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List of CFR Parts Affected

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

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

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

PART 317—LABELING

Compositional and Labeling Requirements for Certain Sausage Products

On May 16, 1969, there was published in the FEDERAL REGISTER (34 F.R. 7823) a notice of a proposed amendment to Part 317 of the Federal Meat Inspection Regulations (9 CFR Part 317) to limit the fat content of cooked sausage products to no more than 33 percent. Public hearings were held in Washington, D.C., on June 18, 19, and 20, and written comments were accepted at the Office of the Hearing Clerk until July 13.

Statement of considerations. Comments were received from 607 persons. Consumers, livestock industry, meat packing industry, universities, government, nutritionists, and medical authorities were represented in the responses received.

The need to fix a limit on the amount of fat was clearly demonstrated. The predominant opinions expressed were associated with dietary considerations, variations in product values and fat level preferences. Fat levels in product below and above that generally being produced and proposed were also recommended. The predominant preference reflected was in support of a 30 percent maximum level. The Department has, therefore, concluded that it would be appropriate to set the standard for fat in cooked sausage at a maximum level of 30 percent.

Section 317.8(c)(40) of the regulations (9 CFR 317.8(c)(40)) is amended by adding at the end thereof a new sentence to read: "Cooked sausage such as frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages shall contain no more than 30 percent fat."

The foregoing amendments shall become effective 30 days following publication in the FEDERAL REGISTER.

Done at Washington, D.C., on September 17, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-11386; Filed, Sept. 22, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Amdt. 2]

PART 841—NORMAL YIELDS; BEET SUGAR AREA

1969 and Subsequent Crops of Sugar Beets

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 841.4 (30 F.R. 14846) is amended by amending paragraph (b)(1) thereof to read as follows:

§ 841.4 **County average yields and county normal yields.**

* * * * *

(b) *County normal yield—(1) County average yield determined for 3 or more years.* For a county for which county average yields are determined for three or more of the crops in the base period pursuant to paragraph (a) (1) and (2) of this section the "county normal yield" shall be the simple average of all such "county average yields" determined in the base period; *Provided, however,* That if a county had no sugar beet plantings, other than experimental plantings, prior to 2 years before the base period and the State ASC committee determines that because of abnormal growing conditions in one or more of the base period years such normal yield does not represent a reasonable yield, the State committee, subject to approval by the Deputy Administrator, State and County Operations, may establish a county normal yield which is determined to be reasonable for the county taking into consideration actual yields on farms in the county and other factors, but not in excess of the county's highest average yield for a crop in the base period.

* * * * *

Statement of bases and considerations. The regulation prior to this amendment provides that for a county having a planted acreage record in 3 or more years of the 5-year base period the county normal yield for the current crop year will be the simple average of the annual yields of the crops in the base period for the county. Normally, a county will establish a normal production pattern by the end of 3 years of sugar beet production and the normal yield established by this method would represent the expected production from the acreage planted to sugar beets. However, in two of the new areas for which commitments of acreage were made from the National Reserve to provide for the construction of new beet sugar processing facilities production either because of adverse weather conditions or the lack of production experience by the producers growing the sugar beets has not reached a normal pattern. This situation may also occur in new producing counties in established sugar beet producing areas.

Normal yields for farms having sugar beet production in less than 3 years and normal yields for farms having 3 or more years of production in the base period which production was limited by low yields resulting from adverse weather conditions, disease or insects, are established at percentages of the county normal yield. Accordingly, the use of a county normal yield based solely on the average production in the base period in these new producing counties could result in the establishment of farm normal yields that do not reflect the yields reasonably expected under normal conditions.

This amendment, therefore, provides authority to the State committee with approval of the Deputy Administrator, State and County Operations to establish county normal yields which are deemed to be reasonable for the counties so affected but with a limitation that the county normal yield established for each county shall not exceed the county's highest average yield for any year in the base period.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Secs. 303, 403, 61 Stat. 930, as amended 932; 7 U.S.C. 1133, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on September 17, 1969.

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

[F.R. Doc. 69-11340; Filed, Sept. 22, 1969; 8:47 a.m.]

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

[Lemon Reg. 391, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.691 (Lemon Reg. 391, 34 F.R. 14383) are hereby amended to read as follows:

§ 910.691 Lemon Regulation 391.

* * * * *

(b) * * *

(1) * * *

(ii) District 2: 255,750 cartons.

* * * * *

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

Dated: September 18, 1969.

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

[F.R. Doc. 69-11341; Filed, Sept. 22, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9860; Amdt. 95-184]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, 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 consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective October 16, 1969, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—United States* is amended to delete:

From, to and MEA

Columbia, S.C., VOR; *Langley INT, S.C.; **2,000. *2,900—MCA Langley INT, southwestbound. **1,700—MOCA.

Bahama Routes

52V

Biscayne Bay, Fla., VOR; Nassau, Bahama, VOR; *4,700. *1,200—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Bluff INT, Ala.; Huntsville, Ala., VOR; *3,000. *2,600—MOCA.
Rome, Ga., VOR; Huntsville, Ala., VOR; *4,000. **3,500—MOCA.
Tulsa, Okla., VOR; Bartlesville, Okla., VOR; *2,500. *2,200—MOCA.

Bahama Routes

52V

Biscayne Bay, Fla., VOR; Mango INT, Fla.; *4,000. *1,200—MOCA.
Mango INT, Fla.; Nassau, Bahama, VOR; *4,700. *1,200—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Brunswick, Ga., VOR; Stafford INT, Ga.; *1,500. *1,400—MOCA.
Brunswick, Ga., VOR; Starfish INT, Ga.; *2,000. *1,400—MOCA.
Brunswick, Ga.; VOR; Tarboro INT, Ga.; *1,500. *1,400—MOCA.
Cox INT, Ga.; Brunswick, Ga. VOR; *2,000. *1,400—MOCA.
Kennedy, N.Y., VOR; INT, 265° M rad, Kennedy VOR, & 290° M rad, Robbinsville VOR; 18,000; 40,000.
Waverly INT, Ga.; Brunswick, Ga., VOR; *1,800. *1,400—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read:

*Chandalar Lake, Alaska, LF/RBN; **Sagwon, Alaska, LF/RBN; 10,000. *8,000—MCA Chandalar Lake LF/RBN, northwestbound. **4,100—MCA Sagwon LF/RBN southeastbound.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Chester INT, Ga.; Brunswick, Ga., VOR; *1,500. *1,400—MOCA.
Revere INT, Mass.; Danvers INT, Mass.; *2,000. *1,500—MOCA.
Danvers INT, Mass.; Ipswich INT, Mass.; *2,000. *1,300—MOCA.
Palm Beach, Fla., VOR; *Fort Pierce INT, Fla.; **2,000. *3,000—MRA. **1,600—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended by adding:

Paducah, Ky., VOR via E alter.; Evansville, Ind., VOR via E alter.; *2,600. *1,800—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Hope INT, Minn.; Farmington, Minn., VOR; *3,000. *2,500—MOCA.
Texarkana, Ark., VOR; De Queen INT, Ark.; *2,000. *1,900—MOCA.
De Queen INT, Ark.; Page, Okla., VOR; *4,400. *3,700—MOCA.
Humble, Tex., VOR; Cleveland INT, Tex.; *1,700. *1,500—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Conway INT, Mo.; Stout INT, Mo.; *3,000. *2,800—MOCA.
Stout INT, Mo.; Richland INT, Mo.; *3,000. *2,700—MOCA.
Findlay, Ohio, VOR; Cleveland, Ohio, VOR; 3,000.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Hope INT, Ark.; Grapevine INT, Ark.; *7,000. *1,800—MOCA.
Grapevine INT, Ark.; Sulphur INT, Ark.; *6,000. *1,600—MOCA.
Sulphur INT, Ark.; Pine Bluff, Ark., VOR; *2,000. *1,500—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Augusta, Ga., VOR; *Langley INT, S.C.; 2,200. *2,900—MCA Langley INT, southwestbound.
Langley INT, S.C.; *Norway INT, S.C.; **3,000. *3,500—MCA Norway INT, southeastbound. **2,200—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

McAllen, Tex., VOR; Hargill INT, Tex.; 1,600. MAA–14,090.
Hargill INT, Tex.; Mina INT, Tex.; *3,200. *1,300—MOCA MAA–14,000.
Mina INT, Tex.; Armstrong INT, Tex.; *4,000. *1,100—MOCA.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

Carmel INT, Calif.; *Point Ano INT, Calif.; 6,000. *MRA—7,000.
Point Ano INT, Calif.; Half Moon Bay INT, Calif.; *6,000. *3,000—MOCA.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

Waterville, Ohio, VOR; Bay INT, Ohio; 3,000.
Bay INT, Ohio; Cleveland, Ohio, VOR; *3,000. *2,000—MOCA.
Cleveland, Ohio, VOR; Akron, Ohio, VOR; 3,000.

Section 95.6036 *VOR Federal airway 36* is amended to read in part:

Lewiston INT, N.Y.; Buffalo, N.Y., VOR; 2,500.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Pahokee, Fla., VOR; St. Lucie INT, Fla.;

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

*Scurry INT, Tex.; Quitman, Tex., VOR; **4,000. *2,600—MRA. **2,600—MOCA.
Huntsville, Ala., VOR; Princeton INT, Ala.; 3,500.
Huntsville, Ala., VOR; via S alter.; Adler INT, Ala., via S alter.; 3,500.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Augusta, Ga., VOR via S alter.; *Langley INT, S.C., via S alter.; 2,200. *2,900—MCA Langley INT, southwestbound.
Langley INT, S.C., via S alter.; Columbia, S.C., VOR via S alter.; *2,400. *2,100—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

Jamestown INT, Mo.; Hallsville, Mo., VOR; 2,700.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Raleigh-Durham, N.C., VOR; Franklin, Va., VOR; *2,500. *1,900—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to delete:

Armstrong INT, Tex., via S alter.; Raymondville INT, Tex., via S alter.; *4,000. *1,300—MOCA.
Raymondville INT, Tex., via S alter.; Harlingen, Tex., VOR via S alter.; *1,600. *1,300—MOCA.
Harlingen, Tex., VOR via S alter.; McAllen, Tex., VOR via S alter.; *1,600. *1,500—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Humble, Tex., VOR; via N alter.; Sabine Pass, Tex., VOR via N alter.; 1,600.

Section 95.6072 *VOR Federal airway 72* is amended to delete:

Maples, Mo., VOR; Delmar INT, Mo.; *3,000. *2,500—MOCA.
Delmar INT, Mo.; Imperial INT, Mo.; *3,000. *2,200—MOCA.
Imperial INT, Mo.; Troy, Ill., VOR; 2,600.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Dogwood, Mo., VOR; Maples, Mo., VOR; *3,400. *2,900—MOCA.
Bible Grove, Ill., VOR; INT, 071° M rad, Vandalia VOR and 012° M rad, Bible Grove VOR; *2,300. *1,900—MOCA.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Conway INT, Mo.; Stout INT, Mo.; *3,000. *2,800—MOCA.
Stout INT, Mo.; Richland INT, Mo.; *3,000. *2,700—MOCA.

Section 95.6089 *VOR Federal airway 89* is amended to read in part:

*Lake George INT, Colo.; **Silo INT, Colo.; ***12,000. *14,400—MCA Lake George INT, northbound. **11,000—MCA Silo INT, southwestbound. ***11,800—MOCA.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

Waterville, Ohio, VOR; Mansfield, Ohio, VOR; 2,700.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

*Scurry INT, Tex.; Canton INT, Tex.; **4,000. *2,600—MRA. **2,600—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

Lake George INT, Colo.; *Kiowa, Colo., VOR; 11,800. *8,500—MCA Kiowa VOR, southwestbound.

Section 95.6114 *VOR Federal airway 114* is amended by adding:

Converse INT, La.; *Montrose INT, La.; **4,500. *6,000—MRA. **1,700—MOCA.
Converse INT, La., via N alter.; *Montrose INT, La., via N alter.; **4,500. *6,000—MRA. **1,700—MOCA.

Section 95.6132 *VOR Federal airway 132* is amended by adding:

Springfield, Mo., VOR; Conway INT, Mo.; *3,000. *2,300—MOCA.
Conway INT, Mo.; INT, 051° M rad, Springfield VOR and 260° M rad, Forney VOR; *3,000. *2,800—MOCA.
INT, 051° M rad, Springfield VOR and 260° M rad, Forney VOR; Forney, Mo., VOR; *3,000. *2,500—MOCA.
Forney, Mo., VOR; Lenox INT, Mo.; *3,000. *2,500—MOCA.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

Revere INT, Mass.; Danvers INT, Mass; *2,000. *1,500—MOCA.

Danvers INT, Mass.; Ipswich INT, Mass.; *2,000. *1,300—MOCA.

Section 95.6155 *VOR Federal airway 155* is amended to read in part:

Raleigh-Durham, N.C., VOR; Franklinton INT, N.C.; *2,000. *1,900—MOCA.
Franklinton INT, N.C.; Lawrenceville, Va., VOR; *3,000. *2,000—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Palm Beach, Fla., VOR; Pluto INT, Fla.; 1,600.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Three Rivers, Tex., VOR; *McCoy INT, Tex.; **2,000. *3,000—MRA. **1,900—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Louisville, Ky., VOR via E alter.; Martinsburg INT, Ind., via E alter.; 2,900.
Martinsburg INT, Ind., via E alter.; Livonia INT, Ind., via E alter.; *2,700. *2,000—MOCA.

Section 95.6179 *VOR Federal airway 179* is amended to read in part:

Centralia, Ill., VOR; INT, 006° M rad, Centralia VOR and 158° M rad, Vandalia VOR; *2,400. *2,100—MOCA.
INT 006° M rad, Centralia VOR; and 158° M rad, Vandalia VOR; Vandalia, Ill., VOR; *2,400. *1,900—MOCA.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

Redmesa INT, Colo.; *Mancos INT, Colo.; 10,800. *15,000—MCA Mancos INT, northbound.

Section 95.6191 *VOR Federal airway 191* is amended to delete:

Maples, Mo., VOR; Lenox INT, Mo.; *3,000. *2,400—MOCA.
Lenox INT, Mo.; Delmar INT, Mo.; *3,000. *2,200—MOCA.
Delmar INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Troy, Ill., VOR; 2,600.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Humble, Tex., VOR via N alter.; Sabine Pass, Tex., VOR via N alter.; 1,600.

Section 95.6211 *VOR Federal airway 211* is amended to read in part:

Mancos INT, Colo.; Cortez, Colo., VOR; *11,000. *10,900—MOCA.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:

La Belle, Fla., VOR; *Haven INT, Fla.; **2,000. *3,000—MRA. **1,200—MOCA.

Section 95.6238 *VOR Federal airway 238* is added to read:

Maples, Mo., VOR; Lenox INT, Mo.; *3,000. *2,400—MOCA.
Lenox INT, Mo.; Delmar INT, Mo.; *3,000. *2,200—MOCA.
Delmar INT, Mo.; Imperial INT, Mo.; *3,000. *2,600—MOCA.
Imperial INT, Mo.; Troy, Ill., VOR; 2,600.

Section 95.6239 *VOR Federal airway 239* is added to read:

Forney, Mo., VOR; Algoa INT, Mo.; *2,900. *2,500—MOCA.
Algoa INT, Mo.; Hallsville, Mo., VOR; 2,800.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Palm Beach, Fla., VOR, via E alter.; Pluto INT, Fla., via E alter.; 1,600.
Pluto INT, Fla., via E alter.; St. Lucie INT, Fla., via E alter.; *2,000. *1,300—MOCA.
St. Lucie INT, Fla., via E alter.; *Avon INT, Fla., via E alter.; **4,000. *4,000—MCA Avon INT, southeastbound. **1,300—MOCA.

Section 95.6313 *VOR Federal airway 313* is amended to read in part:

Centralia, Ill., VOR; Decatur, Ill., VOR; *2,400. *2,100—MOCA.

Section 95.6321 *VOR Federal airway 321* is amended to read in part:

Gadsden, Ala., VOR; Owens INT, Ala.; 3,000.
Owens INT, Ala.; Huntsville, Ala., VOR; 3,500.

Section 95.6335 *VOR Federal airway 335* is amended to read in part:

St. Louis, Mo., VOR; Meramec INT, Mo.; *2,200. *2,000—MOCA.
Meramec INT, Mo.; Imperial INT, Mo.; 2,600.
Imperial INT, Mo.; Crystal City INT, Mo.; *3,000. *2,600—MOCA.
Crystal City INT, Mo.; Marion, Ill., VOR; *3,500. *2,400—MOCA.

Section 95.6337 *VOR Federal airway 337* is amended to read in part:

Bloomer INT, Mich.; Birch INT, Mich.; *3,000. *2,500—MOCA.
Birch INT, Mich.; Saginaw, Mich., VOR; 2,600.

Section 95.6343 *VOR Federal airway 343* is amended to read in part:

*Dubois, Idaho, VOR; Ranger INT, Mont.; **14,000. *8,700—MCA Dubois VOR, northbound. **13,200—MOCA.
Ranger INT, Mont.; Gateway INT, Mont.; southbound, 14,000; northbound, 10,000.
Gateway INT, Mont.; *Bozeman, Mont., VOR; southbound, **14,000; northbound, **8,000; *10,500—MCA Bozeman VOR southbound. **7,700—MOCA.

Section 95.6429 *VOR Federal airway 429* is amended to read in part:

Bible Grove, Ill., VOR; INT, 071° M rad, Vandalia VOR and 012° Mrad, Bible Grove VOR; *2,300. *1,900—MOCA.
INT, 071° M rad, Vandalia VOR and 012° M rad, Bible Grove VOR; Mattoon, Ill., VOR; *2,300. *2,000—MOCA.

Section 95.6435 *VOR Federal airway 435* is amended to read in part:

Rosewood, Ohio, VOR; Upper Sandusky INT, Ohio; 3,000.
Upper Sandusky INT, Ohio; Cleveland, Ohio, VOR; 3,500.

Section 95.6436 *VOR Federal airway 436* is amended by adding:

Anchorage, Alaska, VOR; *Talkeetna, Alaska, VOR; 3,000. *4,600—MCA Talkeetna VOR, northbound.
Talkeetna, Alaska, VOR; Nenana, Alaska, VOR; 10,000.
Nenana, Alaska, VOR; Chandalar Lake, Alaska, LF/RBN; *10,000. *8,000—MOCA.

Section 95.6457 *VOR Federal airway 457* is amended to read in part:

Millis INT, Mass.; Boston, Mass., VOR; 2,000.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

Labelle, Fla., VOR via N alter.; *Haven INT, Fla., via N alter.; **2,000. *3,000—MRA. **1,200—MOCA.

Section 95.7043 *Jet Route No. 43* is amended to read in part:

From, to, MEA, and MAA

Rosewood, Ohio, VORTAC; Carleton, Mich., VORTAC; 18,000; 45,000.
Carleton, Mich., VORTAC; Sault Ste. Marie, Mich., VORTAC; 18,000; 45,000.

Section 95.7125 *Jet Route No. 125* is amended to read in part:

Anchorage, Alaska, VORTAC; Talkeetna, Alaska, VOR; 18,000; 45,000.
Talkeetna, Alaska, VOR; Nenana, Alaska; VORTAC; 18,000; 45,000.
Nenana, Alaska, VORTAC; Chandalar Lake, Alaska, LF/RBN; 18,000; 45,000.

Section 95.7511 *Jet Route No. 511* is amended to read in part:

Gulkana, Alaska, VOR; United States-Canadian border; 18,000; 45,000.

Section 95.7590 *Jet Route No. 590* is amended to delete:

Sault Ste. Marie, Mich., VORTAC; Carleton, Mich., VORTAC; 18,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From; to—Changeover point: Distance; from

V–436 is amended by adding:

Talkeetna, Alaska, VOR; Nenana, Alaska VOR; 76; Nenana.
Nenana.
Nenana, Alaska, VOR; Chandalar Lake, Alaska, LF/RBN; 120; Nenana.

V–14 is added:

Findlay, Ohio, VORTAC; Cleveland, Ohio, VORTAC; 30; Findlay.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on September 12, 1969.

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

[F.R. Doc. 69-11267; Filed, Sept. 22, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4694]

[Wyoming 20650]

WYOMING

Partial Revocation of Phosphate Reserves Nos. 11, 22, and 28

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive orders of May 29, 1912, August 25, 1914, and March 16, 1916, creating Phosphate Reserve Nos. 11, 22, and 28 (Wyoming Nos. 2, 5, and 6), respectively, which withdrew public lands for classification and in aid of legislation affecting the use and disposal of phosphate lands belonging to the United States are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 40 N., R. 93 W.,
Sec. 32, NE¼SW¼, S½SE¼.
T. 41 N., R. 93 W.,
Sec. 4, lot 3;
Sec. 5, lots 1 to 4, inclusive;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 7, lot 1, NE¼NW¼.
T. 42 N., R. 93 W.,
Sec. 28, W½SW¼;
Sec. 29, S½SE¼;
Sec. 31, lot 4, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 32, NE¼, E½NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 33, NW¼NW¼, S½NW¼, SW¼, N½SE¼.
T. 41 N., R. 94 W.,
Sec. 1, lots 1, 3, and 4, S½N½, S½;
Sec. 2, SW¼NW¼, SW¼, NE¼SE¼, S½SE¼;
Sec. 3;
Sec. 9, lots 1 to 4, inclusive, NE¼, E½NW¼, SE¼SW¼;
Sec. 10, N½NE¼, SW¼NE¼, NW¼, E½SW¼, SE¼;
Sec. 11, NE¼, E½W½, N½SE¼, SE¼SE¼;
Sec. 12, N½NE¼, NE¼NW¼, SW¼NW¼, N½SW¼;
Sec. 14, N½NW¼, SW¼NW¼;
Sec. 15, N½, SW¼, NW¼SE¼;
Sec. 16, lots 1 and 2, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼.
T. 42 N., R. 94 W.,
Sec. 20, lot 4;
Sec. 21, lot 4;
Sec. 27, NW¼SW¼;
Sec. 28, lots 1, 2, and 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 29, lots 1, 3, 4, and 5;
Sec. 33, lots 1, 2, and 3, W½NE¼, E½NW¼, NE¼SW¼;
Sec. 34, SE¼NE¼, E½SW¼, E½SE¼;
Sec. 36, W½SW¼.
T. 42 N., R. 95 W.,
Sec. 19, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20, SW¼NW¼, S½;
Sec. 21, S½;
Sec. 22, S½SW¼, SW¼SE¼;
Sec. 25;
Sec. 26, lots 1 to 5, inclusive, NW¼NW¼;
Secs. 27 to 30, inclusive.
T. 43 N., R. 95 W.,
Sec. 18, lots 2 and 3, E½SW¼;
Sec. 20, SE¼NE¼, E½SE¼;
Sec. 21, S½N½, S½;
Sec. 22, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 26, W½SW¼;
Sec. 27, NW¼NE¼, S½NE¼, NW¼, N½S½, SE¼SE¼;
Sec. 28, NE¼, N½NW¼;
Sec. 35, N½N½;
Sec. 36, NW¼NW¼.
T. 42 N., R. 96 W.,
Sec. 13, SW¼, SW¼SE¼;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼, E½SW¼, SE¼;
Secs. 24 and 25;
Sec. 26, lots 4 and 5, N½NE¼, NE¼NW¼.
T. 43 N., R. 96 W.,
Sec. 2, S½SE¼;
Sec. 11, NE¼, NE¼SE¼;
Sec. 12, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 13, NE¼, NE¼NW¼, NE¼SE¼.
T. 43 N., R. 100 W.,
Sec. 19, lot 1, SE¼SE¼;
Sec. 23, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 25, lots 2, 3, and 4;
Sec. 26, lots 1, 2, and 3, N½N½;
Sec. 28, lots 3 and 4, SW¼NW¼;
Sec. 29, lot 1, N½NW¼, NW¼SE¼;
Sec. 30, NE¼.
T. 42 N., R. 101 W.,
Sec. 2, SW¼SW¼;
Sec. 3, S½.
T. 43 N., R. 101 W.,
Sec. 13, S½SW¼, SW¼SE¼;
Sec. 16, NW¼NW¼;
Sec. 17, N½NE¼, N½SE¼;
Sec. 24, N½NE¼, SE¼NE¼, NE¼NW¼.

WIND RIVER MERIDIAN

T. 6 N., R. 1 E.,
Sec. 1, lots 1 to 4, inclusive, SW¼NE¼, SE¼NW¼;
Sec. 2, lot 1.
T. 7 N., R. 1 E.,
Sec. 14, SW¼SE¼;
Sec. 19, lots 1 and 2, SE¼NW¼, NE¼SW¼;
Sec. 20, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 23, NW¼NE¼, S½NE¼, NE¼NW¼, SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, W½, NW¼SE¼, S½SE¼;
Sec. 26, NE¼, NE¼SE¼;
Sec. 27, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, SW¼NE¼, NW¼NW¼, S½NW¼, NE¼SW¼, N½SE¼;
Sec. 29, NE¼NE¼;
Sec. 34, N½NE¼;
Sec. 35, NW¼NW¼, S½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 36, E½NE¼, SE¼.

T. 8 N., R. 1 E.,
Sec. 12, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 13, N½NE¼;
Sec. 19, lots 1 to 4, inclusive, W½NE¼, E½W½, SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, S½S½;
Sec. 24, S½S½;
Sec. 27, N½N½;
Sec. 28, N½;
Sec. 29, N½N½;
Sec. 30, lot 1, N½NE¼, NE¼NW¼.
T. 6 N., R. 2 E.,
Sec. 3, S½NE¼, S½;
Sec. 4, NW¼SW¼, S½S½;
Sec. 5, lots 2 and 3, S½NE¼, NE¼SE¼;
Sec. 6, lots 2, 3, and 4;
Sec. 9, N½NE¼;
Sec. 10, NW¼NW¼.
T. 7 N., R. 2 E.,
Sec. 2, lot 4, SW¼NW¼, NW¼SW¼;
Sec. 3, lots 1 and 2;
Sec. 30, lot 4;
Sec. 31, lots 1 to 3, inclusive, E½W½, SW¼SE¼;
Sec. 32, NW¼SW¼, S½SW¼.
T. 8 N., R. 2 E.,
Sec. 7, lots 1 to 4, inclusive, E½NW¼, SE¼SE¼;
Sec. 8, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 9, SW¼SW¼;
Sec. 15, SW¼, NW¼SE¼, S½SE¼;
Sec. 16, SW¼NE¼, W½, SE¼;
Sec. 17, NE¼, N½NW¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 18, NE¼NE¼;
Sec. 19, lot 4, SE¼SW¼;
Sec. 21, N½NE¼;
Sec. 22, N½N½;
Sec. 23, NW¼NE¼, S½NE¼, N½NW¼, SW¼NW¼, N½SW¼, SE¼;
Sec. 26, NE¼, NE¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 29, SW¼NW¼, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 30, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 32, NE¼NE¼;
Sec. 33, NW¼NE¼, S½NE¼, N½NW¼, NE¼SE¼;
Sec. 34, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 35, NW¼, N½SW¼.
T. 5 N., R. 3 E.,
Sec. 3, lots 2, 3, and 4;
Sec. 4, lots 1 and 2.
T. 6 N., R. 3 E.,
Sec. 2, NW¼SW¼, S½SW¼;
Sec. 3, lot 2, S½NE¼, E½SE¼;
Sec. 11, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, E½SE¼;
Sec. 12, NW¼SW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 13, NE¼, N½NW¼, N½SE¼;
Sec. 20, E½SE¼;
Sec. 21, SW¼SW¼;
Sec. 25, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 26, SE¼SE¼;
Sec. 28, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 33, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 34, S½N½, N½S½;
Sec. 35, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼;
Sec. 36, N½NW¼.
T. 7 N., R. 3 E.,
Sec. 28, SE¼SE¼;
Sec. 33, E½NE¼;
Sec. 34, SW¼NW¼, N½SW¼, SE¼SW¼.
T. 6 N., R. 4 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lot 7, S½NE¼, E½SW¼, SE¼;
Secs. 7 to 12, inclusive;
Sec. 13, N½, N½SW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Secs. 14 to 17, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, E½SE¼;
Sec. 19, NE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 20, N½, NE¼SE¼;
Sec. 21;
Sec. 22, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 23, NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 24, E½NE¼;
Sec. 28, S½NE¼, E½SE¼;
Sec. 30, lots 2 and 3, NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.
T. 7 N., R. 4 E.,
Sec. 13, lots 3 and 4;
Sec. 24, N½NE¼, SE¼NE¼, NE¼SE¼.
T. 6 N., R. 5 E.,
Secs. 1 to 12, inclusive;
Sec. 13, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 14 to 17, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½; N½SE¼, SW¼SE¼;
Sec. 19, lots 1 and 2, NW¼NE¼, NE¼NW¼;
Sec. 20, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 21, NE¼, N½NW¼, N½SE¼, SE¼SE¼;
Sec. 22, N½, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 23, W½NE¼, W½, SE¼;
Sec. 24, W½NE¼, NW¼;
Sec. 25, NW¼SW¼;
Sec. 26, NW¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 28, NE¼NE¼.
T. 7 N., R. 5 E.,
Secs. 13 to 18 inclusive;
Sec. 19, lots 1, 2, and 3, E½, E½W½;
Secs. 20 to 29, inclusive;
Sec. 30, E½, NE¼NW¼;
Sec. 32, N½NE¼, SE¼NE¼, NE¼SE¼;
Secs. 33 to 36, inclusive.
T. 5 N., R. 6 E.,
Sec. 21, NE¼NE¼;
Sec. 22, lot 1.
T. 6 N., R. 6 E.,
Sec. 3, lots 1, 2, and 3;
Sec. 4, N½NE¼, SE¼NE¼, NE¼NW¼, E½SE¼, in part unsurveyed;
Sec. 5, W½NE¼, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼, unsurveyed;
Sec. 6;
Sec. 7, lots 1 to 4, inclusive, N½NE¼, SW¼NE¼, E½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 17, E½NE¼;
Sec. 18, lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, E½W½, W½SE¼;
Sec. 19, lots 1 and 2, E½NW¼.
T. 7 N., R. 6 E.,
Secs. 15 to 22, inclusive;
Secs. 27 and 28;
Sec. 29, N½, N½SE¼, SE¼SE¼;
Sec. 30, lot 2, that part lying in the W½, lots 3, 4, 6, 8, and 9, NE¼NE¼, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 31, lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 32, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 33, NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 34.
T. 7 N., R. 1 W.,
Sec. 5, SW¼NW¼, SW¼, S½SE¼;
Sec. 6, lots 4 and 5, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 7, lot 4, E½NE¼, SE¼SW¼, NE¼SE¼;
Sec. 8, N½NE¼, W½, NW¼SE¼;
Sec. 9, SW¼NE¼, NW¼NW¼, S½NW¼, NE¼SW¼, SE¼;
Sec. 10, SW¼NE¼, S½NW¼, S½;
Sec. 11, NE¼, SE¼NW¼, S½;
Sec. 12, NW¼SW¼, S½SW¼;
Sec. 13, NW¼NE¼, S½NE¼, NE¼NW¼, E½SE¼;
Sec. 14, N½NW¼;
Sec. 15, NE¼NE¼;
Sec. 18, lot 1, NW¼NE¼, S½NE¼, NE¼NW¼.
T. 8 N., R. 1 W.,
Sec. 13, lots 1 and 2;
Sec. 15, lot 2;
Sec. 21, lot 1, E½SE¼;
Sec. 22, lot 1, NE¼NW¼, SW¼NW¼, W½SW¼;
Sec. 24, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 25, N½N½;
Sec. 26, NE¼NE¼, NW¼NW¼;
Sec. 27, NE¼NE¼, N½NW¼.
T. 7 N., R. 2 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, NW¼SW¼, S½SW¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, NE¼SW¼, SE¼;
Sec. 3, lots 1 to 4, inclusive, SE¼NE¼, S½NW¼;
Sec. 4, lots 1 and 2, S½NE¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 5, SE¼;
Sec. 6, lot 7, SE¼SW¼;
Sec. 7, lot 1, NW¼NE¼, S½NE¼, E½NW¼, SE¼;
Sec. 8, NE¼, E½NW¼, S½;
Sec. 9, S½;
Sec. 11, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 12, SW¼NE¼, W½, SE¼;
Sec. 13, N½NE¼;
Sec. 14, S½SW¼;
Sec. 15, S½S½;
Sec. 16, NE¼NE¼, W½SW¼;
Sec. 17, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 19, lots 3 and 4, E½SW¼, SE¼;
Sec. 20, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 21, N½, SW¼, N½SE¼;
Sec. 22, N½, N½S½;
Sec. 23, N½, NW¼SW¼, N½SE¼;
Sec. 24, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 25, NE¼, NE¼NW¼.
T. 8 N., R. 2 W.,
Sec. 34, lots 1, 2, and 3;
Sec. 35, lots 1, 3, and 4, S½SE¼;
Sec. 36, lot 4, S½SW¼, SW¼SE¼.

The areas described aggregate approximately 90,063 acres in Fremont and Hot Springs Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 16, 1969.

[F.R. Doc. 69-11321; Filed, Sept. 22, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Change of Address of Official

1. The Commission has before it the desirability of making an editorial change in § 0.121 of its rules showing the location of the Field Engineering Bureau's field offices and monitoring stations.

2. Authority for the amendment is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules. Because the amendment is editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered*, That Part 0 of the rules and regulations is amended as set forth below effective September 24, 1969.

Adopted: September 17, 1969.

Released: September 18, 1969.

(Secs. 4, 5, 303, 48 Stat. as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

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

In § 0.121 the address of the Engineer in Charge for Radio District 4 is amended to read as follows:

Radio district	*Address of engineer in charge*
4	Room 819, Federal Building, Baltimore, Md. 21201.

[F.R. Doc. 69-11325; Filed, Sept. 22, 1969; 8:46 a.m.]

[Docket No. 18592, RM-1439; FCC 69-1002]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Hagerstown, Md., and Altoona, Pa.

1. On July 2, 1969, the Commission adopted a notice of proposed rule making (released July 3, 1969) in the above-entitled matter (FCC 69-732) pursuant to a petition (RM-1439) filed by the Maryland Public Broadcasting Commission (MPBC).[1] Interested parties were afforded an opportunity to comment on or before August 11, 1969, and to reply to such comments on or before August 21, 1969. One brief comment was filed by petitioner.

2. The Commission's notice considered the petition, comments, and reply comments of MPBC as well as the comment of the Association of the Maximum Service Telecasters. It responded by proposing to replace Channel *68 with Channel *31 at Hagerstown, Md., and replacing Channel 31 with Channel 38 at Altoona, Pa.[2] The present assignments at Hagerstown are Channels 25 and *68. There is a construction permit held by WHAG-TV for Channel 25 while no applications are pending for Channel *68. Channels 10, 31, 47, and *57 are presently assigned to Altoona. While WFBG-TV occupies Channel 10, the remaining assignments have no applications pending for their use. Hagerstown is located in Washington County: their populations respectively are 36,660 and 91,219. Altoona (located in Blair County with a population of 137,270) has 69,407 residents.[3]

3. MPBC in its supporting comment asserts that "An educational television station at Hagerstown would be an important part of the seven-station Statewide network to be developed, operated, and maintained by the MPBC. As stated in the petition for rule making, MPBC is of the opinion that because of the mountainous terrain surrounding the Hagerstown area in western Maryland, a lower UHF reserved channel would provide better coverage because of the technical superiority of the lower UHF television broadcast channels * * *. The proposal is technically feasible, and the substitution of a lower UHF reserved channel at Hagerstown may be accomplished without adverse impact upon allocations in other communities, inasmuch as a satisfactory UHF channel, Channel 38, may be substituted at Altoona, Pa., in place of existing Channel 31. The MPBC believes that the instant proposals would serve the public interest and assist in the development of an effective Statewide educational television service to Maryland".

4. The Commission does not share petitioner's view that a lower UHF assignment, Channel *31 in place of Channel *68, is substantially superior. However, we do concur in the other uncontested points made by MPBC. Hence, in order to facilitate the early development of a Statewide educational television network in Maryland, we find that it is in the public interest to replace Channel *68 with Channel *31 at Hagerstown, Md., and to substitute Channel 38 for Channel 31 at Altoona, Pa.

5. The assignment of Channel *31 to Hagerstown involves a shortage of approximately 2 miles in the 60-mile "taboo" separation which is required between the Hagerstown reference point and the authorized transmitter site of WBFF, Channel 45, Baltimore, Md. The assignment is being made, however, with the specified condition that any tower site for Channel *31 at Hagerstown be located so as to meet all of our minimum mileage separation requirements to other assignments.[4] The new assignment of Channel 38 to Altoona fully meets all of the spacing requirements contained in the Commission's rules.

6. Authority for the action taken herein, is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Accordingly: *It is ordered*, That effective October 30, 1969, the Table of Assignments in § 73.606(b) of the Commission's rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	*Channels*
Hagerstown, Md	25, *31
Altoona, Pa	10, 38, 47, *57

8. *It is further ordered*, That this proceeding is terminated.

[1] On July 1, 1969, the Maryland Educational-Cultural Broadcasting Commission, under which name the original petition for rule making was filed, was renamed the Maryland Public Broadcasting Commission.

[2] Our minimum mileage separation requirements require the deletion of Channel 31 at Altoona in order for that channel to be assigned to Hagerstown.

[3] All population statistics are in accordance with the 1960 U.S. Census.

[4] Petitioner proposes to construct a tower site for Channel *31 at Hagerstown, approximately 13 miles west of that community, where it would be in full compliance with our rules. Both MPBC and the Maximum Service Telecasters have agreed to this condition in earlier pleadings filed in this proceeding.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: September 17, 1969.

Released: September 18, 1969.

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

[F.R. Doc. 69-11327; Filed, Sept. 22, 1969; 8:46 a.m.]

[Docket No. 18271]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

First Report and Order

In the matter of amendments of Parts 2, 81, 83, and 85—to effect orderly shifts from present double sideband (DSB) and/or single sideband (SSB) to new (replacement) frequencies; to establish a revised schedule of dates, technical standards, frequencies and other requirements for the transition of ship and coast stations from DSB to SSB radiotelephony on frequencies within the revised frequency allotments adopted by the World Administrative Radio Conference, Geneva—1967, for the exclusive HF maritime mobile service bands between 4 and 23 Mc/s; Docket No. 18271, FCC 69-1010.

1. A notice of proposed rule making in the above-captioned matter was released on August 8, 1968, and was published in the FEDERAL REGISTER on August 16, 1968 (FCC 68-781, 33 F.R. 11669). By order, released on September 24, 1968, an extension of time was granted in which to file comments. In the notice, the Commission proposed to amend its rules governing stations in the Maritime Services for the exclusive bands between 4 and 23 Mc/s.

2. This first report and order is directed to the matter of amendment of the rules to (a) withdraw, effective October 31, 1969, availability of the double sideband radiotelephone carrier frequency 6240 kc/s and the single sideband radiotelephone carrier frequency 6236.9 kc/s; and (b) to make available for immediate use the replacement radiotelephone carrier frequency 6147.5 kc/s with emission 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. The area of use of these three frequencies is limited to the Mississippi River System.

3. In order that licensees of coast and ship stations may have sufficient time in which to effect transition from 6240 to 6147.5 kc/s prior to October 31, 1969, it is necessary that Parts 81 and 83 be amended at the earliest practicable date. This first report and order, therefore, is limited to (a) withdrawal of availability of 6240 kc/s (and 6236.9 kc/s) on October 31, 1969, and (b) making immediately available 6147.5 kc/s, as the replacement for 6240 kc/s. Although the notice did not specify the replacement frequency it did clearly indicate that 6240

and 6239.9 kc/s would not be available for radio-telephony and that a replacement frequency would be made available. There were no objections to this proposed course of action.

4. In its notice, the Commission discussed at length the circumstances which necessitate withdrawal of 6240 kc/s on October 31, 1969. In brief review, the ITU World Administrative Radio Conference (WARC), Geneva, 1967, among other things, (a) redistributed frequency allocations between the various maritime mobile services; and (b) established a worldwide schedule of dates for transition from the "old" to the "new" frequencies for each of the redistributed bands in order to more effectively provide for the needs of those services. As a consequence of these shifts in band-edges, 6240 kc/s now falls wholly within the band allotted for Wideband Telegraphy, Facsimile and Special Transmission Systems. This band is not available for radiotelephony. Thus, it has been necessary to shift current operations from 6240 kc/s to a replacement frequency. Under the WARC schedule, changes from "old" to "new" frequencies within the band available for Wideband Telegraphy, Facsimile and Special Transmission Systems are to be carried out during the period November 1, to December 31, 1969. It is necessary, therefore, that use of 6240 kc/s for radiotelephony be discontinued on or before October 31, 1969.

5. Noting that 6147.5 kc/s is included in the band 5950–6200 kc/s and that this band is allocated to International Broadcasting, the rule changes herein adopted will include the following footnote:

The frequency 6147.5 kc/s may be authorized for simplex operation by non-Government coast and ship radiotelephone stations operating in the Mississippi River System on the condition that harmful interference shall not be caused to stations operating in accordance with the Table of Frequency Allocations.

6. Based on the foregoing considerations:

a. The following sections of the rules are amended to delete the frequency 6240 kc/s, effective November 1, 1969, and to add the frequency 6147.5 kc/s, effective September 26, 1969.

Part 81	*Part 83*
81.304(a)(2).	83.351(a)(2).
81.304(b)(3).	83.351(b)(5).
81.306(c).	83.351(b)(6).
	83.355(a)(3).

b. The following sections of the rules are amended to delete the frequency 6236.9 kc/s, effective November 1, 1969:

Part 81	*Part 83*
81.304(a)(3).	83.351(a)(3).
81.304(b)(3).	83.351(b)(5).
81.306(c).	83.351(b)(6).
	83.355(a)(3).

7. For the reasons stated herein, the Commission finds that good cause exists for making these rule changes effective September 26, 1969. This action is taken pursuant to 5 U.S.C. 553.

8. An application for modification submitted solely for a frequency change that is necessary to comply with any rule amendments adopted as a result of this proceeding may be submitted without a fee.

9. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules are amended effective September 26, 1969, as set forth in paragraphs 5 and 6 above.

10. The formal codification of the changes described above will be accomplished by a subsequent order of the Commission in this docket.

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

Adopted: September 17, 1969.

Released: September 18, 1969.

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

[F.R. Doc. 69-11326; Filed, Sept. 22, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Federal Motor Vehicle Safety Standard No. 108; Lamps Reflective Devices, and Associated Equipment—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, Buses, Trailers, and Motorcycles

Federal Motor Vehicle Safety Standard No. 108 (33 F.R. 19708) specifies requirements for lamps, reflective devices, and associated equipment for passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles. The Federal Highway Administrator is amending this standard to provide a reserve front lighting system for passenger cars; and multipurpose passenger vehicles, trucks, and buses, of less than 80 inches in overall width. Specifically, the amendment requires that parking lamps be activated when the headlamps are activated. This will provide pedestrians and oncoming drivers with a means of determining the position of a vehicle in the event of headlamp failure. In addition, the amendment establishes new minimum and maximum photometric values for parking lamps. The new photometric values are considered necessary for lighting adequately the corner of a vehicle having a headlamp failure.

By an advance notice of proposed rule making published in the FEDERAL REGISTER, October 8, 1968 (33 F.R. 15028), and a notice of proposed rule making published in the FEDERAL REGISTER, February 7, 1969 (34 F.R. 1836), the Administrator invited interested parties to submit comments with respect to requirements for the reserve lighting system. All comments received have been considered.

Several persons objected to the idea of a maximum candlepower limitation for parking lamps, claiming that such a limitation was not related to safety. Maximum limitations are necessary to limit the glare from such lamps. Comments indicated that, if a maximum were established, the value should be 250 candlepower rather than the 90 candlepower specified. The Administrator believes that a maximum of 250 candlepower for test points below the horizontal plane will not create excessive glare. Accordingly, the maximum value is changed to 125 candlepower for test points on or above the horizontal plane, and to 250 candlepower for test points below the horizontal plane.

The Administrator, considering the present minimum candlepower requirement (0.62 as specified in Standard No. 108) to be inadequate for parking lamps when used either as a reserve lighting system or for indicating a parked vehicle, had proposed that new minimum requirements be adopted. Several European vehicle and equipment manufacturers objected to this proposal and recommended minimum photometric values which are compatible with the E.C.E. (United Nations) Regulations No. 7. The Administrator considers this recommendation to have merit. The minimum photometric values adopted in this amendment represent certain E.C.E. values plus some intermediate test points.

Several comments from European manufacturers requested that use of white parking lamps be permitted as an alternative to amber lamps, since white lamps are required by regulation in most European countries. Other comments pointed out that white lamps were more readily identifiable as reserve front lamps, since the primary headlamps are white. The Administrator believes these comments have merit, and the amendment provides for use of either white or amber parking lamps.

Several comments objected to the extension of the 5 to 1 candlepower ratio requirement of combination parking lamps and turn signal lamps to separately mounted parking lamps. The contention is that this candlepower ratio is necessary for an effective turn signal on combination units, but for separate units the turn signal effectiveness is interdependent on the candlepower ratio and the separation distance; therefore, lesser ratios are equally effective with larger separation distances. The comments, however, did not suggest ratio requirements related to separation distance. The Administrator appreciates the problem and will consider this matter further. Accordingly, the candlepower ratio requirements for separately mounted parking lamps and turn signal lamps are not included in this amendment.

It is clearly in the public interest to have the parking lamp activation requirement, which deals with a problem not heretofore regulated, in effect earlier than 180 days from the date of this amendment. Indeed, the safety benefits

derived from this requirement warrant its becoming effective as soon as practicable. For this reason, and in view of the fact that no manufacturer represented that it could not comply with this requirement by January 1, 1970, the Administrator finds that good cause exists for making the parking lamp activation requirement effective January 1, 1970. With respect to the photometric values requirements, several European manufacturers stated that substantial lead time was needed in order to comply with these requirements because of limited availability of test facilities. The Administrator believes that good cause has been shown for making the effective date for these requirements later than 1 year from the date of issuance of this amendment. A January 1, 1971 effective date for these requirements is warranted.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 108 is amended, effective January 1, 1970, adding the following paragraphs (S3.1.1.12 and S3.4.8) to the standard (§ 371–21):

S3.1.1.12 On and after January 1, 1971, parking lamps on passenger cars; and multipurpose passenger vehicles, trucks, and buses, of less than 80 inches overall width shall be either amber or white and the minimum and maximum candlepower requirements for such lamps shall be as follows:

	Test point (degrees)	Minimum candlepower	Maximum candlepower
10U	10L	0.8	125
	V	0.8	125
	10R	0.8	125
5U	20L	0.4	125
	10L	0.8	125
	5L	1.4	125
	V	2.8	125
	5R	1.4	125
	10R	0.8	125
	20R	0.4	125
H	20L	0.4	125
	10L	1.4	125
	5L	3.6	125
	V	4.0	125
	5R	3.6	125
	10R	1.4	125
	20R	0.4	125
5D	20L	0.4	250
	10L	0.8	250
	5L	1.4	250
	V	2.8	250
	5R	1.4	250
	10R	0.8	250
	20R	0.4	250
10D	10L	0.8	250
	V	0.8	250
	10R	0.8	250

* * * * *

S3.4.8 On and after January 1, 1970, parking lamps on passenger cars; and multipurpose passenger vehicles, trucks, and buses, of less than 80 inches overall width, shall be activated whenever the headlamps are activated.

(Secs. 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966; 15 U.S.C. 1392, 1407 and pursuant to the delegation of authority from the Secretary of Transportation, to the Federal Highway Administrator; 49 CFR 1.4(c))

Issued on September 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-11313; Filed, Sept. 22, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Seedskadee National Wildlife Refuge, Wyo.

On page 14079 of the FEDERAL REGISTER of September 5, 1969, there was published a notice of a proposed amendment to 50 CFR 32.11, 32.21, and 32.31. The purpose of this amendment is to provide public hunting of migratory game birds, upland game, and big game on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER (sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd).

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

WYOMING

Seedskadee National Wildlife Refuge.

2. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

WYOMING

Seedskadee National Wildlife Refuge.

3. Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

WYOMING

Seedskadee National Wildlife Refuge.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 18, 1969.

[F.R. Doc. 69-11309; Filed, Sept. 22, 1969; 8:45 a.m.]

PART 32—HUNTING

Rice Lake National Wildlife Refuge, Minn.

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

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

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset September 27 through November 2, 1969, and November 19 through November 30, 1969, inclusive, only on the area designated by signs as open to hunting. This open area comprising 2,200 acres, is delineated on a map available at refuge headquarters, McGregor, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn.

AUGUST 27, 1969.

[F.R. Doc. 69-11311; Filed, Sept. 22, 1969; 8:45 a.m.]

PART 32—HUNTING

Upper Souris National Wildlife Refuge, N. Dak.

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

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

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, N. Dak., is permitted on all areas except those designated as closed. The open areas, comprising 31,800 acres are delineated on maps available at refuge headquarters, Foxholm, N. Dak., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season for hunting deer on the refuge is from noon November 7 to sunset November 16, 1969, c.s.t.

(2) The refuge shall be closed to all vehicular travel except the main public roads.

(3) Regular gun license permits the taking of whitetailed deer with forked

antlers on at least one side. Hunters with Special Unit III–A licenses may take whitetailed deer of any age or sex or mule deer with forked antlers on at least one side. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1969.

JOHN M. DAHL,

Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, N. Dak.

SEPTEMBER 15, 1969.

[F.R. Doc. 69–11312; Filed, Sept. 22, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1075]

[Docket No. AO–248–A11]

MILK IN BLACK HILLS, S. DAK., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rapid City, S. Dak., on June 17, 1969, pursuant to notice thereof issued on May 29, 1969 (34 F.R. 8972).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on August 26, 1969 (34 F.R. 13873; F.R. Doc. 69–10359) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decisions (34 F.R. 13873; F.R. Doc. 69–10359) are hereby approved and adopted and are set forth in full herein:

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

1. Class I price.
2. Class II price.
3. Butterfat differentials.
4. Base-excess plan.
5. Pool plant standards.
6. Miscellaneous changes.

FINDINGS AND CONCLUSIONS

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

1. *Class I price.* The level of the Class I milk price should be reduced 40 cents per hundredweight by lowering the Class I differential to $1.95 ($1.75 plus an additional 20 cents) over the basic formula price for the preceding month. The order now provides a Class I differential of $2.35 ($2.15 plus an additional 20 cents) over the basic formula for the preceding month.

The change was proposed by the cooperative supplying milk to the market, and it was supported by a proprietary handler distributing fluid milk products in the marketing area. There was no opposition to the proposal.

Proponent's chief testimony concerning the proposal was that (1) the market is less isolated from competition than in 1954 when the order was established, and (2) the present Class I price is not properly aligned with the Class I prices provided in adjacent Federal order markets.

The Black Hills area is now comparatively less isolated from milk supplies in other areas than was the case in 1954 when the order was established. Improved sanitary standards in the production and handling of milk have increased the shelf life of fresh fluid milk products, thereby permitting them to be moved greater distances than previously. Larger and improved refrigeration trucks have facilitated the movement of increasing quantities of milk between markets. Roads have been greatly improved, and the Interstate highway system has been about completed from Sioux Falls in the extreme eastern part of South Dakota to Rapid City in the extreme western part of the State.

The Black Hills market has moved from being a deficit market at its inception 15 years ago to one of substantial surplus, which has no foreseeable outlet in fluid form. In 1968, the Class I utilization of the market dropped to 42 percent from 54 percent in 1967. In November 1968, only 32 percent of producer milk was used in Class I compared with 59 percent in November 1967. In April 1969, only 31 percent of producer receipts was used in Class I compared with 47 percent in April 1968.

There were two principal factors contributing to this decline. First, a proprietary pool handler closed his bottling plant in Rapid City in August 1968. Since then, the handler has been supplying fluid milk outlets in the market from his plant at Moorhead, Minn., which is regulated under the Minnesota-North Dakota order. Secondly, a handler regulated under the Nebraska-Western Iowa order has begun the distribution of fluid milk products in the Black Hills marketing area. His business has been gaining and locally produced milk is being displaced.

The substantial reduction in Class I utilization for the market has resulted, at least in part, because the Class I price level has not remained appropriately aligned with competing Federal order markets.

The difference between the Class I price for the Minnesota-North Dakota order and that for the Black Hills order for May 1969 was $1.29 per hundredweight. The indicated cost to the Minnesota-North Dakota handler in moving bulk milk about 550 miles from his Moorhead, Minn., plant to the Black Hills area ranges between 66 cents and 82 cents per hundredweight. Packaged fluid milk products would cost somewhat more. This leaves the Moorhead handler with a price advantage of 47 cents to 63 cents per hundredweight on his disposition of fluid milk products in competition with Black Hills handlers.

A similar comparison shows that the Nebraska-Western Iowa handler can move milk about 400 miles from Norfolk, Nebr., to Rapid City, S. Dak., at a cost of about 60 cents per hundredweight. The difference in Class I prices between the two markets was 75 cents per hundredweight for May 1969.

Although no milk is presently moving to the Black Hills area from the Eastern South Dakota market, the May 1969 Class I milk price was 85 cents per hundredweight less in that market than under the Black Hills order. The distance between Rapid City and Sioux Falls, S. Dak., is about 366 miles, and fluid milk products could move from Sioux Falls to Rapid City at a price advantage of about 30 cents per hundredweight to a handler located at Sioux Falls.

The local cooperative sells milk to a handler regulated by the Eastern Colorado order which is pooled under that order. The handler, in turn, supplies milk and other dairy products to its stores throughout the Black Hills area.

The Class I price of the Eastern Colorado order for May 1969 was $6.53. This was 16 cents per hundredweight less than the Black Hills Class I price. The indicated cost of moving milk between Rapid City and Denver was about 70 cents per hundredweight. The price change proposed herein would bring the Class I price level somewhat below the price effective under the Eastern Colorado order.

The Black Hills marketing area has a special competitive vulnerability in the presence of the Ellsworth Air Force Base in the marketing area. A Black Hills handler presently serves this substantial outlet for fluid milk. The loss of this business through Class I prices that are not appropriately aligned with competing Federal order markets could only lead to further deterioration in Class I sales, and necessitate the movement of an alternative supply from longer distances.

It is concluded that the lower Class I price level proposed herein will tend to remove the Class I price disparity that prevails between the Black Hills market and competitive markets. The change will provide better price alignment among these orders, taking into account the cost of moving milk between them.

2. *Class II price.* The Class II price should be the basic formula price for the month, but not to exceed a butter-nonfat dry milk formula price proposed herein.

The Class II price is now based solely on a butter-nonfat dry milk formula. The cooperative proposed that the Class II price be the basic formula price for the month (computed from the Minnesota-Wisconsin manufacturing milk price

series) less 13 cents for each month of the year.

Proponent's chief reasons for the proposal were that (1) the present order Class II price is unreasonably low compared with prices being paid for manufacturing grade milk in the Black Hills area, and (2) a Class II price based on the Minnesota-Wisconsin manufacturing milk price series will accurately reflect the value of manufacturing grade milk. There was no opposition to the proposal.

From the inception of the order, the cooperative has assumed the chief responsibility for handling reserve milk not accepted by pool plants. When the order was established there were no manufacturing outlets in the Black Hills area for seasonal Grade A surplus. The cooperative handled the occasional surplus in the market at that time by separating and selling the cream and by disposing of the skim milk with no financial return to the association.

Since then, marketing conditions for reserve milk have changed. The cooperative regularly disposes of a large volume of surplus Grade A milk for manufacturing to cheese plants and butter-nonfat dry milk plants. Also, a cheese plant at Sturgis, S. Dak. (about 30 miles northwest of Rapid City) has been developing a supply of manufacturing grade milk in the same area from which the cooperative obtains its supply.

The plant at Sturgis currently is paying $4.20 per hundredweight for such milk. The order Class II price ranged between $3.65 and $4.03 per hundredweight in 1968. The average Class II price for 1968 was $3.88, and since January 1969 it has ranged between $3.93 and $3.99.

The wide difference between the manufacturing milk price and the Class II price for the market is inappropriate under present marketing conditions. The price now paid by regulated plants for Class II milk does not reflect the full value of such milk if delivered to the nearby manufacturing outlet. The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market, while at the same time it encourages the orderly marketing of reserve milk. A price formula using the basic formula price, but not to exceed a representative butter-nonfat dry milk formula price, would provide a price level more closely representing the full value of manufacturing milk than does the present formula. The basic formula price now provided in the order is computed as the average Minnesota-Wisconsin manufacturing milk price, which is used in many Federal order markets as both a basic formula price and the surplus class price.

The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin about 58 percent. There are many plants in these States which compete for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products.

In the Black Hills area, the cooperative handles the surplus for the market. As indicated previously, part of the surplus disposition is made to local cheese plants. The cooperative also operates a nonfat dry milk processing facility and disposes of substantial quantities of surplus to local butter plants and to butter-nonfat dry milk plants in other parts of South Dakota.

A particular segment of the manufactured milk industry may be temporarily influenced by marketing conditions which do not affect the remainder of the industry to the same degree. Such conditions may not be fully reflected in the Minnesota-Wisconsin price series. Because of the importance of butter and nonfat dry milk as an outlet in this market, it is desirable that the Class II price not exceed a price level based on a butter-nonfat dry milk formula.

Use of this formula as a "ceiling" will insure that the Class II prices will continue to reflect the values of butter and nonfat dry milk in the event of a temporary divergence in the relationship between such values and the Minnesota-Wisconsin price, which also reflects the values of other manufactured dairy products such as cheese and evaporated milk.

A similar alternate formula based on butter and nonfat dry milk values is used in a number of Federal order markets, particularly where the primary facilities for handling the reserve milk are butter-nonfat dry milk plants as in the Black Hills market.

The Class II price proposed herein is computed by using product yields and market prices for butter and nonfat dry milk and a "make allowance" of 48 cents. This formula will provide an upper limit on the minimum Class II price as is appropriate in a market, such as Black Hills, where processing facilities for surplus milk are few and where there is a relatively small total quantity of milk available for manufacturing. In such instances, surplus milk cannot be handled as efficiently as might be the case in an area of heavier surplus production.

The formula proposed by the cooperative would have produced prices of $4.11 for 1968 and $4.21 for the first 5 months of 1969. The basic formula price, limited by the butter-nonfat dry milk price, would have produced prices of $4.12 for 1968 and $4.22 for the first 5 months of 1969, and would have been higher than the order Class II prices by 24 cents and 27 cents, respectively.

It is concluded that the Class II formula provided herein will provide Class II prices that are representative of the value for manufacturing milk in the area.

3. *Butterfat differentials.* The order should be amended to change the method of computing the handler (Class I and Class II) and producer butterfat differentials.

The Class I butterfat differential is now computed by adding 4.3 cents to the Class II butterfat differential for the preceding month. The Class II butterfat differential is computed by subtracting 6.5 cents from the Chicago butter price for the month, and multiplying the remainder by 0.12. The butterfat differential to producers is computed by multiplying the Chicago butter price for the month by 0.12.

(a) *Handler butterfat differentials.* The handler butterfat differential adjustment for each variation of one-tenth percent of butterfat content of milk from the basic 3.5 percent should be the amount computed as follows: Class I, multiply the Chicago butter price for the preceding month by 0.12; Class II, multiply the Chicago butter price for the month by 0.11.

The Chicago butter price is now defined in the order as the simple average of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported during the month by the Department.

The cooperative proposed the changes provided herein, and the proposal was supported by a proprietary handler. Proponent cooperative wants to make the value of butterfat in Class I products competitive with the open market value of butterfat.

Using the proposed factor of 0.12 in computing the Class I butterfat differential will result in a substantial reduction from the butterfat differential now provided in the order. The values assigned to butterfat and skim milk when the order was established 15 years ago appropriately reflected the values of those components in milk. Since then there has been a drastic decline in the use of cream and cream products, and vegetable fats have been substituted in many of the former uses of butterfat. This has resulted in a lower value for butterfat.

In April 1969, the Class I butterfat differential in the Black Hills market was 11.5 cents. In markets relatively near the Black Hills butterfat differentials ranged from 8 cents to 8.6 cents. In the Eastern South Dakota and the Minnesota-North Dakota markets the differential was 8 cents; in the Nebraska-Western Iowa market it was 8.3 cents; in the Minneapolis-St. Paul market it was 8.1 cents; and in the Eastern Colorado market it was 8.6 cents per point of butterfat. Multiplying the Chicago butter price by 0.12 will result in a value of the fat that is more appropriately in line with the values assigned in these orders than is now the case.

The cooperative also proposed the Class II butterfat differential provided herein. It will continue to yield substantially the same butterfat differential as is presently provided. The change provided herein only makes the method of computation more uniform with similar provisions in other Federal orders.

(b) *Producer butterfat differential.* The butterfat differential used in making payments to producers should be computed at the weighted average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the Class

I and Class II butterfat differentials weighted by the proportions of butterfat in producer milk in each class. Producer returns for butterfat then will reflect the average value of the butterfat as actually used. At the present time, the per point adjustment for butterfat made in the producer price is determined by multiplying the Chicago butter price by 0.12.

The cooperative proposed the computation provided herein as an appropriate means of adjusting uniform prices to producers. It will not affect the prices paid by a handler, but will merely prorate the returns from the sale of Class I and Class II milk by handlers equitably among producers for milk that differs from the basic 3.5 butterfat test.

4. *Base-excess plan.* The "base-excess" plan for distributing returns from the sale of milk among producers no longer tends to effectuate the purposes of the Act and should be discontinued.

The base-excess plan was provided in the order to reduce fluctuations in the amount of milk supplied to the market throughout the year. The plan permits each producer to establish a base according to his deliveries to pool plants during the months of July through December of each year. In each of the following months of January through June, separate uniform prices are computed for "base" milk and "excess" milk under provisions that allot Class I uses first to base milk.

The cooperative proposed that the base-excess plan be discontinued because the supply of milk is expected to be adequate for Class I sales in all months of the year.

The Black Hills is a popular tourist and vacation area. The influx of tourists usually begins in June after the spring flush and continues into September when the market previously was short of milk. The base-excess plan encouraged dairy farmers to produce adequate supplies more evenly throughout the year to supply these additional sales. In recent years, the supply of producer milk has been adequate in every month of the year. The cooperative anticipates an ample supply of producer milk in the foreseeable future.

It is concluded that there is no need to continue the distribution of receipts from the sale of Grade A milk on the basis of base and excess prices.

5. *Pool plant qualifications.* The order should be changed to provide an additional qualification for pooling a distributing plant. In order to qualify as a pool plant, a distributing plant should dispose of at least 35 percent of its Grade A receipts in the form of fluid milk products on routes (both inside and outside the marketing area).

The order now provides that a distributing plant may be pooled in any month that a volume of Class I milk not less than 20 percent of the Grade A milk received at such plant from producers is disposed of during the month on routes in the marketing area.

The cooperative proposed a factor of 50 percent to insure against plants that are predominately manufacturing plants from drawing out of the pool and decreasing the blend price to producers. Adoption of the change provided herein, would not affect the regulatory status of any handler now serving the market. There was no opposition to the proposal.

The principal purpose of the distributing plant qualification for pooling is to assure that a plant and its milk supply are associated with the market in a significant way and in a regular manner. Otherwise, dairy farmers who have no regular affiliation could casually or incidentally associate themselves with the market when it is to their advantage to do so, but without any means of providing it with a dependable supply.

At the time the order was established, the disposition of Grade A milk produced in the Black Hills area was confined to locally based distributors. The territory supplying the Black Hills area was relatively remote and milk did not move as readily between markets as it does now. Because of improved sanitary conditions, better packaging and modern highways, milk can be transported economically over long distances. As previously indicated, the market is more vulnerable to milk that may be moved into the market from a considerable distance, but nevertheless is only casually associated with it. Fluid milk products are disposed of in the Black Hills now by three handlers regulated in relatively distant markets.

Over the years, the Black Hills area has become one in which milk production is very heavy in relation to population and to Class I sales. The qualifying standards should be fixed at levels which will insure pool plant status to those plants which are the main and regular sources of Class I milk for the marketing area.

The marketwide Class I utilization is now about 40 percent of producer receipts annually, and in some months it drops below that figure. It is likely that while one proprietary plant may have a Class I utilization in excess of the market average, others which may also serve as sources of milk for the market may have a Class I utilization that is substantially below the market average.

For this reason, the additional factor for pooling distributing plants should not be 50 percent of Grade A receipts at the plant. A factor of 35 percent would be more appropriate under present marketing conditions for the Black Hills area. Also, the percentage proposed herein will be similar to that now provided in markets relatively close to the Black Hills area.

6. *Miscellaneous changes.* The order does not not now contain a definition of route disposition although reference is made to routes in the distributing plant definition and in the pool plant provision. An appropriate definition of route disposition is provided herein to clarify references to it in those provisions cited. Since the route disposition definition will define what such disposition is, the distributing plant definition can be shortened by referring to route disposition and by deleting language which would be provided in the definition of route disposition.

Rulings on Proposed Findings and Conclusions

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

General Findings

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

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

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

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

Rulings on Exceptions. No exceptions were filed.

Marketing Agreement and Order

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

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL

REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of July 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Black Hills, S. Dak., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 18, 1969.

RICHARD E. LYNG,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Black Hills, S. Dak., Marketing Area

Findings and determinations.

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

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

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

* * * * *

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Black Hills, S. Dak., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1075.9 is revised to read as follows:

§ 1075.9 Distributing plant.

"Distributing plant" means a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and which has route disposition in the marketing area during the month.

2. In § 1075.12, paragraph (a) is revised to read as follows:

§ 1075.12 Pool plant.

* * * * *

(a) A distributing plant that has route disposition during the month of not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants, and that has route disposition in the marketing area during the month of not less than 20 percent of such receipts.

* * * * *

3. Section 1075.20 is revoked and a new section is provided to read as follows:

§ 1075.20 Route disposition.

"Route disposition" means a delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1075.41 (a).

§ 1075.21 [Revoked]

4. Section 1075.21 is revoked and reserved for future assignment.

5. In § 1075.27, paragraph (j)(2) is revised to read as follows:

§ 1075.27 Duties.

* * * * *

(j) * * *

(2) The 10th day after the end of the month, the uniform price pursuant to § 1075.72 and the producer butterfat differential pursuant to § 1075.81.

* * * * *

§ 1075.27 [Amended]

6. Section 1075.27(j)(3) is revoked.

7. In § 1075.30, paragraph (a) is revised as follows:

§ 1075.30 Reports of receipts and utilization.

* * * * *

(a) The quantities of skim milk and butterfat contained in or represented by receipts of milk from approved dairy farmers;

* * * * *

8. In § 1075.31(b), subparagraph (2) is revised to read as follows:

§ 1075.31 Other reports.

* * * * *

(b) * * *

(2) The total pounds of milk received from such producer,

* * * * *

9. In § 1075.51, paragraphs (a) and (b) are revised to read as follows:

§ 1075.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.75, and plus 20 cents.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month, but in no event shall the Class II price exceed an amount computed as follows:

(1) Multiply by 4.2 the Chicago butter price;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

10. In § 1075.52, paragraphs (a) and (b) are revised to read as follows:

§ 1075.52 Butterfat differentials to handlers.

* * * * *

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12.

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

* * * * *

11. Section 1075.60 is revised to read as follows:

§ 1075.60 Producer-handler.

Sections 1075.40 through 1075.46, 1075.50 through 1075.53, 1075.70 through 1075.74, and 1075.80 through 1075.83 shall not apply to a producer-handler.

§ 1075.71 [Amended]

12. In the introductory text of § 1075.71, change the word "prices" to "price".

13. Section 1075.72(b) is revised to read as follows:

§ 1075.72 Computation of the weighted average price and uniform price.

* * * * *

(b) Subtract not less than 4 cents nor more than 5 cents from the price com-

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

puted pursuant to paragraph (a) of this section. The result shall be the "weighted average price" or the "uniform price" for producer milk.

§ 1075.73 [Revoked]

14. Section 1075.73 is revoked and reserved for future assignment.

15. In § 1075.74, paragraph (b) is revised to read as follows:

§ 1075.74 Notification of handlers.

* * * * *

(b) The uniform price computed pursuant to § 1075.72;

* * * * *

§§ 1075.75, 1075.76, 1075.77 [Revoked]

16. The subheading "Determination of Base" and §§ 1075.75, 1075.76, and 1075.77 are revoked.

17. In § 1075.80, paragraph (a) is revised to read as follows:

§ 1075.80 Time and method of payment.

* * * * *

(a) To each producer for milk received from him at a pool plant and for whom payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 1075.72 subject to the butterfat differentials and location differentials pursuant to §§ 1075.81 and 1075.82; and

* * * * *

18. Section 1075.81 is revised to read as follows:

§ 1075.81 Butterfat differentials to producers.

The uniform price to be paid to each producer shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1075.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

19. In § 1075.82, paragraph (a) is revised to read as follows:

§ 1075.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1075.53; and

* * * * *

[F.R. Doc. 69-11342; Filed, Sept. 22, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

FRANCIS M. HOUTS

Notice of Granting of Relief

Notice is hereby given that Francis M. Houts, Box 102, Alva, Okla. 73717, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 28, 1966, by the United States District Court for the Western District of Oklahoma of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Francis M. Houts because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., app.), because of such conviction, it would be unlawful for Mr. Houts to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Francis M. Houts' application and have found:

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

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

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

Signed at Washington, D.C., this 16th day of September 1969.

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

[F.R. Doc. 69-11339; Filed, Sept. 22, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-503]

RONALD K. AND JANET SPARKS

Notice of Loan Application

SEPTEMBER 18, 1969.

Ronald K. Sparks, Sr., and Janet Sparks, Box 1498, Sitka, Alaska 99835, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 36-foot-length overall fiber glass vessel to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR p. 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-11322; Filed, Sept. 22, 1969; 8:46 a.m.]

[Docket No. A-505]

MALCOLM J. MILLER

Notice of Loan Application

SEPTEMBER 18, 1969.

Malcolm J. Miller, Post Office Box 365, Haines, Alaska 99827, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 36-foot length overall wood vessel to engage in the fishery for salmon, halibut, crab, shrimp, tuna, and bottomfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR pt. 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-11323; Filed, Sept. 22, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 28]

LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through September 12, 1969. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (53 ships)	354,232
Polish (32 ships)	243,514
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
Emilia Plater	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Lelewel	7,817

See footnotes at end of table.

Flag of Registry and Name of Ship	Gross tonnage
Polish—Continued	
Ludwik Solski	6,904
Marceli Nowotko	6,660
Mickiewicz	4,344
Moniuszko	9,247
Norwid	5,512
Nowowiejski	9,186
Pawel Finder	4,911
Phenian	6,923
Przyjazn Narodow	8,676
Stefan Okrzeja	6,620
Szymanowski	9,203
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
British (14 ships)	77,041
Fortune Glory	5,832
Golden Ocean	3,827
Greenford	2,964
Kingford	2,911
**Meadow Court (trip to North Vietnam as the Ardrossmore—British)	5,820
Rochford	3,324
**Rosetta Maud (trip to North Vietnam as the Ardtara—British)	5,795
Ruthy Ann	7,361
**Shun On (trip to North Vietnam as the Pundua—British)	7,295
Shun Wah (previous trip to North Vietnam as the Vercharmian—British)	7,265
Shun Wing	6,987
Taipieng (tanker)	5,676
Tetrarch (previous trips to North Vietnam as the Ardowan—British)	7,300
*Tong Hock	4,684
Cypriot (2 ships)	7,308
Amfithea	5,171
Marianthi	2,137
Somali (2 ships)	13,531
Happy Dragon	4,534
Yvonne (tanker)	8,997
Greek (1 ship)	6,724
**Leonis (trip to North Vietnam as the Shirley Christine—British)	6,724
Panamanian (1 ship)	1,889
**Salamanca (trip to North Vietnam as the Milford—British)	1,889
Singapore (1 ship)	4,225
Lucky Dragon	4,225

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship	Number of ships
a. Since last report: None.	
b. Previous reports:	
Flag of registry:	
British	1
Italian	1

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk, or wrecked.

	Gross tonnage
a. Since last report:	
Court Harwell (British)	7,133
Inchstuart (British)	7,043
Isabel Erica (British)	7,105
b. Previous reports:	
Flag of registry:	Broken up, sunk, or wrecked
British	5
Cypriot	7
Greek	1
Lebanese	2
Maltese	1
Polish	1
Somali	1

*Added to Rept. No. 27, appearing in the FEDERAL REGISTER issue of July 31, 1969.

**Ships appearing on the list which have made no trips to North Vietnam under the present registry.

Dated: September 16, 1969.

By order of the Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 69-11305; Filed, Sept. 22, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

STUDENT FINANCIAL AID

Closing Date for Receipt of Applications

Notice of establishment of closing date for receipt of applications for Funds under the National Defense Student Loan Program, the Educational Opportunity Grant Program and the College Work-Study Program for carrying out such programs during the fiscal year 1971.

Title IV, parts A and C of the Higher Education Act of 1965 (Public Law 89-329 as amended), and title II of the National Defense Education Act of 1958 (Public Law 85-864 as amended), provide for programs of student financial aid known respectively as the Educational Opportunity Grants Program, the College Work-Study Program and the National Defense Student Loan Program. These programs assist needy students to pursue post-secondary educational studies.

Notice is hereby given that in order to be assured of consideration, applications of institutions eligible for assistance under these programs for funds for carrying out such programs during fiscal year 1971 must be postmarked no later than October 24, 1969, or received in the appropriate U.S. Office of Education regional office by November 1, 1969.

The application forms and instructions will be mailed between September 15 and October 1, 1969, to all institutions currently participating in one or more of these programs, as well as all institutions which have indicated an intent to apply for assistance under such programs. Such forms as well as further information may be obtained from the Office of the Director, Division of Student Financial Aid, Bureau of Higher Education, Office of Education, Washington, D.C. 20202.

PRESTON VALIEN,
Acting Associate Commissioner, for Higher Education.

SEPTEMBER 17, 1969.

[F.R. Doc. 69-11351; Filed, Sept. 22, 1969; 8:48 a.m.]

Office of the Secretary

CHILD AND HEALTH WELFARE PROGRAM

Reorganization

Under the authority of section 6 of Reorganization Plan No. 1 of 1953 and section 2 of Reorganization Plan No. 3 of 1966, and pursuant to the delegation of authority to me from the Director, Office of Economic Opportunity, to administer Project Head Start approved by the President on June 30, 1969, and in furtherance of the order dated July 7, 1969, creating the Office of Child Development, 34 F.R. 12190, which is hereby amended, I hereby order the reorganization of certain child health and welfare programs and functions of the Department as follows:

SECTION 1. *Organization*—(a) *Board of Advisers on Child Development.* There is hereby established within the Department a Board of Advisers on Child Development. The Board shall be chaired by the Assistant Secretary for Administration and shall include the Assistant Secretaries for Education, Health and Scientific Affairs, and Planning and Evaluation; the Administrator, Social and Rehabilitation Service; and the Director, Office of Child Development. Program Development Panels may be appointed from time to time. The chairmen of such Panels shall also participate

in the deliberations of the Board. The Board shall advise the Secretary on (1) policy and organizational matters related to child development which affect several organizations within the Department; (2) strategies for research, training, demonstration and program coordination; and (3) funding priorities. The Director, Office of Child Development, shall provide secretariat services (personnel, facilities, and services) to the Board. Staff of the participating organizations may be detailed to assist in providing such services.

(b) *Office of Child Development.* There is hereby established in the Office of the Secretary the Office of Child Development which shall consist of the following:

(1) Office of the Director.

(2) Children's Bureau.

(3) Bureau of Head Start and Early Childhood.

(4) Bureau of Program Development and Resources.

(c) *Assistant Secretary for Administration and Director, Office of Child Development.* The Office of Child Development shall be headed by a Director who shall report to the Secretary through the Assistant Secretary for Administration and who shall administer its programs under the general direction of the Assistant Secretary for Administration. The Chief of the Children's Bureau shall serve as Director, Office of Child Development.

SEC. 2. *Transfer of Functions*—(a) *Office of Child Development.* There are hereby transferred from the Social and Rehabilitation Service to the Office of Child Development the following functions:

(1) The functions performed by the Children's Bureau under the Act of April 9, 1912 (42 U.S.C. Ch. 6).

(2) The development of standards and participation in the development of policies for day care and preschool programs to be issued by the Social and Rehabilitation Service for programs authorized under Parts A and B of title IV of the Social Security Act including concurrence in State plan provisions for such programs and provision of technical assistance to agencies administering preschool and day care projects under title IV.

(3) Such functions with respect to research and demonstration projects under title IV, Part B, section 426 of the Social Security Act as are agreed to by the Administrator of SRS and the Assistant Secretary for Administration, and approval of training projects authorized under such section 426 to the extent of 50 percent of the funds available therefor.

(b) *Health Services and Mental Health Administration.* There are hereby transferred from the Social and Rehabilitation Service to the Health Services and Mental Health Administration the following functions:

(1) The functions under title V of the Social Security Act.

(2) The functions under section 402 (a) and (b) of the Social Security Amendments of 1967, Public Law 90-248 with respect to such title V.

(c) *Social and Rehabilitation Service.* The Social and Rehabilitation Service shall continue to perform the functions delegated to it by the Secretary as set forth in section 7-D, 34 F.R. 1286-1288 (Jan. 25, 1969), including the administration of title IV, Parts A and B of the Social Security Act, except for the functions transferred to the Office of Child Development under paragraph (a) of this section and to the Health Services and Mental Health Administration under paragraph (b) of this section.

SEC. 3. *Functions and Responsibilities of the Office of Child Development*—The Office of Child Development shall have the following functions and responsibilities, except as provided in section 2-000-30 of the DHEW organization manual:

(a) *With respect to children's programs (as defined in paragraph (d) of this section) throughout the Department:*

(1) Long-range planning and development of new program concepts.

(2) In cooperation with the Assistant Secretary for Legislation, formulation of legislative proposals and coordination of Department's response to proposed legislation.

(3) Development of mechanisms for coordination among various functional programs and agencies at State and local levels. Facilitating arrangements for cooperation and joint efforts among agencies of the Department. Maintaining liaison with other Federal agencies through leadership of the Federal Panel on Early Childhood and the Interdepartmental Committee on Children and Youth.

(4) Coordination of Department-wide planning of research and training strategies and selective monitoring of the implementation of these strategies in the field of children.

(5) Stimulation of public and official interest in improving availability and quality of services for children through direct contact with organizations and agencies.

(6) Development and publication of materials on children's services and provision of technical assistance to States and other public and private agencies and organizations. Dissemination of information on children to the public and program officials.

(7) Review and concurrence on policies or regulations proposed by administering agencies or proposing of new policies or regulations which have significant impact on children's programs.

(8) Participation in the development of the data requirements used for support of budgets or planning, including specification of data which is essential to the role of the Office of Child Development in recommending overall programs.

(9) Selective review of State plans or project grants jointly with funding agency, and selective monitoring of funded programs jointly with funding agency.

(10) Preparation and defense of consolidated long range and annual program budgets for child development.

(b) *With Respect to Specific Programs.* (1) Administration of Head Start and Parent and Child Center programs.

(2) Development of standards and participation in the development of policies for day care and preschool programs particularly for programs under Parts A and B of title IV of the Social Security Act, concurring in State plan provisions for such programs, and working with States and communities to develop such day care.

(3) Administration of the 4-C (Community Coordinated Child Care) program.

(4) Supervision and direction of the Children's Bureau in its performance of the functions under the Act of April 9, 1912.

(5) Administration of such research and demonstration projects under title IV, Part B, section 426 of the Social Security Act as are agreed to by the Administrator of SRS and the Assistant Secretary for Administration, and approval of training projects under such section 426 to the extent of 50 percent of the funds available therefor.

(c) *Responsibilities for the functions set forth in paragraphs (a) and (b) of this section are assigned as follows*—(1) *Assistant Secretary for Administration.* The Assistant Secretary for Administration shall have overall responsibility for the development, coordination and general supervision of programs that affect child development and related activities. In exercising that responsibility, he shall review and approve Office of Child Development budget proposals, policies, legislative recommendations, research and training strategies, and key personnel appointments, and clear proposed regulations for approval by the Secretary. He shall have primary responsibility for the presentation of Office of Child Development matters (with the assistance of the Director, Office of Child Development) to the Secretary.

(2) *Office of Director, Office of Child Development.* Under the direction of the Director, Office of Child Development: Provides leadership, and coordinates and manages operations of the three Bureaus. Acts on recommendations within scope of authorities delegated by the Secretary. Maintains liaison with organizations interested in children's programs. Develops a program of child advocates throughout the nation. Prepares newsletters and magazines as well as other public affairs materials. Provides management services, including grants processing and budget and fiscal allocations and controls, for the Office of Child Development.

(3) *Children's Bureau.* Under the direction of the Chief, Children's Bureau, and the Associate Chief of the Children's Bureau who is also an Associate Director, Office of Child Development: Performs functions under the Act of April 9, 1912. Conducts studies and investigations and prepares reports on matters relating to the welfare of children and child

life. Identifies areas requiring development of new program concepts and establishes necessary study groups to prepare ideas. Recommends Department or Government-wide policies with respect to children's programs. Advocates programs within and outside the Government. Coordinates Department-wide planning of strategies for research and training for children's programs and monitors implementation of strategies. Carries out research and demonstration and training functions identified in paragraph (b)(5) of this section. Analyzes and prepares reports on legislation relating to children's programs; prepares testimony for Department officials; and suggests needed legislation. Develops systems for coordination among children's programs and with other coordination mechanisms such as model cities, community action agencies, and health and welfare councils. Provides leadership to 4–C programs. Provides leadership and secretariat support to the Interdepartmental Committee on Children and Youth. Analyzes annual and long range plans and budgets throughout the Department and prepares consolidated estimates and priority recommendations for consideration by the Secretary. Assists the Secretary in defending estimates before the Bureau of the Budget and Congress.

(4) *Bureau of Head Start and Early Childhood.* Under the direction of the Associate Director, Office of Child Development, for Head Start and Early Childhood: Administers the Head Start program including the development of policies, standards and guidelines for this activity. Develops policy interpretations and guidelines to the regional staff and to the operators of Head Start projects; assists in training of the regional staff and local Head Start project staffs; and monitors regional operations and projects. Approves operating grants for migrant and Indian programs. Recommends training and technical assistance grants. Develops standards and participates in the development of policies for preschool and day care activities under title IV of the Social Security Act. Prepares technical materials and publications with regard to day care for use by program operators and the general public. Provides technical assistance to agencies administering preschool and day care projects under title IV, participates in the review of State plan material with regard to title IV preschool and day care programs, and concurs in the approval of such plans by the Social and Rehabilitation Service. Also participates in the review of and concurs in State plans with regard to child care services provided in support of the Work Incentive Program of the Department of Labor, and concurs in Social and Rehabilitation Service State program allocations of funds for child care services in connection with the Work Incentive Program. Provides leadership and secretariat support to the Federal Panel on Early Childhood. Provides secretariat support to the National Advisory Committee on Child Development and to the Department's Board of Advisors on Child Development. Recommends establishment of program development panels and coordinates these activities. Prepares budget requests for Head Start, recommends allocations of funds among activities and regions, and controls obligation of funds.

(5) *Bureau of Program Development and Resources.* Under the direction of the Associate Director, Office of Child Development, for Program Development and Resources: Develops standards, guidelines and technical assistance materials for use in implementing children's programs (except preschool and day care). Reviews and recommends changes to policies proposed by operating agencies; identifies areas which require new or revised policy and regulations; develops system for selective reviews of State Plans and project grants and for selective monitoring of funded programs. Develops arrangements for working with State and local agencies and private organizations to stimulate increases in the availability and quality of services to children. Develops pamphlets and other training materials for persons engaged in the provision of services as well as materials for use by the general public. Arranges for printing for entire office. Arranges for training of Regional staffs as well as other Federal officials involved in children's programs. Provides liaison with Regional staff and monitors field operation. Secures policy interpretations as required.

(d) *Definition.* "Children's programs," as used in this Order, means those services to or activities on behalf of children which are not a part of the services routinely included in the public school curriculum. Services may be of a health, educational or social services nature. Activities or services related to parenthood and parent-child relations are included.

SEC. 4. *Continuation of Regulations.* (a) Except as inconsistent with this Order, all regulations, rules, orders, statements of policy, or interpretations with respect to the Social and Rehabilitation Service, heretofore issued, and either in effect immediately prior to the date of this Reorganization Order or to become effective subsequent to said date, are continued in full force and effect until such time as they are amended.

(b) Except as inconsistent with this Order, all regulations, rules, orders, statements of policy, or interpretations of the Head Start program, Office of Economic Opportunity, are adopted by the Secretary of Health, Education, and Welfare, as regulations, rules, orders, statements of policy, or interpretations of the Department and are continued in full force and effect until such time as they are reissued by the Department.

SEC. 5. *Prior Statements of Organization, Functions, and Delegations of Authority.* (a) To the extent inconsistent with the Reorganization Order, all previous Statements of Organization, Functions, and Delegations of Authority of the Department are superseded by this Reorganization Order.

(b) Pending further redelegations, directives, or orders by the Director, Office of Child Development, the Administrator, Health Services and Mental Health Administration, or the Administrator, Social and Rehabilitation Service, as appropriate within their respective organizations, all delegations to the Chief, Children's Bureau, Social and Rehabilitation Service, and all redelegations by him in effect immediately prior to the effective date of this Reorganization Order shall continue in effect.

(c) For the purpose of carrying out the Head Start program and until such time as redelegations of authority are issued by the Office of Child Development, the delegations and redelegations of authority within the Office of Economic Opportunity are adopted by the Office of Child Development and are deemed to be the delegations of the Director, Office of Child Development, and redelegations within the Office of Child Development, Office of the Secretary, Department of Health, Education, and Welfare.

(d) Except for the transfers of function stated in this Order, the authority of the Commissioner of Education, the Administrator, HSMHA, and the Administrator, SRS to administer, control, and evaluate programs assigned to them is not intended to be reduced in any way by the provisions of this Order.

SEC. 6. *Funds, Personnel, and Equipment.* Transfer of organizations and functions effected by this Order shall be accompanied in each instance by direct and supporting funds, positions, personnel, records, equipment, supplies, and other resources as appropriate.

SEC. 7. *Effective Date.* This Reorganization Order shall be effective immediately.

AUGUST 17, 1969.

MEMORANDUM

SUBJECT: Redelegation of Authority to the Director, Office of Child Development, to administer the Head Start Program.

1. I hereby redelegate to you through the Assistant Secretary for Administration all the authorities delegated to me by the Director, OEO, by a delegation approved by the President on June 30, 1969.

2. This redelegation is subject to the reservations of authority in the Secretary in section 2-30 of the Department's Statement of Organization, Functions, and Delegations of Authority.

3. The authorities delegated herein shall be exercised in accordance with such memoranda of understanding as have been or may be entered into by HEW and OEO.

4. You may issue such general policies governing the allocation of funds and administration of Head Start grants by HEW regional offices as are necessary.

5. The authorities redelegated herein may be further redelegated.

6. This redelegation shall take effect immediately.

Dated: September 17, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-11316; Filed, Sept. 22, 1969; 8:45 a.m.]

NATIONAL ADVISORY COMMITTEE ON CHILD DEVELOPMENT

Statement of Formal Determination

As required by Executive Order 11007, I recommend that the Secretary formally determine that the formation of the National Advisory Committee on Child Development is in the public interest in connection with the performance of duties imposed by law, and that such duties can best be performed by such a group.

SUMMARY OF PERTINENT FACTS

Title. National Advisory Committee on Child Development.

Purpose. To advise the Secretary of Health, Education, and Welfare on those child development programs for which the Office of Child Development has operating or coordinating responsibilities. These include, but are not necessarily limited to, Head Start, Parent and Child Centers, day care, Follow Through and child health.

Authority. Delegation of authority from the Director, Office of Economic Opportunity, to the Secretary of Health, Education, and Welfare; sections 222, 522(d), and 602(c) of the Economic Opportunity Act of 1964, 42 U.S.C., 2809, 2932(d), and 2942(c); 42 U.S.C. ch. 6; titles IV and V of the Social Security Act, 42 U.S.C. 601 et seq., and 701 et seq.

Functions. Consults with and advises the Secretary on policy and administration of child development programs for which the Office of Child Development has responsibility. The Committee's reporting relationship would be to the Secretary through the Assistant Secretary for Administration.

Structure. The committee will consist of not less than 18 nor more than 21 members, including the chairman and vice chairman, to be appointed by the Secretary of Health, Education, and Welfare. The membership will be composed of individuals with general interest in and knowledge of child development programs; individuals selected from health, education, and welfare agencies; directors of child development programs (Head Start, Parent and Child Centers, Follow Through and day care), and parents of children who participate in child development programs. The chairman and vice chairman, appointed by the Secretary, are to be public members (not Federal employees). The Office of Child Development will provide secretariat services (personnel, facilities and services) to the committee.

Committee members will be appointed to serve for 2 years, except that one-half of the public and parent members would initially be appointed for 1 year.

Meetings. Meetings of the committee will be held approximately four times a year at the call of the Director, Office of Child Development. A full-time Government employee will be present at all meetings.

Compensation. Members of the committee who are not full-time Government employees will be paid at the rate not to exceed $100 a day, plus per diem and travel expenses in accordance with Standard Government Travel Regulations (SGTRs).

Duration. The committee will terminate 2 years from the date of its establishment unless extension beyond that date is requested and approved by the Secretary.

Dated: July 30, 1969.

JULE M. SUGARMAN,
Acting Director,
Office of Child Development.

Formal Determination. I hereby determine that the formation of the National Advisory Committee on Child Development is in the public interest in connection with the performance of duties imposed by law, and that such duties can best be performed by such a group.

Dated: September 17, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-11320; Filed, Sept. 22, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF GEORGIA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Georgia for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Georgia and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program, including proposed Georgia regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 19th day of September 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF GEORGIA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Georgia is authorized under section 88-1307 of the Georgia Health Code (Georgia Laws 1964, pp. 499, 571) to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Georgia certified on August 29, 1969, that the State of Georgia (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on December 15, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at _____ in triplicate, this _____ day of _____.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION,

_____

FOR THE STATE OF GEORGIA,

_____

ORGANIZATION AND STAFF RESPONSIBILITIES

The Georgia Radiation Control Council, which consists of five members, is appointed by the Governor. This Council is responsible to and reports to the Georgia State Board of Health and has the duty of advising the Georgia Department of Public Health on matters pertaining to ionizing radiation and standards, rules, and regulations to be adopted, modified, promulgated, or repealed by the Department. The five (5) appointed Council members are selected from nominees of the Medical Association of Georgia, the Georgia Dental Society, the Georgia Radiological Society, the Associated Industries of Georgia, and the Georgia Veterinary Association. All members have recognized knowledge in the field of ionizing radiation and its biological effects.

The Radiological Health Service is located in the Branch of Environmental Health of the Georgia Department of Public Health. Personnel of the Service will be responsible for the technical evaluation of applications for radioactive material licenses, preparation of licenses, and for conducting inspections of licensees. This work will be under the immediate direction of the Chief of the Radioactive Materials Control Section, with the assistance of two Radiation Safety Officers I and one-time secretary.

Personnel of the X-Ray Control Section will be responsible for the registration and inspection of all radiation machines. Assisting the Chief of this Section will be one Radiation Safety Officer II, two Radiation Safety Officers I and one full-time secretary.

The Environmental Surveillance Section consists of a Chief and two technicians whose duties are to periodically monitor specified areas near nuclear reactors and to collect soil, water, and air samples in the environment.

All personnel of the Service will be involved on a part-time basis, with administrative duties and assignment to the Radiological Emergency Team.

FOREWORD

This document briefly describes some of the past activities and accomplishments of the Radiological Health Program within the Georgia Department of Public Health in the control and regulation of ionizing radiation for the protection of the State's citizens. Proposed programs, staffing, equipment, and facilities are presented for the assumption of additional responsibilities with respect to sources of ionizing radiation, as well as supporting information on authority, regulation, and organization.

The Governor, on behalf of the State of Georgia, is authorized to enter into an agreement with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation. This authority is granted in paragraph (a) section 88-1307 of the Georgia Radiation Control Act as amended by Act 297 (1965) and Act 971 (1968) of the Georgia General Assembly.

The Atomic Energy Commission (AEC) is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control over byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass. This authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

HIGHLIGHTS IN THE HISTORY OF RADIATION PROTECTION ACTIVITIES CONDUCTED BY THE GEORGIA DEPARTMENT OF PUBLIC HEALTH

1943—Radium contamination surveys conducted by U.S. Public Health Service and Georgia Department of Public Health Industrial Hygiene personnel in a very large military dial refinishing facility at Warner Robins, Ga.

1949—First formal training of staff personnel in radiation safety and protection at National Institutes of Health courses.

1951—Additional staff training in X-ray control at Taft Sanitary Engineering Center in Cincinnati, Ohio.
—Surveyed all shoe fitting fluoroscopes in State to determine compliance with American Industrial Hygiene Association existing standards.
—Began systematic evaluation of X-ray equipment in offices of physicians and dentists.
—Radium Surveys made in all commercial airline dial painting facilities in the State.

1952—Radium surveys made in all military dial painting shops in the State.

1953—Began joint surveys of isotope users in company with Atomic Energy Commission personnel from Oak Ridge.
—Personnel participated in weapons testing program in Nevada.
—Began air surveillance program to determine amount of fallout from weapons testing program in Pacific and Nevada.

1955—Personnel again participated in weapons testing program in Nevada.

1956—Began environmental surveillance program (water, air and vegetation sampling) to support Lockheed Aircraft Corp. reactor development center at Dawsonville.
—Radiation protection activities given "Section" status in Industrial Hygiene Division.

1957—Personnel again participated in weapons testing program in Nevada.

1960—U.S. Public Health Service began state assignee program with Georgia Department of Public Health.

1961—Radiation stream monitoring program begun in Savannah, Chattahoochee and Etowah River systems.
—Laboratory capability for environmental surveillance greatly expanded.
—Milk surveillance begun in 10 major milk sheds in the State.

1962—Dental radiological health "Sur-Pak Survey" conducted in each dental office in State equipped with an X-ray machine.

1964—Radiation Control Act passed by the General Assembly of Georgia.
—Radiation Control Council appointed by Governor; meets for the first time in August.
—Proposed radiation control regulations dealing with X-ray and radioactive materials presented to Council for study.
1965—Radiological Health activities given "Service" status and separated from Industrial Hygiene program.
—Preregistration inventory performed to determine location of all users of radium and X-ray generating devices.
—Radium management studies begun in all hospitals and clinics throughout the State.
1966—Radium management studies begun in offices of all private practitioners in State.
1967—Radioactive materials control and X-ray control activities given Section status in Radiological Health Service.
1969—Regulations pertaining to "X-ray" and "Radioactive Materials" adopted by the State Board of Health.

REGULATORY PROCEDURES AND POLICY

LICENSING AND REGISTRATION

The Georgia radiation control program encompasses all sources of radiation. The regulations require licensing of all radioactive materials and registration of all radiation-producing machines except such sources or machines as may be specifically exempted from those requirements in accordance with the regulations.

The licensing procedures and criteria set forth in chapter 270-5-20 of the Georgia Department of Public Health Rules and Regulations will be consistent with those of the Atomic Energy Commission.

General licenses are issued for specified materials under specified conditions when it is determined that the issuance of a specific license is not necessary to protect the public and occupational health and safety. A general license is effective by regulation without the filing of applications with the Department or the issuance of a licensing document. A specific license or amendments thereto will be issued to named persons and will incorporate appropriate conditions and expiration date upon review and approval of an application. Prelicensing inspections will be conducted when deemed necessary by the Department.

When the Department determines such to be appropriate, it will request the advice of the Radiological Medical Advisory Committee, or appropriate members thereof, with respect to any matter pertaining to medical license application, or to criteria for reviewing such applications.

Members of the Radiological Medical Advisory Committee who have appropriate experience and training in nonroutine human uses of radioactive materials will be consulted. The Atomic Energy Commission's Advisory Committee on the medical use of isotopes will also be consulted when necessary. Appropriate research protocols will be required as part of an application. The Department will maintain knowledge of current developments, techniques and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the U.S. Atomic Energy Commission and other agreement States.

The registration program will be a continuation of the current activity except that (a) all radiation machines will be subject to the applicable provisions of the regulations, and (b) radium and accelerator produced radionuclides which were formerly registered, must now be licensed.

INSPECTIONS

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once every 2 years. The following frequency is anticipated:

Specific Licenses:

Waste Disposal Services.	Once each 6 months.
Industrial Radiography.	Once each 12 months.
Other Industrial	Once each 24 months.
Medical	Once each 24 months.
Academic	Once each 24 months.
Other	Based on hazards associated with licensee's program.
Broad Licenses	Once each 12 months.
Registered Facilities.	Based on hazards associated with registrant's program.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities, operators, and equipment; a review of use procedures, radiation safety practices, and user qualifications; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials—all as appropriate to the scope and conditions of the license and applicable regulations. In addition, independent measurements will be made as appropriate.

At the start and conclusion of an inspection, personal contact will be made at management-level whenever possible. Following inspections, results will be discussed with the licensee management.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposure incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities and recommendations for area security and cleanup will be available from the Department in the event of an emergency.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by the Chief of the Radioactive Materials Control Section and the Director of the Radiological Health Service.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

When there are items of noncompliance, the licensee will be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date such action was completed or will be complete. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

Upon request by the licensee, the terms and conditions of a license may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances where real or potential hazards exist, or cases of repeated noncompliance or willful violation will the full legal procedures normally be employed.

Where the Department finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates such findings in its order, it may summarily suspend the license pending proceedings for revocation which shall be promptly instituted upon request of any interested person.

In the event of an emergency relating to any source of ionizing radiation which endangers the public peace, health, or safety, the Department shall have the authority to issue such orders for the protection of the public health and safety as may be appropriate, including orders to lay an embargo upon or impound radioactive materials and other source of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Act or any rules or regulations promulgated thereunder.

RADIATION EMERGENCIES

A Department of Health radiological emergency team was formed in 1964. The function of this team is to respond to all radiological emergencies that might involve the public health and safety. Emergency kits have been prepared with all the necessary apparatus and radiation surveying equipment. Members of this team have been called on to decontaminate one major facility. In addition, the team has responded to many calls to investigate and handle lost or ruptured radioactive shipments, minor contamination in hospitals and offices, and suspected overexposure from X-ray generators.

Plans are currently being made to involve Law Enforcement personnel in a Statewide Emergency Network so that the Department will be promptly notified should radiological accidents occur.

EFFECTIVE DATE OF LICENSE TRANSFER

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under chapter 88-1301 through 88-1313, Georgia Health Code (as passed by the Legislature in 1964 and amended by Act 297 of the General Assembly in 1965 and Act 971 of the General Assembly in 1968) which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

RULES OF ADMINISTRATION, PRACTICE, AND PROCEDURE

The Georgia State Board of Health, pursuant to the authority granted in 88-110 of the Code of Georgia (Georgia Laws 1964, pages 499, 507), chapter 88-3 of the Code of Georgia (Georgia Laws 1964, pages 499, 518), and the Georgia Administrative Procedure Act, has established rules of practice and procedure governing administrative procedures with reference to promulgation of rules and regulations, conducting hearings, appeals, proceedings, decisions, and orders these rules provide for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Whenever the Department in its opinion finds that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency.

3. An interested person may petition the Department requesting the promulgation, amendment, or repeal of a rule.

4. Declaratory judgment procedure available on petition by proper party to determine validity of statute, rule, or final decision of the Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.

6. Any person who has exhausted all administrative remedies available within the Department and who is aggrieved by a final decision in a contested case is entitled to judicial review.

COMPATIBILITY AND RECIPROCITY

The Georgia State Board of Health has adopted rules and regulations for the control of radiation which are consistent with those of the U.S. Atomic Energy Commission and those of the other agreement States. In promulgating rules and regulations, the Board has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other State and Federal licenses.

Routine staff meetings will be conducted involving all members of the division who are involved with the radiological health program to determine and maintain compatible programs with the U.S. Atomic Energy Commission and other agreement States. Periodic internal evaluation exercises will be conducted concerning all phases of the program. Written reports, inspection reports, records, and statistics will be compatible with the current Atomic Energy Commission program.

[F.R. Doc. 69-11375; Filed, Sept. 22, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 20993; Order 69-9-90]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of September 1969

By Order 69-7-76, dated July 16, 1969, and served July 22, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA) at meetings held in Athens in April and May of 1969. These resolutions, which are intended to be effective for a 2-year period beginning October 1, 1969, relate solely to cargo matters involving the establishment or amendment of charges for nontransportation services and provisions of an administrative, procedural, or technical nature not affecting rate levels. The order allowed 15 days for interested persons to file petitions in support of or in opposition to the proposed action.

The American Importers Association, Inc. (AIA), on August 6, 1969, filed a petition for Board review of Order 69-7-76, issued under delegated authority. In this petition, AIA requests that the Board withhold final action on the resolutions tentatively acted upon in the order, pending submission of comments by September 15, 1969, so as to afford interested persons and parties an opportunity to study and evaluate the impact of these resolutions AIA alleges that the proposals incorporated in the subject resolutions were, prior to issuance of the Board's order, withheld by IATA from public scrutiny.

In particular, AIA requests that the Board disapprove the proposed amendment to Resolution 512b ("Air Cargo Rates, Airport to Airport") which would eliminate, in the United States and in other geographical areas, an existing provision which has heretofore permitted, by local agreement, the carriers serving the airports of the country involved to extend, reduce, or eliminate free storage for inbound shipments beyond 48 hours after 8:00 a.m. of the day following arrival at the airport of destination prior to Customs clearance. The effect of the removal of local carrier flexibility to adjust the free storage period is to reduce the allowance for shipments arriving at U.S. airports from an existing 3 to 2 free storage days.

The association also requests that the Board not approve, in the absence of modification or clarification, the revalidation of Resolution 512b, insofar as it relates to storage provisions for inbound shipments, and that the Board permit discussions for the purpose of looking to the establishment of reasonable and fair storage rules to apply at U.S. airports. AIA contends that approval of the inbound storage provisions, even in the absence of the amendment, would continue to produce a rule which is vague in interpretation as to when the free storage period is to begin and, if strictly interpreted as beginning on the day after arrival of shipments at terminals, gives rise to a likelihood that free storage could expire before shipments actually become available for removal from the terminal by consignees.

Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA) in a joint response direct their comments to the storage provisions of Resolution 512b which they consider are the crux of the AIA complaint. These carriers state that the amendment to Resolution 512b is an effort to alleviate problems at airports characterized by terminal congestion by acting to quicken the flow of air cargo through these terminals. Since holidays and weekends are excluded in the calculation, the carriers show that the free storage period would never be less than 56 hours and could be as much as 104 hours free time, exclusive of the hours accumulated on the actual day of arrival.

The Board is not persuaded by the arguments of AIA that the resolutions, as revalidated or amended and tentatively acted upon in Order 69-7-76, should not be finally approved. As observed by the carriers, the thrust of AIA's petition is directed to the proposed change in free storage time on import shipments. Although the carriers have submitted little justification in support of a need for a change in current rules, AIA has presented no facts to show that approval would be adverse to the public interest. In particular, AIA has made no showing as to why the restriction of local carrier flexibility is unwarranted or would be unduly burdensome to importers; nor does it show that the basic free-storage period, which the carriers show permits a minimum of 56 hours free storage, does not allow a reasonable period for the clearance of cargo at any U.S. airport, including John F. Kennedy International. Nevertheless, the argument made by AIA that the present inbound storage provisions of Resolution 512b are ambiguous and that no justification is apparent for the reduction of the free period from 3 to 2 days at U.S. airports has merit. We will, therefore, condition our approval so as to clarify and require that the free storage period for shipments arriving at airports in the United States and its territorial possessions shall not commence until the day following notification to the consignee or his agent that a consignment has arrived and is available for the purpose of clearing Customs. This condition will provide for a uniformity in practices by carriers and should be helpful to importers. It will assure that importers will not be subject to demurrage payments occasioned by operational difficulties at airports.

We will also limit our approval to a 6-month period through March 31, 1970. The limited 6-month approval will allow all interested persons and parties an opportunity to evaluate their experience under the amended and conditioned provisions, and to submit such data to the Board as may be indicated in opposition to or in support of approval beyond March 31, 1970. Dependent upon an evaluation of the data presented, a meeting, if indicated, can be arranged between interested shippers and importers and the carriers.

Except to the extent granted, we will otherwise deny the petition of AIA. In connection with its request that the Board withhold final action on all resolutions incorporated into Order 69-7-76, we would point out that, in addition to being reported in the trade press and

available to interested persons through IATA subscription services, the subject Athens agreement has been available since late May for public review at the Board's offices. Moreover, since the vast majority of these resolutions have previously been in effect and are simply being revalidated as earlier approved by the Board, an extended period for the purpose of analyzing the effect of these resolutions at this point in time should not be necessary.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 21046, R–1 through R–3, R–11 through R–13, R–25, R–28, R–30, R–33, and R–36 be and hereby is approved;

2. Those portions of Agreement C.A.B. 21046, R–4, R–7, R–9, and R–10 described in Order 69–7–76 be and hereby are approved;

3. Agreement C.A.B. 21046, R–31 (Resolution 512b—"Air Cargo Rates, Airport to Airport") be and hereby is approved, provided that with respect to paragraph 2(j), as amended and revalidated, insofar as it applies in air transportation as defined by the Act:

(a) Approval shall be limited to March 31, 1970; and

(b) Approval shall require that the period for free storage of shipments arriving at airports in the United States and its territorial possessions shall not commence until 08:00 hours of the day following notification, to the consignee or his agent, that the consignment has arrived and is available for the purpose of clearing Customs; and

4. Except to the extent herein granted, the petition of the American Importers Association, Inc., is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–11333; Filed, Sept. 22, 1969; 8:47 a.m.]

[Dockets Nos. 20291, 20781; Order 69–9–93]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Adopted Relating to Fare Matters

Issued under delegated authority September 16, 1969.

Agreements have 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 votes. The agreements have been assigned the above-designated C.A.B. agreement numbers.

The agreements would amend the resolution governing incentive group travel so as to adapt, by deletion of solicitation conditions and the requirement that each traveler in the group be a member of the sponsoring organization for at least 6 months prior to commencement of travel, the group fare application form contained therein for use in purely incentive group situations. Additionally, the agreements would amend the resolution governing the rounding-off of passenger fares by (1) providing for a change of Irish currency to the decimal system in February of 1971, and (2) raising the Yugoslavian dinar unit used in the rounding off of excess-baggage charges.

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 the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	*IATA Resolution*
21276	100(mail 807)023a
	200(mail 931)023a
	300(mail 308)023a
	JT12(mail 713)023a
	JT23(mail 226)023a
	JT31(mail 167)023a
	JT123(mail 619)023a
21291	100(mail 806)023a
	200(mail 929)023a
	300(mail 307)023a
	JT12(mail 711)023a
	JT23(mail 225)023a
	JT31(mail 166)023a
	JT123(mail 618)023a
21293	JT12(mail 705)076p
	JT123(mail 613)076p

Accordingly, it is ordered, That:

Action on Agreements C.A.B. 21276, 21291, and 21293 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] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–11334; Filed Sept. 22, 1969; 8:47 a.m.]

[Dockets Nos. 18650, 20291; Order 69–9–97]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Rates of Exchange

Issued under delegated authority September 17, 1969. By Order 69–9–27, dated September 4, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to an amendment to an existing resolution governing rates of exchange so as to reflect the recently modified rate of exchange for Hungarian forint. 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 69–9–27 will herein be made final.

Accordingly, it is ordered, That:

Agreement C.A.B. 21237 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–11335; Filed, Sept. 22, 1969; 8:47 a.m.]

[Docket 20781; Order 69–9–98]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Transatlantic Fare Matters

Issued under delegated authority, September 17, 1969.

By Order 69–8–160, dated August 29, 1969, action was deferred, with a view toward eventual approval, on a certain resolution adopted by the International Air Transport Association (IATA). In deferring action on the agreement, which would amend an existing resolution governing North Atlantic bulk affinity and incentive group fares to/from Spain and Portugal by incorporating into this resolution by reference the use of application forms related to such travel in other North Atlantic markets, 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 69–8–160 will herein be made final.

Accordingly, it is ordered, That:

Agreement C.A.B. 21261 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 69–11336; Filed, Sept. 22, 1969; 8:47 a.m.]

[Docket 20291; Order 69–9–99]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Adopted Relating to Fare Matters

Issued under delegated authority September 17, 1969.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and

adopted by mail votes. The agreements have been assigned the above-designated C.A.B. agreement numbers.

The agreements amend an existing resolution governing the sale of air transportation/inclusive tours under installment plans in local currency in Uruguay so as to conform with local laws of that country, and adopt a new resolution governing similar matters in Brazil.

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 the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	*IATA resolution*
21278	100(mail 808)281f
21289	100(mail 809)281b

Accordingly, it is ordered, That:

Action on Agreements C.A.B. 21278 and 21289 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 7 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-11337; Filed, Sept. 22, 1969; 8:47 a.m.]

[Docket No. 18381]

NONPRIORITY MAIL RATES 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 8, 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 18, 1969.

[SEAL] THOMAS L. WREN,
Chief Examiner.

[F.R. Doc. 69-11338; Filed, Sept. 22, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18664-18666; FCC 69-980]

VOICE OF DIXIE, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Voice of Dixie, Inc., Birmingham, Ala., requests: 99.5 mcs., No. 258; 100 kw.; 852 feet, docket No. 18664, file No. BPH-6449; Basic Communications, Inc., Birmingham, Ala., requests: 99.5 mcs., No. 258; 26 kw.(H); 26 kw.(V); 875 feet, docket No. 18665, file No. BPH-6476; First Security and Exchange Co., Birmingham, Ala., requests: 99.5 mcs., No. 258; 100 kw.; 857 feet, docket No. 18666, file No. BPH-6610; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by applicants as proposed would result in mutually destructive interference.

2. According to its application, Voice of Dixie would require approximately $78,200 to construct and operate for 1 year without reliance on revenues. This need (which includes interest on a bank loan) is to be met by cash on hand of $25,000 and by a bank loan for $85,000. Although the bank appears willing to make the loan, no credit can be given since its letter fails to specify the terms of repayment. Accordingly, an issue will be specified to determine the availability of the additional $53,200 which is required.

3. According to its application, Basic Communications would require $55,104 to construct and operate for 1 year without reliance on revenues. Although the existing capital and profits on which it relies total more than this amount, its current liabilities far exceed its current assets. As a result, an issue will be specified to determine whether these funds are available for construction and operation of this proposal.

4. According to its application, First Security and Exchange would require $77,800 to construct and operate for 1 year without reliance on revenues. To meet this requirement it relies on municipal bonds totaling $20,000 and a bank loan for $50,000. Accordingly, an issue will be specified to determine the availability of the additional $7,800 which is required.

5. In Suburban Broadcasters, 30 F.C.C. 1020, 20 R.R. 951 (1962); our Public Notice of August 22, 1968 (F.C.C. 68-847, 13 R.R. 2d 1903); and City of Camden (WCAM), 18 F.C.C. 2d 412 (1969), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. None of the three applicants herein has provided the requisite information. None of the applicants has shown that it has contacted a representative cross-section of the community and none has provided adequate comments regarding community needs. Moreover, as a result, it is not clear whether the programs proposed are responsive to community needs. Accordingly, Suburban issues are required against all three applicants.

6. Basic Communications proposes 50 percent duplicated programing and Voice of Dixie proposes from 9 to 26.3 percent duplicated programing, while First Security and Exchange proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the comparative issue. When duplicated programing is proposed, the showing permitted under the comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury 8 F.C.C. 2d 360, F.C.C. 67-614 (1967).

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the Basic Communications proposal as compared to the other two proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other primary aural services in such areas will be considered under the comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether Voice of Dixie has available to it the additional $53,200 required for construction and first-year operation without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine, in light of the excess of current liabilities over current assets, whether Basic Communications will be able to utilize existing capital and profits from existing operations to construct and operate the proposed station for 1 year without reliance on revenues to thus demonstrate its financial qualifications.

(3) To determine whether First Security and Exchange has available to it the additional $7,800 required for construction and first-year operation without reliance on revenues to thus demonstrate its financial qualifications.

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

(5) To determine the efforts made by Basic Communications to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(6) To determine the efforts made by First Security and Exchange to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(7) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(8) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for construction permit should be granted.

10. *It is further ordered,* That the "Petition for Reconsideration by Voice of Dixie, Inc." is dismissed as moot.

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

12. *It is further ordered,* That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 10, 1969.

Released: September 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-11328; Filed, Sept. 22, 1969; 8:46 a.m.]

[Dockets Nos. 18667, 18668; FCC 69-981]

WSOQ, INC., AND EASTERN ASSOCIATES

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WSOQ, Inc., North Syracuse, N.Y., requests: 100.9 mcs., No. 265; 3 kw.(H); 3 kw.(V); 140 feet, docket No. 18667, file No. BPH-6539; Steven L. Berlin, David M. Krause, and Bruce F. Elving doing business as Eastern Associates, Syracuse, N.Y., requests: 100.9 mcs., No. 265; 1.15 kw.; 73 feet, docket No. 18668, file No. BPH-6638; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Eastern Associates would require $34,799 to construct and operate for 1 year without revenues. To meet this requirement applicant relies on existing capital and a bank loan, but the former has not been documented and the bank's letter regarding the latter fails to specify the terms of repayment. Under these circumstances a financial issue will be specified.

3. In Suburban Broadcasters, 30 F.C.C. 1020, 20 R.R. 951 (1961), our Public Notice of August 22, 1968, F.C.C. 68-847, 13 R.R. 2d 1903, and city of Camden (WCAM), 18 F.C.C. 2d 412 (1969) we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Neither applicant appears to have made an adequate survey and neither has adequately listed the suggestions received, or the programing proposed to meet these needs as evaluated. Thus, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

4. Since no determination has yet been reached on whether the antenna proposed by Eastern Associates would constitute a menace to air navigation, an issue regarding this matter is required.

5. WSOQ, Inc., has requested waiver of § 73.210(a)(2) of the Commission's rules to permit the main studio to be located outside the city limits of North Syracuse, N.Y., at a point other than the transmitter site. The proposed main studio location is just outside North Syracuse and is already being used as the main studio location for companion station WSOQ-AM. Under these circumstances, we believe that adequate justification has been provided for waiver if the WSOQ, Inc., application is granted.

6. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue also will be specified.

7. WSOQ, Inc., proposes approximately 67-percent duplicated programing while Eastern Associates proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the contingent comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 F.C.C. 2d 360, F.C.C. 67-614 (1967).

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether Eastern Associates has available to it the required $34,799 to construct and operate for 1 year without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine whether there is a reasonable possibility that the tower height and location proposed by Eastern Associates would constitute a menace to air navigation.

(3) To determine the efforts made by WSOQ, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

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

(5) To determine the areas and populations which would receive FM service of 1 mv./m. or greater intensity from the respective proposals and the availability of other primary aural services in such areas.

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

(7) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

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

10. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

11. *It is further ordered,* That if the WSOQ, Inc., application is granted, the permit shall contain the following condition:

Section 73.210(a)(2) of the Commission's rules is waived to permit the establishment of the main studio outside the city limits of north Syracuse, N.Y., 0.2 mile north of Bear Road on route 11.

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

13. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly,

[1] Commissioner Robert E. Lee concurring in the result.

within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 10, 1969.

Released: September 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-11329; Filed, Sept. 22, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 68-8]

DISPOSITION OF CONTAINER MARINE LINES

Denial of Petitions for Declaratory Order and Modification of Order Reopening Proceeding

By Petition received August 8, 1969, American Export Isbrandtsen Lines, Inc. (AEIL) seeks a declaratory order to the effect that the Commission's order of June 18, 1969 approving amendments to the conference agreement and dual rate contracts of the North Atlantic Westbound Freight Association (NAWFA) allowing the conference to establish a through intermodal transportation service from points in the United Kingdom to U.S. ports does not prevent AEIL, a conference member, from offering its own through intermodal transportation service until such time as the conference in fact offers "an equivalent or parallel conference through service."

NAWFA has replied to the petition, maintaining that as long as AEIL is a conference member it can offer only those services provided for in the conference tariff, and Sea-Land, another NAWFA member, has filed what amounts to another petition for a declaratory order to the effect that the Commission did not, in failing to reject the tariff filed by Container Marine Lines, a division of AEIL, in the earlier stages of this proceeding, determine to be lawful what it contends to be an unlawful system of "port equalization."

Insofar as Sea-Land's petition is concerned, the matter of the legality of CML's tariff is encompassed by the first ordering paragraph of the Commission's order of August 22, 1968, reopening this proceeding, and the resolution of any questions involving the propriety of such tariff must, as was indicated by our report in this proceeding, turn upon a showing as to "unlawful preferential or discriminatory effect." Such questions "are, of necessity, questions of fact" which can only be answered after the establishment of a record. Disposition of Container Marine Lines, 11 F.M.C. 476, 484 (1968).

Likewise, the questions raised by AEIL are inherently factual, and cannot be resolved in the absence of a factual record. AEIL's petition indicates that what it is really maintaining is that the NAWFA agreement is unlawful because the Conference has no intention of implementing it to establish through intermodal conference transportation. If this is true, the agreement may well be subject to cancellation or disapproval. (See, e.g., Agreement 8765—Order to Show Cause, 9 F.M.C. 333 (1966).)

Finally, both AEIL and NAWFA indicate that an amendment to the conference agreement providing for transshipment authorization has been submitted for approval. It appears appropriate that the matter of approval of such amendment be included in this proceeding, since it may be used to implement the through service presently authorized by the conference agreement.

The parties are reminded that the order reopening this proceeding directed that it be expedited.

Therefore, it is ordered, That the petitions for declaratory orders be denied.

It is further ordered, That the order reopening this proceeding served August 22, 1968, be modified by the insertion in the first ordering paragraph after the subparagraph numbered 3 a provision reading as follows:

(4) Whether the amendment to the North Atlantic Westbound Freight Association filed August 27, 1969, and assigned agreement No. 5850-10 should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916.

It is further ordered, That the order reopening this proceeding shall in all other respects remain the same.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-11343; Filed, Sept. 22, 1969; 8:48 a.m.]

MOLTZAU LINE

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Application for Certificate [Casualty]

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amendel (46 CFR 540):

Moltzau Line A/S, Faergegaarden, 4874 Gedser, Falster, Denmark.

Dated: September 18, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-11344; Filed, Sept. 22, 1969; 8:48 a.m.]

MOORE-McCORMACK LINES, INC. AND UNICORN SHIPPING LINES (PTY) LTD.

Notice of Agreements Filed for Approval

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

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

Notice of agreement filed by:

Mr. M. J. Kelly, vice president, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

Agreement No. 9820, between Moore-McCormack Lines, Incorporated and Unicorn Shipping Lines (Pty) Limited establishes a through billing arrangement for the movement of general cargo between U.S. Atlantic ports and ports in the Seychelle Islands/Comores Islands range with transshipment at a South African port in the Cape Town/Beira range in accordance with the terms and conditions set forth in the agreement.

Dated: September 17, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-11345; Filed, Sept. 22, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL COLORADO BANCORP, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Central Colorado Bancorp, Inc., Colorado Springs, Colo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 67 percent or more of the voting shares of each of the following banks:

[1] Commissioner Robert E. Lee concurring in the result.

The Academy Boulevard Bank, Colorado Springs, Colo., and The Central Colorado Bank, Colorado Springs, Colo. Applicant presently owns 71 percent of the voting shares of The Rocky Ford National Bank, Rocky Ford, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

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

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-11310; Filed, Sept. 22, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

SEPTEMBER 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey 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 18, 1969, through September 27, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-11317; Filed, Sept. 22, 1969; 8:45 a.m.]

[812-2595]

PIONEER FUND, INC.

Notice of Filing of Application for Order Exempting Proposed Transaction

SEPTEMBER 17, 1969.

Notice is hereby given that Pioneer Fund, Inc. ("Applicant"), 28 State Street Boston, Mass. 02109, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as a management open-end diversified investment company, has filed an application pursuant to section 6(c) and 17(b) of the Act for an order exempting from the provisions of sections 22(d) and 17(a) of the Act, respectively, a transaction in which Applicant's redeemable securities woud be issued at a price other than the current public offering price in exchange for securities and cash constituting substantially all of the assets of George R. Cooley & Co., Inc. ("Cooley"). All interested persons are referred to the aplication on file with the Commission for a statement of Applicant's representations, which are summarized below.

Cooley, a New York corporation, is a personal holding company, all of whose outstanding stock is owned by not more than 48 persons, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Cooley, substantially all the cash and securities owned by Cooley, with a market value of approximately $4,887,788 on April 30, 1969, will be transferred to Applicant in exchange for shares of Applicant's stock. The number of shares of Applicant to be issued to Cooley is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the agreement) of the assets of Cooley to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the close of the New York Stock Exchange on October 24, 1969, or such earlier or later day as may be mutually agreed upon in writing. When received by Cooley, the shares of Applicant are to be distributed to Cooley's shareholders and Cooley will be dissolved.

George R. Cooley is a director and the holder of approximately 9,000 shares of Applicant's stock. He and his wife also own 89.3 percent of Cooley's outstanding preferred stock and 49.3 percent of Cooley's outstanding common stock. Accordingly, under section 2(a)(3) of the Act, George R. Cooley is an affiliate of Applicant, and Cooley is an affiliate of George R. Cooley.

Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, to sell to such registered company any security or other property, unless the Commission upon application grants an exemption from such prohibitions pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Section 22(d) of the Act, with certain exceptions not here relevant, provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from any provision of the Act if 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.

Applicant offers its shares to the public, pursuant to its prospectus, for cash at a price equal to the net asset value per share plus varying sales charges dependent upon the quantity of shares purchased, the maximum sales charge being 8½ percent. In support of its application, Applicant alleges that the proposed transaction will enable it to obtain securities at a better price than would otherwise be possible and also will increase the size of the Applicant which, in the opinion of the Applicant, will result in improved services and eventually in economies to the shareholders on a per share basis. Applicant represents that the securities to be acquired meet its investment objectives. Applicant further represents that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the general purposes of the Act

Notice is further given that any interested person may, not later than October 7, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the

address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69–11318; Filed, Sept. 22, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 12) Amdt. 8]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165 and 34 F.R. 12651) is hereby further amended by adding new Items I, H, to read as follows:

* * * * *

I. *Area Administrators.*

* * * * *

H. *Lease Guarantee Program.*

1. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $1 million.

2. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator,
By _____
(Name)
Area Administrator

3. To service claims arising under all insurance policies issued in the area, including the payment, but not denial, of claims.

4. To take all actions necessary to mitigate losses.

* * * * *

Effective date: September 15, 1969.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 69–11319; Filed, Sept. 22, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 18, 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. 41761—*Petroleum and petroleum products from Eldon, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–65), for interested rail carriers. Rates on petroleum and petroleum products and related articles, in carloads, as described in the application, from Eldon, Tex., to points in eastern territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 173 to Southwestern Freight Bureau, agent, tariff ICC 4530.

FSA No. 41762—*Fertilizer or fertilizer materials from Don and Epco, Idaho.* Filed by Union Pacific Railroad Co. (No. 136), for itself and interested rail carriers. Rates on fertilizer or fertilizer materials, also fertilizer solution, in tankcar loads, as described in the application, from Don and Epco, Idaho, to points in Colorado and Wyoming.

Grounds for relief—Short-line distance formula and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–11330; Filed, Sept. 22, 1969; 8:46 a.m.]

[Notice 908]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 18, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 43038 (Sub-No. 441 TA), filed September 8, 1969. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. 48174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, and parts and accessories* moving in connection with shipments thereof, in secondary movements, in truckaway service, between points in Utah, on the one hand, and, on the other, points in Idaho, for 150 days. Supporting shipper: Chrysler Corp., Post Office Box 1976, Detroit, Mich. 48231. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 49304 (Sub-No. 25 TA), filed September 5, 1969. Applicant: BOWMAN TRUCKING COMPANY, INC., Post Office Box 6, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene oxide* in shipper-owned trailers, between South Charleston, W. Va., and Dickerson, Md., for 150 days. Supporting shipper: Neutron Products, Inc., Dickerson, Md. 20753. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2210, Washington, D.C. 20423.

No. MC 87088 (Sub-No. 5 TA), filed September 5, 1969. Applicant: SOONER EXPRESS, INC., Box 807, Denison, Tex. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (2) *wooden stakes and wooden cabinet materials*, (1) from the plantsite and storage facilities of Kraft Foods at or near Garland, Tex., to points in Arkansas except Carlisle, Ft. Smith, Little Rock, Fayetteville, and Hot Springs; to points in Kansas except Emporia, Hutchinson, Moline, Oswego, Pratt, and Wichita; to points in Oklahoma except Ada, Blackwell, Madill, Oklahoma City, Okmulgee, Shawnee, Stillwater, Sulphur, and Tulsa; to points in Kansas City, Mo. commercial zone; (2) from Madill, Okla., to Ft. Worth, Tex., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Kraft Foods, 2340 Forest Lane, Garland, Tex. 75040. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood St., Dallas, Tex. 75202.

No. MC 107010 (Sub-No. 40 TA), filed September 8, 1969. Applicant: BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. 68305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road oils*, from Kansas City, Kans., to points in Missouri, for 150 days. Supporting shipper: Union Asphalts and Roadoils, Inc., 612 West 47th Street, Kansas City, Mo. 64112. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 107496 (Sub-No. 748 TA), filed September 8, 1969. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid agricultural insecticides and liquid weedkilling compounds*, in bulk, from Des Moines, Iowa, to Alliance, Ohio, and Kenosha, Wis., for 150 days. Supporting shipper: Diamond Shamrock Chemical Co., 300 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 749 TA), filed September 8, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in tank vehicles, from Fort Madison, Iowa, to points in Illinois, Missouri, Kansas, Minnesota, and Nebraska, for 150 days. Supporting shipper: Thompson-Hayward Chemical Co., Post Office Box 3276, Davenport, Iowa 52808. Send protest to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 750 TA), filed September 8, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosaqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid polyurethane resins*, in bulk, in tank vehicles, from McCook, Ill., to Topeka, Kans., for 150 days. Supporting shipper: Pelron Corp., 7847 West 47th Street, Lyons, Ill. 60534. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107871 (Sub-No. 61 TA), filed September 12, 1969. Applicant: BONDED FREIGHTWAYS, INC., Post Office Box 1012, 441 Kirkpatrick Street West, Syracuse, N.Y. 13201. Applicant's representative: John Nelson, 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, from Rochester, N.Y. to Geneseo, N.Y. for 180 days. Supporting shipper: E. I. DuPont De Nemours & Co., J. C. Jessen, Manager, Motor Carrier Section, Wilmington, Del. 19898. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Opeartions, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 108449 (Sub-No. 301 TA), filed September 5, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Larry L. Gass (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay catalyst*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., to Superior, Wis., for 150 days. Supporting shipper: Filtrol Corp., Los Angeles, Calif. 90023. Send protests to: District Supervisor A. E. Rathert, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn.

No. MC 108461 (Sub-No. 115 TA), filed September 5, 1969. Applicant: WHITFIELD TRANSPORTATION, INC., 300–316 North Clark Road (Post Office Drawer 9897), El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods, as defined by the *Practices of Motor Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving Roswell, N. Mex., as an intermediate point in connection with applicant's regular-route authority, between Dallas, Tex., and Tularosa, N. Mex., restricted to traffic originating or destined to points in New Mexico, for 180 days. NOTE: The purpose of the application is to allow tacking and service at Roswell, N. Mex., thereby permitting a more direct service to Artesia, Carlsbad and intermediate New Mexico points. Supporting shippers: There are 66 shipper supporting letters attached to the application. Send protests to Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 110525 (Sub-No. 929 TA), filed September 8, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorobutadience*, in bulk, in tank vehicles, from La Place, La., to Louisville, Ky., for 180 days. E. I. du Pont de Nemours & Co., Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, 900 U.S. Custom House, 2d & Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 114273 (Sub-No. 48 TA), filed September 5, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Knochar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis* (except trailers designed to be drawn by passenger automobiles), from Fort Madison, Iowa, to points in the United States (except Hawaii and Alaska), for 180 days. Supporting shipper: Fruehauf Corp., 10900 Harper Avenue, Detroit, Mich. 48232. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 117395 (Sub-No. 16 TA), filed September 8, 1969. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, Ark. 71854. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, in tank vehicles, from Okay Junction, Ark., to points in Louisiana in and north of the following parishes: Vernon, Rapides, La Salle, Catahoula, and Concordia, for 180 days. Supporting shipper: Ideal Cement Co., Division of Ideal Basic Industries, Inc., 821 17th Street, Denver, Colo. 80202. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 118159 (Sub-No. 76 TA), filed September 5, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Descriptions of Motor Carrier Certificates 209 and 766, from plantsite of the Sunflower Packing Co., at Wichita, Kans., to points in Louisiana, Florida, Texas, Tennessee, Kentucky, North Carolina, South Carolina, Alabama, New Jersey, New York, Pennsylvania, and Georgia, for 180 days. Supporting shipper: Sunflower Packing Co., Inc., Wichita, Kans. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–4009 Federal Building, 701 Loyola Ave., New Orleans, La. 70113.

No. MC 120449 (Sub-No. 6 TA), filed September 8, 1969. Applicant: PETER P. DeCASPER, JR., AND HERMAN DeCASPER, doing business as: DeCASPER DELIVERY, 3 River Street, Bradford, Pa. 16701. Applicant's representative: Peter DeCasper (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard*

cans and tops, from Bradford, Pa., to Falling Rock, W. Va., and *used pallets, damaged or refused materials* on return movement, for 180 days. Supporting shipper: R. C. Can Co., Division Boise Cascade Corp., Bradford, Pa. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 124045 (Sub-No. 4 TA), filed September 12, 1969. Applicant: RAYMOND G. WISHARD, doing business as WISHARD TRUCKING, Route 5, Chambersburg, Pa. 17201. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (broken glass), from Crestline, Ohio, to Fairmont, W. Va., for 180 days. Supporting shipper: Advance Cullet Corp., 3717 South Albany Avenue, Chicago, Ill. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Bldg., Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 124854 (Sub-No. 6 TA), filed September 12, 1969. Applicant: GRIM BROS. TRUCKING CO., 997 Laucks Mill Road, York, Pa. 17402. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry building units*, from Lansing, Mich., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: United Glazed Products, Inc., Post Office Box 6077, 506 South Central Avenue, Baltimore, Md. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 126899 (Sub-No. 36 TA), filed September 4, 1969. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: W. A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *incidental advertising material* when shipped with malt beverages, from La Crosse and Sheboygan, Wis., to points in Ohio, Indiana, and lower peninsula of Michigan; also Newport, Ky., to lower peninsula of the State of Michigan; returned *empty malt beverage containers* (*used*) used in transportation of malt beverages, for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601 (F. W. Liegois, General Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Mamphis, Tenn. 38103.

No. MC 127539 (Sub-No. 12), filed September 8, 1969. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 E. 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, berries, vegetables, and potato products*, from Quincy, Wheeler, Connell, Walla Walla, Moses Lake, Prosser, Othello, and Kennewick, Wash., to points in Oregon, for 150 days. Supporting shippers: Chef-Reddy Foods Corp., Post Office Box 607, Othello, Wash. 99344, Lamb-Weston, Inc., 2017 Lloyd Center, Portland, Oreg. 97212, Pronto Pacific Inc., Post Office Box 1029, Moses Lake, Wash. 98837, Prosser Packers, Inc., 1001 Bennett Avenue, Prosser, Wash. 99350. Send protests to: District Supervisor E. J. Casey, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128814 (Sub-No. 18 TA), filed September 12, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., Operator of H. Messick, Inc., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, from the facilities of Hercules, Inc., at Kenvil, N.J., to Bryan, Tex., and points within a 15-mile radius thereof, for 180 days. Supporting shipper: Hercules, Inc., Suite 500, 120 Oakbrook Center Mall, Oak Brook, Ill. 60521. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133814 (Sub-No. 5 TA), filed September 8, 1969. Applicant: E. E. CARROLL, doing business as CARROLL TRUCKING COMPANY, 3533 Audubon Road, Montgomery, Ala. 36111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from the plantsite of Watkins Brick Co., at or near Birmingham (Jefferson County), Ala., to Coosa, Ga., for 180 days. Supporting shipper: Watkins Brick Co., Post Office Drawer B, Ensley Station, Birmingham, Ala. 35218. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814—2121 Building, Birmingham, Ala. 35203.

No. MC 134000 TA, filed September 5, 1969. Applicant: ROBERT E. BAILEY, 1424 Northeast Dekum Street, Portland, Oreg. 97211. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel products*, from points in Washington and California to Portland, Oreg., (2) *iron and steel products*, from Portland, Oreg., to points in Washington and California, (3) *boats*, from Portland, Oreg., to points in California, (4) *machinery*, between Portland, Oreg., and points in the United States for the account of the Albina Corp., for 180 days. Supporting shipper: The Albina Corp., 3810 North Mississippi Avenue, Portland, Oreg. 97227. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest 4th Avenue, Portland, Oreg. 97204.

No. MC 134001 TA, filed September 8, 1969. Applicant: ROBERT POWERS & RONALD POWERS, doing business as, R & R POWERS, Denham, Ind. 46614. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molds or rings, hot top*, from North Judson, Ind., to Gadsden, Ala., Birmingham, Ala., and Atlanta, Ga., for 150 days. Supporting shipper: Cravens-Insul Inc. Co., 619 North Addison Road, Villa Park, Ill. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 134005 TA, filed September 8, 1969. Applicant: WALTER VANDERYACHT, Route 1, Box 387, Ferndale, Wash. 98248. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and, in the same vehicle with such horses, *stable supplies* and *equipment* used in their care and exhibition, *mascots*, and *personal effects* of attendants, trainers, and exhibitors, between points in Washington, Oregon, and California, for 150 days. Supporting shippers: W. R. Cummings, Licensed Trainer, Longacres Race Track, Renton, Wash. 98055; Northwest Breeders Sales Association, Inc., 700 112th Avenue NE., Bellevue, Wash. 98004; Eastside Tack and Supply, Post Office Box BB, Kirkland, Wash. 98033. Send protests to: District Supervisor E. J. Casey, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134014 TA, filed September 10, 1969. Applicant: TOM ROBERTS, Box 73, Pleasant Plains, Ill. 62677. Applicant's representative: Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel and stainless steel storage tanks and component parts thereof*, from Virginia, Ill., to points in Alabama, Indiana, Iowa, Kansas, Minnesota, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Precision Tank & Equipment Co., Virginia, Ill. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 476, 325 West Adams Street, Springfield, Ill. 62704.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-11331; Filed, Sept. 22, 1969; 8:46 a.m.]

[Notice 411]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 18, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR pt. 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71601. By order of September 12, 1969, the Motor Carrier Board approved the transfer to Zone Motor Freight, Inc., Hindale, Ill., of the Certificate in No. MC–84610, issued March 24, 1959, to Charles E. Dirkes, doing business as The Regular Express, St. Louis, Mo., authorizing the transportation of general commodities, with exceptions, between points in St. Louis, Mo.; and greases, oils, and compounds, in containers, between points in the St. Louis, Mo. Commerial Zone on the one hand, and, on the other, points in St. Louis, County, Mo., within 15 miles of St. Louis. James R. Madler, 189 West Madison St., Chicago, Ill. 60602, attorney for applicants.

No. MC–FC–71610. By order of September 12, 1969, the Motor Carrier Board approved the transfer to Seward Motor Freight, Inc., Seward, Nebr., of Certificate of Registration No. MC–85718 (Sub-No. 1) issued November 13, 1963, to Willard R. Miers, doing business as Seward Motor Freight, Seward, Nebr., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Nebraska. Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC–FC–71594. By order of September 12, 1969, the Motor Carrier Board approved the transfer to Sigel Heavy Hauling Co., a corporation, Cadiz, Ohio, a portion of the rights in Certificate No. MC–41219, issued February 14, 1941, to Willard E. Latchem and John E. Latchem, Jr., doing business as Latchem's Transfer, 2 Reservoir Ave., Charleroi, Pa. 15022, authorizing the transportation of: Mining machinery, equipment, and supplies, between points in portions of Pennsylvania, West Virginia, and Ohio. Paul F. Beery, 88 E. Broad St., Columbus, Ohio 43215, attorney for transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–11332; Filed, Sept. 22, 1969; 8:47 a.m.]

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