area, or (3) the taxes relating to machine guns, destructive devices, and certain other firearms imposed by chapter 53 of the Code; the registration by importers and manufacturers of, and dealers in, such firearms; the registration of such firearms; and the licensing of importers and manufacturers of, and dealers in, firearms and ammunition, and collectors of firearms and ammunition curios and relics, under chapter 44 of title 18 of the United States Code, may request a ruling thereon by addressing a letter to the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, or to the assistant regional commissioner (alcohol, tobacco, and firearms) of the region in which the inquirer's business is located. Since a ruling as defined in paragraph (a)(2) of § 601.201 can issue only from the National Office, any such request made to an assistant regional commissioner will be referred by him to the Director, Alcohol, Tobacco, and Firearms Division, for reply unless the issues involved are clearly covered by currently effective rulings or come within the plain intent of the statutes or regulations. If a request for a ruling is signed by a representative, or if the representative is to appear before the Internal Revenue Service, such representative must present a tax information authorization or a power of attorney, signed by the taxpayer, authorizing him to receive or inspect confidential information in the matter (see Subpart E of this part).

* * * * *

PAR. 18. Section 601.501 is amended by revising paragraph (a) to read as follows:

§ 601.501 Scope of conference and practice requirements; definitions.

(a) *Scope.* The conference and practice requirements prescribed in this subpart apply to all offices of the Internal Revenue Service, including the Office of the Chief Counsel. Such requirements are applicable to practice (including conferences) with respect to any matter involving any internal revenue tax, but do not extend to the mere signing of a tax return, claim, or election, since such an act, of itself, does not constitute practice before the Revenue Service. The signing of a tax return, claim, or election is governed by other rules or instructions relating to such matters. For special provisions relating to alcohol, tobacco, and firearms activities, see §§ 601.521 through 601.527.

* * * * *

PAR. 19. The center heading preceding § 601.521 is revised to read as follows:

REQUIREMENTS FOR ALCOHOL, TOBACCO, AND FIREARMS ACTIVITIES

PAR. 20. Section 601.522 is revised to read as follows:

§ 601.522 Power of attorney.

Except as otherwise provided in this section, a power of attorney, or copy thereof, will be required for a representative of a principal (a) to perform the acts specified in paragraph (c)(1) of § 601.502; or (b) to sign any application, bond, notice, return, report, or other document required by, or provided for in, regulations issued pursuant to chapter 51 (Distilled Spirits, Wines, and Beer), chapter 52 (Cigars, Cigarettes,

and Cigarette Papers and Tubes), and chapter 53 (Machine Guns, Destructive Devices, and Certain Other Firearms), Internal Revenue Code, title 1 of the Gun Control Act of 1968, or the Federal Alcohol Administration Act, which is filed with or acted on by (1) the office of an assistant regional commissioner (alcohol, tobacco, and firearms), or (2) the Director, Alcohol, Tobacco, and Firearms Division. The power of attorney may be executed on Form 1534, copies of which may be obtained from the assistant regional commissioner (alcohol, tobacco, and firearms). A power of attorney will not be required for a person authorized to sign on behalf of the principal by articles of incorporation, bylaws, or a board of directors, where an acceptable copy of such authorization is on file in the office of the assistant regional commissioner or of the Director. A power of attorney filed under the provisions of this section may cover one or more acts for which a power of attorney is required and will continue in effect with respect to such acts until revoked as provided in § 601.526. The exceptions to the requirements for a power of attorney contained in paragraph (c) (3) and (4) of § 601.502 are applicable to powers of attorney under this section.

PAR. 21. The section heading to § 601.527 is revised to read as follows:

§ 601.527 Other provisions applied to representation in alcohol, tobacco, and firearms activities.

PAR. 22. Section 601.702 is amended by revising so much of paragraph (a)(1) as follows subdivision (v) and so much of paragraph (d)(8)(ii) as precedes (*b*) thereof. These revised provisions read as follows:

§ 601.702 Publication and public inspection.

(a) *Publication in the Federal Register—(1) Requirement.* * * *

Pursuant to the foregoing requirements, the Commissioner publishes in the FEDERAL REGISTER from time to time a statement, which is not codified in this chapter, on the organization and functions of the Internal Revenue Service, and such amendments as are needed to keep the statement on a current basis. In addition, there are published in the FEDERAL REGISTER the rules set forth in this part (Statement of Procedural Rules), such as those in Subpart E, relating to conference and practice requirements of the Internal Revenue Service; the regulations in Part 178 of this chapter (Commerce in Firearms and Ammunition); the regulations in Part 200 of this chapter (Rules of Practice in Permit Proceedings); the regulations in Part 301 of this chapter (Procedure and Administration Regulations); the various substantive regulations under the Internal Revenue Code of 1954, such as the regulations in Part 1 of this chapter (Income Tax Regulations), in Part 20 of this chapter (Estate Tax Regulations), in Part 31 of this chapter (Employment Tax Regulations), in Part 47 of this chapter (Documentary Stamp Tax Regulations), or Part 201 of this chapter (Distilled Spirits Plants Regulations); the substantive regulations under the Federal Alcohol Administration Act (49 Stat. 977, as amended, 27 U.S.C. 201 et seq.), such as 27 CFR Part 1 (Basic Permit Regulations), 27 CFR Part 4 (Wine Labeling and Advertising Regulations), or 27 CFR Part 5 (Distilled Spirits Labeling and Advertising Regulations); and, whenever the Commissioner grants relief to any person pursuant to Part 178 of this chapter (Commerce in Firearms and Ammunition), the notice of such action together with the reasons therefor.

* * * * *

(d) *Rules for disclosure of certain specified matters.* * * *

(8) *Accepted offers in compromise.* * * *

(ii) *Alcohol and tobacco.* For each offer in compromise submitted and accepted pursuant to section 7122 in any case arising under subtitle E of the Code (relating to alcohol, tobacco, and certain other excise taxes); pursuant to section 7 of the Federal Alcohol Administration Act (27 U.S.C. 207) in any case arising under that Act; or in connection with property seized under title 1 of the Gun Control Act of 1968 (18 U.S.C., chapter 44), a copy of the Abstract and Statement relating to the offer will be available for public inspection, for a period of 1 year from the date of acceptance, in—

(*a*) The office of the assistant regional commissioner (alcohol, tobacco, and firearms) who received the offer and in the office of the district director for the internal revenue district in which the offer was submitted, in the case of offers accepted pursuant to the Code or title 1 of the Gun Control Act of 1968, or

* * * * *

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

[F.R. Doc. 69-11242; Filed, Sept. 18, 1969; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4686]

[Arizona 09391-C, 011812-A, 2729, 2735]

ARIZONA

Correction of Public Land Order No. 4657

Public Land Order No. 4657 of May 12, 1969, withdrawing and partially revoking national forest roadside zones and administrative sites, appearing in 34 F.R. 7808 and 7809 as F.R. Doc. 69-5823, so far as it identifies aggregate acreages is corrected to read as follows:

The aggregate acreage in (A-2729) is "174".

The aggregate acreage in (A-09391-C) is "301.8".

The aggregate acreage in (A-011812-A) is "264".

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1969.

[F.R. Doc. 69-11179; Filed, Sept. 18, 1969; 8:46 a.m.]

[Public Land Order 4687]

[Arizona 2777]

ARIZONA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

COCONINO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Lockett Meadow Recreation Area

T. 23 N., R. 7 E.,
Sec. 22, lots 5 and 12, E½NE¼;
Sec. 23;
Sec. 24, W½W½;
Sec. 25, NW¼NW¼NW¼;
Sec. 26, N½NW¼ and N½N½NE¼.

The areas described aggregate 1,103.48 acres within Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1969.

[F.R. Doc. 69-11180; Filed, Sept. 18, 1969; 8:46 a.m.]

[Public Land Order 4688]

[Sacramento 2319, 2320]

CALIFORNIA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

KLAMATH NATIONAL FOREST

[Sacramento 2319]

MOUNT DIABLO MERIDIAN

Bridge Flat Trailer Camp

T. 44 N., R. 11 W.,
Sec. 21, E½SW¼NE¼ and W½SE¼NE¼.

[Sacramento 2320]

HUMBOLDT MERIDIAN

Thompson Cave Area

T. 19 N., R. 7 E.,
Sec. 35, lots 1 and 2, S½NE¼.

The areas described aggregate approximately 196 acres in Siskiyou County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1969.

[F.R. Doc. 69-11181; Filed, Sept. 18, 1969; 8:46 a.m.]

[Public Land Order 4689]

[Utah 7545]

UTAH

Withdrawal for Metallurgy Research Center

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. 2), and reserved for use as a metallurgy research center to be operated by the Bureau of Mines:

SALT LAKE MERIDIAN

T. 1 S., R. 1 E.,
Parcel No. 4 of Tract "D".

The area described contains 34.32 acres in Salt Lake County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1969.

[F.R. Doc. 69-11182; Filed, Sept. 18, 1969; 8:46 a.m.]

[Public Land Order 4690]

[Riverside 07752]

CALIFORNIA

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Coachella Division, Boulder Canyon Project:

SAN BERNARDINO MERIDIAN

T. 6 S., R. 7 E.,
Sec. 32, S½NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, N½SE½NE¼.
T. 7 S., R. 7 E.,
Sec. 10, NE¼NE¼, NE¼NW¼NE½, E½SE¼NE¼, E½NE¼SE¼.

The areas described aggregate 150 acres in Riverside County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1969.

[F.R. Doc. 69-11183; Filed, Sept. 18, 1969; 8:46 a.m.]

[Public Land Order 4691]

[Wyoming 058208]

WYOMING

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Public Land Order No. 3064 of May 1, 1963, withdrawing lands for the Greybull Flats Unit, Big Horn Basin Division, Missouri River Basin Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 53 N., R. 93 W.,
Sec. 20, lots 3, 4, and 5.

The area described contains 136.72 acres in Big Horn County.

The lands are situated in the vicinity of Greybull. The Big Horn River adjoins the western portion of the lands. Topography of the area is dominated by the Big Horn River break and access is very poor. Vegetation consists of saltbush and sagebush associations with poor to fair grazing capacity.

2. At 10 a.m. on October 21, 1969, the public lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 21, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1969.

[F.R. Doc. 69-11184; Filed, Sept. 18, 1969; 8:46 a.m.]

[Public Land Order 4692]

[Oregon 4374]

OREGON

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

WHITMAN NATIONAL FOREST

East Pine Reservoir Area

T. 7 S., R. 46 E.,
Sec. 16, SW¼NE¼SW¼, S½NW¼SW¼, SW¼SW¼, N½SE¼SW¼, and S½NE¼SE¼;
Sec. 17, S½SE¼;
Sec. 20, E½NW¼NE¼, E½W½NW¼NE¼, W½E½SW¼NE¼, E½W½SW¼NE¼, E½NE¼NE¼SW¼, SE¼NE¼SW¼, NE¼SE¼SW¼, E½W½SE¼SW¼, NW¼NW¼SE¼, and W½SW¼NW¼SE¼.

The area described aggregates 290 acres in Baker County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1969.

[F.R. Doc. 69-11185; Filed, Sept. 18, 1969; 8:46 a.m.]

[Public Land Order 4693]

[New Mexico 5838, 5906]

NEW MEXICO

Addition to National Forests

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in exchanges made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made

a part of the Cibola and Lincoln National Forests and hereafter shall be subject to all laws and regulations applicable to said national forests:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

T. 4 N., R. 5 E.,
Sec. 12, E½NE¼SE¼, S½SW¼NE¼SE¼, and SE¼SE¼.

LINCOLN NATIONAL FOREST

T. 18 S., R. 11 E.,
Sec. 8, W½SW¼ and S½SE¼;
Sec. 14, S½NW¼ and SW¼;
Sec. 15, W½E½, SE¼NE¼, W½, and E½SE¼;
Secs. 17 and 18;
Sec. 19, lots 1 and 2, E½, E½NW¼;
Sec. 20;
Sec. 21, N½, SW¼, and SE¼SE¼;
Sec. 22;
Sec. 23, W½;
Sec. 26, W½E½, W½, and SE¼SE¼;
Sec. 27, N½, SW¼, and NE¼SE¼;
Sec. 28, NE¼ and S½;
Sec. 29;
Sec. 30, lots 3 and 4, E½, E½SW¼;
Secs. 31, 32, and 33;
Sec. 34, W½E½, SE¼NE¼, W½, and E½SE¼;
Sec. 35.

The areas described aggregate 10,779.55 acres in Torrance and Otero Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1969.

[F.R. Doc. 69-11186; Filed, Sept. 18, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Chapter I—Bureau of the Census

[15 CFR Part 30]

FOREIGN TRADE STATISTICS

Waiver of Authentication of Shipper's Export Declarations for Selected Shipments

Under present requirements Shipper's Export Declarations covering shipments to foreign destinations other than Canada must be presented to and authenticated by Customs prior to loading of the merchandise onto the exporting vessel or aircraft. The Bureau of the Census is considering a revision of the regulations to be effective November 1, 1969, which will permit exporters, agents, and carriers to omit the advance presentation and Customs authentication of Shipper's Export Declarations for certain specified shipments, provided there is no resultant lessening of the completeness and reliability of the information reported on the Shipper's Export Declaration. If the proposal is adopted, the Office of Export Control and the Bureau of Customs will revise their regulations accordingly. Exporters (or their agents) shall be responsible for preparing Shipper's Export Declarations in accordance with all current Government regulations. Airlines and steamship companies acting as carriers who agree to participate under the proposed new procedure will assume an increased supportive role as described in greater detail below. These proposed changes are designed to aid exporters and transportation companies in facilitating the movement of export cargo; and the success of these procedures is dependent upon their efforts. These proposed changes are not applicable to rail or truck shipments.

These revised regulations will be applicable only to Shipper's Export Declarations for General License shipments by air and water carriers destined to Country Groups T, V, and X as defined in Supplement No. 1 to Part 370 of the Export Control Regulations (15 CFR Parts 368–399).

All exporters and forwarders are eligible to utilize the revised procedures with participating carriers that agree to handle Shipper's Export Declarations in the manner described in Item II of this notice. Carriers that wish to use these procedures shall so notify the Bureau of the Census in writing and the names of such participating carriers may be obtained from District Directors of Customs. Under the terms of the revised regulations only two copies of the Shipper's Export Declaration need be prepared by the exporter or his agent, and all copies shall be delivered directly to the carrier prior to loading of the cargo upon the exporting vessel or aircraft. Additional copies may be required by export control regulations. The responsibilities of all parties participating in this alternate procedure are described in Item I and Item II of this notice.

I. *Responsibilities of exporters and agents, including steamship companies and airlines acting as agents.* Exporters and agents, including steamship companies and airlines acting as agents for exporters under this proposed procedure must adhere strictly to the following requirements:

(a) Exporters (or their agents) shall be responsible for fully and properly preparing Shipper's Export Declarations in accordance with the latest published rulings, regulations, instructions, etc., of the Bureau of the Census, Office of Export Control, and the Bureau of Customs, and shall make certain that commodity descriptions, Schedule B numbers, quantities (where required), values, and shipping weights are completely and accurately shown.

(b) Shipper's Export Declarations prepared in accordance with this procedure must bear in the upper right corner in the space for Customs Authentication Number a stamp reading "NAR" which will signify that no authentication is required.

(c) In addition, the bill of lading number or air waybill number, where available, must be legibly entered and identified in the box provided on the Shipper's Export Declaration, e.g., Air Waybill Number 16932.

II. *Supportive role of airline and steamship transportation companies.* Airline and steamship companies acting as carriers and agreeing to handle shipments under this proposed procedure must agree in writing to abide by the following in the processing of Shipper's Export Declarations:

(a) Shipper's Export Declarations accepted by carriers under this procedure must show in the upper right corner in the space provided for Customs Authentication a stamp entered by the exporter reading "NAR".

(b) Carriers shall review the declarations for completeness and consistency with other available records or information prior to the loading of the cargo onto the exporting vessel or aircraft. Among other things, the carriers will make certain that all required Customs, statistical, and export control information is shown on the document, including shipping weight, commodity description and Schedule B number, quantity (where required), value, a destination control statement, and the appropriate General License Symbol.

(c) If the declaration appears incomplete, it will be returned to the exporter or his agent for correction or verification. The corrected or verified declaration must then be returned to the carrier for rechecking prior to loading of the cargo.

(d) Carriers shall assure that any declaration accepted under this procedure covers only shipments made under General License to a destination in Country Groups T, V, or X.

(e) Carriers shall make certain that the bill of lading number or air waybill number is inserted in the box provided on the Shipper's Export Declaration.

(f) For each item on the manifest covered by a Shipper's Export Declaration filed under this procedure, carriers shall show in lieu of the authentication number the notation "NAR" (no authentication required) adjacent to the related bill of lading or air waybill number.

(g) Declarations accepted under this procedure shall be separated from authenticated declarations prior to submission of the manifest and declarations to Customs.

In accordance with the above procedure, the Foreign Trade Statistics Regulations (15 CFR Part 30) will be amended as set forth below. Interested persons may submit such written data, views, or arguments as they may desire to the Director of the Bureau of the Census, Washington, D.C. 20233, for a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

These proposed regulations are to be issued under the authority of title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Order No. 85–A, April 8, 1969, 34 F.R. 6703.

New §§ 30.42 and 30.43 are hereby established to read as follows:

§ 30.42 Authorization for waiver of the requirements for advance presentation and authentication of Shipper's Export Declarations.

(a) The following procedures may be utilized in lieu of the requirements relating to advance presentation and authentication of Shipper's Export Declarations for general license shipments made by air or water carriers and ultimately destined to Country Groups T, V, and X, as defined in Supplement No. 1 to Part 370 of this title (Export Control Regulations):

(1) Except as otherwise required by the export control regulations, only two copies of the Shipper's Export Declaration need be prepared by the exporter or his agent and delivered to the carrier. Shipper's Export Declarations prepared in accordance with this procedure must bear in the upper right corner in the space provided for Customs Authentication Number a stamp reading "NAR" which will signify that no authentication is required.

(2) The carrier accepting such declarations shall make certain that all the required Customs, statistical, and export

control information is shown on the declarations including shipping weight, commodity description, Schedule B number, quantity (where required), and value, and that such information is consistent with other available records or information. If the Shipper's Export Declaration appears incomplete or incorrect, it will be returned to the exporter or his agent to be corrected or verified and returned to the carrier prior to loading of the cargo.

(3) Carriers will also be required to check for compliance with all applicable export control requirements.

(4) For shipments where the Shipper's Export Declarations have not been authenticated in accordance with these provisions, manifests must show the notation "NAR" (no authentication required) and related bill of lading or air waybill number; and prior to submission of the manifest, such Shipper's Export Declarations shall be separated from those Shipper's Export Declarations which have been authenticated.

(5) In addition, carriers will insure that the bill of lading or air waybill number shown on the manifest is inserted in the box provided on the Shipper's Export Declaration.

(b) The above described provisions for omitting advance presentation and authentication of Shipper's Export Declarations are dependent upon the cooperation of exporters, shippers, and carriers in assuring that Shipper's Export Declarations are accurately and completely prepared. These special procedures in no way relieve the exporter, his agent, or the carrier from their responsibilities in reporting complete and accurate information.

(c) The privileges provided for in paragraph (a) of this section may be withdrawn from an exporter or agent of an exporter if it is determined by the Bureau of the Census or the Office of Export Control that such exporter or agent has knowingly furnished or assisted in the furnishing of inaccurate, incomplete, or otherwise inadequate Customs, Census and/or Export Control information required on the Shipper's Export Declaration.

(d) If it is determined by the Bureau of the Census or the Office of Export Control that a carrier participating in the procedures set forth in paragraph (a) of this section has knowingly failed or neglected to perform the functions required of it thereunder, then the privilege of participating in said procedures may be withdrawn from such carrier and any exporter or agent of an exporter using the services of such carrier thereafter, shall not be permitted to avail itself of the privileges provided for in paragraph (a) of this section when dealing with such carrier.

(e) Any exporter, agent or carrier from whom such privileges are withdrawn may apply for reinstatement of such privileges after a period of 45 days from the effective date of withdrawal. Application shall be in writing, addressed to the Bureau of the Census and shall contain an explanation of remedial action taken by the firm.

(f) Any exporter, agent or carrier from whom such privileges are withdrawn or whose application for reinstatement of privileges is denied may request an administrative review, and appeal to the Appeals Board of the U.S. Department of Commerce under the procedures set forth in § 30.43.

§ 30.43 Administrative review and appeals of determinations under § 30.42.

(a) *Purpose.* This section sets forth the procedures applicable to: (1) The consideration of requests for administrative review by the Bureau of the Census of protested withdrawal of privileges or denial of application for reinstatement of privileges under § 30.42 and (2) Appeals to the Appeals Board for the U.S. Department of Commerce from a decision issued by the Bureau of the Census upon a request for administrative review.

(b) *Definitions.* For purposes of this section:

(1) "Withdrawal of privileges" means denial by the Bureau of the Census of the privilege of participating in the procedures set forth in paragraph (a) of § 30.42.

(2) "Application for reinstatement of privileges" means a request, as provided for in paragraph (e) of § 30.42, by an exporter, agent of an exporter or a carrier for permission to participate in the procedures set forth in paragraph (a) of § 30.42 after the privilege of participating in such procedures has been withdrawn.

(3) "Administrative review" means a request for relief, as provided in paragraph (d) of this section, from a withdrawal of privileges or a denial of application for reinstatement of privileges.

(4) "Appeal" means a request for relief, as provided in paragraph (e) of this section, from a decision on an administrative review.

(c) *Grounds for requesting administrative review and appeal*—(1) *Grounds for administrative review.* Any exporter, agent or carrier may request an administrative review, as provided in paragraph (d) of this section, of a protested withdrawal of privileges or a denial of application for reinstatement of privileges where such withdrawal of privileges or denial of application for reinstatement of privileges works an exceptional and unreasonable hardship upon or improperly discriminates against such exporter, agent or carrier.

(2) *Grounds for appeal.* Any exporter, agent or carrier may appeal to the Appeals Board of the U.S. Department of Commerce, as provided in paragraph (e) of this section, from a decision by the Bureau of the Census, Washington, D.C. 20233, on an administrative review where such decision works an exceptional and unreasonable hardship upon or improperly discriminates against such exporter, agent or carrier.

(d) *Administrative review.* The Bureau of the Census will consider a request for administrative review of a withdrawal of privileges or a denial of application for reinstatement of privileges, when such request is submitted in accordance with the following provisions:

(1) *Request for administrative review must be in writing.* A request for administrative review must be in writing, in letter form, and shall be filed in duplicate together with any accompanying supportive evidence. If the submission of two copies of all accompanying documents or exhibits would place an undue burden on the petitioner, a waiver of this rule may be requested at the time the request for administrative review is filed.

(2) *Information to be contained in a request for administrative review.* A request for administrative review shall contain a clear and concise statement of the following information: (i) The administrative action which is protested, (ii) the grounds for the request, and (iii) the relief requested by the petitioner. The various grounds for the request shall be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

(3) *When and where to file a request for administrative review.* A request for administrative review shall be filed not later than 30 days after the date of notification of withdrawal of privileges or denial of application for reinstatement of privileges. Such request shall be filed with and addressed to the Bureau of the Census, Ref: "Administrative Review", U.S. Department of Commerce, Washington, D.C. 20233.

(4) *Decisions.* A request for relief may be granted or denied, in whole or in part. Decisions will be furnished to the petitioner in writing. If the decision is unfavorable, it may be appealed to the Appeals Board in accordance with the provisions of paragraph (e) of this section.

(e) *Appeals.* Any exporter, agent or carrier may appeal to the Appeals Board, upon the grounds indicated in paragraph (c) of this section, in accordance with the following provisions:

(1) *Preparation of appeals.* An appeal shall be clearly marked "Ref: Appeals Board for the U.S. Department of Commerce" and shall be in letter form. The appeals letter shall be prepared in accordance with subparagraphs (1) and (2) of paragraph (d) of this section and shall be accompanied by the same information and documents specified therein. The appellant may request the Bureau of the Census, in writing, to transmit to the Appeals Board the documentation originally submitted to the Bureau of the Census in support of a request for administrative review under paragraph (d) of this section.

(2) *When and where to file appeals.* Appeals may be filed not later than 30 days after the appellant receives notice of a final determination on an administrative review. All appeals shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230.

(3) *Oral presentation.* An appellant may request the opportunity for oral presentation before the Appeals Board; such request shall be in writing and included with the appeal. Where the appellant so requests and the Appeals Board believes it to be necessary to a proper determination, the appellant may be granted an opportunity to present orally further facts and argument. A date will be set and notice of the time and place (in Washington, D.C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation, unless waived by appellant. Such presentation will be heard informally; generally, no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. An appellant need not be represented by counsel unless he so wishes.

(4) *Records.* Records concerning an appeal may be made available for inspection and copying by persons properly concerned, upon written application. Such application shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, and shall set forth the applicant's interest, a description of the material or information contained in the record to be inspected or copied, and the purposes for which it is sought.

(5) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part, or dismissed at the request of the appellant. The decision on an appeal signed by the Chairman of the Appeals Board will be communicated to the appellant in writing.

A. Ross Eckler,
Director.

July 3, 1969.

I concur: August 4, 1969.

Eugene T. Rossides,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-11308; Filed, Sept. 18, 1969; 10:05 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-58]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the vicinity of Ponce, P.R.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The U.S. Standard for Terminal Instrument Procedures (TERPs) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPs updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPs. Accordingly, it is necessary to alter the Ponce, P.R., control zone and transition area and the San Juan, P.R., transition area to comply with the new control zone and transition area criteria.

In conjunction with the rule-making actions proposed in this docket, the following ancillary nonrule-making action is proposed.

Warning Area W-370 would be amended to read:

W-370 Vieques, P.R.

Boundaries. Beginning at lat. 17°50'00" N., long. 65°56'00" W.; thence to lat. 17°40'00" N., long. 65°53'00" W.; thence to lat. 16°30'00" N., long. 65°53'00" W.; thence to lat. 16°30'00" N., long. 66°23'00" W.; thence to lat. 17°47'50" N., long. 66°23'00" W.; thence to lat. 17°46'15" N., long. 66°18'30" W.; thence to lat. 17°50'00" N., long. 66°17'00" W.; to point of beginning, subdivided into eight parts by bisecting N-S and E-W through midpoint and further dividing these four areas by an E-W line through their midpoint, and commencing in the northwest corner and proceeding clockwise the northernmost four subdivisions numbered A, B, C, D, and in a similar manner the southernmost four numbered E, F, G, H.

Altitude. Surface to flight level 500.

Time of use. Continuous, but only after issuance of NOTAM.

Using agency. Commander, Caribbean Sea Frontier, San Juan, P.R.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations as follows:

1. In § 71.171 (34 F.R. 4557) Ponce, P.R., control zone is amended to read:

Ponce, P.R.

Within a 5-mile radius of the Mercedita Airport, Ponce, P.R. (latitude 18°00'40" N., longitude 66°33'50" W.); within 3.5 miles each side of the Ponce VOR 111° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the FAA publication International NOTAMs.

2. Section 71.181 (34 F.R. 4637) is amended as follows:

a. Ponce, P.R., transition area is amended to read:

Ponce, P.R.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Mercedita Airport, Ponce, P.R. (latitude 18°00'40" N., longitude 66°33'50" W.) north of latitude 18°00'00" N., and within an 8-mile radius of Mercedita Airport south of latitude 18°00'00" N.; within 9.5 miles south and 4.5 miles north of the Ponce VOR 111° radial, extending from the VOR to 18.5 miles east of the VOR.

b. The San Juan, P.R., 1,200-foot transition area is amended by deleting "thence west along latitude 18°00'00" N., to longitude 66°19'20" W.; thence south to latitude

17°49'30" N., longitude 66°23'30" W.; thence west to the intersection of longitude 66°25'30" W. and the arc of a 15-mile radius circle centered at Mercedita Airport" and substituting therefor "thence west along latitude 18°00'00" N., to and south along longitude 66°15'00" W., to and east along a line 4.5 miles north of and parallel to Ponce VOR 111° radial, to and south along a line 18.5 miles east of Ponce VOR and perpendicular to the Ponce VOR 111° radial, to latitude 17°46'15" N., longitude 66°18'30" W.; thence west along a line 9.5 miles south of and parallel to Ponce VOR 111° radial to the intersection of a 15-mile radius circle centered at Mercedita Airport."

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

Issued in Washington, D.C., on September 16, 1969.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-11198; Filed, Sept. 18, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

METAL ANGLES, SHAPES, AND SECTIONS

Country of Origin Marking; Extension of Time To Furnish Comments

SEPTEMBER 11, 1969.

The Bureau of Customs published in the FEDERAL REGISTER of August 12, 1969 (34 F.R. 13045), a notice of tentative ruling regarding the country of origin marking of metal angles, shapes, and sections. The notice provided that prior to the issuance of such ruling, consideration would be given to any relevant data, views, or arguments submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publicatfon of the notice in the FEDERAL REGISTER.

Notice is hereby given that the time for furnishing comments in response to the above notice is extended until October 27, 1969.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69-11241; Filed, Sept. 18, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DIRECTOR, NATIONAL PARK SERVICE

Delegation of Authority

NOTE: F.R. Doc. 69-10320 appearing in the issue of Aug. 29, 1969, pages 13879, 13880 should be changed as follows:

(1) The paragraph citations in the last line of paragraph 245.1.1C should be changed to read "* * * 2A (3) and (4)."

(2) The word "of" in the phrase "* * * approval of concurrence * * *" in paragraph 245.1.2A(1) should be changed to the word "or."

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

EARL H. HARKER & SONS ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting
NEW JERSEY
Earl H. Harker & Sons, Vincentown, July 31, 1969.
PENNSYLVANIA
Farmer's Livestock Market, Blairsville, July 31, 1969.
Wyalusing Livestock Market, Wyalusing, July 28, 1969.
TEXAS
Midland Livestock Market, Midland, July 23, 1969.
UTAH
Dixie Livestock Sales, Inc. St. George, July 31, 1969.

Done at Washington, D.C., this 15th day of September 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-11225; Filed, Sept. 18, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00449-99-80700. Applicant: Cornell University, Purchasing Department, Ithaca, N.Y. 14850. Article: Terragraph plotter, including connection for EZ-2 tracing table; SMK stereometric camera and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The articles will be used to bridge the gap in photogrammetry and surveying instruction between classical ground survey methods suitable for small distances at large scales and aerial photogrammetric methods suitable for large distances at small scales. They will also be used for instruction in terrestrial mapping principles for objects at distances from 10 feet to 500 feet. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article includes a versatile stereometric camera and specially designed compatible plotting equipment for converting the variety of photographs obtained to various types of drawings. For the applicant's intended purposes the availability of an apparatus providing this compatible combination is pertinent. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 12, 1969, that it knows of no terragraph plotter and camera manufactured in the United States which is comparable to the foreign article for the purposes for which this article is intended to be used.

NBS further advises that it knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11159; Filed, Sept. 18, 1969; 8:45 a.m.]

MACALESTER COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00455-01-77030. Applicant: Macalester College, St. Paul, Minn. 55101. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for instructional purposes concerning the following:

(a) Instructional use in undergraduate chemistry courses at Macalester College.

(b) Use in student-faculty research projects for structure determination;

(c) Spin decoupling studies for structure determination of reaction products, in both external and internal lock modes;

(d) Demonstration to undergraduates of both the capabilities and the limitations of different modes of n.m.r. operation.

(e) In the near future, Fluorine 19 and Carbon 13 work is planned to allow the students to become acquainted with the relationships of field and frequency chemical shifts and spin-spin splitting for nuclei other than protons;

(f) Study of the coordination of hydrogen cyanamide in transition metal complexes;

(g) The detection of hydrogen bonded to nitrogen in thionitrosyl chelates of the Group VIII metals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides both internal and external locking systems. The most closely comparable domestic instrument is the Model HA-60 nuclear magnetic resonance spectrometer (NMR) which is manufactured by Varian Associates (Varian). This domestic instrument provides either an internal or external locking system, but does not provide both systems in the same instrument. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 13, 1969, that the double-lock characteristic of the foreign article is pertinent to the purposes for which the article is intended to be used. The Department of Health, Education, and Welfare (HEW) in its memorandum of June 4, 1969, concurs in the finding of NBS.

For these reasons, we find that the Varian Model HA-60 NMR is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11160; Filed, Sept. 18, 1969; 8:45 a.m.]

MEDICAL COLLEGE OF SOUTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00445-33-54500. Applicant: Medical College of South Carolina, William W. Vallotton, M.D., 80 Barre Street, Charleston, S.C. 29401. Article: Slit lamp, Model R-900 and accessories. Manufacturer: Haag-Streit, Switzerland. Intended use of article: The article will be used in depicting lens changes in patients on phospholine iodide. Depth of patient's anterior chambers will also be measured. The desired model, however, has an easier to use and more reproducible tonometer which is important in studying intraocular pressure in pesticide and phospholine iodide exposed individuals. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used in studies related to changes on phospholine iodide in the eyes of patients. The foreign article is capable of photographically recording these changes while, at the same time, measuring the depth of the anterior chamber of the eye. We are advised by the Department of Health, Education, and Welafre (HEW) in its memorandum dated May 29, 1969, that this characteristic of the foreign article is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no instrument being manufactured in the United States, which provides the necessary photographic and depth-measuring capability.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11161; Filed, Sept. 18, 1969; 8:45 a.m.]

OREGON STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00450-01-77040. Applicant: Oregon State University, Corvallis, Oreg. 97331. Article: Mass spectrometer Model CH-7. Manufacturer: Varian Mat GmbH., West Germany. Intended use of article: The article will be used as a general analytical tool for measurement of molecular weights, scanning of ion fragmentation spectra, measurement of isotope abundance ratios, observation of metastable ions and analyses for trace components of mixtures in research programs in organic, biological, and analytical chemistry. The article will also serve as a training instrument for both graduate and undergraduate instruction in organic and analytical chemistry. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: One of the purposes for which the applicant intends to use the foreign article is the study of the inter- and intra-molecular migration of hydrogen brought about by heat alone. For this purpose the applicant needs a direct sample insertion probe which is capable of being cooled to minus 140° centigrade. The foreign article is provided with such a probe. We are advised by both the National Bureau of Standards (NBS), in its memorandum dated May 26, 1969, and the Department of Health, Education, and Welfare (HEW), in its memorandum dated June 18, 1969, that the coolable direct sample insertion capability is a pertinent characteristic of the foreign article and that this characteristic is not available in comparable domestic instruments such as the mass spectrometers manufactured by the Consolidated Electrodynamics Corp. (CEC) and Nuclide Corp. (Nuclide). NBS further advises that it knows of no instrument of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11162; Filed, Sept. 18, 1969; 8:45 a.m.]

WAYNE STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket. No. 69-00442-99-26000. Applicant: Wayne State University, Department of Psychology, 768 Mackenzie Hall, Detroit, Mich. 48202. Article: Basic two channel electrical system. Manufacturer:

AIM bioSciences Ltd., U.K. Intended use of article: The article will be used for instructional purposes concerning experiments involving Weber's Law, Piper's Law, critical fusion frequency, phiphenomena, temporal masking and many others. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a specially designed apparatus for studying and teaching psychophysiological aspects of the visual sensory processes. Such apparatus is usually custom-made to serve the unique needs of the user. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that it knows of no apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is available in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11163; Filed, Sept. 18, 1969; 8:45 a.m.]

UNIVERSITY OF MICHIGAN MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00414-33-62500. Applicant: The University of Michigan Medical Center, 1405 East Ann Street, Ann Arbor, Mich. 48104. Article: Strain gauge plethsymograph. Manufacturer: G. L. Loos & Co.'s Fabricken N.V., The Netherlands. Intended use of article: The article will be used for the measurement of blood flow in the digits and in the forearm or leg of subjects with arterial disease. The research proposes to study methods by which the blood flow could be improved. The method by which improvement will be attempted are the use of low fat diet to remove cholesterol from the arterial walls or by use of drugs to dilate the blood vessels. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a strain gauge plethsymograph which has the capabilities of electrical calibration in terms of volume change and a system frequency response that permits measurements of small volume change over extended periods of time. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated June 2, 1969, that the only known comparable domestic instrument manufactured by Park Electronics Inc., does not have these capabilities. We, therefore, find that the strain gauge plethsymograph manufactured by Park Electronics Inc., is not of equivalent scientific value to the foreign article for such purposes as the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11164; Filed, Sept. 18, 1969; 8:45 a.m.]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00454-50-02000. Applicant: University of Washington, Department of Atmospheric Sciences, Seattle, Wash. 98105. Article: Ultrasonic sonic anemometer with probe, Type PAT-311 sonic anemometer and TR-31 probe. Manufacturer: Kaijo Denki, Japan. Intended use of article: The article is intended to be used during April 1969, as part of the Barbados Oceanographic and Meteorological Experiment (BOMEX). The article will measure 3-vector wind components and temperature from which the turbulent fluxes of momentum and heat may be calculated as well as various other turbulence statistics. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of measuring 3-vector wind components, as well as temperature. This characteristic is pertinent to the purposes for which the article is intended to be used. We are advised by the National Bureau of Standards (NBS) in its memorandum of May 20, 1969, that it knows of no instrument or apparatus being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11165; Filed, Sept. 18, 1969; 8:45 a.m.]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00444-33-16030. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Scintillation counter and accessories, Model SC-LP2. Manufacturer: Panax Equipment, Ltd., U.K. Intended use of article: The article will be used for the measurement of Na^{24} radioactive isotope activity in single cells and effluent, using a new technique of plastic phosphor scintillation counting. The article will house the plastic scintillation sandwiches over the photomultiplier and retrieve the cell via the gate of the lead castle. Comments: No comments have been received with respect to this application. Decision: *Application approved with regard to the Type SC-LP2 scintillation counter and additional circular perspex inserts for Type SC-LP2 scintillation counter;* denied without prejudice to resubmission with regard to the Type P 7702A autoscaler. Reasons: The foreign article (scintillation counter Type SC-LP2) permits the use of plastic phosphors and allows the user to retrieve the cell via the gate of the lead castle. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 12, 1969, that this is a pertinent characteristic, since it is necessary to the accomplishment of the purposes for which the article is intended to be used. NBS further advises that it knows of no scintillation counter being manufactured in the United States, which

provides this pertinent characteristic. In regard to the Type P7702A autoscaler which accompanies the foreign scintillation counter, NBS advises that this article is not an accessory to the scintillation counter because any autoscaler functions independently of a scintillation counter. There are also a number of autoscalers being manufactured in the United States, one or more of which may possibly be of equivalent scientific value to the foreign autoscaler for such purposes as this article is intended to be used. The applicant, therefore, is advised to submit a separate application for the Type P7702A autoscaler so that the justification of duty-free entry for this article may be determined on its own merits.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11166; Filed, Sept. 18, 1969; 8:45 a.m.]

Maritime Administration

GRACE LINE INC.

Notice of Application

Notice is hereby given that Grace Line Inc., has applied for permission to call at Bermuda with vessels operating on its subsidized service on Trade Route No. 2 (U.S. Atlantic/West Coast South America).

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on September 30, 1969, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time, do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By Order of the Maritime Subsidy Board.

Dated: September 16, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-11256; Filed, Sept. 18, 1969; 8:50 a.m.]

U.S. GOVERNMENT-SPONSORED COMMODITIES

Voyage Charter Rate Guidelines

Notice is hereby given that the Maritime Administration has determined that voyage charter rate guidelines applicable to the movement of full shiploads of U.S. Government-sponsored commodities in U.S.-flag vessels shall be suspended for a period of six (6) months.

The above suspension shall be effective upon the date of publication in the FEDERAL REGISTER.

Dated: September 16, 1969.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-11278; Filed, Sept. 18, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

REICHHOLD CHEMICALS, 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 OB 2452) has been filed by Reichhold Chemicals, Inc., RCI Building, White Plains, N.Y. 10602, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to change from 400 parts per million to 4,000 parts per million the maximum residual-free phenol content of cyclized rubber presently permitted for use in coatings for paper and paperboard intended for use in contact with food only of the types identified in paragraph (c) of that section, table 1, under types VIII and IX.

Dated: September 11, 1969.

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

[F.R. Doc. 69-11177; Filed, Sept. 18, 1969; 8:46 a.m.]

DRUGS FOR VETERINARY USE; DRUG EFFICACY STUDY IMPLEMENTATION

Announcement Regarding Dyclonine Hydrochloride

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Pitman-Moore, Division of the Dow Chemical Co., Research Center, Box 10, Zionsville, Ind. 46007:

1. Dyclone Creme, 1 percent; contains 10.0 milligrams of dyclonine hydrochloride (4-*n*-butoxy-β-piperidinopropiophenone) per gram.

2. Solution Dyclone, 0.5 percent; contains 5.0 milligrams of dyclonine hydrochloride per milliliter.

The Academy concludes that (1) these products are probably effective for many situations requiring topical anesthesia in cats, dogs, and cattle; (2) documentation is needed to substantiate the claim that the Dyclone Creme preparation has antiseptic and antifungal properties or accelerates healing; and (3) documentation is needed to substantiate the claim that the Dyclone Solution does not impair healing of the cornea. The Food and Drug Administration concurs with the conclusions of the Academy.

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

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

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

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

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

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

Dated: September 4, 1969.

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

[F.R. Doc. 69-11220; Filed, Sept. 18, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-95]

EVANSVILLE, IND.

Notice of Proposed Revocation of Designation as a Port of Documentation—Extension of Time

1. F.R. Doc. 69-10353, published on page 13883 in the issue dated Friday, August 29, 1969, contained a proposal to revoke the designation of Evansville, Ind., as a port of documentation, to designate Paducah, Ky., as a port of documentation, and to conduct at and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Paducah, Ky., and the office of the Officer in Charge, Marine Inspection, Louisville, Ky., such documentation activities as have been performed at Evansville.

2. This notice required submission in writing of data, views, or arguments on or before September 15, 1969. It appears desirable to extend this time to insure that all interested parties receive full and adequate opportunity to comment.

3. The time for submission in writing of data, views or arguments regarding this proposal is hereby extended from September 15, 1969 to October 15, 1969.

(Sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2))

Dated: September 12, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-11221; Filed, Sept. 18, 1969; 8:48 a.m.]

[CGFR 69-94]

SCHLUMBERGER TECHNOLOGY CORP.

Notice of Qualification as a Citizen of the United States

1. This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21 Customs Regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), the Schlumberger Technology Corp., 277 Park Avenue, New York, N.Y., incorporated under the laws of the State of Texas, did on September 2, 1969, file with the Commandant of the U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

2. The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

3. The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on 1969 issued to the Schlumberger Technology Corp. a certificate of compliance on Form 1262, as provided in 19 CFR 3.21(i) (§ 3.21(i), Customs Regulations). The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (§ 3.21(h), Customs Regulations).

Dated: September 12, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-11222; Filed, Sept. 18, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-326]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Notice of Issuance of Amendment to Construction Permit

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1 to Construction Permit No. CPRR-107 dated May 5, 1969. The permit presently authorizes the construction of a TRIGA Mark I pulsing research reactor facility on the campus at Irvine, Calif. The amendment authorizes the insertion into the reactor for preoperational testing purposes of one instrumented fuel rod and two fueled follower control rods.

By letter dated June 5, 1969, and supplement dated August 25, 1969, the Regents of the University of California requested authorization to install one instrumented fuel rod and two fueled follower control rods prior to issuance of the operating license in order to checkout the safety and control instrumentation. Possession of this fuel by the University is authorized under License No. SNM-1143. The amount of uranium-235 in the rods (about 120 grams) is less than 10 percent of the amount required for criticality. Therefore, there would be no significant hazard to the public. Since the elements will not receive any irradiation in the proposed use, the radiation hazard in handling these fuel elements is negligible.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR, Chapter I. The Commission has made the findings (relating to its review of the application) which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated June 5, 1969, supplemented August 25, 1969, and (2) the amendment to construction permit, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington D.C. Copies of item 2 above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of September 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-11157; Filed, Sept. 18, 1969; 8:45 a.m.]

[Docket No. 50-252]

UNIVERSITY OF NEW MEXICO

Notice of Proposed Issuance of Amendment to Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of an amendment to Facility License No. R-102 dated September 17, 1966, which presently authorizes The University of New Mexico to possess, use and operate its Model AGN-201, Serial No. 112 nuclear reactor at Albuquerque, N. Mex., at power levels up to 100 milliwatts (thermal). The proposed amendment would authorize operation of the reactor at increased power levels up to 5 watts (thermal) following completion

of the modifications described in the application for amendment dated November 11, 1968, and supplement dated June 1, 1969, and redesignate the reactor as Model AGN-201M, Serial No. 112.

The Commission has found that the application for the amendment, as supplemented, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR, Chapter I.

The amendment will be issued after the Commission makes the findings relating to its review of the application which are set forth in the proposed amendment and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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

For further details with respect to this proposed amendment, see (1) the application for license amendment dated November 11, 1968, and supplement thereto dated June 1, 1969; (2) the proposed amendment to the facility license; and (3) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 9th day of September, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-11158; Filed, Sept. 18, 1969; 8:45 a.m.]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Order Changing Hearing Date and Notice Regarding Limited Appearances

Hearing date change. 1. In a notice of hearing published in the FEDERAL REGISTER on June 28, 1969 (34 F.R. 10011), a hearing was scheduled before an Atomic Safety and Licensing Board to consider the issuance of an operating license to the Trustees of Columbia University for a "Triga Mark II" type research reactor to be located on the Columbia University campus in upper Manhattan, New York City. By a subsequent notice in the FEDERAL REGISTER on August 9, 1969 (34 F.R. 12970), the hearing date was rescheduled for September 23, 1969.

2. Acting upon requests to postpone this rescheduled hearing date received from the intervenor Riverside Democrats, Inc., and the Director, Office of Radiation Control, New York City Department of Health, and upon its own concern to provide additional notice to interested parties of the opportunity to make limited appearances under section 2.715 (a) of the Commission's rules of practice, the Board hereby orders that the hearing be reset for November 18, 1969, at 10 a.m. local time, in Room 261, U.S. Customs Court, 1 Federal Plaza, New York, N.Y.

Limited appearances. 3. In the discretion of the Board Chairman, a person who is not a party to the proceeding may be permitted to make a limited appearance at the hearing by submitting an oral or written statement of his position on the issues within such limits and on such conditions as may be fixed by the Board Chairman. A person making a limited appearance may not otherwise participate in the proceeding.

4. Application for making a limited appearance should be mailed to Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by October 31, 1969. Besides brief background information about who is the applicant, where he lives and what is his interest in making a limited appearance, the application should indicate the substance of the applicant's proposed statement. A copy of it would be welcomed with the application or at such other time as to permit its reproduction and circulation among the parties prior to the day of the hearing. Persons wishing to make a limited appearance should confine their statements to the issues to be considered at the hearing as set out below.

5. Applications for making a limited appearance, whether by oral or written statement or by both, will be passed upon by the Board Chairman in consultation with the other Board members. Except in the cases of Federal, State, and local government representatives elected by the people living in or near the area of the proposed reactor and of State and local government officials having a technical cognizance over radiological safety and health matters, the Board Chairman, unless good reason appears to the contrary, will expect that each person who is permitted to make a limited appearance by way of an oral statement will conclude his oral presentation within 5 minutes. If the Board Chairman after consultation with the other Board members deems it appropriate to limit the total time for making limited appearances by oral statements, preference will be given to the above public officials and to those other persons who, in the judgment of the Chairman after consultation with the other Board members, best qualify for making a limited appearance under the standards noted herein.

6. As provided by the Commission in the original notice of hearing of June 28, 1969 (34 F.R. 10011), the issues to be considered at the hearing are as follows:

(a) Whether there is reasonable assurance (i) that operation of the reactor at not in excess of 250 kilowatts (thermal) under the conditions and limitations proposed can be conducted without endangering the health and safety of the public, and (ii) that such operation will be conducted in compliance with the rules and regulations of the Commission;

(b) Whether the applicant is technically and financially qualified to engage in the activities as authorized by the operating license in accordance with the rules and regulations of the Commission; and

(c) Whether issuance of the license to operate the facility under the terms and conditions proposed will be inimical to the common defense and security or to the health and safety of the public.

7. Copies of the Regulatory Staff's Safety Evaluation and Supplemental Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. The record of this proceeding, including the application for an operating license, various related reports, and directions and guidelines issued by the Board are available for inspection by members of the public at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Commission's New York Operations Office (% Public Information Office), 376 Hudson Street, New York City 10014.

Issued: September 15, 1969, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE,
Chairman.

[F.R. Doc. 69-11193; Filed, Sept. 18, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20294]

BOSTON-HARTFORD-CLEVELAND SUBPART M CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on October 1, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 16, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-11227; Filed, Sept. 18, 1969; 8:49 a.m.]

[Dockets Nos. 19115, 19117; Order 69-9-72]

COMBS AIRWAYS, INC.

Order To Show Cause Regarding Service Mail Rates

Issued under delegated authority September 12, 1969.

By notices of intent filed on October 12 and 13, 1967, pursuant to 14 CFR, Part 298, the Postmaster General petitioned the Board to establish for Combs Airways, Inc. (Combs), an air taxi operator, final service mail rates for the transportation of mail by aircraft. These final rates based on the anticipated use of Beechcraft Baron aircraft were established by Order E-26050, November 29, 1967.

On July 28, 1969, the Postmaster General filed a petition on behalf of Combs requesting the Board to fix new final service mail rates for this transportation of mail. The current and proposed rates per great circle aircraft mile are as follows:

Docket	Between	Rate in Cents	
		Current	Proposed
19115	Wolf Point, Miles City, and Billings, Mont.	28.75	42.118
19117	Spokane, Wash., and Helena, Mont.	28.75	41.79

The Postmaster General states that since the submission by Combs of the proposals which resulted in establishment of the current rates the air taxi operator has experienced increased costs as a result of additional requirements imposed by the Post Office Department and the Federal Aviation Administration. To meet these requirements it has been necessary for Combs to replace the Beechcraft Barons with Aero Commander aircraft, which have higher fuel consumption and insurance costs. In addition, fuel prices have risen, and in several instances new hangar, ramp, and landing fees have been imposed or existing ones have been increased. Because of Combs' higher operating costs which the Postmaster General states were not known or reasonably forseeable at the time the original petitions were filed, the Postmaster General petitions the increased final service mail rates. The summary of operating costs submitted by Combs tends to support the need for the proposed rates.

The Postmaster General states that the proposed rates are acceptable to the Department and the carrier and represent fair and reasonable rates of compensation for the performance of these services under the present requirements of the Department.

The Board finds it is in the public interest to determine, adjust, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed it is proposed to issue an order[1] to include the following findings and conclusions:

On and after July 28, 1969, the fair and reasonable final service mail rates per great circle aircraft mile to be paid in their entirety to Combs by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
19115	Wolf Point, Miles City, and Billings, Mont.	42.118
19117	Spokane, Wash., and Helena, Mont.	41.79

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f).

It is ordered, That:

1. Combs Airways, Inc., the Postmaster General, Frontier Airlines, Inc., Northwest Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified therein as the fair and reasonable rates of compensation to be paid to Combs Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Combs Airways, Inc., the Postmaster General, Frontier Airlines, Inc., and Northwest Airlines, Inc.

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-11228; Filed, Sept. 18, 1969; 8:49 a.m.]

[Docket No. 21016; Order 69-9-71]

CONSOLIDATED FREIGHTWAYS, INC.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of September 1969.

By application filed May 16, 1969,[1] Consolidated Freightways, Inc. (Freightways), requests that the Board disclaim jurisdiction over, or alternatively, exempt or approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) Freightways' acquisition from Natomas Co. of a 51 percent stock interest in Pacific Far East Lines, Inc. (PFEL).

Freightways is a holding company which, inter alia, wholly owns C. F. Airfreight, Inc. (CFA), an applicant for domestic and international air freight forwarder authority,[2] and Consolidated Freightways Corporation of Delaware (Consolidated, Del.), an intrastate and interstate motor carrier of general commodities.[3]

PFEL is a steamship company engaged in the transportation of cargo between, on the one hand, ports on the west coast of the United States (San Francisco, Los Angeles, and San Diego) and, on the other, Honolulu and other points among the Pacific Islands and in the Far East. PFEL's transpacific service is basically a Japan and Philippine Islands service. It also performs refrigerator service handling military perishable cargo from California and Washington to Far East points under a general agency agreement with the Maritime Administration.

The applicant states that Freightways' acquisition of PFEL is not expected to have any substantial impact on either the operating plans or volume and nature of the cargo carried by CFA. CFA will be organized as a separate entity and conduct its operations autonomously. CFA's salesmen will, however, solicit the

[1] A supplement to the application was filed on June 6, 1969.

[2] By Order 69-4-100, Apr. 21, 1969, the Board, in the Motor Carrier-Air Freight Forwarder Investigation, Docket 16857, ordered, inter alia, that domestic and international operating authorizations be issued to CFA and approved Freightways' control of CFA. The Board's decision is presently pending review before the U.S. Court of Appeals for the Second Circuit, and CFA represents that it will file no tariff to qualify for air freight forwarder authority pending disposition of the present proceeding.

[3] Consolidated Del., in turn, controls, among other companies, Consolidated Warehouse Company of California, authorized by the California Public Utilities Commission to operate public warehouses in Los Angeles, and Canadian Freightways, Ltd., and Canadian Freightways Eastern, Ltd., motor vehicle common carriers in Canada.

customers of PFEL for air freight. The applicant also states that cargo moving from San Francisco to Japan requires a minimum of 10 days in transit, and more time is required for cargo moving from other west coast points to points beyond Japan. Freightways is limited to about four or five trips per month to most points in the Orient, and to about eight to 10 trips per month to Yokohama. Transportation by air offers a multitude of schedules spanning the Pacific Ocean in a matter of hours. Applicant contends that the bulk and weight of sea cargo makes it economically and physically unsuitable for transportation by air; and that because of the present differences in the characteristics of the two services, the acquisition of PFEL will result in no substantial diversion from sea to air, or from air to sea transportation. The applicant foresees no significant increase in the amount of intermodal traffic to be carried by CFA in concert with PFEL, and CFA anticipates no increase in business of either CFA or PFEL through the development of such intermodal traffic.

Freightways requests that the Board disclaim jurisdiction with respect to the application. In support of this request, applicant contends that the provisions of section 408(a) of the Act are not literally applicable to Freightways' acquisition of PFEL, and public interest considerations do not require the Board to disregard the corporate entities and hold that Freightways is an air carrier for section 408 purposes. Applicant asserts that the bulk and weight of sea cargo together with very substantial differences in transportation time and frequency of schedules for cargo shipment by sea vessels compared with cargo shipped by air, preclude the possibility of any substantial competition or conflict of interest between the sea operations of PFEL and the air forwarder operations of CFA.

Alternatively, applicant requests that the Board grant Freightways an exemption with respect to its acquisition of PFEL's stock, or approve the transaction without a hearing pursant to the third proviso of section 408(b) of the Act. In support of its request for approval of the transaction under the third proviso of section 408, the applicant asserts that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition.

No objections with respect to the application have been received.

Upon consideration of the facts of record, the Board concludes that it would be inappropriate to disclaim jurisdiction. However, the Board tentatively concludes that the transaction should be approved, pursuant to the third proviso of section 408(b).

Applicant contends that public interest considerations do not warrant the Board's exercise of jurisdiction over the transaction in question. Since Freightways is a person controlling an air carrier and is seeking to acquire a majority stock interest in a common carrier, a literal reading of section 408 would indicate that Board approval under section 408 is not required. However, the Board has held that the policy of section 408 (a)(5) is to make unlawful, in the absence of Board approval, the unified control of certain types of enterprises which may have conflicting interests, and from the point of view of this policy there is no substantial difference between a situation where two operating companies are controlled by a single holding company and a situation where one of the operating companies controls the other.[4] In any event, Freightways has submitted to our jurisdiction and has requested an exemption from or approval under section 408 of the Act.

We now consider that portion of the application which requests Board approval of Freightways' acquisition of PFEL and whether it would be adverse to the public interest to permit Freightways to control an ocean common carrier while it also controls an air freight forwarder. On the basis of the information of record, the Board concludes tentatively that the control relationships resulting from Freightways' common control of PFEL and CFA do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, do not tend to restrain competition, and would not be inconsistent with the public interest. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and the Board tentatively concludes that the public interest does not require a hearing.

CFA will be organized as a separate entity and conduct its operations autonomously. Also, CFA's salesmen will be authorized to solicit customers of PFEL for air freight. In connection with CFA's application for air freight forwarder authority in the Motor Carrier-Air Freight Forwarder Investigation, supra, Freightways submitted a proposal demonstrating conscientious promotion of air cargo. These circumstances indicate that the development of air cargo will be stimulated, while effective competition by direct air carriers and existing independent air freight forwarders will not be reduced.

Furthermore, we have carefully considered the control relationships from the standpoint of conflicts of interest arising from the unified control of air and sea transportation companies, and find that no situation involving significant conflicts of interest vis-a-vis air freight forwarding is presented. To begin with, it is difficult to discern that any significant conflicts would arise as a result of CFA's domestic air freight forwarding operations. In the international area, for any measurable conflicts of interest to arise, CFA's air freight forwarding activities must compete with the ocean carriers' services in the same market. The bulk and weight of sea cargo transported by PFEL makes it economically and practically unsuitable for transportation by air. Only a minuscule amount of shipments weighing less than 100 pounds is carried by PFEL on an average voyage. Insofar as shipments weighing less than 5,000 pounds and measuring 100 cubic feet per shipment are concerned, PFEL's average voyage in Japan service accounts for 11.7 percent of its commercial revenues for outbound and 7 percent of such revenues for inbound shipments. In its Philippine service, similar shipments account for 2.2 percent and 1.67 percent of PFEL's commercial revenues for outbound and inbound shipments, respectively. Also, with respect to PFEL's sea operations, a significant factor is the existing market disparity in frequency of departures and in-transit time compared to air transportation. In these circumstances, there appears to be no reasonable expectancy of effective competition in the immediate future between PFEL's operations and those of CFA, or other indirect or direct air carriers. However, should future experience disclose the development of significant competition between sea and air transportation, or create a situation giving rise to meaningful conflicts of interest between an air freight forwarder and an ocean carrier under common control, the Board has the means to review its final action of approval. The Board intends to retain jurisdiction over the control relationships subject to its approval.

In view of the foregoing, the Board tentatively concludes that it should approve, without a hearing, under the third proviso of section 408(b) of the Act, the control of PFEL by Freightways while the latter controls CFA. In accordance with the requirements of section 408(b) of the Act, this order, constituting notice of the Board's tentative findings and conclusions, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered:

1. That interested persons are hereby afforded a period of ten (10) days from the date of service of this order within which to file comments or request a hearing with respect to the Board's tentative action on the application in Docket 21016;[5] and

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

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-11229; Filed, Sept. 18, 1969; 8:49 a.m.]

[4] Air Fright Forwarder Case, 9 CAB 473, 504 (1948).

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

[6] Dissenting statement of Vice Chairman Murphy filed as part of the original document.

[Docket No. 18650; Order 69-9-82]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority September 15, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Agreement CAB 20745, R-96 through R-98.

By Order 69-8-164, dated August 29, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-8-164 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-96 through R-98, be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-11230; Filed, Sept. 18, 1969; 8:49 a.m.]

[Dockets Nos. 18650, 20291; Order 69-9-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare and Rate Matters

Issued under delegated authority September 15, 1969.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to fare and rate matters, Agreement CAB 21234, R-1 through R-3.

By Order 69-9-3, dated September 2, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to the amendment of existing resolutions governing rates of exchange and the rounding off of passenger fares and cargo rates so as to reflect the change to a decimal system of currency which will be introduced in Jamaica.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-9-3 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21234, R-1 through R-3, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-11231; Filed, Sept. 18, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-9-80]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority September 15, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Agreement CAB 20806, R-53.

By Order 69-8-139, dated August 25, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-8-139 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-53, be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-11232; Filed, Sept. 18, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-9-79]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority September 15, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Agreement CAB 20806, R-39 through R-49.

By order 69-8-134, dated August 25, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-8-134 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-39 through R-49, be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-11233; Filed, Sept. 18, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-9-78]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority September 15, 1969.

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

By Order 69-8-129, dated August 22, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-8-129 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-50 through R-52, be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69-11234; Filed, Sept. 18, 1969; 8:49 a.m.]

[Docket No. 20291; Order 69-9-73]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority September 12, 1969.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters, Agreement CAB 21224.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement makes a technical amendment to the IATA resolution governing free baggage allowances, insofar as it provides dates by which a High Level Policy Group is to recommend a mail vote for adoption of a worldwide free baggage control. These dates, which are at variance in several geographical areas, would be standardized for worldwide conformity.

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 following resolutions, which are incorporated in Agreement CAB 21224, are adverse to the public interest or in violation of the Act:

IATA RESOLUTIONS

200(Mail 919)310.
300(Mail 300)310.
JT12(Mail 707)310 (S. Atlantic).
JT31(Mail 162)310.
JT123(Mail 615)310 (S. Atlantic).

Accordingly, it is ordered, That:

Action on Agreement CAB 21224 be and hereby is deferred with a view toward eventual approval.

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. 69-11235; Filed, Sept. 18, 1969; 8:49 a.m.]

[Docket No. 21320]

SERVICE TO GREENBRIER INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 9, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert L. Park.

Requests for information and evidence, statements of proposed issues, proposed stipulations, and proposed procedural dates, shall be filed with the Examiner and parties on or before October 2, 1969.

Dated at Washington, D.C., September 15, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-11236; Filed, Sept. 18, 1969; 8:49 a.m.]

[Docket No. 18078; Order 69-9-86]

TRANSATLANTIC AND TRANSPACIFIC PRIORTY MAIL AND MILITARY ORDINARY MAIL

Order To Show Cause Regarding Service Mail Rates

Issued under delegated authority September 15, 1969.

By petition filed August 20, 1969, the Postmaster General has submitted (1) mileages for transatlantic and transpacific services by Trans World Airlines, Inc. (TWA), based on Bombay as the terminal point for Atlantic/Pacific services, and (2) standard mileages for the newly authorized transpacific services of The Flying Tiger Line, Inc. (Flying Tiger).

The Postmaster General requests that these mileages be prescribed by the Board as the standard mileages to be used in the computation of mail payments for services by these carriers in the rate areas indicated.

The Postmaster General states that TWA has agreed to the proposed mileages but that Flying Tiger's position is not clear at this time. Inasmuch as a definite agreement with Flying Tiger has not been reached, the mileages submitted for service by Flying Tiger will be considered separately.

By Order 69-9-8 dated September 2, 1969, and effective July 1, 1969, the current service mail rate established for transpacific services by Order 68-9-9, September 4, 1968, as amended, was made applicable to TWA's transpacific services, subject to further amendment to establish standard mileages. That order also established Bombay, India, as the dividing point between the applicability of transpacific and transatlantic rates. Therefore revised standard mileages for TWA's transatlantic and transpacific services must be established in order that TWA may be properly compensated for its foreign and overseas carriage of mail.

Upon consideration of the Postmaster General's petition and other matters officially noticed, the Board proposes to issue an order adopting the standard mileages submitted by the Postmaster General.[1]

The Board tentatively finds and concludes that, effective July 1, 1969, Order 68-9-9, as amended by Order 69-7-11, should be amended by substituting the attached revised pages 6 through 10 of Appendix A[2] for those previously issued. The Board also finds that in accordance with Order 68-9-8, September 4, 1968, the mileages indicated in the revised pages shall be applicable to Military Ordinary Mail carried by TWA.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, the Board's procedural regulations, 14 CFR Part 302, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons are directed to show cause why the Board should not adopt the foregoing findings and conclusions.

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of objection to the findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order.

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein.

4. If answer is filed presenting issues for hearing, the issues involved shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

5. This order shall be served on the Postmaster General, Northwest Airlines, Inc., American Airlines, Inc., The Flying Tiger Line, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-11237; Filed, Sept. 18, 1969; 8:49 a.m.]

[Docket No. 21431; Order 69-9-87]

TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of September 1969.

By tariff revisions[1] filed August 1, 1969, and marked to become effective September 18, 1969, Trans World Airlines, Inc. (TWA), proposes to revise its import general and specific commodity rates from Los Angeles, San Francisco, and Oakland to numerous points on its system. TWA's import rates apply to shipments having prior transportation via ocean vessel and cover, in addition to the normal airport-to-airport transportation, essentially the following services: loading into carrier's vehicle, cartage from the steamship dock or warehouse to appraiser's store, or from the foregoing to carrier's origin airport terminal, preparation of initial customs house entry, and wharfage fees.[2]

[1] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). These provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

[2] Filed as part of the original document.

[1] Revisions to Trans World Airlines, Inc., Tariff CAB No. 110.

[2] The rates involved also apply on shipments that have been stored by the shipper or consignee prior to acceptance by the carrier at port of entry for a period not exceeding 18 months under certain conditions.

Although certain of the revised rates proposed involve reductions, the bulk of the proposal would result in increased rates. The proposals involving higher rates are the result of increases in general and specific commodity rates and of cancellation of several specific commodity rates.

In support of its proposal, TWA asserts that its current import rates, both general and specific commodity, do not bear a consistent relationship to mileage, to each other, or to "economic sensibility." The proposal is stated to eliminate the foregoing inconsistencies essentially through restructuring to make them typically mileage-related, to regroup specific commodities on the basis of density and value, and to reduce the number of specific commodity groups. The rates proposed are purported to equal the sum of current rates (either general or specific commodity) and the charges for the port services involved. The carrier states that the specific commodity rates canceled involve "unproductive items." TWA's reports to the Board indicate that it incurred an operating loss of $4.6 million in its domestic all-cargo services for the 12 months ended June 30, 1969.

Under the foregoing circumstances, the Board believes that there is a basis for adjustment to TWA's import rate structure and level, and we shall permit many of the rates proposed to become effective. To the extent that the rates would involve reductions, they would of course benefit the public, since they do not appear unduly low or otherwise unlawful. (No complaints against the proposals, either decreases or increases, were filed.)

The increases, including those resulting from cancellation of certain specific commodity rates, would range from one to about 120 percent. However, many of the increases are moderate or are not higher than those quoted by other carriers. We shall permit the latter increases to become effective without investigation.

More specifically, the Board is permitting TWA's increased rate proposals to become effective to the extent that they do not exceed the higher of the two levels indicated below:

(1) Increases of 7.5 percent for both general and specific commodity rates, but not less than $1 per 100 pounds for specific commodity rates. The Board permitted increases of the foregoing magnitude to be effected by American Airlines, Inc., in Order 69-5-114, dated May 23, 1969, and subsequently by other carriers. We stated that such increases would not have a sharp impact upon shippers and would provide a reasonable compromise between the carriers' requirements for additional revenues and the shippers' interest that sharp rate increases not be imposed upon them at one step.

(2) The rates for the same service currently in effect for competing carriers. A number of other carriers quote rates for import traffic in the identical markets covering essentially the same services provided by TWA. Certain of the carriers' rates reflect recent increases of 7.5 percent, with a minimum of $1 per 100 pounds for specific commodity rates. Although certain of the import rates proposed by TWA would involve increases above the 7.5 percent/$1 approved by the Board, they are equal to or below the import rates in effect for other carriers.

Other proposed increases, however, appear excessive since they exceed the foregoing rates. Upon consideration of all relevant matters, the Board finds that the proposed increases, to the extent that they exceed levels indicated above, may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. The foregoing increases may have a sharp impact upon certain shippers, but the carrier has not presented adequate justification for such proposed rates. Although TWA refers to "economic sensibility" and "unproductive items" in justification of the sharper rate increases proposed, the carrier presents no clear definitions of these terms and no factual support of its filing.

In view of the foregoing, the Board is not prepared without investigation to permit the foregoing proposed rates to become effective. We would be willing, however, to consider the refiling of the rates suspended at levels not exceeding those indicated above.

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

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto,[2] and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto are suspended and their use deferred to and including December 16, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

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

4. Copies of this order shall be filed with the tariffs and served upon Trans World Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-11238; Filed, Sept. 18, 1969; 8:49 a.m.]

[2] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

SEPTEMBER 16, 1969.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on October 28, 1969, the standard broadcast applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1), § 1.591(b) and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with any application appearing on the attached list must be in direct conflict with said application, substantially complete and tendered for filing at the offices of the Commission by the close of business on October 27, 1969. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: September 15, 1969.

Released: September 16, 1969.

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

[F.R. Doc. 69-11208; Filed, Sept. 18, 1969; 8:48 a.m.]

[Docket No. 18294]

WORLD ADMINISTRATIVE RADIO CONFERENCE

Order Regarding the Radio Astronomy and Space Services

In the matter of an inquiry relating to preparation for a World Administrative Radio Conference of the International Telecommunication Union on matters pertaining to the radio astronomy and space services.

1. The fifth notice of inquiry in this proceeding, FCC 69-872, called for comments on or before September 30, 1969, and reply comments on or before October 15, 1969. It is essential that public comments be received at as early date as possible. However, while the fifth notice was adopted on August 13, 1969, it

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

was not released until August 27, 1969. Moreover, some of those interested in this proceeding may also be involved in the current CCIR conference. In the circumstances, it appears that the public interest would be served by a short extension of the present filing times.

2. *Accordingly, it is ordered,* Pursuant to section 403 of the Communications Act and section 0.251(b) of the Commission's rules and regulations, That the times for filing comments and reply comments on the fifth notice of inquiry are extended through October 17, 1969, and October 27, 1969, respectively.

Adopted: September 12, 1969.

Released: September 15, 1969.

[SEAL] HENRY GELLER,
General Counsel.

[F.R. Doc. 69-11209; Filed, Sept. 18, 1969; 8:48 a.m.]

[Dockets Nos. 18652-18663; FCC 69-978]

ADVANCED ELECTRONICS

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

In the application of Robert L. Mohr, doing business as Advanced Electronics for a construction permit for a new public class III-B coast station to be located at Palos Verdes Estates, Los Angeles, Calif., Docket No. 18652, File No. 2391-M-P-35; application of General Telephone Company of California for a construction permit for a new public class III-B coast station to be located at Malibu, Calif., Docket No. 18653, File No. 2683-M-P-95; application of the The Pacific Telephone and Telegraph Co. for a construction permit to relocate public class III-B coast station KMB-393 from San Pedro, Calif., to Dakin Peak, near Avalon, Santa Catalina Island, Calif., Docket No. 18654, File No. 2729-M-P-105; application of General Telephone Company of California for a construction permit for a new public class III-B coast station to be located at Santa Barbara, Calif., Docket No. 18655, File No. 2684-M-P-95; application of Coast Mobilphone Service for a construction permit for a new public class III-B coast station to be located at Santa Barbara, Calif., Docket No. 18656, File No. 2606-M-P-75; application of Silver Beehive Telephone Co., Inc., for a construction permit for a new public class III-B coast station to be located on Santa Cruz Island, Calif., Docket No. 18657, File No. 4879-M-P-48; application of Silver Beehive Telephone Co., Inc., for a construction permit for a new public class III-B coast station to be located on San Clemente Island, Calif., Docket No. 18658, File No. 4997-M-P-58; application of Francis I. Lambert and Harry L. Brock, Jr., doing business as Advanced Communications Co. for a construction permit for a new public class III-B coast station to be located at Broadcast Peak, near Santa Barbara, Calif., Docket No. 18659, File No. 5163-M-P-78; application of Francis I. Lambert and Harry L. Brock, Jr., doing business as Advanced Communications Co. for a construction permit for a new public class III-B coast station to be located at Cuesta Grade Peak, near San Luis Obispo, Calif., Docket No. 18660, File No. 5162-M-P-78; application of R.C.S., Inc., for a construction permit for a new public class III-B coast station to be located at Tassajera Peak, near San Luis Obispo, Calif., Docket No. 18661, File No. 5283-M-P-88; application of Dana Point Marine Telephone Co. for a construction permit for a new public class III-B coast station to be located at Santiago Peak, near Dana Point, Calif., Docket No. 18662, File No. 5447-M-P-98; application of the Pacific Telephone and Telegraph Co. for renewal of license of existing public class III-B coast station KMB-393 at San Pedro, Calif., Docket No. 18663, File No. 5615-M-RL-128.

1. All the above-captioned applications are for authority to operate Class III-B Public Coast stations. This class of station provides ship-shore radiotelephone common carrier (public correspondence) service, primarily of a local character, on VHF channels. The applicants seek authority to serve portions of the area between San Luis Obispo and San Clemente in Southern California. This area includes Los Angeles.

2. The applications and the frequencies involved are set forth in column form. Possible electrical interference between stations is shown by an alphabetic designator following certain frequencies listed in the frequency column. Inasmuch as all stations use the safety and calling frequency 156.8 Mc/s, only the working frequency will be specified.

Applicant	Transmitter location	Frequency
Mohr d.b.a. Advanced Electronics.	Palos Verdes Estates.	161.95
Coast Mobilphone	Santa Barbara	161.9 A
General Telephone	Malibu-Point Dune	161.8 B
Do	Santa Barbara	161.85
Pacific Telephone and Telegraph (KMB-393).	Santa Catalina[1]	161.9 A
Silver Beehive	Santa Cruz Island	162.0
	do	161.975
Do	San Clemente Island.	161.8 B
	do	161.850
Advanced Communications.	Santa Barbara	161.9 A
Do	San Luis Obispo	161.9 A
R.C.S. Inc	do	161.9 A
Dana Point Telephone	Santiago Peak	161.825

[1] Renewal filed for KMB-393 located at San Pedro.

3. Since filing of the majority of the subject applications, the rules have been changed so that the power of coast stations is now limited to 50 watts by § 81.134(d). Applicants will be required to meet this power limitation. Further, in those instances where applicants are proposing the use of certain lands under jurisdiction of the U.S. Government any objections must be reconciled in accordance with § 1.70(e) of the rules. Except for these matters and the issues specified herein, the applicants are otherwise qualified.

4. Pacific Telephone filed a petition to deny the application of Advanced to be located at Palos Verdes Estates. The petition is based primarily on duplication of service[2] of Pacific's KMB-393 station at San Pedro and for which Pacific seeks authority to move to Santa Catalina Island. Pacific also raises other questions as to need, and the requirements for a certificate of public convenience and necessity from the California Public Utilities Commission. Opposition was filed by Advanced. Advanced claims that a certificate is not needed. It further asserts that it will not duplicate station KMB-393 and a need exists for the station. Pacific's reply repeats in essence its contentions set forth in the original petition.

5. The petition to deny filed by Pacific raises substantial and material questions of fact which can only be resolved by a hearing. The issues hereinafter specified in this order allow for resolution of the matters raised in the petition. The question of the requirement for a certificate of public convenience and necessity from the California Public Utilities Commission is treated later in this order. Petitioner is found to be a party in interest.

6. Silver Beehive Telephone Co. filed a petition to deny the renewal of Pacific's Public Coast station KMB-393 at San Pedro, Calif. The petitioner's principal allegation is that Pacific through its operating practices has fallen short of its full duty to the public. The allegations of fact as originally filed are not supported by affidavit as required by § 1.962 (g). On the same day, January 27, 1969, that Pacific filed its opposition, Silver Beehive submitted an amended page 3 to its petition which contains a "Verification" as to the truth of the statements made, signed by Arthur W. Brothers as president of Silver Beehive. There is nothing to indicate that this "Verification" was taken before an officer having authority to administer oaths. Pacific's opposition raises questions as to Silver Beehive's standing as a party in interest, it characterizes the allegations as vague and unsupported, it questions Silver Beehive's grounds for asking for a comparative hearing when no mutual exclusivity is alleged and Pacific denies the allegations that Pacific has provided poor service. A reply by Silver Beehive was received February 18, 1969. Petitioner asserts that it is a party in interest and raises certain other matters for the first time. On February 24, 1969, Pacific filed a motion to strike based on Silver Beehive

[2] § 81.303 Duplication of Facilities.

A public cost station shall not be authorized to provide a very high frequency maritime mobile service by the use of any frequency assignment above 100 Mc/s solely to any geographic area in which such service is already provided, or for which a valid construction permit or permits has or have been issued for the establishment of a station or stations to provide such service in that area, unless the applicant shall make an affirmative showing that the public interest, convenience or necessity would be served by such a grant, and, among other things, that there is a need for such additional facilities in the area involved, that the authorized facilities in that area are not, or will not be, adequate to meet the very high frequency communication needs in the area, and that the applicant's proposed facilities involving a frequency assignment above 100 Mc/s will serve the very high frequency communication needs in such area.

filing an untimely reply and because the reply was not limited to matters in Pacific's opposition. An answer filed by Silver Beehive takes the position that the matters raised are responsive to Pacific's opposition, there is no formal time period to reply, and all matters have been verified by the president of Silver Beehive.

7. The pleadings filed by Silver Beehive, as Pacific points out, are not supported by affidavit of a person or persons with personal knowledge thereof, as required by section 309(d)(1) of the Communications Act of 1934, as amended. Merely labeling something a "Verification" and stating "I declare under penalty of perjury that the foregoing is true and correct" as done by Silver Beehive does not meet the requirements of an affidavit. An essential requirement is that the statement be confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath. We do not have that here; therefore, the filings are defective. Contrary to Silver Beehive's statement, there is a time specified for filing pleadings. Paragraph (b) of § 1.45 specifies the time within which a reply may be filed. This section also limits the reply to matters raised in the opposition. The filing of Silver Beehive was not timely nor was it limited to matters raised in the opposition. However, Silver Beehive is named as a party to the hearing hereinafter ordered and may participate in the matter of the renewal of Pacific's station license to the extent specified in the issues.

8. As an additional matter, Advanced Electronics has requested that its application and the renewal of Pacific's KMB-393 be consolidated and accorded comparative consideration. The subject order in effect grants this request.

9. The question of the requirement for a certificate of public convenience and necessity from the California Public Utilities Commission has been raised in pleadings and correspondence related to some of the applications here under consideration. It should be noted that Part 81 of the Commission's Maritime Service rules and regulations does not contain a provision similar to § 21.15(c)(4) of Commission's Domestic Public Radio Services and regulations where the possession of a State certificate of public convenience and necessity, if required, must be demonstrated by an applicant.[3]

[3] Part 81 has no provision similar to Section 21.15(c)(4), which reads:

§ 21.15 Content of Applications.

* * * * *

(c) * * *

(4) Where required by applicable local law, a certified copy of the franchise or other authorization issued by appropriate regulatory authorities. If no such local requirement exists, a statement to that effect should be included in the application.

Nor does FCC Form 407, used by applicants for Class III(b) coast stations, contain any question similar to Item 42 of FCC Form 401, used by applicants in the Domestic Public Land Mobile Service. Item 42 reads:

"42. Does local or State law require any franchise or other authorization to maintain or render the services proposed herein? (If 'Yes', attached as Exhibit ------ a single certified copy of franchise or authorization)."

This is not to say that the State of California lacks jurisdiction over such portions of the maritime communication services proposed as are proved to be intrastate in character. The Commission, however, does not require such a certificate as a condition precedent to a grant of an authorization for a Public Coast station. However, any grants made will be conditioned on the applicant securing any appropriate or required authorization from the State regulatory commission.

10. Experience has shown that reliable ship to shore VHF communications can be conducted up to distances from 30 to 50 miles depending on the stations. The limiting factor is usually the ship station rather than the coast station. It becomes evident from an analysis of the subject applications that overlap in services areas could be substantial if all of the applications were granted. In addition disruptive electrical interference could result. The questions to be resolved are those which relate to the source, and amount of maritime traffic handled and proposed to be handled by each of the stations, the geographical area served and proposed to be served by each applicant, the extent to which these service areas substantially overlap, the extent to which a duplication of VHF public coast radiotelephone facilities would occur, the extent of the need for an additional VHF public coast station or stations, and the public benefits to be derived from authorizing any or all of the proposed facilities. Accordingly, in view of the substantial and material questions of fact raised by the applications herein, the Commission is unable to make a determination that it would be in the public interest to grant the applications. It appears, therefore, that an evidentiary hearing must be held to determine if the public interest would be served by a grant of any or all of the applications.

11. The Public Utilities Commission (PUC) for the State of California by letter dated March 24, 1969, expressed its interest in the subject applications and requested that it be made a party to a consolidated hearing on the applications. It further requested that certain issues [4] be included and that the hearing be held in the southern portion of the State of California. The PUC states that "because of the local nature of many of the issues, it is important that hearings be held within Southern California area to assure maximum participation of the public and a full and complete record in the matter." The Southern California Marine Radio Council also requested the Commission to hold the hearing in Los Angeles area.

[4] 1. That the maximum utilization of the available channels or availability of the channels to vessels is a paramount consideration in the granting of channel to individual applicants.

2. That the public maritime radio service furnished to vessels be compatible with and interconnected to the landline toll and exchange service furnished within the State of California.

3. That vessels should have available to them maritime radio service which allows them to call their home port without incurring excessive land telephone toll charges.

4. That the quality of signal available from fixed stations in the maritime service be adequate to provide complete coverage of Southern California harbor areas as well as the open waters adjacent to such harbors.

12. With respect to the issues requested by PUC, the issues specified herein allow for development of the matters they raise except for their request for an interconnection issue. Under our rules, a Public Coast station is not required to interconnect to a landline. As a practical matter Public Coast stations do interconnect. The request to hold the hearing in Southern California by the PUC and the Marine Radio Council is a matter that can best be acted on after the prehearing conference, which will be held in Washington, D.C. If it appears that holding the hearing, or a portion thereof, in California will be in the public interest, an appropriate motion may be made to the Chief Hearing Examiner for such relief.

13. *It is ordered*, That the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

a. To determine the facts with respect to the facilities, rates, practices and services of each applicant, including the geographic area served and proposed to be served by each.

b. To determine the nature and amount of traffic to be handled by each of the proposed stations, and from what sources such traffic will be derived.

c. To determine what the need is for VHF Public Coast Service in the area between San Luis Obispo and San Clemente and how that need can best be filled under existing conditions.

d. To determine the area in which station KMB-393 can satisfactorily exchange communications with vessels, and the extent, if any, to which such area would be overlapped by the station proposed by Advanced at Palos Verdes Estates.

e. To determine if station KMB-393 remains at its present location whether there is a need for the station proposed by Advanced at Palos Verdes Estates.

f. To determine the nature and extent of cochannel interference, if any, that would arise from simultaneous operation of the proposed stations listed in paragraph 2 above as stations where there may be possible electrical interference and whether such interference would be tolerable or mutually destructive.

g. To determine, in light of the evidence adduced on all the foregoing issues, whether the public interest, convenience, and necessity will be served by a grant of any or all of the subject applications.

15. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence

on issues (d) and (e) is on Pacific Telephone; on all the other issues the burden is on each applicant with respect to its application except to issue (f) which is conclusory.

16. *It is further ordered,* That the petition to deny application, filed herein by Pacific against the Advanced application, is granted to the extent indicated herein and, in all other respects, the said petition is denied.

17. *It is further ordered,* That the petition to deny filed by Silver Beehive against the application of Pacific Telephone for renewal of Station KMB-393 is dismissed as defective.

18. *It is further ordered,* That coverage area will be computed on the basis of information contained in Appendix F "The Propagation Characteristics of the Frequency Board 152-162 Mc/s Which is Available for Marine Radio Communication" to a report entitled "Study of a Reliable Short Range Radiotelephone System" prepared by SC-19 of RTCM, or such other standards as may be mutually agreed upon by all the parties to this proceeding.

19. *It is further ordered,* That to avail themselves of an opportunity to be heard, applicants, the California Public Utilities Commission and Southern California Marine Radio Council pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: September 10, 1969.

Released: September 15, 1969.

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

[F.R. Doc. 69-11210; Filed, Sept. 18, 1969; 8:48 a.m.]

CIVIL SERVICE COMMISSION

SAVINGS AND LOAN EXAMINER AND INVESTMENT COMPANY EXAMINER

Notice of Listing; Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a shortage on August 1, 1969, on a nationwide basis for positions of Farm Credit Examiner, Savings and Loan Examiner and Investment Company Examiner, GS-570-9/14.

Assuming other legal requirements are met, an appointee to one of these positions may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 69-11211; Filed, Sept. 18, 1969; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H. C. 39]

BUDGET INDUSTRIES, INC., AND BUDGET FINANCE PLAN

Notice of Receipt of Application for Permission To Acquire Control of Vallejo Savings and Loan Association

SEPTEMBER 16, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Budget Industries, Inc., Los Angeles, Calif., a savings and loan holding company, and Budget Finance Plan, Los Angeles, Calif., a savings and loan holding company and a subsidiary of Budget Industries, Inc., for approval of the acquisition of control of the Vallejo Savings and Loan Association, Vallejo, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of 50 percent of Vallejo Savings and Loan Association's guaranty stock by Budget Industries, Inc., for cash and by the acquisition of 50 percent of Vallejo Savings and Loan Association's guaranty stock by Budget Finance Plan in exchange for stock of Budget Finance. Following the acquisitions, it is proposed that Vallejo Savings and Loan Association will be merged into State Savings and Loan Association, Stockton, Calif., an insured institution controlled by Budget Industries, Inc., and Budget Finance Plan. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-11194; Filed, Sept. 18, 1969; 8:47 a.m.]

[H.C. 38]

GREAT WESTERN FINANCIAL CORP.

Notice of Receipt of Application for Permission To Acquire Control of Belmont Savings and Loan Association

SEPTEMBER 16, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Great Western Financial Corp., a savings and loan holding company, Beverly Hills, Calif., for approval of acquisition of control of the Belmont Savings and Loan Association, Long Beach, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of at least 80 percent of the guarantee stock of Belmont Savings and Loan Association for stock of Great Western Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-11195; Filed, Sept. 18, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 598]

INTER-WORLD FORWARDING CO.

Order of Revocation

On August 5, 1969, the Fidelity and Casualty Company of New York notified the Federal Maritime Commission that Independent Ocean Freight Forwarder Surety Bond No. 1762607, underwritten in behalf of Inter-World Forwarding Co., 354 South Spring Street, Los Angeles, Calif. 90013, would be canceled effective September 10, 1969.

By letter dated August 11, 1969, the Commission notified Inter-World Forwarding Co. that the aforesaid bond was being terminated effective September 10, 1969, and that unless a new or reinstated surety bond was submitted prior to September 10, 1969, its Independent Ocean Freight Forwarder License No. 598 would be canceled pursuant to § 510.9, General Order 4.

Inter-World Forwarding Co. has failed to submit a surety bond in compliance with the above rule.

In accordance with the authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 598 of Inter-World Forwarding Co. be and is hereby revoked effective September 10, 1969.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That the Independent Ocean Freight Forwarder License No. 598 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-11212; Filed, Sept. 18, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-53]

CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 12, 1969.

Take notice that on September 8, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP70-53 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate approximately 7 miles of 8-inch loop line and to install and operate one 1,000 horsepower compressor unit on its existing Ringwood Pipeline System in Garfield County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities will enable Applicant to purchase an additional 20,000 Mcf per day during the 1969-70 heating season and future seasons. Applicant states construction of the proposed facilities would eliminate pressure problems due to the transportation of the additional gas.

The total estimated cost of the proposed facilities is $395,580, which will be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-11167; Filed, Sept. 18, 1969; 8:45 a.m.]

[Docket No. CP70-50]

COLORADO INTERSTATE GAS CO.

Notice of Application

SEPTEMBER 12, 1969.

Take notice that on September 5, 1969, Colorado Interstate Gas Co. (Applicant), a division of Colorado Interstate Corp., Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-50 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to operate existing facilities and to sell and deliver gas on a short-term basis to Mountain Fuel Supply Co. (Mountain Fuel), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to Mountain Fuel, on a firm basis, such daily volumes of gas as Mountain Fuel may require for a term of 2 years from the date of first delivery. Applicant proposes to sell up to 4 million Mcf during each 12-month period beginning with the date of first delivery at a price of 21.5 cents per Mcf. The maximum volume Applicant is obligated to deliver on any day is 30,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-11168; Filed, Sept. 18, 1969; 8:45 a.m.]

[Docket No. RP68-20]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Motion To Amend Rate Settlement Order and Agreement

SEPTEMBER 15, 1969.

Notice is hereby given that Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) on September 8, 1969, filed a motion to amend the Commission's order issued in the above-captioned proceeding on April 28, 1969, and to effectuate a modification of the settlement agreement approved by that order.

The proposed modification of the settlement agreement would allow Michigan Wisconsin to reflect in its rates the increases in the rates of its suppliers over and above those included in the settlement cost of service, in addition to the provision presently contained in the agreement which requires Michigan Wisconsin to reduce its rates to reflect reductions in the level of supplier rates included in the cost of service. Michigan Wisconsin's right to track supplier rate increases would be limited to those increases which become effective from the present to November 1, 1971. Michigan Wisconsin states that, if its motion is approved, it would not file for a general rate increase which would become effective prior to November 1, 1970.

Under the settlement agreement, as proposed to be modified, the amount of the increase or decrease from pipeline suppliers would be reflected in the demand and commodity components of Michigan Wisconsin's resale rates in the same manner as billed by those suppliers and the amount of the increase or decrease from independent producers would be divided equally between the demand and commodity components of Michigan Wisconsin's resale rates.

Copies of the filing were served on all parties to this proceeding, including each of Michigan Wisconsin's customers, and interested State commissions and municipalities.

Protests, objections, or comments may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure, on or before October 2, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-11169; Filed, Sept. 18, 1969; 8:45 a.m.]

[Docket No. CP70-55]

SOUTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 12, 1969.

Take notice that on September 9, 1969, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP70-55 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale certain facilities used for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by sale to Atlanta Gas Light Co. (Atlanta) its approximately 12.166 miles of 12¾-inch O.D. Yates lateral line and Whitesburg measuring station, all in Carroll County, Ga. Applicant states that Atlanta desires to integrate its distribution facilities in this area and thus desires to purchase the hereinbefore described facilities.

Applicant states that the abandonment will not affect its design daily delivery capacity and will only affect Applicant's operations insofar as gas will be delivered by Applicant to Atlanta at a new delivery point at the junction of Applicant's North Main Line and the Yates lateral line.

Applicant states the sale of the facilities, except land, will be for the depreciated value of such at the date of closing, $210,096.48. For land, Atlanta will pay Applicant the fair market value thereof, $774.88.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-11170; Filed, Sept. 18, 1969; 8:45 a.m.]

[Docket No. CP70-52]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

SEPTEMBER 12, 1969.

Take notice that on September 8, 1969, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP70-52 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional service to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render, commencing November 1, 1969, a total of 580 Mcf per day of additional pipeline service and 2,000 Mcf per day of additional storage service to five existing customers. In connection with the proposed storage service, Applicant proposes the estimation of GSS rate schedule allocations to two customers, at their request, of 1,000 Mcf per day each.

No additional facilities are required in order to render the service proposed in the application.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-11171; Filed, Sept. 18, 1969; 8:46 a.m.]

[Docket No. CP69-306]

UNITED FUEL GAS CO.

Notice of Petition To Amend

SEPTEMBER 12, 1969.

Take notice that on September 4, 1969, United Fuel Gas Co. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP69-306 a petition to amend the order of the Commission issued on August 19, 1969, to authorize Applicant to increase its maximum daily deliveries of natural gas to the Manufacturers Light and Heat Co. (Manufacturers) from 448,000 Mcf per day to 502,000 Mcf per day, all as more fully set forth in the petition to amend.

Applicant proposes to increase deliveries to meet the volumes required by an increase in the Northern Market area of Cumberland and Allegheny Gas Co. (Cumberland). Manufacturers and Comberland are filing in Docket No. CP69-191 a joint application for a certificate of public convenience and necessity authorizing the servicing of the Northern Market area.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party if any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-11172; Filed, Sept. 18, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4786]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

SEPTEMBER 15, 1969.

Notice is hereby given that Jersey Central Power & Light Co. ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $10 million principal amount of first mortgage bonds, _____ percent series due October 1, 1999. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from October 1, 1969, to the date of delivery) will be determined by the competitive bidding. The bonds will be issued under and secured by an indenture, dated as of March 1, 1946, of Jersey Central to First National City Bank, successor trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a 16th supplemental indenture to be dated as of October 1, 1969, and which includes, subject to certain exceptions, a prohibition until October 1, 1974, against refunding the issue with proceeds of funds borrowed at a lower interest cost.

The proceeds from the sale of the bonds will be used to pay a portion of Jersey Central's short-term bank notes outstanding at the date of sale of the bonds. Such notes amounted to $33,700,000 at June 30, 1969, and are expected to aggregate approximately $39 million at the date of sale of the bonds. The proceeds from the sale of such notes have been or will be used directly or indirectly to finance Jersey Central's construction program, which for 1969 is estimated at approximately $72,100,000.

It is stated that the fees and expenses to be paid by Jersey Central in connection with the issue and sale of the bonds are estimated at $74,000, including counsel fees of $24,000 and accountants' fees of $6,050, and that the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 6, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-11204; Filed, Sept. 18, 1969; 8:47 a.m.]

PACIFIC FIDELITY CORP.

Order Suspending Trading

SEPTEMBER 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pacific Fidelity Corp. and all other securities of Pacific Fidelity Corp., a Nevada corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 17, 1969, through September 26, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-11205; Filed, Sept. 18, 1969; 8:48 a.m.]

[812-2581]

HAMILTON MANAGEMENT CORP. AND HAMILTON FUND

Notice of Application To Permit Offer of Exchange and Exemption

SEPTEMBER 15, 1969.

Notice is hereby given that Hamilton Management Corp. ("Hamilton"), 777 Grant Street, Denver, Colorado 80203, a Delaware corporation which is Sponsor-Depositor of Hamilton Fund ("Fund"), a unit investment trust registered under the Investment Company Act of 1940 ("Act") (herein collectively referred to as "Applicants") have filed an application pursuant to sections 6(c) and 11(c) of the Act for an order of the Commission permitting an offer of exchange and exempting Applicants from section 22(d) of the Act, all as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

At the present time Fund issues certificates evidencing a periodic investment plan for the accumulation of shares of Hamilton Funds, Inc., a registered investment company which has as its investment objective long-term growth of principal and growth of reasonable income. These certificates (hereinafter referred to as "Fund Certificates") call for regular monthly payments and require an initial double payment followed by 148 subsequent equal monthly payments. Fund Certificates are sold on a front-end load basis; that is, an amount equal to 50 percent of the payments is deducted from the equivalent of the first 12 monthly payments as a sales charge while the remaining payments or their equivalents are subject to a maximum deduction of 4.6 percent as a sales charge. Hamilton has recently filed a post-effective amendment to the Fund's registration statement to provide for the issuance of certificates evidencing a periodic invesment plan for the accumulation of shares of Hamilton Growth Fund, Inc., a registered investment company which has as its sole investment objective capital appreciation. These certificates (hereinafter referred to as "Growth Certificates") will provide for the same number of payments and will be sold on the same front-end load basis as Fund Certificates.

Applicants propose to offer holders of Fund Certificates the right to exchange their certificates for Growth Certificates and holders of Growth Certificates the right to exchange their certificates for Fund Certificates at the relative net asset values of the certificates which are equal to the net asset values of their underlying securities. Further, for purposes of determining the amount of sales charge to be deducted from payments made following an exchange, Applicants propose to take into account the number of monthly payments or their equivalents made toward completion of the plan evidenced by the certificate originally held.

Section 11(a) of the Act provides that it shall be unlawful for any registered

open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants represent that if an exchange between Fund Certificates and Growth Certificates is permitted, planholders will have the opportunity to choose between shares of underlying mutual funds having different investment objectives, the objectives of one of which might well be more suitable to an investor's current needs and desires than would be the objectives of the other.

Section 22(d) of the Act provides in part that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus.

Applicants represent that the primary purpose of the front-end sales charge of 50 percent imposed upon initial payments is to provide adequate compensation to sales representatives who solicit purchases of the periodic investment plans evidenced by the certificates. Applicants state that since no comparable sales efforts would be incurred in an exchange from one plan certificates to another, it would be inequitable and inappropriate to impose additional front-end load charges upon an exchange transaction.

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

Applicants state their opinion that the proposed exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 30, 1969 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interests, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–11206; Filed, Sept. 18, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01–0033]

CAMBRIDGE SCIENCE ADVANCEMENT CORP.

Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), Cambridge Science Advancement Corp. of Boston, Mass., has requested approval of the Small Business Administration (SBA) to surrender its license to operate as a small business investment company. The licensee was incorporated on October 18, 1961, under the laws of the State of Massachusetts and licensed by SBA on December 5, 1961, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice. If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Cambridge Science Advancement Corp., will be accepted, and the company will no longer be licensed to operate as a small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–11202; Filed, Sept. 18, 1969; 8:47 a.m.]

PIONEER CAPITAL CORP.

Notice of Issuance of Small Business Investment Company License

On August 6, 1969, a notice was published in the FEDERAL REGISTER (34 F.R. 12801) stating that Pioneer Capital Corp., Room 1967, 1440 Broadway, New York, N.Y. 10018, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (33 F.R. 326), for a license to operate as a small business investment company. Interested parties were given to the close of business, August 21, 1969, to submit written comments to SBA.

Pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, SBA has considered the subject application and all other pertinent information, including comments submitted in response to the aforementioned notice, and SBA hereby gives notice that License No. 02–0274 has been issued to Pioneer Capital Corp. to operate as a small business investment company.

Dated: September 8, 1969.

ARTHUR H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–11203; Filed, Sept. 18, 1969; 8:47 a.m.]

[Delegation of Authority No. 30; Jackson, Miss., Disaster 1]

MANAGER OF DISASTER BRANCH OFFICE BAY ST. LOUIS, MISS.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 2), Southeastern Area, 33 F.R. 9317, June 25, 1968, as amended (34 F.R. 8730 and 34 F.R. 11166), there is hereby redelegated to the Manager of the Bay St. Louis Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster direct and immediate participation loans up to the total SBA share of—

(a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans; and

(b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan;

(c) To approve disaster guaranteed loans up to $100,000 and to decline disaster guaranteed loans in any amount.

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

HILARY SANDOVAL, Jr.,
Administrator.

By ----------
Manager,
Disaster Branch Office.

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

4. To disburse unsecured disaster loans.

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

II. The authority delegated herein may not be redelegated.

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

Effective date: August 25, 1969.

GEORGE A. FEILD,
Regional Director, Jackson, Miss.

[F.R. Doc. 69-11199; Filed, Sept. 18, 1969; 8:47 a.m.]

[Delegation of Authority No. 30; Jackson, Miss., Disaster 2]

MANAGER OF DISASTER BRANCH OFFICE BILOXI, MISS.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 2), Southeastern Area, 33 F.R. 9317, June 25, 1968, as amended (34 F.R. 8730 and 34 F.R. 11166), there is hereby redelegated to the Manager of the Biloxi Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster direct and immediate participation loans up to the total SBA share of—

(a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans; and

(b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan;

(c) To approve disaster guaranteed loans up to $100,000 and to decline disaster guaranteed loans in any amount.

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

HILARY SANDOVAL, Jr.,
Administrator.

By ----------
Manager,
Disaster Branch Office.

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

4. To disburse unsecured disaster loans.

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

II. The authority delegated herein may not be redelegated.

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

Effective date: August 25, 1969.

GEORGE A. FIELD,
Regional Director, Jackson, Miss.

[F.R. Doc. 69-11200; Filed, Sept. 18, 1969; 8:47 a.m.]

[Delegation of Authority No. 30; Jackson, Miss., Disaster 3]

MANAGER OF DISASTER BRANCH OFFICE PASCAGOULA, MISS.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 2), Southeastern Area, 33 F.R. 9317, June 25, 1968, as amended (34 F.R. 8730 and 34 F.R. 11166), there is hereby redelegated to the Manager of the Pascagoula Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster direct and immediate participation loans up to the total SBA share of—

(a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans; and

(b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan;

(c) To approve disaster guaranteed loans up to $100,000 and to decline disaster guaranteed loans in any amount.

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

HILARY SANDOVAL, Jr.,
Administrator.

By ----------
Manager,
Disaster Branch Office.

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

4. To disburse unsecured disaster loans.

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

II. The authority delegated herein may not be redelegated.

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

Effective date: August 25, 1969.

GEORGE A. FEILD,
Regional Director, Jackson, Miss.

[F.R. Doc. 69-11207; Filed, Sept. 18, 1969; 8:48 a.m.]

[Delegation of Authority No. 30; Jackson, Miss., Disaster 4]

MANAGER OF DISASTER BRANCH OFFICE WAVELAND, MISS.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 2), Southeastern Area, 33 F.R. 9317, June 25, 1968, as amended (34 F.R. 8730 and 34 F.R. 11166), there is hereby redelegated to the Manager of the Waveland Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster direct and immediate participation loans up to the total SBA share of—

(a) $30,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $35,000 for a single disaster on home loans; and

(b) $100,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan;

(c) To approve disaster guaranteed loans up to $100,000 and to decline disaster guaranteed loans in any amount.

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

HILARY SANDOVAL, Jr.,
Administrator.

By ---------- *Manager,*
Disaster Branch Office.

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

4. To disburse unsecured disaster loans.

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

II. The authority delegated herein may not be redelegated.

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

Effective date: August 25, 1969.

GEORGE A. FEILD,
Regional Director, Jackson, Miss.

[F.R. Doc. 69-11201; Filed, Sept. 18, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 16, 1969.

Protests to the granting of an application must be prepared in accordance with

Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41759—*Newsprint paper from points in Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2958), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Jonquiere and St. Joseph d'Alma, Quebec, Canada, to Philadelphia, Pa.

Grounds for relief—Water competition.

Tariff—Supplement 45 to Canadian National Railways tariff ICC E.543.

By the Commission.

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

[F.R. Doc. 69-11213; Filed, Sept. 18, 1969; 8:48 a.m.]

[Notice 907]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 16, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41404 (Sub-No. 85 TA), filed September 2, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, the transportation of which would otherwise be exempt from economic regulation pursuant to section 203(b)(6) of the ICC Act, when transported at the same time and in the same vehicle with commodities subject to economic regulation (as otherwise authorized), from Galveston, Tex., to points in Arkansas, Alabama (except Montgomery), Florida (except Pensacola), Georgia (except Atlanta and 15 miles of Atlanta), Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Minnesota, Oklahoma, Ohio, Tennessee, Texas, and Wisconsin, for 150 days. Supporting shipper: Standard Fruit and Steamship Co., International Trade Mart Building, No. 2 Canal Street, Post Office Box 50830, New Orleans, La. 70150 (William J. Crum, Southern Region Sales, Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 109692 (Sub-No. 23 TA), filed September 8, 1969. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Building, Kansas City, Kans. 64102. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of Armco Steel Corp., in Kansas City, Mo., to points in Oklahoma, for 180 days. Supporting shipper: Armco Steel Corp., General Offices, Middletown, Ohio 45042. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 116077 (Sub-No. 276 TA), filed September 4, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: W. E. Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Isocyanates*, in bulk, in tank trailers, from the plant of Kaiser Aluminum & Chemical Corp., near Gramercy, La., to Los Angeles, Lynwood, and Richmond, Calif.; Bloomington, Chicago, and Lyons, Ill.; Burlington, Iowa; and Austin and Deer Park, Tex.; Richmond Chemical, Los Angeles, Calif.; Crawford Chemical, Lynwood, Calif.; Olin Mathieson, Richmond, Calif.; Unarco, Bloomington, Ill.; Apache Foam, Chicago, Ill.; Pelron, Inc., Lyons, Ill.; Phelan Plastics, Burlington, Iowa; Texas Urethane, Austin, Tex.; and Shell Chemical, Deer Park, Tex., for 180 days: NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Kaiser Chemicals (R. L. Weber, Traffic Manager), 300 Lakeside Drive, Oakland, Calif. 94604. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 125474 (Sub-No. 23 TA), filed September 8, 1969. Applicant: BULK HAULERS, INC., 1901 Wooster Street, Post Office Box 3201, Wilmington, N.C. 28401. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl formamide*, from Wilmington, N.C., to Spartanburg, S.C., for 180 days. Supporting shipper: Aceto Chemical Co., Inc., 126-02 Northern Boulevard, Flushing, N.Y. 11368. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 128273 (Sub-No. 51 TA), filed September 5, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cloquet and Brainerd, Minn., to points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, for 150 days. Supporting shipper: The Northwest Paper Co., Avenue C and Arch Streets, Cloquet, Minn. 55720. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 129071 (Sub-No. 5 TA), filed September 2, 1969. Applicant: WHITEHALL TRANSPORT, INC., Post Office Box 387, Whitehall, Wis. 54773. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in section A, appendix 1 to the Report in *Description in Motor Carrier Certificates* 61, M.C.C. 209 and 766 (except canned goods, commodities in bulk, in tank vehicles, and animal and poultry feed ingredients), from Milwaukee, Wis., to Washington, D.C., Baltimore, Md., Detroit, Mich., Canton, Cincinnati, Columbus, Dayton, Massillon, and Youngstown, Ohio, and McKeesport, New Castle, Philadelphia, Pittsburgh, and Saltsburg, Pa., for 180 days. Supporting shipper: Herbert Kratze, President, Northern Packing Co., Inc., 2049 North 14th Street, Milwaukee, Wis. 53205. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 129416 (Sub-No. 6 TA), filed September 2, 1969. Applicant: B. D. C. LTD., 20 Sheffield Street, Toronto, Ontario, Canada. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Processed and unprocessed film, prints, slides, audio, and video tapes, including motion picture film, and materials and supplies* used in connection with commercial and television motion pictures, (b) *Audit media and other business records*, (c) *Graphic arts materials*, between Bellingham, Wash., on the one hand, and, on the other, ports of entry on the international boundary line between the United States

and Canada at Blaine, for 180 days. Supporting shipper: Kvos Television Corp., 1151 Ellis Street, Bellingham, Wash. 98225. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 129657 (Sub-No. 4 TA), filed September 5, 1969. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, Wis. 53588. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages*, from St. Louis, Mo., to Janesville, Madison, and Portage, Wis., for 180 days. Supporting shipper: Frank Beer Distributors, Inc., 301 South Bedford Street, Madison, Wis. 53703. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133741 (Sub-No. 2 TA), filed September 8, 1969. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Riverton, Wyo., to points in Colorado, for 180 days. Supporting shipper: U.S. Plywood, West Coast Plywood Purchasing, Post Office Box 1650, Eugene, Oreg. 97401. Send Protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304, Lierd Building, 259 South Center Street, Casper, Wyo.

By the Commission.

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

[F.R. Doc. 69-11214; Filed, Sept. 18, 1969; 8:48 a.m.]

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