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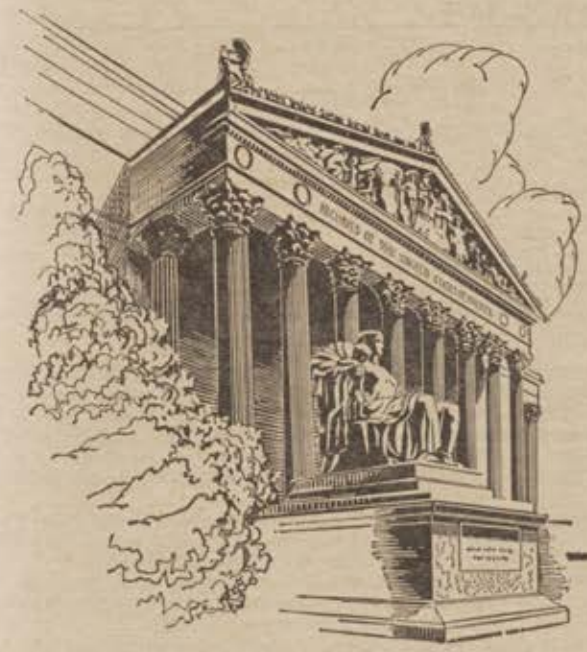

FEDERAL REGISTER

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Title 3—THE PRESIDENT

Executive Order 11485

SUPERVISION AND CONTROL OF THE NATIONAL GUARD OF THE DISTRICT OF COLUMBIA

By virtue of the authority vested in me as President of the United States and Commander-in-Chief of the Armed Forces of the United States and the National Guard of the District of Columbia under the Constitution and laws of the United States, including section 6 of the Act of March 1, 1889, 25 Stat. 773 (District of Columbia Code, sec. 39–112), and section 110 of title 32 and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense, except as provided in section 3, is authorized and directed to supervise, administer and control the Army National Guard and the Air National Guard of the District of Columbia (hereinafter "National Guard") while in militia status. The Commanding General of the National Guard shall report to the Secretary of Defense or to an official of the Department of Defense designated by the Secretary on all matters pertaining to the National Guard. Through the Commanding General, the Secretary of Defense shall command the military operations, including training, parades and other duty, of the National Guard while in militia status. Subject to the direction of the President as Commander-in-Chief, the Secretary may order out the National Guard under title 39 of the District of Columbia Code to aid the civil authorities of the District of status to aid civil authorities of the District of Columbia.

SEC. 2. The Attorney General is responsible for: (1) advising the President with respect to the alternatives available pursuant to law for the use of the National Guard to aid the civil authorities of the District of Columbia; and (2) for establishing after consultation with the Secretary of Defense law enforcement policies to be observed by the military forces in the event the National Guard is used in its militia status to aid civil authorities of the District of Columbia.

SEC. 3. The Commanding General and the Adjutant General of the National Guard will be appointed by the President. The Secretary of Defense, after consultation with the Attorney General, shall at such times as may be appropriate submit to the President recommendations with respect to such appointments.

SEC. 4. The Secretary of Defense and the Attorney General are authorized to delegate to subordinate officials of their respective Departments any of the authority conferred upon them by this order.

SEC. 5. Executive Order No. 10030 of January 26, 1949, is hereby superseded.

Richard Nixon

THE WHITE HOUSE,
October 1, 1969.

[F.R. Doc. 69-11875; Filed, Oct. 1, 1969; 1:35 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that in the Community Relations Service the position of Program Evaluation and Development Officer is excepted under Schedule C and the position of Private Secretary to the Associate Director for Conciliation and Field Services is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (10) is revoked and subparagraph (13) is added to paragraph (r) of § 213.3310 as set out below.

§ 213.3310 **Department of Justice.**

* * * * *

(r) *Community Relations Service.* * * *

(10) [Revoked]

* * * * *

(13) One Program Evaluation and Development Officer.

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

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

[F.R. Doc. 69-11797; Filed, Oct. 2, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-42]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Changes of Names of Air Carriers in Mail Rate Orders

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

Occasionally it becomes necessary to amend a prior mail rate order to reflect a change in the name of the air carrier subject to the order. As this is a purely ministerial function, authority will be delegated to the Chief, Rates Division, Bureau of Economics, to issue final orders amending mail rate orders of air carriers to reflect such changes.

Since this amendment is a matter relating to agency management, notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Board hereby amends Part 385 (14 CFR Part 385), effective September 29, 1969, as follows:

Amend § 385.14 by adding new paragraph (i) to read as follows:

§ 385.14 **Delegation to the Chief, Rates Division, Bureau of Economics.**

The Board hereby delegates to the Chief, Rates Division, Bureau of Economics, the authority to:

* * * * *

(i) Issue final orders amending mail rate orders of air carriers to reflect changes in the names of the carriers subject to the orders.

(Sec. 204(a), of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837)

By the Civil Aeronautics Board.

Effective: September 29, 1969.

Adopted: September 29, 1969.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-11818; Filed, Oct. 2, 1969; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950____)

Miscellaneous Amendments

Correction

In F.R. Doc. 69-11562, appearing at page 14887 of the issue for Saturday, September 27, 1969, the following changes should be made:

1. In § 404.502(a)(2), the word "of" in the second line is corrected to read "for".

2. In § 404.503(b)(4), the second line is corrected to read "fined in section 216 (c), (g), or (h) of the Act) who".

In § 404.515(a), the figure "XIII" in the sixth line is corrected to read "XVIII".

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo No. 644]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Administrative Division

DELEGATING CERTAIN TRAINING AUTHORITY TO THE DIRECTOR OF PERSONNEL, ADMINISTRATIVE DIVISION

SEPTEMBER 25, 1969.

Under and by virtue of the authority vested in me by §§ 0.84 and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Director of Personnel, Administrative Division, the authority conferred upon me by the following described sections of that title:

Section 0.81: Selection and assignment of employees of the Legal and Administrative Activities (including U.S. Attorneys and Marshals) for training by, in or through non-Government facilities whenever the total expense therefor will not exceed $500 including tuition fees, per diem and travel, and the payment of the expense of such training or the reimbursement of employees therefor.

Section 0.153: Selection and assignment of employees for training by, in or through Government facilities and the payment of the expense of such training or the reimbursement of employees therefor.

The authority conferred by the preceding paragraph of this memorandum should be exercised in conformity with the nondiscrimination policies and procedures prescribed by Part 42 of Title 28 of the Code of Federal Regulations, and Memo No. 635, Subject: Department of Justice Equal Employment Opportunity Program, dated July 17, 1969.

The provisions of this memorandum shall be effective on the date of the publication of this memorandum in the FEDERAL REGISTER.

L. M. PELLERZI,
Assistant Attorney General for Administration.

[F.R. Doc. 69-11812; Filed, Oct. 2, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture [1]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Reallocation of Food Assistance and Nonfood Assistance Funds Provided by Clause 4(a) Under the Item, Removal of Surplus Agricultural Commodities of the Agricultural Appropriation Act of 1969, Public Law 90-463, 82 Stat. 645, Fiscal Year 1969

State	Total allocation	State agency	Withheld for private schools
Alabama	$2,664,242	$2,645,667	$18,575
Alaska	39,500	39,500	
American Samoa	10,683	10,683	
Arizona	411,324	411,324	
Arkansas	581,033	572,134	8,899
California	1,579,462	1,579,462	
Colorado	370,595	356,555	14,040
Connecticut	226,778	226,778	
Delaware	16,022	16,022	
District of Columbia	51,800	51,800	
Florida	2,176,609	2,160,823	15,786
Georgia	2,513,667	2,513,667	
Guam	15,487	15,090	397
Hawaii	78,492	74,240	4,252
Idaho	123,511	120,411	3,100
Illinois	1,742,569	1,742,569	
Indiana	808,691	808,691	
Iowa	588,768	522,318	66,450
Kansas	253,957	253,957	
Kentucky	1,437,194	1,437,194	
Louisiana	979,389	979,389	
Maine	203,961	184,250	19,711
Maryland	455,694	449,194	6,500
Massachusetts	877,294	877,294	
Michigan	984,980	901,889	83,091
Minnesota	700,180	619,301	80,879
Mississippi	1,215,300	1,215,300	
Missouri	726,610	726,610	
Montana	92,365	84,895	7,470
Nebraska	313,309	265,421	47,888
Nevada	3,019	2,798	221
New Hampshire	46,200	46,200	
New Jersey	633,797	585,884	47,913
New Mexico	167,174	167,174	
New York	1,611,611	1,611,611	
North Carolina	2,244,495	2,244,495	
North Dakota	222,396	182,976	39,420
Ohio	1,864,267	1,706,909	157,358
Oklahoma	989,401	989,401	
Oregon	201,530	201,530	
Pennsylvania	952,599	790,549	162,050
Puerto Rico	901,068	901,068	
Rhode Island	165,033	165,033	
South Carolina	1,430,373	1,418,653	11,720
South Dakota	240,200	240,200	
Tennessee	2,009,899	1,994,577	15,322
Texas	3,334,410	3,263,156	71,254
Utah	476,661	476,661	
Vermont	84,848	84,848	
Virginia	1,595,815	1,584,232	11,583
Virgin Islands			
Washington	271,451	262,845	8,606
West Virginia	1,548,504	1,539,985	8,519
Wisconsin	371,294	271,537	99,757
Wyoming	53,325	53,325	
Total	43,608,836	42,598,075	1,010,761

(82 Stat. 645-46)

[1] The heading of Chapter II is amended to read as set forth above pursuant to the establishment of the Food and Nutrition Service as announced on Aug. 13, 1969 (34 F.R. 13119).

Dated: September 24, 1969.

EDWARD J. HEKMAN,
Administrator.

[F.R. Doc. 69-11768; Filed, Oct. 2, 1969; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Dry Edible Bean Supp. Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Dry Edible Bean Loan and Purchase Program

PRIME HANDPICKED

Paragraph (a) of § 1421.2483 of the regulations issued by the Commodity Credit Corporation, and published in 34 F.R. 8045 which set forth specific requirements with respect to price support for the 1969 crop of dry edible beans, is hereby amended to include the grade Prime Handpicked in the basic county support rates. The amended paragraph (a) reads as follows:

§ 1421.2483 **Support rates.**

* * * * *

(a) *Basic county support rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading Prime Handpicked or U.S. No. 1 are as follows:

Class and area	*Rate per 100 pounds Prime Handpicked or U.S. No. 1 in jute bags*

* * * * *

Effective date. Upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on September 29, 1969.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 69-11835; Filed, Oct. 2, 1969; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

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

Lake Mead National Recreation Area, Arizona-Nevada; Boat Sanitary Equipment

A proposal was published on page 11306 of the FEDERAL REGISTER of July 8, 1969, to amend § 7.48 of the Code of Federal Regulations. The purpose of the amendment is to establish boat sanitation equipment requirements to insure conformity with § 3.17 of Title 36, Code of Federal Regulations, which deals with water sanitation.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. As no adverse comment was received, it is determined that the amendment should be and is hereby adopted without change and it is set forth below. This amendment shall take effect 60 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraph (d) of § 7.48 is added to read as follows:

§ 7.48 **Lake Mead National Recreation Area.**

* * * * *

(d) *Water sanitation.* (1) No person shall launch, operate, or maintain in or upon any waters within the boundary of Lake Mead National Recreation Area, any vessel so constructed and/or equipped as to allow or be capable of allowing the discharge from toilets, holding tanks, sinks, or other similar facilities into the said waters through the vessel hull.

(2) Depositing by any direct or indirect means of any waste or refuse in or upon said waters or in or upon any lands adjacent to such waters is prohibited.

(3) All wastes and refuse, regardless of kind, will only be disposed of, or emptied into, designated sanitary dumping stations, or other appropriate collection facilities provided at docks, marinas or other specified places.

ROGER W. ALLIN,
Superintendent, Lake Mead National Recreation Area.

[F.R. Doc. 69-11831; Filed, Oct. 2, 1969; 8:48 a.m.]

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

Amistad Recreation Area, Texas; Boat Sanitary Equipment

A proposal was published on page 12833 of the FEDERAL REGISTER dated August 7, 1969 to add § 7.79 paragraph (c), Title 36 of Code of Federal Regulations. The effect of the amendment is to establish boat sanitation equipment requirements to insure conformity with § 3.17 of Title 36, Code of Federal Regulations which deals with water sanitation.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

Paragraph (c) has been added to § 7.79 as follows:

§ 7.79 **Amistad Recreation Area.**

* * * * *

(c) *Water sanitation.* All vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facility sealed to prevent discharge. Chemical or other type marine toilets with approved holding tanks or storage containers shall be permitted but will be discharged or emptied only at designated sanitary pumping stations.

* * * * *

COLEMAN C. NEWMAN,
Superintendent,
Amistad Recreation Area.

[F.R. Doc. 69-11832; Filed, Oct. 2, 1969; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Hartford-New Haven-Springfield Interstate Region

On April 16, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6539) to amend Part 81 by designating the Hartford-Springfield Interstate Air Quality Control Region (Connecticut-Massachusetts), now referred to as the Hartford-New Haven-Springfield Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on April 29, 1969. Due consideration has been given to all relevant material presented, with the result that eight cities, including the city of New Haven, and 24 towns, all in Connecticut, which were not in the original proposal, have been added to the region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 81.26, as set forth below, designating the Hartford-New Haven-Springfield Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.26 Hartford-New Haven-Springfield Interstate Air Quality Control Region.

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

In the State of Connecticut:

CITIES

Ansonia.	Milford.
Bristol.	New Britain.
Derby.	New Haven.
Hartford.	Shelton.
Meriden.	Waterbury.
Middletown.	West Haven.

TOWNS

Andover.	Middlebury.
Avon.	Middlefield.
Beacon Falls.	Naugatuck.
Berlin.	Newington.
Bethany.	North Branford.
Bethlehem.	North Haven.
Bloomfield.	Orange.
Bolton.	Oxford.
Branford.	Plainville.
Burlington.	Plymouth.
Canton.	Portland.
Cheshire.	Prospect.
Cromwell.	Rocky Hill.
Durham.	Seymour.
East Granby	Simsbury.
East Haddam.	Somers.
East Hampton.	Southbury.
East Hartford.	Southington.
East Haven.	South Windsor.
East Windsor.	Suffield.
Ellington.	Thomaston.
Enfield.	Tolland.
Farmington.	Vernon.
Glastonbury.	Wallingford.
Granby.	Watertown.
Guilford.	West Hartford.
Haddam.	Wethersfield.
Hamden.	Windsor.
Hebron.	Windsor Locks.
Madison.	Wolcott.
Manchester.	Woodbridge.
Marlborough.	Woodbury.

In the State of Massachusetts:

CITIES

Chicopee.	Springfield.
Holyoke.	Westfield.
Northampton.	

TOWNS

Agawam.	Ludlow.
Amherst.	Middlefield.
Belchertown.	Monson.
Blandford.	Montgomery.
Brimfield.	Palmer.
Chester.	Pelham.
Chesterfield.	Plainfield.
Cummington.	Russell.
Easthampton.	Southampton.
East Longmeadow.	Southwick.
Goshen.	South Hadley.
Granby.	Tolland.
Granville.	Wales.
Hadley.	Ware.
Hampden.	Westhampton.
Hatfield.	West Springfield.
Holland.	Wilbraham.
Huntington.	Williamsburg.
Longmeadow.	Worthington.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: September 29, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-11801; Filed, Oct. 2, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

[FCC 69-1039]

Delegations of Authority to the Chief, CATV Task Force

1. Both before and since the adoption of the notice of proposed rule making and notice of inquiry in Docket No. 18397, FCC 68-1176, 15 FCC 2d 417, a substantial number of petitions for waiver of § 74.1107 of the Commission's rules have been filed involving, in whole or part, an unopposed proposal to import distant educational television signals into a top-100 market. Despite the fact that these requests are unopposed, and that the interim procedures permit the processing of this kind of petition, e.g., Halifax Cable TV, Inc., FCC 69-974, ——— FCC 2d ———, under our present procedures, each of these petitions must be brought in chronological order to the Commission for action. We think this procedure results in avoidable delays and is wasteful of the Commission's time in light of the precedential body of opinion now established. E.g., Halifax Cable TV, Inc., *supra;* Clear Channel TV, Inc., FCC 69-724, 18 FCC 2d 490; and Florida TV Cable, Inc., FCC 69-723, ——— FCC 2d ———.

2. The Commission has recognized that the public interest is served by the widest dissemination of educational material, that there is a national policy of encouraging the full development and expansion of educational television, and that CATV's proper role is to supplement, rather than to supplant, local educational broadcast service (Second Report and Order, paragraphs 87-96). If the importation of distant educational signals into a top-100 market poses a threat to the inception, viability, or growth of local educational stations, these facts may easily be brought to the Commission's attention through the filing of formal or informal objections pursuant to section 74.1109 of the rules. Absent such filings, we must assume that the proposed importations will further rather than hinder our policies.

3. For these reasons, the Commission believes that continuation of the present processing procedure, where the petitions for waiver are unopposed, is undesirable. We are, therefore, amending § 0.289 of the rules to delegate authority to the Chief, CATV Task Force to act on the matters described in paragraph 1, above. This amendment relates to internal Commission organization and practice; therefore, the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. For the same reason, the amendment will be made effective immediately. Authority for the promulgation of the amendment is contained in sections 4(i), 5 (b) and (d)

and 303(r) of the Comuunications Act of 1934, as amended.

4. We note that in the notice of proposed rule making in Docket No. 17597, FCC 67-835, 32 F.R. 10664, we initiated consideration of an amendment to § 74.1107 of the rules which would exclude distant educational television signals from § 74.1107's hearing requirement. The chief objections to that proposal were that if an objection to the proposed carriage were filed, the burden of proof on the question of adverse economic impact would be shifted by virtue of the amendment from the CATV system to the protesting local educational station, and that the public interest would not be adequately protected, since neither the Commission nor its staff would continue to scrutinize each proposal to import distant educational signals. The delegation of authority adopted today suffers from neither of these defects, and accomplishes the common purpose of simplifying and expediting consideration of unopposed petitions involving carriage of distant educational signals. We, therefore, think it appropriate to terminate Docket No. 17597 at this time. Simultaneously with the issuance of this order, we are issuing order (FCC 69-1040) to accomplish that end.

Accordingly, it is ordered, Effective October 3, 1969, that Part 0 of the rules and regulations is amended as set forth below.

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

Adopted: September 24, 1969.

Released: September 26, 1969.

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

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.289 (c) (12) is added, to read as follows:

§ 0.289 Authority delegated.

(c) * * *

(12) To act on unopposed proposals to import distant educational television signals into the 100 largest television markets, as defined in § 74.1107(a) of this chapter.

[F.R. Doc. 69-11838; Filed, Oct. 2, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Amendment of Effective Date

An amendment to the yellowfin tuna regulations effective September 27, 1969 (34 F.R. 14893), prescribed certain restrictions and reporting requirements. The effective date described the manner in which tuna vessels which had fished within or outside the regulatory area and were in different stages of their fishing voyage were affected. Information gained since the effective date demonstrates that a small number of vessels which were at sea on the effective date and had fished inside but not outside the regulatory area had intended to fish outside the regulatory area before returning to port. The present regulations might, therefore, cause an economic hardship on such vessels. Therefore the stipulations set out under the effective date are amended as follows:

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER. Vessels which are fishing outside the regulatory area on the effective date or have fished outside previous to the effective date and are still at sea may land yellowfin taken outside the regulatory area in excess of the incidental catch limitation, provided they conformed to the reporting requirements as set out in the regulations (34 F.R. 7856). Vessels at sea which have fished only inside the regulatory area shall be restricted to the fifteen percent (15%) yellowfin incidental catch limitation unless they notify the Regional Director of their intent to fish outside the regulatory area within 48 hours of the effective date and are outside of the regulatory area by 0001 hours, October 7, 1969. Vessels which have left port since September 23, 1969, and have not fished during the present trip and had planned to fish exclusively outside the regulatory area may do so but must have reported their intent to the Regional Director and been outside the regulatory area by October 2, 1969, as set out in 34 F.R. 14893.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated September 30, 1969.

W. M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-11810; Filed, Oct. 2, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 69-10]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Appendix A—Interpretations

MINI-BIKES

A number of persons have asked the Federal Highway Administrator to reconsider his February 4, 1969, interpretation of the National Traffic and Motor Vehicle Safety Act of 1966 concerning mini-bikes (34 F.R. 1909). In that interpretation, the Administrator concluded that mini-bikes are "motor vehicles" within the meaning of section 102(3) of the Act, and are regarded as "motorcycles" or "motor-driven cycles" under the Federal Highway Administration regulations (34 F.R. 1909). Under those regulations, motorcycles, and motor-driven cycles must conform to Motor Vehicle Safety Standard No. 108, which imposes performance requirements relating to lamps, reflective devices, and associated equipment.

The primary basis for the conclusion of the February 4 interpretation, as stated therein, was that "[i]n the absence of clear evidence that as a practical matter a vehicle is not being, or will not be, used on the public streets, roads, or highways the operating capability of a vehicle is the most relevant fact in determining whether or not that vehicle is a motor vehicle under the Act * * *" It was stated that if examination of a vehicle's operating capability revealed that the vehicle is "physically capable (either as offered for sale or without major additions or modifications) of being operated on the public streets, roads, or highways, the vehicle will be considered as having been 'manufactured primarily for use on the public streets, roads, and highways'." It was also stated that a manufacurer would need to show substantially more than that it has advertised a vehicle as a recreational or private property vehicle or that use of the vehicle on a public roadway, as manufactured and sold, would be illegal in order to overcome a conclusion based on examination of the vehicle's operating capability.

Petitioners have urged the Administrator to abandon the operating capability test. They have argued that many vehicular types, such as self-propelled riding mowers, have an "operating capability" for use on the public roads and yet are obviously outside the class of vehicles which Congress subjected to safety regulation. True as that may be, the Administrator has decided to adhere to the view that the operating capability of a vehicle is an important criterion in determining whether it is a "motor vehicle" within the meaning of the statute. As the above-quoted portion of the February 4, 1969, interpretation states, however, the operating capability test is not reached if there is "clear evidence that as a practical matter the vehicle is not being used on the public streets, roads, or highways." In the case of self-propelled riding mowers, golf carts, and many other similar self-propelled vehicles, such clear evidence exists.

It is clear from the definition of "motor vehicle" in section 102(3) of the Act[1] that the purpose for which a vehicle is

[1] Commissioner H. Rex Lee absent.

[1] "'Motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails." 15 U.S.C. 1391(3).

manufactured is a basic factor in determining whether it was "manufactured primarily for use on the public streets, roads, and highways." However, this does not mean that the proper classification of a particular vehicle is wholly dependent on the manufacturer's subjective state of mind. Instead, the Administrator intends to invoke the familiar principle that the purpose for which an act, such as the production of a vehicle, is undertaken may be discerned from the actor's conduct in the light of the surrounding circumstances. Thus, if a vehicle is operationally capable of being used on public thoroughfares, and if in fact, a substantial proportion of the consuming public actually uses in that way, it is a "motor vehicle" without regard to the manufacturer's intent, however manifested. In such a case, it would be incumbent upon a manufacturer of such a vehicle either to alter the vehicle's design, configuration, and equipment to render it unsuitable for on-road use or, by compliance with applicable motor vehicle safety standards, to render the vehicle safe for use on public streets, roads, and highways.

In borderline cases, other factors must also be considered. Perhaps the most important of these is whether state and local laws permit the vehicle in question to be used and registered for use on public highways. The nature of the manufacturer's promotional and marketing activities is also evidence of the use for which the vehicle is manufactured. Some relevant aspects of those activities are: (1) Whether the vehicle is advertised for on-road use or whether the manufacturer represents to the public that the vehicle is not for use on public roads; (2) whether the vehicle is sold through retail outlets that also deal in conventional motor vehicles; and (3) whether the manufacturer affixes a label warning owners of the vehicle not to use it for travel over public roads.

In the first instance, each manufacturer must decide whether his vehicles are manufactured primarily for use on the public streets, roads, and highways. His decision cannot be conclusive, however. Under the law, the authority to determine whether vehicles are subject to the provisions of the National Traffic and Motor Vehicle Safety Act is vested in the Secretary. As delegee of the Secretary, the Administrator will exercise that power in the light of all of the relevant facts and circumstances (including the manufacturer's declaration of his intent) with the objective of reducing the toll of injuries and deaths on the public highways.

Analysis of the available data about mini-bikes, including the contents of petitions for reconsideration of the February 4, 1969, interpretation, has convinced the Administrator that, for the most part, mini-bikes should not be considered motor vehicles under the above criteria. Mini-bikes do have an operating capability for use on public roads. It now appears that incidents of their actual operation on public streets, roads, and highways, while undoubtedly extant, are comparatively rare. What is more important, their use and registration for use on public thoroughfares is precluded by the laws of virtually every jurisdiction, unless the mini-bike is equipped with lamps, reflective devices, and associated equipment of the sort that Safety Standard No. 108 requires. Most manufacturers of mini-bikes do not advertise or otherwise promote them as being suitable for use on public roads, and some actually attach a label to their vehicles, warning against on-road use. Those manufacturers do not furnish retail purchasers with the documentation needed to register, title, and license the vehicles for use on public roads under the relevant state laws. Finally, mini-bikes are commonly sold to the public through retail outlets that are not licensed dealers in motor vehicles.

Accordingly, so long as the great majority of the States do not permit the registration of mini-bikes for use on the public highways and streets and until such time as there is clear evidence that mini-bikes are being used on public streets to a significant extent, the Administrator is of the view that, at a minimum, persons who manufacture mini-bikes are not manufacturers of "motor vehicles" within the meaning of the National Traffic and Motor Vehicle Safety Act of 1966 if they (1) do not equip them with devices and accessories that render them lawful for use and registration for use on public highways under State and local laws; (2) do not otherwise participate or assist in making the vehicles lawful for operation on public roads (as by furnishing certificates of origin or other title documents, unless those documents contain a statement that the vehicles were not manufactured for use on public streets, roads, or highways); (3) do not advertise or promote them as vehicles suitable for use on public roads; (4) do not generally market them through retail dealers in motor vehicles; and (5) affix to the mini-bikes a notice stating in substance that the vehicles were not manufactured for use on public streets, roads, or highways and warning operators against such use. Cases of manufacturers who fulfill some, but not all, of the above criteria will be dealt with individually under those criteria and such others as may be relevant.

A manufacturer of mini-bikes is, of course, at liberty to design and construct his products so that they conform to the provisions of the motor vehicle safety standards that are applicable to motorcycles and thereby to manufacture motor vehicles within the meaning of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing, the petitions for reconsideration of the February 4, 1969, interpretation relating to mini-bikes are granted to the extent set forth above, and that interpretation is withdrawn.

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, and 49 CFR 1.4(c))

Issued on September 30, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-11813; Filed, Oct. 2, 1969; 8:46 a.m.]

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-3; Notice No. 69-18]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Brakes

By a notice of proposed rule making issued on October 29, 1968, the Federal Highway Administrator announced that he was considering amendments to sections 293.40 and 293.41 of the Motor Carrier Safety Regulations (33 F.R. 16125). Those sections (now §§ 393.40 and 393.41) deal with general requirements for brakes and with parking brakes, respectively. The notice proposed to amend the regulations to make it clear that two separate brake systems are required on certain vehicles and to state more clearly that the regulations require parking brakes which are held in the applied position by means other than hydraulic pressure, air pressure, or electrical energy.

Interested persons were invited to file written comments on the proposals. In addition, a hearing was held on April 29, 1969, to provide an opportunity for the presentation of oral statements.

A large number of comments, and virtually all of the oral presentations, related to a parking brake manufactured by WIZ Corp. which uses captive air pressure in a self-contained cell to hold the brake in the applied position. By an order issued on October 29, 1968, the Administrator had denied WIZ Corp.'s petition for rule making which sought an amendment to § 293.41 to permit its device to comply with the parking brake requirements (33 F.R. 16128). WIZ Corp. renewed its request in this proceeding, and its position was supported by users of the captive air cell brake, sales outlets for that brake, and other persons with an interest in the WIZ device.

After careful consideration of the data and arguments submitted, the Administrator has decided to adhere to his earlier conclusion that devices utilizing air pressure, fluid pressure, or electrical energy to retain parking brakes in the applied position should not be permitted as the primary parking brake of commercial vehicles subject to the jurisdiction of the Federal Highway Administration. From the standpoint of safety, the parking brake is a critical component of a commercial vehicle. Accidental release of the parking brake of a heavy vehicle owing to failure of the mechanism which holds it in the applied position can have disastrous and tragic consequences. In these circumstances, parking brakes must be

constructed so that the risk of accidental release is reduced to the lowest level that human ingenuity and technology can achieve. Experience has shown that devices operated by energy that can leak or be exhausted do not provide sufficient assurance that they will perform adequately at all times. In the case of a brake which is held in the applied position by air or hydraulic pressure, leakage of the fluid medium can result in failure of the brake. A brake system which uses electrical energy may fail in case a short circuit depletes the electrical energy.

It has been argued that the proposed rule discriminates in favor of parking brakes which make use of steel springs, and that such discrimination is unwarranted because the springs may fracture and thereby deprive the brake system of the energy they provide. It is improbable, however, that a fracture of the springs would result in a total loss of braking force, except in the unlikely event of disintegration of the steel. Moreover, some of the steel spring parking brake systems utilize two or more coils to provide braking force, and the risk that all coils will fracture at the same time is rather minimal. In the case of a brake system that uses hydraulic or air pressure, on the other hand, a puncture of crack in the medium's container would produce catastrophic results in virtually all cases; there is a total loss of energy, and the vehicle has no parking brake. The risks involved in use of a system, such as the WIZ captive air cell device, which makes use of air or fluid pressure are of a considerably higher order of magnitude than those stemming from use of a steel spring brake. The Administrator has also considered the risk that the performance of systems using air or hydraulic pressure may be adversely affected by changes in ambient temperature, a risk which is of much less significance in connection with spring brakes.

Several respondents suggested that parking brake requirements be specified wholly in terms of performance. A very detailed performance standard, under which only braking systems that meet certain test criteria would be permissible, was submitted. The principal difficulty with this suggestion is that the duty of compliance with the Motor Carrier Safety Regulations rests primarily upon users of motor vehicles rather than upon manufacturers. It is practical to certify that an item of equipment meets certain performance requirements when it is new and first installed on a motor vehicle. However, it is impractical to require a motor carrier to perform specified tests (some of which may be destructive) to ascertain whether his equipment conforms to the performance standard for new equipment after the vehicle has been in use. Consequently, the Administrator felt obliged to reject the above-mentioned suggestion.

Section 393.2 of the Motor Carrier Safety Regulations provides that the regulations permit the use of additional equipment not inconsistent with or prohibited by the regulations if that equipment does not decrease the safety of operation of the motor vehicles on which they are used. Hence, the use of the WIZ device or any other parking brake using air pressure, fluid pressure, or electrical energy as a supplemental parking brake system does not violate section 393.41 (either before or after the amendment) if the vehicle is also equipped with a parking brake that meets the requirements of that section and so long as the operation of the required brake system is not impaired by the supplemental brake.

Since these amendments merely clarify existing requirements of the Motor Carrier Safety Regulations and impose no additional burden on any person, good cause is found for dispensing with the need to publish them not less than 30 days before their effective date, and they are effective upon the date of issuance set forth below.

In consideration of the foregoing, §§ 393.40 and 393.41 of the Motor Carrier Safety Regulations in Part 393 of title 49, CFR, are revised to read as set forth below.

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, and 49 CFR 1.4(c))

Issued on September 25, 1969.

F. C. TURNER,
Federal Highway Administrator.

§ 393.40 Required brake systems.

(a) Every bus, truck, truck-tractor and combination of motor vehicles, except as provided in § 393.42, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle or combination of vehicles.

(b) Two separate brake systems shall be provided. One shall be a service brake system adequate to conform to the requirements of § 393.52. The other shall be a parking brake system which will conform to the requirements of § 393.41. Each system shall have a separate means of application.

(c) If the two brake systems are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the vehicle without operative brakes.

§ 393.41 Parking brake system.

(a) Every singly driven motor vehicle and every combination of motor vehicles shall at all times be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under any condition of loading on a surface free from ice or snow.

(b) The parking brake system shall at all times be capable of being applied in conformance with the requirements of paragraph (a) of the section by either the driver's muscular effort, or by spring action, or by other energy, provided, that if such other energy is depended on for application of the parking brake, then an accumulation of such energy shall be isolated from any common source and used exclusively for the operation of the parking brake.

(c) The parking brake system shall be held in the applied position by energy other than fluid pressure, air pressure, or electric energy. The parking brake system shall be such that it cannot be released unless adequate energy is available upon release of the parking brake to make immediate further application with the required effectiveness.

[F.R. Doc. 69-11805; Filed, Oct. 2, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ASSATEAGUE ISLAND NATIONAL SEASHORE, MARYLAND AND VIRGINIA

Hunting

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–3), the Act of September 21, 1965 (79 Stat. 824; 16 U.S.C. 459f), 245 DM1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Northeast Region Order No. 5 (31 F.R. 8135), as amended, it is proposed to add new special regulations to Title 36 of the Code of Federal Regulations as set forth below.

The purpose of these proposed regulations is to implement the controls necessary to carry out the provisions of sec. 5, Public Law 89–195, which states in part "* * * the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management or public use and enjoyment * * *."

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Assateague Island National Seashore, Route 2, Box 111, Berlin, Md., within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.65 is added to read as follows:

§ 7.65 Assateague Island National Seashore.

(a) *Hunting.* (1) Definition, Firearm: The term firearm includes air and gas powered pistols and rifles, blow guns, bows and arrows or crossbows, and any other implements designed to discharge missiles in the air or under the water which are capable of destroying animal life.

(2) Those seashore lands open or closed to public hunting are designated on a map of the seashore which is available for inspection in the office of the Superintendent.

(3) The carrying of explosives or loaded firearms is prohibited in no-hunting, developed, and/or concentrated public-use areas and areas of scientific interest, as marked on the ground and designated on a map of the seashore, which is available for inspection in the office of the Superintendent.

(4) Hunting, except with a shotgun, bow and arrow, or trap is prohibited. Hunting with a shotgun, a bow and arrow, or by trapping is permitted in accordance with State law and Federal regulations in designated hunting areas.

(5) Hunting, trapping or taking of a Raptor for any purpose is prohibited.

(6) Any nonhunting discharge of a firearm is prohibited.

(7) A hunter shall not enter upon Service-owned lands where a previous owner has retained use for hunting purposes, without written permission of such previous owner.

(8) Waterfowl shall be hunted only from numbered Service-owned blinds except in areas with retained hunting rights; and no firearm shall be discharged at waterfowl unless the hunter is located in said blind.

(9) Waterfowl hunting blinds in public hunting areas shall be operated within two plans:

(i) First-come, first-served.

(ii) Advance written reservation.

The Superintendent shall determine the number and location of first-come, first-served and/or advance reservation blinds.

(10) In order to retain occupancy rights, the hunter must remain in or near the blind except for the purpose of retrieving waterfowl. The leaving of decoys or equipment for the purpose of holding occupancy is prohibited.

(11) Hunters shall not enter the public waterfowl hunting area more than 1 hour before legal shooting time and shall be out of the hunting area within 45 minutes after close of legal shooting time. The blind shall be left in a clean and sanitary condition.

(12) Hunters using Service-owned shore blinds shall enter and leave the public hunting area via designated routes from the island.

(13) Upon completion of hunting, a hunter using a Service-owned shore blind shall check out in a registration box located on the trail he uses for departure.

(14) Parties in blinds are limited to two hunters and two guns. One guest may be present but may not hunt. The bag limit per blind shall not exceed that of two hunters.

(15) The hunting of upland game shall not be conducted within 300 yards of any waterfowl hunting blind during waterfowl season.

B. C. ROBERTS,
Superintendent,
Assateague Island National Seashore.

[F.R. Doc. 69-11833; Filed, Oct. 2, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE-P 15]

POTATOES

Limits on Position and Daily Trading for Future Delivery

The Commodity Exchange Commission has issued an order under section 4a of the Commodity Exchange Act (7 U.S.C. 6a), establishing maximum limits on position and daily trading in potatoes for future delivery on any one market at 300 carlots in any one future and 350 carlots in all futures combined, except that the limits were set at 150 carlots in the March potato future, 150 carlots in the April potato future, and 150 carlots in the May potato future (Nov. 17, 1964, 29 F.R. 15570, 17 CFR 150.10).

At the time these limits were established in 1964, there was trading only in Maine Round White potato futures on the New York Mercantile Exchange. Recently trading has been inaugurated in Idaho Russet Burbank potatoes on both the Chicago Mercantile Exchange and the New York Mercantile Exchange.

There are many differences between Maine Round White potatoes and Idaho Russet Burbank potatos, upon which the futures contracts are based. The differences are reflected in the exchange specifications of the two contracts as follows: (1) The two types of potatoes covered by the respective contracts originate in distinct geographic areas, (2) most of the delivery points between the two contracts are in different locations over the country, (3) varietal characteristics differ between the two types of potatoes, and (4) the prices of the two types of potatoes are at two distinct levels.

The administrative officials of the Commodity Exchange Authority believe that the order should be amended to provide for separate speculative limits for the two types of potato contracts, and to provide that the separate limits should each be in the same amount, so as to permit the taking of a limit position, and the making of limit trades, by one person, in each of the two types of potato contracts simultaneously.

Accordingly, notice is hereby given that it is proposed by the Commodity Exchange Authority that the Commodity Exchange Commission amend § 150.10 by revising the first paragraph thereof, and paragraphs (a) and (b) thereof, to read as follows:

§ 150.10 Limits on position and daily trading in potatoes for future delivery.

The following limits on the amount of trading under contracts of sale of Round White potatoes originating in Maine, and under contracts of sale of Russet Burbank potatoes originating in Idaho, for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after _____.

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in any one type of potato contract specified in the first paragraph of this section, on or subject to the rules of any one contract market, is 300 carlots in any one future and 350 carlots in all futures combined: *Provided,* That no person may hold or control a net long or net short position in any one such type of contract in excess of (1) 150 carlots in the March potato future, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

(b) *Daily trading limit.* The limit on the maximum amount of potatoes under any one type of contract specified in the first paragraph of this section, which any person may buy, and on the maximum amount of potatoes under any one such type of contract which any person may sell, on or subject to the rules of any one contract market during any one business day is 300 carlots in any one future and 350 carlots in all futures combined: *Provided,* That no person may buy or sell during any one business day in any one such type of contract more than (1) 150 carlots in the March potato future, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

* * * * *

If any interested person desires an oral hearing with reference to the proposed amendment of the order on limits on position and daily trading in potatoes, and notifies the Administrator of the Commodity Exchange Authority to that effect, as directed below, on or before October 24, 1969, a hearing will be held in Washington, D.C., at a time and place to be announced, and all interested persons will be given an opportunity to express their views at such hearing. Requests for an oral hearing should be addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250. No oral hearing will be held in the absence of such a request received on or before October 24, 1969.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person irrespective of whether an oral hearing is held, and may be in addition to or in lieu of testimony at an oral hearing. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to October 24, 1969.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Issued this 30th day of September 1969.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[F.R. Doc. 69-11837; Filed, Oct. 2, 1969; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Proposed Marketing Control Percentages for the 1969–70 Marketing Year

Notice is hereby given of a proposal unanimously recommended by the Walnut Control Board to establish marketable and surplus control percentages for walnuts for the 1969–70 marketing year. The year began August 1, 1969. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed marketable and surplus percentages are as follows: California (District 1), 82 percent and 18 percent, respectively; and Oregon-Washington (District 2), 91 percent and 9 percent, respectively. These percentages are based on estimates of supply, and inshell and shelled trade demands adjusted for handler carryover, and appear to be appropriate for the 1969–70 marketing year.

The total 1969–70 supply subject to regulation is estimated to be 89 million kernelweight pounds. Inshell and shelled trade demands adjusted for handler carryovers are estimated at 24.1 and 48.8 million kernelweight pounds, respectively. The trade demand area includes the United States, Puerto Rico, and the Canal Zone.

All persons who desire to submit written data, views, or arguments on the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.216 Marketable and surplus percentages for walnuts during the 1969–70 marketing year.

The marketable and surplus percentages during the marketing year beginning August 1, 1969, shall be as follows:

	California District 1	Oregon-Washington District 2
Marketable percentage	82	91
Surplus percentage	18	9

Dated: September 29, 1969.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-11809; Filed, Oct. 2, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69-20; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARD

Accelerator Control Systems

The Federal Highway Administration is considering the issuance of a Federal Motor Vehicle Safety Standard specifying requirements for accelerator control systems of passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles.

Accelerator control systems provide the crucial link between the driver and the engine, and if they fail to function correctly a dangerous situation may be produced. This is especially true if the failure occurs as a driver is attempting to decelerate a vehicle traveling at high speed. Over 3 million vehicles have been recalled because of defects in their accelerator control systems, and tragic results have often accompanied failures of such systems upon the highways. For these reasons a standard is being considered that would cover accelerator control systems, becoming effective January 1, 1971.

Accelerator control systems are generally operated by the driver exerting force with either his foot or his hand. In addition, some vehicles are equipped with automatic accelerator controls that cause the vehicle to maintain a steady speed without a driver exercising personal control. The contemplated standard would specify performance requirements, including redundant and fail-safe aspects, for both driver-operated and automatic types of accelerator control systems.

Requirements may be designed to ensure the responsiveness and reliability of driver-operated accelerator control systems over a wide range of ambient and

operating temperatures, including such measures as:

(1) A requirement that the system have at least two independent means of returning the engine to an idle speed when the driver releases the actuating force.

(2) A requirement that a failure of any part of the system result in the engine returning to an idle speed or shutting off completely.

(3) A specification of the levels of force necessary for the driver to achieve the desired responses from the system.

(4) A requirement that the system be capable of returning to the idle position after being subjected to various conditions caused by ice, mud, jarring contact, or other abuse.

Other measures may be required to ensure the reliability of automatic speed maintenance controls, including requirements that the driver have at least two means of deactuating the automatic control, and that the failure of any element of the control will result in its complete deactuation. Because of the desirability of continuous and deliberate control by the driver at high speeds, the standard may require that such automatic controls be designed so that they will not function when the vehicle exceeds a specified speed.

An additional requirement under consideration is an independent emergency stop control by which the driver can immediately shut down the engine without resorting to the normal accelerator control system.

Interested persons are invited to submit written data, views, or arguments pertaining to this advance notice. Information and recommendations are particularly invited on:

(1) Objective performance criteria and test procedures to demonstrate a vehicle's capability to meet each suggested requirement.

(2) Input force, torque and displacement requirements for driver-operated accelerator control systems throughout the range of control positions.

(3) The time needed to comply and the cost of complying with appropriate performance requirements.

Comments should identify the docket and notice number and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 514, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business on December 30, 1969, will be considered. If specific regulatory proposals are deemed appropriate, a notice of proposed rule making will be issued. All comments will be available in the docket for examination both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407), and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR § 1.4(c).

Issued on September 26, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-11806; Filed, Oct. 2, 1969; 8:45 a.m.]

[49 CFR Part 371]

[Docket No. 1-21; Notice No. 2]

THEFT PROTECTION: PASSENGER CARS

Advance Notice of Proposed Amendment to Motor Vehicle Safety Standard No. 114

The Federal Highway Administrator is considering amending Motor Vehicle Safety Standard No. 114 to require that each passenger car having a steering lock be designed and constructed to prevent accidental activation of the steering lock while the car is in motion. It is anticipated that this new requirement would become effective on January 1, 1971.

Paragraph S4.1 of the standard, as amended (34 F.R. 9342), requires each passenger car manufactured on or after January 1, 1970, to have a key-locking system that, whenever the key is removed, will prevent either steering or forward self-mobility of the car, or both. The Administrator is concerned about the possibility that, in a car equipped with a steering lock, accidental activation of the lock while the car is in motion may deprive the driver of steering control over the vehicle. To preclude this dangerous situation, the Administrator will consider requiring cars to have one or more of the following features, in addition to any others that may be suggested:

(1) Devices which sense wheel rotation or movement of the car and prevent activation of the steering lock when the car is moving;

(2) Design and construction of the locking system so that a number of separate and distinct movements of the key, the locking system, or both must be made before the steering lock can be activated;

(3) Mechanisms which prevent activation of the steering lock unless one or more controls, other than the key-locking system, are first operated in sequence; and

(4) A shield or cover on the key-locking system which must be removed or dislodged before the steering lock can be activated.

Interested persons are invited to submit written data, views, or arguments pertaining to this advance notice. Comments must identify the docket number and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business 75 days after the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the Rules Docket at the above address both before and after the closing date for comments.

Comments on the lead time and costs directly related to compliance with the suggested requirements and particularly invited. It is requested that such comments contain supporting statements, and data for all conclusions and recommendations.

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

Issued on September 26, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-11807; Filed, Oct. 2, 1969; 8:45 a.m.]

[49 CFR Part 371]

[Docket No. 69-21; Notice No. 1]

SEAT BELT ASSEMBLIES; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

Advance Notice of Proposed Amendment to Motor Vehicle Safety Standard No. 209

The Administrator is considering amending Motor Vehicle Safety Standard No. 209 in section 371.21 of title 49 CFR to require: (1) A standard method for releasing the buckles of seat belt assemblies, (2) a standard device for automatically adjusting and stowing a webbing of seat belt assemblies, and (3) a standard method to permit vehicle occupants to identify correctly the mating ends of seat belt assemblies.

As he indicated in his July 1, 1969 advance notice pertaining to inflatable and other passive occupant restraint systems (34 F.R. 11148), the Administrator is concerned about the persistent disinclination of a large percentage of the motoring public to wear the seat belts provided in motor vehicles. In addition, seat belts are often improperly adjusted when they are worn. Elimination of these twin safety hazards—unused and maladjusted seat belts—may require action to reduce the inconveniences and confusion that discourage the proper use of seat belts.

The lack of a uniform buckle release may cause confusion and discourage use of seat belts. Another possible source of confusion is the difficulty of locating the matching male and female ends of the same seat belt assembly on a seat equipped with several assemblies. The inconvenience involved in stowing unused belts and thereafter quickly retrieving them for use may also discourage occupants from using the belts. For these reasons, the Administrator is considering amending Motor Vehicle Safety Standard No. 209—which sets performance requirements for seat belt assemblies—to

specify and require standard buckle release methods, combination adjustment and webbing stowage devices, and a provision for the ready identification of corresponding tongues and buckles.

It is anticipated that some or all of these amendments would become effective not later than July 1, 1971.

Interested persons are invited to submit written data, views, or arguments pertaining to this advance notice. Comments must identify the docket number and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received before the close of business on January 2, 1970, will be available for examination in the Rules Docket at the above address both before and after the closing date for comments.

The Administrator particularly invites the submission of comments and information on the following subjects:

(1) The most desirable and practicable buckle release method, the maximum and minimum force for operating such a release, and the cost and lead time required to comply with a requirement that all seat belt assemblies incorporate such a release.

(2) Elimination of stowage and adjustment problems of seat belt use by requiring combination belt adjustment and webbing stowage devices such as automatic-locking retractors for lap belts and emergency-locking retractors for shoulder belts.

(3) Performance requirements for emergency- and automatic-locking retractors to render them workable and reliable for long periods of time under varying environmental conditions.

(4) Cost consequences and lead time considerations involved in requiring emergency-locking retractors, automatic-locking retractors, or both in place of more prevalent stowage and adjustment methods.

(5) The most desirable and practical methods of facilitating identification of correct mating ends of seat belt assemblies, such as color coding or shaping each tongue and buckle combination of a vehicle seat differently from all others of that seat; and the cost and lead time consequences of such a standard identification method.

(6) Requiring installation of "3-point" shoulder-lap belt systems, having single release points, at locations where existing rules now permit Type 2a shoulder belts in conjunction with Type 1 lap belts.

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

Issued on September 29, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-11814; Filed, Oct. 2, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 17597; FCC 69-1040]

CARRIAGE OF EDUCATIONAL TELEVISION SIGNALS

Order Terminating Proceeding

In the matter of amendment of § 74.1107 of the Commission's rules and regulations regarding carriage of educational television signals on community antenna television systems.

1. On July 12, 1967, the Commission adopted a notice of proposed rule making in this proceeding, FCC 67-835, 32 F.R. 10664. For the reasons stated in our order, adopted today, FCC 69-1039, amending Part 0 of the rules and regulations to provide for a further delegation of authority to the Chief, CATV Task Force, *It is ordered*, That this proceeding is hereby terminated.

Adopted: September 24, 1969.

Released: September 26, 1969.

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

[F.R. Doc. 69-11839; Filed, Oct. 2, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 21475; EDR-170]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Accounting for Traffic Liability

SEPTEMBER 29, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendment of Part 241 to prescribe certain accounting practices relating to unearned and earned passenger and cargo revenues. In addition, a minor amendment to the current liabilities accounting procedure is also being proposed. The reasons for the proposal are explained in the explanatory statement, and the proposed amendment is set out in the proposed rule.

This regulation is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before October 31, 1969, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

EXPLANATORY STATEMENT

An examination of the revenue accounting practices of a number of carriers has revealed a lack of uniformity in certain fundamental revenue accounting procedures. The major differences are: (1) An inconsistent separation of the traffic liability between Account 2030 Collections as Agent—Traffic and Account 2160 Unearned Transportation Revenue; and (2) use of various estimates and time periods in the annual physical verification required to establish the reliability of revenue accounting practices. These differences in accounting practices, both in point of time for the same carrier and among carriers, result in financial data reported on Form 41 that are not actually comparable on an industry-wide basis.

In order to provide a more consistent statement of traffic liability, the Board proposes to discontinue the present separation of liability as between the sales for on-line and off-line traffic. Therefore, Account 2030 Collections as Agent—Traffic will be eliminated. Present Account 2160 Unearned Transportation Revenue will be separated into Account 2160—Traffic Liability—Passenger, and new Account 2170 Traffic Liability—Cargo. Each traffic liability account will include the value of transportation sold for service over the lines of other carriers as well as over the reporting carrier's own lines. Instructions for the traffic liability accounts also will establish criteria for periodic clearance of transportation revenues as earned on a consistent basis.

In addition, each carrier will be required to submit annually a detailed analysis of the results of the physical verification of the reliability of its passenger revenue accounting practices. Disclosure of the factors considered in the physical verification will permit comparability of financial data on an industry-wide basis, which was previously lacking because of the unknown variables in the determination of the traffic liability accounts. At present, there is little lag in issuance of the air waybill and performance of the cargo carriage, which eliminates some of the variables encountered in unearned passenger revenues. Therefore, the requirement for an annual physical verification and submission of factors so used will not be incorporated in the USAR for cargo revenue accounting practices at this time.

In order to correct an inconsistency in the accounting requirements for the

[1] Commissioner H. Rex Lee absent.

current liability accounts, it is also proposed to delete from the requirements of Accounts 2020 Accounts Payable—General, and 2190 Other Current Liabilities, respectively, the separation for matured and unmatured obligations. At present, the provisions of account 2020 provide that amounts accrued for obligations unmatured at the balance sheet date, but payable within 1 year, should be recorded in account 2190 whereas this latter account provides that obligations already matured at the balance sheet date for which settlement amounts have been established shall be included in account 2020. This revision will make the requirements of each of the prescribed current liability accounts consistent in requiring both matured and unmatured obligations, payment of which is reasonably expected to be made within 1 year, recordable therein.

We further propose that these amendments to Part 241 will be made effective January 1, 1970.

PROPOSED RULE

Accordingly, it is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

Section 3—Chart of Balance Sheet Accounts

1. Amend Section 3—Chart of Balance Sheet Accounts by revising that part under "Current Liabilities" to read:

Name of account	General classification
* * * * *	
Current liabilities:	
Current notes payable	2010
Accounts payable—general	2020
Collections as agent	2040
Notes and accounts payable—associated companies	2050
Accrued personnel compensation	2110
Accrued vacation liability	2120
Accrued Federal income taxes	2131
Other accrued taxes	2139
Dividends declared	2140
Air travel plan liability	2150
Traffic liability—passenger	2160
Traffic liability—cargo	2170
Other current liabilities	2190
* * * * *	

2. Amend section 2—General Accounting Policies by adding a new section 2–17 to read:

Sec. 2–17 Revenue accounting practices.

(a) Revenue accounting practices shall conform to the provisions of Account 2160 Traffic Liability—Passenger and 2170 Traffic Liability—Cargo. Due to the minimum lag in the issuance of the air waybill and performance of the cargo carriage, the remaining paragraphs of this section are not prescribed for cargo revenue accounting practices.

(b) Physical verification of the reliability of passenger revenue accounting practices shall be made at least once each accounting year, and an analysis showing the results of such verification shall be submitted to the Board within 30 days following its completion. The analysis supporting the verification shall include:

(1) The cutoff date for the liability to be verified;

(2) The number of months after the cutoff date during which documents were examined to verify the liability;

(3) The nature of the documents which were examined for purposes of the verification;

(4) The totals for each of the various types of documents examined, on actual or sampling basis;

(5) A description of the sampling technique and conversion to totals, if sampling was employed;

(6) The amount and basis for all estimates employed in the verification; and

(7) The amount of resulting adjustments and the quarter in which such adjustments were, or are to be made in the accounts.

(c) The amount of any adjustment shall be reported in Schedule B–2 in the quarter booked in accordance with the instructions for this schedule contained in section 23.

3. Amend section 6—Objective Classification of Balance Sheet Elements as follows:

A. Delete paragraph (b) of account 1240 so that the text reads as follows:

1240 Accounts Receivable—General Traffic.

Record here amounts due for the performance of air transportation, except those due from the United States and foreign governments and associated companies, includible in balance sheet accounts 1220 Accounts Receivable—U.S. Government, 1230 Accounts Receivable—Foreign Governments, and 1250 Notes and Accounts Receivable—Associated Companies. This account shall include gross amounts due whether settled through airline clearing houses or with individual carriers.

B. Amend Account 2020 to read:

2020 Accounts Payable—General.

Record here all accounts payable within 1 year which are not provided for in accounts 2010 to 2050, inclusive.

2030 Collections as Agent—Traffic.

C. Delete in its entirety Account 2030 Collections as Agent—Traffic.

D. Revise the title of Account 2040 Collections as Agent—Other to read:

2040 Collections as Agent.

* * * * *

E. Revise the title and text of account 2160 and add new account 2170 and text, to read as follows:

2160 Traffic Liability—Passenger.

(a) Record here the value of passenger transportation sold, whether on-line or off-line, for travel to be provided by the air carrier and other carriers.

(b) Earned, including any unredeemed, passenger revenue shall be cleared consistently and periodically by debit to this account and credit to the appropriate passenger revenue profit and loss account. Refunds shall also be cleared by debit to this account and credit to the appropriate balance sheet settlement account. Billings from individual carriers and through clearinghouses shall be charged directly to this account.

(c) Subaccounts to this account shall be established to record separately the liability for scheduled service and nonscheduled service transportation sold.

(d) In accordance with the provisions of section 22(d) or 32(d), as applicable, a statement shall be filed with the Board which fully explains the accounting methods and bases of clearing to income both earned and unredeemed transportation sales. The statement shall specify the date when the analysis supporting the verification required by section 2–17 will be made as a consistent practice.

2170 Traffic Liability—Cargo.

(a) Record here the value of cargo transportation sold, whether on-line or off-line, for carriage to be provided by the air carrier and other carriers.

(b) Earned, including any unredeemed, cargo revenue shall be cleared consistently and periodically by debit to this account and credit to the appropriate cargo revenue profit and loss account. Refunds shall also be cleared by debit to this account and credit to the appropriate balance sheet settlement account. Billings from individual carriers and through clearing houses shall be charged directly to this account.

(c) In accordance with the provisions of section 22(d) or 32(d), as applicable, a statement shall be filed with the Board which fully explains the accounting methods and bases of clearing to income both earned and unredeemed transportation sales.

F. Amend account 2190 to read:

2190 Other Current Liabilities.

Record here current and accrued liabilities not provided for in accounts 2010 to 2170, inclusive.

4. Amend section 22—General Reporting Instructions by revising item (9) in paragraph (d) to read:

Section 22 General Reporting Instructions.

* * * * *

(d) Statements of accounting or statistical procedures * * *

* * * * *

(9) Procedures for establishing passenger and cargo traffic liability, as prescribed by sections 6–2160(d) and 6–2170(c).

* * * * *

5. Amend section 23—Certification and Balance Sheet Elements by adding a new paragraph (g) to the instructions for Schedule B–2 to read:

Schedule B–2—Notes to Balance Sheet

* * * * *

(g) Amounts of adjustments resulting from the physical verification of passenger revenue accounting practices required by section 2–17 shall be reported herein for the quarter in which the adjustment takes place.

6. Amend paragraph (d) of section 32—General Reporting Instructions, by revising item (8) thereunder to read:

Section 32 General Reporting Instructions.

* * * * *

(d) Statements of accounting or statistical procedures * * *

* * * * *

(8) Procedures for establishing passenger and cargo traffic liability, as prescribed by sections 6–2160(d) and 6–2170 (c).

* * * * *

7. Amend section 33—Certification and Balance Sheet Elements by adding a new paragraph (j) to the instructions for Schedule B–2.1 to read:

Schedule B–2.1—Notes to Balance Sheet; * * *

* * * * *

(j) Amounts of adjustments resulting from the physical verification of passenger revenue accounting practices required by section 2–17 shall be reported herein for the quarter in which the adjustment takes place.

Form 41 [Revised]

8. Amend CAB Form 41 by revising item (9) in Schedule A–1; the "Current Liabilities" part of Schedule B–1; and the "Current Payables" part of Schedule B–11, as shown in Exhibits A, B, and C,[1] respectively, attached hereto and incorporated herein by reference.

[F.R. Doc. 69–11819; Filed, Oct. 2, 1969; 8:47 a.m.]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF STATE

Agency for International Development

AMERICAN FREEDOM FROM HUNGER FOUNDATION

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration [1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

American Freedom From Hunger Foundation, 1717 H Street NW., Washington, D.C. 20006.

Dated: September 25, 1969.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 69-11834; Filed, Oct. 2, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-220]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Automotive Frame Spacers

SEPTEMBER 29, 1969.

It has been established to the satisfaction of the Bureau that automotive frame spacers of metal (a representative sample being about 5 inches by 3½ inches by 3 inches with a bolt about an inch in diameter extending about 6 inches), used for holding automobile frames on railroad cars and keeping them from contact with each other, four spacers to a frame, are substantial, designed for and capable of repeated use in transportation and are used in substantial numbers in international traffic.

Under the authority of § 10.41a(a), Customs Regulations, I hereby designate the above-described spacers as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These spacers may be released under the procedures provided for in section 10.41a.

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

[F.R. Doc. 69-11815; Filed, Oct. 2, 1969; 8:46 a.m.]

[1] Filed as part of the original document.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 10388]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 26, 1969.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 10388, for the withdrawal of lands described below, from location and entry under the mining laws. The applicant desires the lands for recreation purposes and administrative sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

Skyline Recreation Area

T. 10 S., R. 12 E.,
Sec. 24, W½SE¼.

Capitan Heliport Administrative Site

T. 9 S., R. 13 E.,
Sec. 13, N½SE¼SE¼.

Padilla Point Observation Site

T. 8 S., R. 16 E.,
Sec. 18, E½ of lot 4.

Baca Recreation Area

T. 9 S., R. 16 E.,
Sec. 10, SW¼NE¼ and N½NW¼SE¼.

The areas described aggregate 179.83 acres.

FRED E. PADILLA,
Acting Chief, Division of Lands and Minerals Program, Management and Land Office.

[F.R. Doc. 69-11811; Filed, Oct. 2, 1969; 8:46 a.m.]

Office of the Secretary

ROBERT V. HUGO

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 8, 1969.

Dated: September 8, 1969.

ROBERT V. HUGO.

[F.R. Doc. 69-11802; Filed, Oct. 2, 1969; 8:45 a.m.]

JAMES W. McWHINNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 31, 1969.

Dated: September 5, 1969.

JAMES W. MCWHINNEY.

[F.R. Doc. 69-11803; Filed, Oct. 2, 1969; 8:45 a.m.]

STANLEY MILTON SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 8, 1969.

Dated: September 8, 1969.

STANLEY M. SWANSON.

[F.R. Doc. 69-11804; Filed, Oct. 2, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPAUW UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00096-01-77030. Applicant: DePauw University, Chemistry Department, Greencastle, Ind. 46135. Article: Nuclear magnetic resonance spectrometer, model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for instruction and training in the practice and technique of obtaining nuclear magnetic resonance spectra and for faculty and student research. Also, a ^{19}F (Fluorine) nuclear magnetic resonance study is proposed to characterize more completely the nature of the complexes ions present. Fluorine chemical shifts and fluorine to fluorine coupling constants and fluorine to metal coupling constants would be measured. Equilibrium constants for the displacement of fluoride ion by other ions would be calculated from the experimental results. Application received by Commissioner of Customs: August 5, 1969.

Docket No. 70-00097-60-46500. Applicant: North Central Forest Experimental Station, Forest Service, U.S.D.A., Folwell Avenue, St. Paul, Minn. 55101. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for cutting ultrathin sections for electron microscopic examination. Two main types of tissue will be studied: (1) Developmental studies of vascular cell walls, and (2) cytohistological studies of dividing cells. In the study of cell walls, tritium labeled precursors will be supplied and the transfer of the labeled constituents through the organelles and the site of deposition within the developing wall will be investigated. In the cytohistological studies, precise morphological delimitations of subcellular organelles must be defined with the use of different fixatives and treatments of plant material.

Docket No. 70-00098-33-46500. Applicant: University of Missouri—Kansas City, 1011 East 51st Street, Kansas City, Mo. 64110. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to cut very thin sections for examination in the electron microscope. The instrument will be used in connection with a variety of projects related to dental research. The projects would include studies on the very soft tissues such as parotid gland tumors, as well as studies concerning the possible viral etiology of certain oral tumors and an accurate description of the fine structure of the affected cells. For this reason it is imperative to section long ribbons of equal thickness in serial sections. These sections should be easily varied by the operator between 50 angstroms and 2 microns. Application received by Commissioner of Customs: August 5, 1969.

Docket No. 70-00093-33-46040. Applicant: Wright State University, Col. Glenn Highway, Dayton, Ohio 45431. Article: Electron microscope, Model EM 9A and spares. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for both teaching and research. Teaching will include a course in microinstrumentation available to any graduate student enrolled in the Division. In addition, the instrument will be used for research projects of the faculty that require moderate magnification. The following projects anticipate such use:

1. Structure and Function of Chloroplasts.
2. Reproduction, Development and Aging of Cell Organelles.
3. Mineralization of Regenerating Fish Scales.
4. Endocrine Control of Sodium Transport in Fish Gill Epithelium.
5. Retinal Structure in American Marsupials.
6. Endocrine Control of Metamorphosis in Larval Shrimp.

Application received by Commissioner of Customs: July 31, 1969.

Docket No. 70-00099-33-46500. Applicant: University of California, Davis, Department of Human Anatomy, Davis, Calif. 95616. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to cut ultrathin sections for electron microscopic examination. The major research intended is in the central nervous system, including the visual system. The primary interests include degeneration reaction sites in preterminal axon and synaptic structure, enzyme localization in subcellular fractions and relationships of intracellular and extracellular spaces associated with membranes. Because the details of intracellular and extracellular structure is exacting there is primary concern for consistent thin serial sections to determine the specific interrelationships. Application received by Commissioner of Customs: August 5, 1969.

Docket No. 70-00100-33-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research projects which involve the examination in the electron microscope of ultrathin sections from precisely oriented cultures of nervous tissue. Patterns of degeneration of the myelin sheath are the primary targets, and it is imperative that artefacts of sectioning be minimal. Furthermore, particularly thin sections are needed to detect minor changes in the myelin periodicity under high resolution conditions. Other cultures of nervous tissue infected with various strains of measles virus are also under observation. Consequently, an instrument capable of a section thickness range from 50 angstroms to 2 microns is required. Application received by Commissioner of Customs: August 5, 1969.

Docket No. 70-00101-33-46500. Applicant: D.C. Department of Public Health, Bureau of Laboratories—Room 6154, 300 Indiana Avenue NW., Washington, D.C. 20001. Article: Ultamicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with electron microscopy to identify viruses; to study the ultrastructure of bacteria and the effects of enzymes and chemical substances on them; to explore the effects of police and riot control weapons and environmental contaminants on ultramicroscopic components of eye, lung, kidney, liver, and brain tissue. To prepare tissue sections for these studies, it is necessary to cut extremely thin serial sections in the 75 angstrom to 10 angstrom range. Application received by Commissioner of Customs: August 5, 1969.

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

[F.R. Doc. 69-11828; Filed, Oct. 2, 1969; 8:47 a.m.]

TEXAS TECHNOLOGICAL COLLEGE

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

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

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

Docket No. 69-00485-33-46040. Applicant: Texas Technological College, Lubbock, Tex. 79409. Article: Electron Microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to train students in the principles of biological electron microscopy. The primary scientific objective for which this instrument will be used is to train biological scientists. Beginning students will be composed of both undergraduate and graduate students in all fields of biology. In addition, they will complete neophytes in electron microscopy. The biological electron microscopy course will have a maximum of 15 students. The course is given for 2 hours per week for one semester of 15 weeks. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires an electron microscope for teaching a course in electron microscopy, which includes specimen preparation, electron microscopy techniques, and interpretation of electron microscope images. The foreign article is a relatively simple instrument which provides several characteristics that make it suitable for teaching. Among these are a device for preventing the mishandling of specimens, automatically controlled exposure of micrographs, and calibrated digital focusing steps. The most closely comparable domestic electron microscope is the Model EMU-4B, which was formerly manufactured by the Radio Corp. of America (RCA), and is currently being produced by the Forgflo Corp. (Forgflo).

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1969, that the Model EMU-4B is considerably more complex and would require considerably more time to master its operational techniques. The foreign article serves as a transitional instrument between light microscopy and the complex research type of electron microscope represented by the Model EMU-4B.

For the foregoing reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used.

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

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

[F.R. Doc. 69-11829; Filed, Oct. 2, 1969; 8:47 a.m.]

U.S. PUBLIC HEALTH SERVICE

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

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

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

Docket No. 69-00404-33-46500. Applicant: U.S. Public Health Service, National Center for Urban & Industrial Health, 222 East Center Parkway, Cincinnati, Ohio 45202. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used in preparation of viruses and cellular components for electron microscopy. Sections varying in thickness from 50 to 300 angstroms, or greater, are cut from materials that are purified and concentrated by ultracentrifugation. The highest degree of accuracy is essential as regards equal section thickness through and reproducibility of such thickness. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a minimum thickness capability of at least 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome, which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorval Model MT-2 ultramicrotome provides a minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections which must be consistently uniform and accurate. We are advised by the Department of Health, Education, and Welfare, in its memorandum dated August 4, 1969, that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article provides a thermal advance, whereas the Sorvall Model MT-2 provides a mechanical advance.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 69-11830; Filed, Oct 2, 1969; 8:48 a.m.]

Maritime Administration

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc., has filed application dated September 23, 1969, for a 2-year operating-differential subsidy agreement under Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (herein called the "Act"). If this application is approved, the 2-year agreement would succeed and become effective upon termination of this company's present agreement, Contract No. FMB-19, which, as heretofore amended, is now scheduled to expire on December 31, 1969.

No change in service or sailing requirements is contemplated except that the applicant's North Atlantic and South Atlantic services to Europe would be combined into a single service.

The applicant proposes to operate its passenger, breakbulk, and container cargo vessels on the following trade routes:

Trade Route No. 5-7-8-9 (Line A) North Atlantic Passenger Service (8S United States)		
Sailings	Minimum 21	Maximum 25
Trade Route No. 5-7-8-9 (Line B)—U.S. North Atlantic/United Kingdom, Ireland, Europe North of Portugal and South of Denmark		
Sailings	Minimum 102	Maximum 159
Trade Route No. 11 (Line C)—U.S. South Atlantic/United Kingdom, Ireland, Europe North of Portugal (Proposed for combination with Trade Route No. 5-7-8-9)		
Sailings	Minimum 34	Maximum 42
Trade Route 12 (Line D) U.S. Atlantic/Far East Service		
Sailings	Minimum 45	Maximum 55

Copies of the application (excluding, however, financial statements and other confidential data) may be examined in the Office of the Secretary of the Maritime Subsidy Board, Room 3041, G.A.O. Building, 441 G Street NW., Washington, D.C. 20235.

Any person, firm, or corporation having interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by close of business on October 9, 1969. Such comments should specify the grounds upon which interest is claimed and specify which service or services contemplated by the applicant are the subject of such interest.

The Maritime Subsidy Board will consider these views and comments, and take such action with respect thereto as may be deemed appropriate.

By order of the Maritime Subsidy Board.

Dated: October 1, 1969.

JAMES S. DAWSON,
Secretary.

[F.R. Doc. 69-11918; Filed, Oct. 2, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-92]

CHATTANOOGA, TENN., AS A PORT OF DOCUMENTATION

Proposed Revocation of Designation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designation of Chattanooga, Tenn., as a port of documentation and to conduct at and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Nashville, Tenn., such documentation activities as have been performed at Chattanooga.

2. Accordingly, notice is given that, under authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designation of Chattanooga, Tenn., as a port of documentation;

(b) Transfer the documentation records at Chattanooga to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Nashville, Tenn.;

(c) Make Nashville the home port of all vessels now having Chattanooga as home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C., as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before October 31, 1969, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (Oct. 31, 1969). The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine Council, Room 4211, Coast Guard Headquarters, Washington, D.C. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that they may become part of the record.

Dated: September 24, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-11840; Filed, Oct. 2, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21322; Order 69-9-150]

DOMESTIC TRUNKLINE CARRIERS

Order Denying Reconsideration of Passenger Fare Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1969.

By Order 69-9-68 the Board suspended and ordered investigated tariff filings proposing fare increases by several of the domestic trunkline carriers. At the same time the Board indicated its disposition to accept a moderate fare increase based on a fare formula which the Board outlined in the subject order. Petitions for reconsideration of the Board's decision have been filed by the Honorable John E. Moss, M.C. (California) and 34 other Members of Congress, and by National Airlines, Inc., requesting suspension and investigation of the tariffs which have been filed pursuant to that order. A joint petition for reconsideration has been filed by Airlift International, Inc., and The Flying Tiger Line Inc., requesting expansion of the order to include restructuring of the cargo rate structure.

Upon consideration of the petitions, the Board finds that they do not establish error in the Board's decision or present any matters that otherwise would warrant grant of the relief sought. However, certain contentions of the petitioners do appear to warrant comment.

The principal thrust of the petition filed by the Congressmen is that the Board, in proposing to permit a revenue increase based on a fare formula, failed to establish cost and load factor standards, failed to establish the effect of the proposed fares on the movement of traffic and carrier earnings, and that the fare structure and the cost basis therefor have never been subjected to the scrutiny of an evidentiary hearing. The Board has given careful consideration to these contentions, but remains convinced that the domestic air carrier industry requires an immediate revenue increase in light of its higher cost of doing business and its earnings decline. The Board is also persuaded that there is no risk that the increases will produce excessive earnings in the foreseeable future.

Nor do we believe that attempts to improve the passenger fare structure should be further delayed for the substantial period required for evidentiary hearing. There has been general recognition of the need to overhaul the fare structure to remove its inequities and bring it more into line with cost factors, and by conditioning the grant of fare relief to the adoption of an improved structure, the Board believes it is acting in the public interest. This conclusion is not predicated on an assumption that the new fare structure is the optimum. Rather, we view it as a first step toward a more rational and consistent fare structure which should redound to the benefit of the traveling public and carriers alike. And, as stated in Order 69-9-68, the Board intends to consider further the entire matter of domestic passenger fare structure and level, including the prior and instant requests for a full-scale formal investigation of domestic passenger fares. The Board will decide what further action is necessary and appropriate in this regard in due course.[1]

National's primary contention is that the proposed fare changes are no answer to the industry's financial problems and that the formula the Board had determined to accept is based solely upon cost of service and ignores value of service and price elasticity factors. National asserts that the only equitable action at this time is to permit an across-the-board increase in all fares.

National predicates its criticism of the proposed fares and fare structure on the fact that the carrier-by-carrier revenue increases do not correlate closely enough with individual carrier needs in terms of deficiency in current returns

[1] The Congressmen cite the lack of single factor fares in some markets as prejudicial to the interests of the traveling public. We agree and we have already taken action aimed at assuring the establishment of single sum fares in all markets whether served by a single carrier or not which meet a minimum traffic standard. In any event, suspension of the proposed tariffs is no solution to this problem since the preexisting structure suffers from the same deficiency.

on investment. Individual carrier earnings reflect, of course, many factors other than the level of fares charged and the Board is not aware that any fare formula could be devised for this competitive industry which would have the effect of substantially equalizing the several carriers' returns on investment. In this regard, National's proposal suffers from the same deficiency that carrier attributes to the Board's formula. Moreover, the individual carriers current earnings reflect the current structure with all its anomalies and the National proposal would merely perpetuate this situation. National's assertion that the fare structure formula adopted by the Board reflects only cost considerations and ignores value of service we believe is incorrect. The costs studies made by the Board show much higher costs in short haul markets and much lower costs in long haul markets than are reflected in the formula. The Board believes that the formula we have adopted strikes a reasonable balance between cost and value of service considerations.[3]

Airlift and Flying Tiger substantially reiterate the position expressed in their statement of position and oral argument that the Board should take some steps toward restructuring the domestic cargo rate structure simultaneously with the proposed passenger fare restructuring. The cargo carriers further request that the Board broaden the fare restructuring contemplated by Order 69-9-68 to include establishment of cargo rate structure guidelines, to be implemented by making the continuation of the passenger fare increases beyond January 31, 1970, contingent upon the carriers reaching agreement on such a revised cargo rate structure. We do not believe it wise to link the passenger fare structure matter to possible modification of the domestic cargo rate structure. While we would encourage the carriers to review and improve the economics of their cargo rate structure, we find no basis to make improvements in passenger fare structure contingent upon cargo rate changes.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The petitions for reconsideration of Order 69-9-68 be and they hereby are denied.

2. This order will be served upon all petitioners and interested parties in Docket 21322.

[3] National also objects to what it calls "regulatory coercion" with respect to the consideration of modified bases for division of interline revenues among participating carriers. The Board is not committed to any particular result but does expect the domestic industry to examine this matter in good faith. As stated in Order 69-9-68, a change in the present rate prorate method appears to be warranted by current relationships of long haul to short haul costs, and we took into account in reaching our decision the possibility that some revenue shift from long haul to short haul carriers might occur.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-11820; Filed, Oct. 2, 1969; 8:47 a.m.]

[Docket No. 21440]

FLIGHTEXEC LIMITED

Notice of Hearing Regarding Application for Foreign Air Carrier Permit

Application of Flightexec Limited for a foreign air carrier permit issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, from Canada into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on October 6, 1969, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 29, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-11821; Filed, Oct. 2, 1969; 8:47 a.m.]

[Docket No. 21474; Order 69-9-149]

LIVE ANIMALS AND BIRDS

Order Regarding Air Freight Rates

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

By Order 69-6-145 dated June 26, 1969, in Docket 21077 the Board dismissed a request for suspension of certain air freight rate increases filed by Braniff Airways, Inc. (Braniff), but deferred decision as to a request for investigation of Braniff's premium rates for live animals and birds. Subsequently, by Order 69-7-84 dated July 17, 1969, in Dockets 21096, 21167, 21170, and 21171, the Board also deferred decision on a request for investigation of certain rate increases filed by Delta Air Lines, Inc. (Delta), National Airlines, Inc. (National), United Air Lines, Inc. (United), and Western Air Lines, Inc. (Western), to the extent that such increases would apply to live animals and birds. Finally, by Order 69-8-5, dated August 1, 1969, in Docket 21207, the Board again deferred decision on a request for investigation[1] of certain rate increases filed by Northwest Airlines, Inc. (Northwest),[2] applicable to premium specific commodity traffic, including live animals and birds.[3]

Most domestic carriers maintain premium specific commodity rates for live animals and birds, which in some cases amount to as much as 250 percent of the normal general commodity rate, and since such premium percentage ratings apply to base general commodity rates, the recent 7½ percent increase in general commodity rates by many carriers proportionately further increased such premium percentage rates and charges. These secondary increases by the carriers on live creatures have not been supported by any current economic or other justification. At the same time, some carriers offer specific commodity rates for some live animals and birds in selected markets, thus raising questions of discrimination, preference, and prejudice. In these circumstances the Board finds that the rates and charges, and the rules, regulations, and practices affecting such rates and charges, in interstate air transportation of the trunkline, all-cargo, and local service carriers applicable to live animals and birds may be unlawful and that a general investigation of these rates should be instituted at this time.

The carriers and the Board will therefore be faced with a rather substantial proceeding, involving considerable time and effort on the part of all concerned. The Board would prefer to avoid such extensive litigation for a limited segment of the total goods moving in air freight transportation. The Board would favor cancellation of all premium or other specific commodity rates on live animals and birds, but without prejudice to the right of the carriers to refile rates which they are prepared to justify. To implement this, the Board suggests a tariff filing within 30 days or less, canceling rates for effectiveness January 1, 1970, during which period the carriers may refile any rates they are prepared to justify; the Board further suggests that such refiling be made on not less than 45 days' posting notice, also for effectiveness January 1, 1970, to insure ample time for review by shippers, the Board, and any other interested parties. The

[4] Concurring and dissenting statements of members Murphy and Minetti filed as part of the original document.

[1] The Aquarium Supply Co. and/or the Allied-American Bird Co. (Allied) were protestants in one or more of the dockets cited.

[2] An earlier protest against Northwest's rates by Allied-American Bird Co. in Docket 21095 was withdrawn by the complainant.

[3] There is presently an investigation in Docket 21037 concerning proposed increases in rates by American Airlines, Inc., Eastern Air Lines, Inc., and Trans World Airlines, Inc., Order 69-5-114 dated May 23, 1969, in which all of the suspended rates have been withdrawn; also pending is Allied's petition for reconsideration in Docket 21037 filed June 6, 1969, and the complaint of the United Pet Dealers Association, Inc., in Docket 21234 protesting increased rates on rats and mice proposed by The Flying Tiger Line Inc. In addition, a petition for leave to file an unauthorized document has been filed by the United Pet Dealers Association, Inc. in Docket 21234. The initiation of this investigation will dispose of the requests, complaints, and motions and will moot the issues in the foregoing dockets, and, except to the extent granted herein, the order will deny all such requests, complaints, and motions and dismiss all such proceedings.

foregoing does not, of course, preclude the right of shippers to protest and the right of the Board to pursue the investigation of such refiled rates by the carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the local and joint rates and charges, and the rules, regulations, and practices affecting such rates and charges of the carriers listed in ordering paragraph 2 hereof applicable to the transportation of live animals and birds in interstate air transportation as contained in the tariffs listed below, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful to determine and prescribe the lawful rates or charges, and the rules, regulations, and practices affecting such rates and charges, and/or require the removal of any unjust discrimination or undue preference or undue prejudice:

A. Official Air Freight Rate Tariff No. 2, CAB No. 8 (Agent J. Aniello series);

B. Official Air Freight Specific Commodity Tariff No. 5-B, CAB No. 12 (Agent J. Aniello series);

C. Official Air Freight Specific Commodity Tariff No. HR-2, CAB No. 29 (Agent J. Aniello series);

D. Official Air Freight Container Tariffs Nos. CT-1 and CT-3, CAB Nos. 95 and 114, respectively; and

E. Official Air Freight Specific Commodity Tariff No. SC-2, CAB No. 115 issued by Airline Tariff Publishers, Inc., Agent.

2. Copies of this order shall be filed with the tariffs listed above and served upon the following carriers, which are hereby made parties to this proceeding:

Air West, Inc.
Airlift International, Inc.
Alaska Airlines, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Frontier Airlines, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
New York Airways, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Seaboard World Airlines, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
The Flying Tiger Line Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Western Air Lines, Inc.
Wien Consolidated Airlines, Inc.

3. Except to the extent granted herein, the requests, complaints, and motions contained in Dockets 21037, 21077, 21095, 21096, 21167, 21170, 21171, 21207, and 21234 are denied, and the proceedings dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 69-11822; Filed, Oct. 2, 1969; 8:47 a.m.]

[Docket 19996 etc.; Order 69-9-142]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority September 29, 1969.

In response to notices of intent filed pursuant to 14 CFR Part 298, by the Postmaster General, the Board has established for Ross Aviation, Inc. (Ross), an air taxi operator, final service mail rates for the transportation of mail by aircraft. These final rates were established by Orders 68-7-165, 69-1-14, and 69-3-7.

On July 30, 1969, the Postmaster General filed petitions on behalf of Ross requesting the Board to fix new final service mail rates for this transportation of mail. The current and proposed rates per great circle aircraft mile are as follows:

Docket	Between	Rate in cents	
		Current	Proposed
19996	Charleston and Martinsburg via Clarksburg, W. Va.	35.03	37.281
20380	Medford and Portland via Klamath Falls and Bend, Oreg.	42.14	44.25
20982	Spokane, Washington, and Boise, Idaho, via Lewiston, Idaho.	39.4	41.14

The Postmaster General states that since the submission by Ross of the proposals which resulted in establishment of the current rates the air taxi operator has experienced increased costs as a result of additional requirements imposed by the Federal Aviation Administration. The Postmaster General further states that these increases in costs were not known nor reasonably foreseeable at the time the original petitions were filed.

The Postmaster General states that the proposed rates are acceptable to the Department and the carrier and represent fair and reasonable rates of compensation for the performance of these services under the present requirements of the Department. However, we note that prior to agreement of the rates now proposed, Ross had requested additional increases related to back-up aircraft, overhead, and other cost elements. After negotiations between the parties, the carrier and the Department agreed to the rates proposed herein.

The Board finds it is in the public interest to determine, adjust, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

On and after July 30, 1969, the fair and reasonable final service mail rates per great circle aircraft mile to be paid in their entirety to Ross by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Rate in cents
19996	Charleston and Martinsburg via Clarksburg, W. Va.	37.281
20380	Medford and Portland via Klamath Falls and Bend, Oreg.	44.25
20982	Spokane, Wash. and Boise, Idaho via Lewiston, Idaho.	41.14

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR, Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Air West, Inc., and United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified herein as the fair and reasonable rates of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will be applicable to final action taken by the staff under authority delegated in section 385.14(g).

Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., Air West, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-11823; Filed, Oct. 2, 1969; 8:47 a.m.]

[Docket No. 19097]

TWIN CITIES-MILWAUKEE LONG-HAUL INVESTIGATION

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 proceeding is assigned to be heard beginning on October 22, 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 29, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-11824; Filed, Oct. 2, 1969 8:47 a.m.]

[Docket No. 21479; Order 69-9-151]

UNITED AIR LINES, INC.

Order of Investigation and Suspension or Group Inclusive Tour Basing Fares to Hawaii

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1969.

By tariff revisions[1] marked to become effective January 1, 1970,[2] United Air Lines, Inc. (United), proposes, with regard to its 13- to 21-day, round-trip, jet coach, group inclusive tour basing fares to Hawaii,[3] to: (1) increase the present GIT fares for all group sizes by $15; (2) add GIT fares to Hilo and Honolulu from seven new points—Buffalo, Chicago, Cleveland, Detroit, Milwaukee, Pittsburgh, and Rochester, N.Y.; (3) add a provision that would permit two groups of passengers which originate at different points to consolidate to form a group of sufficient size to qualify for fares for groups of 105–133 and 154 or more passengers; (4) establish fares applicable to such consolidated groups at $10 per person above those for single groups of the same size; and (5) extend the applicable departure time from the present Saturday noon to Sunday noon to all day Saturday and Sunday. United proposes to extend the expiration date of the group fare tariff to December 31, 1970.

The newly proposed consolidation rule provides that, for consolidated groups, all passengers would pay the fare applicable to the most eastern of the two points of origin. For example, a group of 90 passengers originating in Chicago and consolidating with a similar group which had originated in New York would be charged the fare from New York for 154 or more passengers, plus the $10 add-on mentioned above.

Complaints requesting suspension and investigation of the proposed fares and provisions have been filed by the National Air Carrier Association (NACA)[4] and Northwest Airlines, Inc. (Northwest). The complainants allege that certain of the proposed fares fall below the minimum levels determined to be lawful by the Examiner's initial decision in Docket 20580; that the expanded weekend applicability of the proposed fares will increase diversion and contribute to increased traffic congestion during Mainland-Hawaii peak travel periods, thus increasing operating costs; that the consolidation rule is a device through which United can qualify small groups of passengers for travel at uneconomic fare levels far below those available under its existing tariffs; and that the proposed tariff changes will increase the adverse impact of these fares upon competing carriers. NACA also asserts that it is undesirable to permit United's tariff revisions to become effective before the final outcome of the pending investigation of these GIT fares is known; and that the present GIT fares have caused considerable economic injuries to the supplemental carriers and to Northwest.

In support of its proposal and in answer to the complaints, United submits that the complainants' allegations are without merit; that its proposed fares are generally at the level found reasonable by the Examiner; that with regard to the fares that are below the minimum level recommended by the Examiner in Docket 20580, the differences are minimal and result largely from common faring east coast points; and that it is difficult to conceive how an increase in these fares will increase diversion from the supplemental carriers beyond current levels. United contends that increasing the weekend time period during which departures may take place from 24 to 48 hours will provide more operating flexibility and result in lower costs; that the consolidation provision would not enable United to qualify small groups at uneconomic fare levels; and that unless a substantial number of passengers are in a group, it is generally less costly for the members of one of the groups to travel at present individual excursion fares.

United asserts that the consolidation rule is being established to permit greater flexibility for tour operators, and that since the extra sections carrying these groups will be stopped at intermediate points to board additional members of groups, the charge for these groups will be $10 more per passenger than the fares applicable to single groups, to cover the additional costs incurred.

Upon consideration of the proposal, the complaints and answers thereto, and all other relevant matters, the Board finds that the proposed group consolidation rule and related fares may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board also concludes that these proposed tariff provisions should be suspended pending investigation, and that the tariff revisions other than those suspended herein should be permitted to become effective.

The board is concerned with the questions of reasonableness, discrimination, preference, and prejudice related to the proposed group consolidation provisions. As indicated earlier, a group of 90 passengers originating in New York, if consolidated with a group of like size originating in Chicago, would pay $280 per passenger, the New York fare for groups of 154 or more passengers. However, a group of 90 passengers originating in New York, which is not combined with another group, would pay $340 per passenger, even though the travel conditions would be substantially similar to those of the other New York group. The group consolidating into the tour at Chicago, on the other hand, would pay the New York fare, notwithstanding that the round-trip distance traveled would be approximately 1,500 miles less.

While the proposed rule limits the number of groups which can be consolidated to two, there is no required minimum number of passengers for either of the two groups, the only requirement being that both groups together meet a minimum size. As a result, groups of any size, however small, would be permitted to consolidate with larger groups and thus take advantage of the lower fares, which would be inconsistent with the Board's decision to suspend these GIT fares for smaller groups.[5]

The revised group fares proposed by United, which reflect an increase of $15 over the present GIT fares, will be permitted to become effective pending final decision by the Board in Docket 20580. United's current GIT tariffs and any revisions and reissues thereof are included in the investigation in that docket, and our final decision therein will dispose of the questions of reasonableness, preference, and discrimination raised by the Hawaiian GIT fare tariffs. In the interim, permitting United's proposed increases in these fares to become effective will not in our opinion result in any increased

[1] Revisions to United Air Lines, Inc., Tariff CAB No. 278.

[2] The tariff pages are marked to become effective on "September 13, 1969 (except as noted)." The exception provides that the proposed fare and rule changes here involved are to become effective Jan. 1, 1970.

[3] These fares are under investigation in the Group Inclusive Tour Basing Fares to Hawaii Case, Docket 20580. The Examiner's initial decision was issued on June 30, 1969, and petitions for review of the initial decision are now pending before the Board.

[4] These complainants are member carriers of the National Air Carrier Association represented by NACA as their attorney-in-fact.

[5] Order 68-12-114, Dec. 20, 1968.

competitive injury to the complainants. As stated previously, however, we will suspend the proposed consolidation rules and fares, which constitute a significant change in the application of these fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions in Rule No. 5 on 4th Revised Page 5 and the fares and provisions in Table II on Original and 1st Revised Pages 10 of United Air Lines, Inc.'s CAB No. 278, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, Rule No. 5 on 4th Revised Page 5 and Table II on Original and 1st Revised Pages 10 of United Air Lines, Inc.'s CAB No. 278 are suspended and their use deferred to and including March 31, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Northwest Airlines, Inc., in Docket 21341, and the National Air Carrier Association in Docket 21347, are hereby dismissed; and

4. Copies of this order will be served upon Northwest Airlines, Inc., United Air Lines, Inc., and the National Air Carrier Association, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-11825; Filed, Oct. 2, 1969; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Attorney General.

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

[F.R. Doc. 69-11798; Filed, Oct. 2, 1969; 8:45 a.m.]

U.S. INFORMATION AGENCY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found September 4, 1969, that there is a manpower shortage for the positions listed below. All positions are in the U.S. Information Agency, Washington, D.C.

Series Code and Grades	*Position*[1]
GS-1048-9/13	Foreign Language Broadcasting.
GS-1071-9/13	Audio-Visual Production.
GS-1082-9/13	Writing and Editing.
GS-1085-9/13	Foreign Information.

[1] This manpower shortage finding is limited to those positions in the above series and grades for which there is a foreign language requirement for successful job performance.

Assuming other legal requirements are met, the appointees to these positions may be paid for the expenses of travel and transportation to first post of duty.

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

[F.R. Doc. 69-11799; Filed, Oct. 2, 1969; 8:45 a.m.]

POLICE PRIVATE, WHITE HOUSE POLICE FORCE

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on September 23, 1969, for positions of Police Private, White House Police Force, Washington, D.C.

Assuming other legal requirements are met, an appointee to one of these positions may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 69-11800; Filed, Oct. 2, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

BLUE STAR LINE AND PORT LINE

Notice of Agreement Filed

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

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

Notice of agreement filed by:

Mr. R. E. Ross, Owners' Representative, Booth American Shipping Corp., 17 Battery Place, New York, N.Y. 10004.

By the terms of approved Agreement No. 9714, a revenue pooling arrangement between the Blue Star Line and Port Line involving their trade between Australia, New Zealand, and Gulf and Atlantic coast ports of the United States, each line "shall maintain separate agents in the United States". The proposed modification here, Agreement No. 9714-1, would amend that language to add "except in instances in which separate suitable agents are unavailable". Further, the Federal Maritime Commission is to be informed of all instances "in which separate agents cannot be employed".

Dated: September 30, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-11826; Filed, Oct. 2, 1969; 8:47 a.m.]

[Docket No. 69-51]

PRUDENTIAL LINES, INC., AND W. R. GRACE & CO.

Order of Investigation Regarding Stock Purchase Agreement and Sale and Transfer of Assets and Obligations

Agreement No. 9810, a stock purchase agreement dated July 21, 1969, between W. R. Grace & Co., and Prudential Lines, Inc., provides for acquisition by Prudential of all of the capital stock of Grace Line, Inc., now held by W. R. Grace & Co. Upon completion of the stock acquisition, Prudential will sell and transfer to Grace Line, Inc., all of its vessels, vessel contracts, barge contracts, subsidy rights and obligations.

This agreement has been filed with the Commission requesting a ruling that no approval is required under section 15 of the Shipping Act, 1916, or in the alternative, requesting that the Commission grant approval of the agreement under section 15.

Agreement No. 9810 was filed with the Commission on July 28, 1969, and published in the FEDERAL REGISTER on August 6, 1969. At the request of attorneys for American Export-Isbrandtsen Line, Inc., the usual 20-day notice period was extended an additional 17 days to September 12, 1969. No statements, comments, protests, or requests for hearing pursuant to the FEDERAL REGISTER notice were received.

The Commission considers that its jurisdiction over the agreement has been settled in Matson Navigation Company, Inc. v. Federal Maritime Commission 405 F. 2d 796 (1968).

By letter of August 8, 1969, the Commission's staff (Office of Carrier Agreements) requested Prudential Lines, Inc. (copies to Grace Line, Inc.), to clearly set forth, among other things, "justification for the agreement including conditions extant in the trades which the agreement seeks to remedy." The staff also asked for a comprehensive analysis of the anticipated overall effects which the consolidation of the two subsidized lines, Prudential and Grace Line, into one subsidized common carrier may have on the involved trades including the possible effects on other carriers, shippers, and the public.

In response to the staff requests, Prudential stated among other things that "Grace Line and Prudential now serve entirely different and unrelated trade routes, and are not in competition with each other in any way. No non-compete or arrangement of any kind is provided for or contemplated by the Agreement * * *."

By letter of September 16, 1969, Prudential also furnished data covering "Comparative operating statistics of Prudential Lines, Inc., for the 9-year period of its operation as a subsidized carrier (1960–68)" and "projected cash flows, operating results, and balance sheets for the first 7 years after the Prudential/Grace acquisition, and pro forma balance sheets as of the closing, all as submitted to the Maritime Administration on August 27, 1969." While the data submitted might indicate a benefit to the parties to the transaction, it is our view that additional information is necessary before we undertake any action under section 15.

In our Supplemental Report on Reconsideration in Docket 66–45, Agreement For Consolidation Or Merger Between American Mail Line, Ltd., American President Lines Ltd., and Pacific Far East Line, Inc. 11 FMC 81 (1967), we approved an agreement to merge on the basis of a record containing substantial administrative and operating economies and improved operational and transportation service. That proceeding was appealed to the U.S. Court of Appeals for the Ninth Circuit in the Matson case supra, wherein the court vacated our order and remanded the matter to this Commission for further proceedings in light of the language of recent Supreme Court cases and additional considerations of that court. Since we consider that the proposed agreement parallels, to a degree, our basic considerations in the APL–AML–PFEL merger case and the additional considerations posed in the Matson case, we consider it necessary that respondents provide the following information as a minimum.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act: *It is ordered:* That respondents furnish this Commission the following information, based upon the anticipated results to be derived from the proposed combined operations:

A. Provide a list of all potential savings;

B. Provide details of all improvements from alleged strengthened management;

C. Provide an estimate of administrative economies including, but not limited to, proposed payroll reductions, combined equipment usage, and effect upon the labor force;

D. Provide all plans for initiation and implementation of improved transportation methods of operations and expenditures needed to accomplish such proposals for each trade area;

E. Explain the effect upon competing carriers in the trades involved, and submit, separately, for each trade route, a listing of all competing carriers including fleet sizes of the foreign and American-flag lines. Provide also, for each trade route, statistical data comparing tonnages carried by respondents and competing carriers (if available) for the preceding 3 calendar years, i.e., 1966, 1967, and 1968;

F. Submit copies of any complaints, protests, and/or comments, if any, received by respondents with respect to the proposed agreement;

G. Provide details of conditions in the trades involved which are considered as justification for the proposed agreement; and

H. Provide details of benefits to be derived by the public arising out of the proposed agreement.

Since this matter requires expeditious handling, respondents shall submit to the Commission and Hearing Counsel an original and 15 copies of the information requested of them no later than the close of business October 10, 1969. Reply thereto by Hearing Counsel shall be filed no later than close of business October 20, 1969.

It is further ordered, That any persons desiring to be heard on the proposed agreement shall indicate whether they desire an evidentiary hearing, and if so, provide a clear and concise statement of the matters upon which they desire to adduce evidence no later than close of business October 10, 1969. An original and 15 copies of the documents to be submitted by such parties are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of such documents shall be served upon Hearing Counsel and the respondents listed in Attachment A to this order.

It is further ordered, That the parties to Agreement No. 9810 as indicated in the attached appendix are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order by served upon each respondent.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

Prudential Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.
Grace Line Inc., 3 Hanover Square, New York, N.Y. 10004.
W. R. Grace & Co., 7 Hanover Square, New York, N.Y. 10005.

[F.R. Doc. 69–11827; Filed, Oct. 2, 1969; 8:47 a.m.]

NEW YORK SHIPPING ASSOCIATION, INC.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. A. Giardino, Lorenz, Finn & Giardino, 21 West Street, New York, N.Y.

Agreement No. T–2336 between the members of the New York Shipping Association, Inc. (NYSA), is a temporary assessment formula adopted by NYSA to meet its obligations provided for in collective bargaining agreement with the International Longshoremen's Association, AFL–CIO. The agreement specifies the procedures for reporting tonnage handled, total hours worked and for assessment against cargo in containers. The temporary assessment will apply for the period October 1, 1969 through November 30, 1969, by which time it is intended that a permanent assessment will be filed with the Commission.

Dated: October 1, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–11917; Filed, Oct. 2, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-230 etc.]

SUN OIL CO. ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

SEPTEMBER 26, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-230	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	234	2	Panhandle Eastern Pipe Line Co. (East Alva Field, Woods County, Okla.) (Oklahoma "Other" Area).	$740	9-2-69	[2] 10-3-69	3-3-70	[3] 15.01	[3 4] 16.01	RI68-389.
RI70-231	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	134	7	Panhandle Eastern Pipe Line Co. (Southeast Liberal Field, Seward County, Kans.).	2,460	9-2-69	[2] 10-3-69	3-3-70	[5] 16.0	[3 6] 17.0	
RI70-232	Yucca Petroleum Co., Post Office Box 2585, Amarillo, Tex. 79105.	16	2	Panhandle Eastern Pipe Line Co. (Walgamott Fields, Woods, County, Okla.) (Oklahoma "Other" Area).	1,320	8-29-69	[7] 9-29-69	2-28-70	[3] 15.75	[4 7] 17.85	
RI70-233	Whittington Oil Co., Inc. (Operator) et al., Post Office Box 9328, Shreveport, La. 71109.	4	5	Arkansas Louisiana Gas Co. (Arkoma Area, Pittsburg, Haskell, Le Flore, and Latimer Counties, Okla.) (Oklahoma "Other" Area).	22,900	9-2-69	[2] 10-3-69	3-3-70	[8] 15.0	[3 8 9] 16.015	
RI70-234	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	75	4	Panhandle Eastern Pipe Line Co. (Hopewell Field, Pratt County, Kans.).	45	9-2-69	[2] 10-3-69	3-3-70	16.0	[3 6] 17.0	RI65-394.
RI70-235	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	25	5	Panhandle Eastern Pipe Line Co. (West Panhandle Field, Moore County, Tex.) (RR. District No. 10).	8,350	9-4-69	[2] 10-5-69	3-5-70	11.0	[3 6] 12.0	
RI70-236	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	181	16	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	95,570	9-2-69	[10] 10-3-69	3-3-70	[11] 19.5	[3 6 11] 22.015	RI65-476.
	do	230	18	El Paso Natural Gas Co. (Clear Lake and Madison Fields, Beaver County, Okla.) (Panhandle Area).	2,406 132,164	9-2-69	[12] 10-3-69	3-3-70	[12 13] 17.0 [11 14] 19.5	[6 12 13] 23.015 [6 11 14] 23.015	RI65-632.
	do	267	4	Panhandle Eastern Pipe Line Co. (Elk City Field, Beckham County, Okla.) (Oklahoma "Other" Area).	676,500	9-2-69	[10] 10-3-69	3-3-70	[3 13 15] 18.5	[6 13 15 16] 23.01	RI69-642.
	do	268	35	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey, Major, and Woods Counties, Okla. (Oklahoma "Other" Area) and Woodward County, Okla.) (Panhandle Area).	115,500 85,510	9-2-69	[10] 10-3-69	3-3-70	[6 11 17] 18.515 [11 18] 19.5	[3 6 11 17] 22.015 [6 6 11 18] 22.015	RI69-642. RI65-649.
RI70-237	Shell Oil Co.	275	7	El Paso Natural Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	386	9-2-69	[10] 10-3-69	3-3-70	19.5	[3 6 16] 23.015	RI65-644.
RI70-238	Pioneer Production Corp., Post Office Box 2542, Amarillo, Tex. 79105.	3	1	Northern Natural Gas. Co. (North Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	551	9-2-69	[10] 10-3-69	3-3-70	[3] 15.5	[4 6] 17.5	
	do	14	1	Northern Natural Gas Co. (Clark County, Kans.).	3,207	9-2-69	[10] 10-3-69	3-3-70	[6] 15.0	[3 6] 16.0	
	do	33	6	Panhandle Eastern Pipe Line Co. (South Peck Field, Ellis County, Okla.) (Panhandle Area).	9,415	9-2-69	[14] 10-3-69	3-3-70	[11] 19.04	[3 11] 20.16	
	do	5	5	Michigan Wisconsin Pipe Line Co. (Mocane (Tonkawa) Field, Beaver County, Okla.) (Panhandle Area).	7,286	9-2-69	[10] 10-3-69	3-3-70	[11] 18.15	[3 11] 20.65	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-239	Pioneer Production Corp. (Operator) et al.	4	4	Northern Natural Gas Co. (Waka Area, Ochiltree County, Tex.) (RR. District No. 10).	$119	9-2-69	[1] 10-3-69	3-3-70	[2] 16.5	[3] [4] 17.5	RI62-331.
	do	8	[5] 4	Transwestern Pipeline Co. (Chunn (Atoka) Field, Ochiltree County, Tex.) (RR. District No. 10).		[6] 9-8-69	[7] 9-28-69	(Accepted)			
	do	8	5		873	8-28-69	[7] 9-28-69	2-28-70	[2] 17.0	[3] [4] 19.5	
	do	15	12	Transwestern Pipeline Co. (Mammoth Creek (North Cleveland) Field, Lipscomb County, Tex.) (RR. District No. 10).	7,195	8-28-69	[7] 9-28-69	2-28-70	[2] 17.0	[3] [4] 19.5	
	do	10	2	Northern Natural Gas Co. (Ochiltree County, Tex.) (RR. District No. 10).	371	9-2-69	[1] 10-3-69	3-3-70	[2] 16.5	[3] [8] 18.5	
	do	11	2	do	1,481	9-2-69	[1] 10-3-69	3-3-70	[2] 17.0	[3] [4] 18.0	
	do	17	1	Northern Natural Gas Co. (Mammoth Creek (North Cleveland) Field, Lipscomb County, Tex.) (RR. District No. 10).	551	9-2-69	[1] 10-3-69	3-3-70	[2] 17.0	[3] [4] 18.0	
	do	18	3	Panhandle Eastern Pipe Line Co. (Morton County, Kans.).	1,694	9-2-69	[1] 10-3-69	3-3-70	16.0	[3] 17.0	
	do	19	2	Panhandle Eastern Pipe Line Co. (Mocane (Morrow) Field, Beaver County, Okla.) (Panhandle Area).	2,029	9-2-69	[9] 10-3-69	3-3-70	17.0	[3] 18.0	
RI70-240	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	212	11	Michigan Wisconsin Pipe Line Co. (Edith South Field, Harper and Woodward Counties, Okla. (Panhandle Area) and Woods County, Okla.) (Oklahoma "Other" Area).	1,737	[9] 8-29-69	[10] 9-29-69	2-28-70	[9] [11] 19.0	[3] [4] [9] [12] 22.0	RI69-77.
					(13)				[9] [14] 17.9	[3] [4] [9] [14] 22.0	RI69-77.
RI70-241	Kingwood Oil Co. 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	15	4	Arkansas Louisiana Gas Co. (North Cooper Field, Blaine County, Okla.) (Oklahoma "Other" Area).	689	[9] 8-28-69	[10] 9-28-69	2-28-70	15.0	[4] [15] 17.815	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Includes 0.01-cent tax reimbursement.
[5] Subject to a downward B.t.u. adjustment.
[6] Filing from initial certificated rate to initial contract rate.
[7] Includes base rate of 15 cents plus 0.75-cent upward B.t.u. adjustment (1,050 B.t.u. gas) before increase and a base rate of 17 cents plus 0.85-cent upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[8] Includes 0.015-cent tax reimbursement.
[9] The stated effective date is the effective date requested by Respondent.
[10] Subject to upward and downward B.t.u. adjustment.
[11] For casinghead gas sold under Supplements Nos. 14 and 15. Filing from certificated rate to contract rate.
[12] Subject to upward B.t.u. adjustment.
[13] For gas produced from all acreage except from acreage added by Supplements Nos. 14 and 15. Filing from fractured rate to contractual rate.
[14] Filing from fractured base rate to initial contract base rate. Contractually due a base rate of 23 cents per Mcf.
[15] Price includes 2.5 cents for gathering, dehydration and compression.
[16] For gas sold from Dewey, Major and Woods Counties. Filing from fractured base rate to contractual base rate.
[17] For gas sold from Woodward County. Does not include acreage added by Supplement No. 34.
[18] Filing from fractured rate to contractual rate.
[19] Two-step periodic rate increase.
[20] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and 18 cents plus upward B.t.u. adjustment after increase (1,120 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[21] Includes 1.15 cents upward B.t.u. adjustment (1,150 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[22] Letter agreement dated Aug. 25, 1960, amends contract to provide for initial price of 17 cents and periodic increase to 19.5 cents for period from Sept. 1, 1965 to Sept. 1, 1969. Basic contract provided for 23 cents initial price and provides for 26 cents rate on Sept. 1, 1969.
[23] Completes filing of Aug. 28, 1969.
[24] Filing completed Sept. 8, 1969, by corrected notice of change dated Sept. 4, 1969.
[25] Oklahoma Panhandle Area production.
[26] Subject to an upward B.t.u. adjustment.
[27] No production at present time.
[28] Oklahoma "Other" Area production.
[29] Filing completed Sept. 8, 1969, by correction letter dated Sept. 4, 1969.
[30] Respondent filing from initial certificated rate to first periodic increase under contract. Initial contract rate is 16.8 cents per Mcf.

Sun Oil Co., Pan American Petroleum Corp., Yucca Petroleum Co., Whittington Oil Co., Inc. (Whittington), Amerada Petroleum Corp. and Anadarko Production Co. request that their proposed rate increases be permitted to become effective as of October 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Whittington requests waiver of the 5 months suspension period for its rate increase. Shell Oil Co. (Operator) et al. (Shell) request that should the Commission suspend their proposed rate increases contained in Supplements Nos. 4 and 35 to Shell's FPC Gas Rate Schedules Nos. 267 and 268, respectively, that the suspension periods with respect thereto be limited to 1 day. Pioneer Production Corp. (Operator) et al. (Pioneer) also request that should the Commission suspend their rate increases contained in Supplements Nos. 5 and 12 to their FPC Gas Rate Schedules Nos. 8 and 15, respectively, that the suspension periods be limited to 1 day. Good cause has not been shown for granting Whittington, Shell, and Pioneer's requests for limiting to 1 day the suspension periods with respect to their rate filings and such requests are denied.

Concurrently with the filing of its rate increase under its FPC Gas Rate Schedule No. 8, Pioneer submitted a letter agreement dated August 25, 1960, designated as Supplement No. 4 to Pioneer's FPC Gas Rate Schedule No. 8, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Pioneer's letter agreement to become effective as of September 28, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Pioneer's letter agreement dated August 25, 1960, designated as Supplement No. 4 to Pioneer's FPC Gas Rate Schedule No. 8, and for permitting such supplement to become effective as of September 28, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 4 to Pioneer's FPC Gas Rate Schedule No. 8 is accepted

for filing and permitted to become effective as of September 28, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (CFR 1.8 and 1.37(f)) on or before November 12, 1969.

By the Commission.

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

[F.R. Doc. 69-11713; Filed, Oct. 2, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 419]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 30, 1969.

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

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

No. MC-FC-71590. By order of September 24, 1969, the Motor Carrier Board approved the transfer to Robert G. Feese, doing business as Lane's Motor Freight Lines, Woodward, Okla., of the operating rights in certificate No. MC-353 (Sub-No. 1) issued February 17, 1959, to G. H. Feese, doing business as Lane's Motor Freight Lines, Woodward, Okla., authorizing the transportation, over irregular routes, of household goods between points in Woodward County, Okla., on the one hand, and, on the other, points in Kansas and Texas, and between Woodward, Okla., on the one hand, and, on the other, points in Colorado and New Mexico. Tom Hieronymus, Post Office Box 529, Woodward, Okla. 73801, attorney for applicants.

No. MC-FC-71627. By order of September 24, 1969, the Motor Carrier Board approved the transfer to Koepper Moving & Storage, Inc., Mount Vernon, N.Y., of the operating rights in certificate No. MC-91416 issued February 26, 1941, to Alfred Koepper, Mount Vernon, N.Y., authorizing the transportation of household goods, as defined by the Commission, between points in Westchester County, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, New Jersey, and Pennsylvania. Alvin Altman, Brodsky, Linett and Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-71628. By order of September 24, 1969, the Motor Carrier Board approved the transfer to Rutherford Moving Vans, Inc., Lyndhurst, N.J., of the operating rights in certificates Nos. MC-50377 and MC-50377 (Sub-No. 1) issued May 2, 1967, and May 16, 1969, respectively, to James Davenport, doing business as Rutherford Moving Vans, Lyndhurst, N.J., authorizing the transportation of household goods, between Fair Lawn, Ridgewood, Glen Rock, East Paterson, Paterson, and Hackensack, N.J., on the one hand, and, on the other, points in New York, Connecticut, and Pennsylvania; and between points in Essex, Union, and Hudson Counties, N.J., on the one hand, and, on the other, Baltimore, Md., and points in New Jersey, New York, Connecticut, and Pennsylvania within 100 miles of Newark, N.J. Robert B. Pepper, Registered Practitioner, 297 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-71631. By order of September 24, 1969, the Motor Carrier Board approved the transfer to Thomas A. Reynolds Moving, Inc., East Orange, N.J., of the operating rights in certificate No. MC-81812 issued January 19, 1942, to Thomas A. Reynolds, East Orange, N.J., authorizing the transportation of household goods, between points in Essex and Morris Counties, N.J., on the one hand, and, on the other, points in New York. Edward F. Bowes and A. David Millner, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

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

[F.R. Doc. 69-11816; Filed, Oct. 2, 1969; 8:46 a.m.]

[Notice 916]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 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 20793 (Sub-No. 43 TA), filed September 25, 1969. Applicant: WAGNER TRUCKING CO., INC., Jobstown, N.J. 08041. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building block*, requiring vehicles equipped with mechanical unloading devices, from Trenton, N.J., to points in Connecticut, Delaware, New York, and Pennsylvania, for 150 days. Supporting shipper: Glazed Products, Inc., Box 2731, Trenton, N.J. 08607. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 69512 (Sub-No. 7 TA), filed September 18, 1969. Applicant: THUNDERBIRD FREIGHT LINES, INC., 1515 South 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald E. Fernaays, 4114 North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between (1) Winslow, Ariz., and Phoenix, Ariz., from Winslow over U.S. Highway 66 (Interstate Highway 40) to Ash Fork, Ariz., thence south on U.S. Highway 89 to junction of U.S. Highway 93, and thence south and east on U.S. Highway 93 and 89 to Phoenix, and return over the same route, serving all intermediate points; (2) between Flagstaff, Ariz., and Phoenix, Ariz., from Flagstaff over Arizona Highways 69 and 79 (Black Canyon Highway) to Phoenix, and return over the same route, serving all intermediate points; (3) between Flagstaff, Ariz., and Phoenix, Ariz., from Flagstaff over Alternate U.S. Highway 89 to Prescott, Ariz., thence over Arizona Highway 69 to the junction of Arizona Highway 69 and 79 at Cordes Junction, Ariz., thence south on Arizona Highway 69 to Phoenix, and return over the same route, serving

all intermediate points; (4) between Flagstaff, Ariz., and Phoenix, Ariz., from Flagstaff over Arizona Highway 179 to junction of Alternate U.S. Highway 89 at Sedona, Ariz., thence over Alternate U.S. 89 to junction of Arizona Highway 279, thence south and east on Arizona Highway 279 to junction of Arizona Highways 69 and 79 at Camp Verde, Ariz., thence south on Arizona Highway 69 to Phoenix, and return over the same route, serving all intermediate points; (5) between Flagstaff, Ariz., and Phoenix, Ariz., from Flagstaff over Arizona Highway 179 to the junction of Arizona Highways 69 and 79, thence south on Arizona Highways 69 and 79 to Phoenix, and return over the same routes, serving all intermediate points, for 180 days. NOTE: Applicant intends to tack with its authority in Docket No. MC 69512 and Subs. Applicant proposes to interline with other carriers at all points on the proposed routes including but not restricted to Phoenix, Winslow, Flagstaff, Ash Fork, and Prescott, Ariz. Supporting shippers: There are approximately 39 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 102616 (Sub-No. 842 TA), filed September 25, 1969. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: H. A. Lawrence (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of U.S. Steel Corp., at or near Haverhill, Ohio (Scioto County), to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, for 180 days. Supporting shipper: United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 105566 (Sub-No. 11 TA), filed September 24, 1969. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Indianapolis, Ind., to points in California, Oregon, and Washington, for 180 days. NOTE: Applicant states it does not intend to tack. Supporting shipper: Wren, Inc., 1024 South Keating Avenue, Indianapolis, Ind. 46203. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 110420 (Sub-No. 598 TA), filed September 11, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Duluth, Minn., to points in Bloomington, Cairo, Centrailia, Champaign, Chicago, Danville, East St. Louis, Eldorado, Elgin, Galesburg, Joliet, Litchfield, Mattoon, Marion, Moline, Murphysboro, Peoria, Rockford, Rock Island, Springfield, and Staunton, Ill.; points in Anderson, Bloomington, Evansville, Fort Wayne, Indianapolis, Madison, Marion, Muncie, Richmond, South Bend, Terre Haute, Vincennes, Yorktown, and Bluffton, Ind.; points in Ames, Burlington, Cedar Rapids, Charoton, Davenport, Des Moines, Dubuque, Estherville, Fort Dodge, Iowa City, Mason City, Muscatine, Sioux City, and Waterloo, Iowa; points in Ashland, Bowling Green, Covington, Greenville, Glasgow, Lexington, Louisville, Owensboro, Paducah, and Springfield, Ky.; points in Battle Creek, Detroit, Flint, Grand Rapids, Jackson, Livonia, Muskegon, Saginaw, and Vassar, Mich.; points in Cape Girardeau, Jefferson City, Joplin, Kansas City, Mexico, Moberly, St. Louis, Scott City, Sikeston, Springfield, and Hannibal, Mo.; points to Akron, Bellefontaine, Cincinnati, Cleveland, Columbus, Dayton, Lima, Springfield, Toledo, Xenia, and Youngstown, Ohio, for 180 days. Supporting shipper: Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801 (Dick Archambault, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111231 (Sub-No. 166 TA), filed September 23, 1969. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, corpses, household goods requiring special equipment), serving the plantsite of the Remington Arms Co., a subsidiary of E. I. du Pont de Nemours, Inc., near Lonoke, Ark., as an off-route point in connection with its regular route authority in MC 111231 and subs, for 180 days. NOTE: Applicant intends to tack authority here applied for to other authority at Chicago, Ill.; St. Louis, Mo.; Memphis, Tenn.; Greenwood, Miss.; Little Rock, Ark.; Dallas and Fort Worth, Tex.; Oklahoma City and Tulsa, Okla.; Joplin, Springfield, and Kansas City, Mo.; Fort Smith, Springdale, and Jonesboro, Ark.; and Greenville, Miss. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 111792 (Sub-No. 4 TA), filed September 25, 1969. Applicant: PALMER BROS., INC., 4910 Akron-Cleveland Road, Peninsula, Ohio 44264. Applicant's representative: Leo F. Palmer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete building members*, from the plantsite of Interpace Corp. in Fairview Township, Erie County, Pa., to Hudson, Ohio, and points within 3 miles thereof, for 180 days. Supporting shipper: Interpace Corp., 260 Cherry Hill Road, Parsippany, N.J. 07054. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 12411 (Sub-No. 7 TA), filed September 24, 1969. Applicant: REX WELLS AND RAY WELLS, a partnership, doing business as WELLS BROTHERS, 584 Sparks, Post Office Box 482, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Buhl, Idaho, to Denver, Colo., for the account of Carter Packing Co., for 180 days. NOTE: Applicant does not intend to tack or interline authority sought. Supporting shipper: Carter Packing Co., Buhl, Idaho 83316. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 127952 (Sub-No. 15 TA), filed September 22, 1969. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, such as bottles and jars*, 1 gallon or less in capacity, in containers, on pallets, on specially designed rollerbed equipment from points in Los Angeles County, Calif., to Las Vegas and Reno, Nev., and Douglas, Flagstaff, Globe, Phoenix, Prescott, Safford, Tucson, Winslow, and Yuma, Ariz.; and *damaged, rejected and returned shipments* of the above described commodity in the reverse direction, under continuing contract with Anchor Hocking Glass Corp., for 180 days. Supporting shipper: E. E. Allison, Anchor Hocking

Corp., Lancaster, Ohio 43130. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134046 (Sub-No. 1 TA), filed September 24, 1969. Applicant: E. R. HUNTER, INC., 169 Maltese Avenue, East Paterson, N.J. 07407. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent and incandescent light fixtures and accessories* used in the installation thereof, from the plantsite of Silvray-Litecraft Corp., in Passaic, N.J., to points in Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, and New Hampshire; *commodities*, used in the manufacture of the above-described articles (except in bulk), from the above-described destination territory to the plantsite of Silvray-Litecraft Corp., in Passaic, N.J., for 180 days. Supporting shipper: Silvray-Litecraft Corp., 100 Dayton Avenue, Passaic, N.J. 07055. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

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

[F.R. Doc. 69-11817; Filed, Oct. 2, 1969; 8:46 a.m.]

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