

FEDERAL REGISTER

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Agencies in this issue—

Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
General Services Administration
Hazardous Materials Regulations Board
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Transportation Safety Board
Public Health Service
Tennessee Valley Authority
Transportation Department
Veterans Administration
Wage and Hour Division

Detailed list of Contents appears inside.



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1949-1963

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE President's Committee on Consumer Interests

Section 213.3371 is amended to show that the positions of Executive Director and Congressional Liaison Specialist are

no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (b) and (c) of § 213.3371 are revoked.

(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. 69-12196; Filed, Oct. 10, 1969; 8:48 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Hazard Pay Differential

Appendix A to Subpart I of Part 550 is amended by adding certain duties for which hazard pay differential will be paid. This amendment is effective on the first day of the first pay period beginning after October 11, 1969.

APPENDIX A—SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I

HAZARD PAY DIFFERENTIAL, OF PART 550 PAY ADMINISTRATION (GENERAL)

Irregular or intermittent duty	Rate of hazard pay differential		Effective date
	Percent		
<i>Sling-suspended transfers.</i> When performance of duties requires transfer from a helicopter to a ship via a sling on the end of a steel cable or from a ship to another ship via a chair harness hanging from a highline between the ships when both vessels are underway.	25	First pay period beginning after October 11, 1969.	
<i>Carrier suitability trials aboard aircraft carriers.</i> Participating in carrier suitability trials aboard aircraft carriers when work is performed on the flight deck during launch, recovery, and refueling operations.	25	Do.	
<i>Cargo handling during lightering operations.</i> Off-loading of cargo and supplies from surface ships to Landing Craft—Medium (LCM) boats involving exposure not only to falling cargo but such other hazards as shifting cargo within the LCM, swinging cargo hooks, and possibility of falling between the LCM and cargo vessel.	25	Do.	

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964-1965 Comp., p. 357)

[SEAL]

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

[F.R. Doc. 69-12195; Filed, Oct. 10, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Grapefruit Reg. 36]

PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part

of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about October 12, 1969. The grade and size requirements provided herein are necessary to prevent the handling, on and after October 12, 1969,

of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. The size requirements for each zone reflect the different market conditions and consumer's preferences in these zones and the committee's desire to see that only the more desirable sizes are shipped fresh to markets in these zones.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 24, 1969, to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received on September 29, 1969; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

§ 909.336 Grapefruit Regulation 36.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period October 12, 1969, through August 31, 1970, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(1) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirements that the grapefruit be fairly well colored, instead of slightly colored, and free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the 10-percent tolerance provided for the U.S. No. 2 grade the following tolerances shall be allowed for the defects listed:

(a) 25 percent, by count, for grapefruit which fail to meet the requirements of this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(1) 20 percent, by count, for defects caused by scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(2) 10 percent, by count, for fruit which is not at least fairly well colored; and

(3) 10 percent, by count, for defects other than scarring or not being at least fairly well colored, including therein not more than 5 percent, by count, for any one defect, and including in this latter amount not more than one-half of 1 percent, by count, for decay; or

(ii) Any grapefruit which measure less than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3\frac{1}{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), 7 CFR 51.925-51.955: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{7}{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (1) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3\frac{1}{16}$ inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than $3\frac{3}{16}$ inches in diameter: *Provided*, That a tolerance of 5 percent, by count, of grapefruit smaller than $3\frac{3}{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provision for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{3}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3\frac{1}{16}$ inches in diameter and smaller.

(b) As used herein, "handler," "grapefruit," "handle," "Zone 2," "Zone 3," "Zone 4," shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2," "fairly well colored," and "slightly colored" shall have the same

meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

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

Dated: October 9, 1969.

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

[F.R. Doc. 69-12270; Filed, Oct. 10, 1969; 8:48 a.m.]

[Lemon Reg. 395]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.695 Lemon Regulation 395.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested

persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 7, 1969.

(b) *Order*. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 12, 1969, through October 18, 1969, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 93,000 cartons;
- (iii) District 3: 122,520 cartons.

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

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

Dated: October 9, 1969.

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

[F.R. Doc. 69-12233; Filed, Oct. 10, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-24-AD; Amdt. 39-859]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269 and 369H Series Helicopters

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on September 26, 1969, and made effective by telegram immediately as to all known U.S. operators of Hughes Model 269 and 369H series helicopters. The directive requires replacement of certain serial numbered tail rotor transmissions to preclude loss of tail rotor power.

Telegraphic issuance of this directive was necessitated as a result of FAA evaluation of reported in-flight failures of

the input pinion shaft (a part of the 369A5425 gear shaft assembly).

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hughes 269 and 369H series helicopters by individual telegrams dated September 26, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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

HUGHES. Applies to Model 269 and 369H series helicopters with Hughes P/N 269A6027 or 369A5400 tail rotor transmission installed.

Compliance required prior to further flight unless already accomplished.

To prevent loss of tail rotor power due to possible failure of the input pinion shaft (a part of the 369A5425 gear shaft assembly) of certain tail rotor transmissions accomplish the following:

Prior to further flight, determine if the serial number of the transmission gearbox installed is one of those listed in Hughes Service Information Notice, No. N-71, dated September 24, 1969, or later FAA-approved revisions (all 269 series), or Hughes Service Information Notice No. HN-1, dated September 24, 1969, or later FAA-approved revisions (all Model 369H series). If the gearbox is listed, and if the total time in service of the gearbox is in excess of 90 hours, replace the gearbox before the next flight with a gearbox marked with "M" on the tail rotor transmission identification plate or a serial number not listed in the Hughes Notices. For those gearboxes listed with less than 90 hours total time in service, replace the gearbox before 90 hours total time in service. If the tail rotor gearboxes are in spares inventory and within the listed serial numbers, they must not be installed on any aircraft.

NOTE: The tail rotor transmission identification plate will be stamped with the letter "M" following the serial number to indicate installation of a satisfactory input pinion shaft.

Hughes Service Information Notice N-71 dated September 24, 1969, or later FAA-approved revisions and HN-1 dated September 24, 1969 or later FAA-approved revisions cover same subject.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated September 26, 1969.

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

Issued in Los Angeles, Calif., on October 2, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-12157; Filed, Oct. 10, 1969; 8:45 a.m.]

[Airspace Docket No. 69-WE-70]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Santa Maria, Calif., control zone.

The current description of the Santa Maria control zone is described in part " * * * excluding the portion within R-2516, * * * ". This precluded the control zone from being a 5-mile radius zone. Airspace action has since been taken to modify R-2516 (Airspace Docket No. 69-WE-50) and the control zone is no longer affected by R-2516. Action is taken herein to reflect this change.

Since this action is less restrictive and imposes no additional hardship on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing in § 71.171 (34 F.R. 4557) the description of the Santa Maria control zone is amended to read as follows:

SANTA MARIA, CALIF.

Within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.). This control zone is effective from 0600 to 2200 hours, local time daily.

Effective date: This amendment shall become effective 0901 G.m.t., December 11, 1969.

Issued in Los Angeles, Calif., on October 1, 1969.

JAMES V. NIELSEN,
Acting Director, Western Region.

[F.R. Doc. 69-12155; Filed, Oct. 10, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-109]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hattiesburg, Miss., transition area.

The Hattiesburg transition area is described in § 71.181 (34 F.R. 4637 and 12215). In the description, reference is made to the Hattiesburg RBN. Since the name of this RBN will be changed to "Hub City RBN," effective November 13, 1969, it is necessary to alter the description to reflect this change.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901, G.m.t., November 13, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Hattiesburg, Miss. transition area (34 F.R. 12215) is amended as follows: " * * * Hattiesburg RBN * * * " is deleted and " * * * Hub City RBN * * * " is substituted therefor.

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

Issued in East Point, Ga., on October 2, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-12156; Filed, Oct. 10, 1969; 8:45 a.m.]

Chapter III—National Transportation Safety Board

PART 430—RULES PERTAINING TO AIRCRAFT ACCIDENTS, INCIDENTS OVERDUE AIRCRAFT, AND SAFETY INVESTIGATION

Miscellaneous Amendments

The National Transportation Safety Board hereby amends Part 430 of its Investigation Regulations (14 CFR Part 430), effective 30 days after publication in the FEDERAL REGISTER.

1. In § 430.2, the definition of "Substantial damage" is corrected by changing subparagraph (2) to read as follows:

§ 430.2 Definitions.

* * * * *

"Substantial damage":

* * * * *

(2) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wing tips are not considered "substantial damage" for the purpose of this part.

§ 430.15 [Amended]

2. In § 430.15, footnote 3, appearing in paragraph (a), is corrected to read as follows:

* Forms are obtainable from the National Transportation Safety Board Field offices (see footnote 1), the National Transportation Safety Board, Washington, D.C. 20591, and the Federal Aviation Administration Flight Standards District Office. (Forms filed as part of original document.)

§ 430.20 [Deleted]

3. In the first sentence of § 430.20, delete footnote reference 4 and pertinent footnote.

(Sec. 5(b), 80 Stat. 935, 49 U.S.C. 1654)

By the National Transportation Safety Board.

[SEAL] JOHN H. REED,
Chairman.

OCTOBER 6, 1969.

[F.R. Doc. 69-12184; Filed, Oct. 10, 1969; 8:45 a.m.]

PART 430—RULES PERTAINING TO AIRCRAFT ACCIDENTS, INCIDENTS OVERDUE AIRCRAFT, AND SAFETY INVESTIGATIONS

Preservation of Aircraft Wreckage, Mail, Cargo, and Records

On March 20, 1969, the National Transportation Safety Board issued a notice of proposed rulemaking, 34 F.R. 5443, in which it proposed to amend its regulations pertaining to the reports of aircraft accidents, etc. The explanatory statement accompanying the notice asserted that the amendments were necessary because the Civil Aeronautics Board record retention requirements concerning aircraft accidents, now found in Part 249 of its regulations, 14 CFR Part 249, were being deleted in view of the fact that the Civil Aeronautics Board accident investigation function had been transferred to the National Transportation Safety Board pursuant to the provisions of the Department of Transportation Act of 1966, 49 U.S.C. 1654, et seq.

In addition, the explanatory statement pointed out that the scope of the National Transportation Safety Board's proposed record retention regulation would include operators which were not subject to the Civil Aeronautics Board's record retention regulation, i.e., all operators of private and commercial aircraft who were not certificated by the Civil Aeronautics Board. The proposed amendments also require that voice recorder tapes be retained until the National Transportation Safety Board authorizes their disposal.

Comments on the draft release have been received from the Air Transport Association of America (ATA), and the Air Line Pilots Association, International (ALPA). While ALPA approves the Board's regulation, it requests that the Board provide that voice recorder tapes be turned over to the Board without the company's playing such tapes before such a turnover, and, further, that these tapes not be used as a basis for the company's applying sanctions to the members of the flightcrew involved in aircraft accidents or incidents. The Board is unaware of such a situation existing in any aircraft accident the Board has investigated. While the possibility exists that such a procedure might be followed by a company in the case of incidents, the Board also is unaware of such an incident. Therefore, there appears to be no factual support for the amendment which ALPA seeks. Apart from this factor, this regulation deals only with record retention requirements, and in no way determines what use can be made by the company or the Board of such records. ALPA's request, therefore, should be made in connection with an amendment of Part 401, 14 CFR Part 401, which deals with the use, in the Board's investigative function, of voice recorder tapes. The request for a rulemaking proceeding in that connection will be considered by the Board, should ALPA desire to make it.

ATA objects to the record retention requirements contained in the proposed amendment to Part 430 on the grounds that the language used in the regulation differs from that which the Civil Aeronautics Board employed in its regulation. It points out various consequences which could result from the alleged new extension of the record retention requirements which this Board is proposing. The short answer to this objection is that the language used by the Board in the new Part 430 is identical to that used by the Civil Aeronautics Board in its regulations (see Part 14 CFR, §§ 249.8 and 249.13). Consequently, the record retention requirement is one which has been in existence for over a decade without any complaint from any air carrier member of the Air Transport Association.

Moreover, the Board does not require that the carrier retain for the Board's inspection, privileged communications which it has made to its insurance companies or to its lawyers, and, consequently, ATA's objection with respect to such documents is devoid of merit.

In sum, we find that the objections contained in the comments submitted to the Board do not warrant any changes in the amendments proposed in the notice of proposed rulemaking.

In consideration of the foregoing, the National Transportation Safety Board hereby amends Part 430 of its Investigation Regulations (14 CFR Part 430), effective 30 days after publication in the FEDERAL REGISTER.

Section 430.10 is amended by revising paragraph (a) and adding a new paragraph (d), to read as follows:

§ 430.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including tapes of flight recorders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen involved in an accident or incident for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 430.11.

(d) The operator of an aircraft involved in an accident or incident as defined in this Part shall retain all records and reports, including all internal documents and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.

(Sec. 5(b), 80 Stat. 935, 49 U.S.C. 1654)

By the National Transportation Safety Board.

[SEAL]

JOHN H. REED,
Chairman.

OCTOBER 6, 1969.

[F.R. Doc. 69-12185; Filed, Oct. 10, 1969; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter II—Tennessee Valley Authority

PART 300—ETHICAL AND OTHER CONDUCT STANDARDS AND RESPONSIBILITIES OF EMPLOYEES AND SPECIAL GOVERNMENT EMPLOYEES

Subpart B—Ethical and Other Conduct Standards and Responsibilities of Employees

REVISION OF APPENDIX

The Appendix to § 300.735-41(b) is revised to read as follows:

APPENDIX

As provided in § 300.735-41(b) employees in the following positions, which are described in § 300.735-41(a) (2) and (3) and which are in addition to the positions described in § 300.735-41(a) (1), must submit statements of employment and financial interests:

DIVISION OF LAW

Attorney (Procurement Contracts), Grade M-6.

DIVISION OF PERSONNEL

Chief, Employee Relations Branch, Grade M-7.

Assistant to the Chief, Employee Relations Branch, Grade M-6.

Employee Relations Officer (Contract Compliance), Grade M-5.

DIVISION OF FINANCE

Chief, Auditing Branch, Grade M-7.

Assistant to the Chief, Auditing Branch, Grade M-6.

Supervisor, Internal Audit Section, Grade M-5.

Supervisor, Voucher Examining Section, Grade M-5.

DIVISION OF PURCHASING

Assistant to the Director of Purchasing, Grade M-7.

Chief, General Procurement Branch, Grade M-7.

Chief, Fuels Procurement Branch, Grade M-7.

Chief, Traffic Branch, Grade M-7.

Assistant Chief, General Procurement Branch, Grade M-6.

Assistant Chief, Fuels Procurement Branch, Grade M-6.

Assistant Chief, Traffic Branch, Grade M-6.

Chief, Procurement Planning Staff, Grade M-6.

Contract Compliance Officer, Grade M-6.

Supervisor, Electrical Section, Grade M-5.

Supervisor, Mechanical Section, Grade M-5.

Supervisor, Structural Section, Grade M-5.

Supervisor, Nuclear Section, General Procurement Branch, Grade M-5.

Supervisor, Eastern Section, Grade M-5.

Supervisor, Western Section, Grade M-5.

Supervisor, General Traffic Section, Grade M-5.

Purchasing Agent, Grade M-5.

DIVISION OF PROPERTY AND SUPPLY

Chief, Computing Center, Grade M-7.

Chief, Office Service Branch, Grade M-7.

Chief, Transportation Branch, Grade M-7.
 Assistant Chief, Computing Center, Grade M-6.
 Assistant Chief, Land Branch, Grade M-6.
 Assistant Chief, Office Service Branch, Grade M-6.
 Assistant Chief, Transportation Branch, Grade M-6.
 Supervisor of Titles, Grade M-6.
 Supervisor, Aviation Section, Grade M-6.
 Administrative Officer, Grade M-5.
 Assistant Supervisor of Titles, Grade M-5.
 Building Management Specialist, Grade M-5.

DIVISION OF RESERVOIR PROPERTIES

Chief, Property Administration Branch, Grade M-7.
 Chief, Public Service Branch, Grade M-7.
 Manager of Properties, Grade M-7.
 Chief, Recreation Resources Branch, Grade M-6.
 Manager of Properties, Grade M-6.
 Manager of Properties, Grade M-5.

LAND BETWEEN THE LAKES

Chief, Public Services, Grade M-6.
 Chief, Resource Management, Grade M-6.
 Administrative Officer, Grade M-5.

DIVISION OF WATER CONTROL PLANNING

Chief, Engineering Laboratory Branch, Grade M-7.
 Chief, Hydraulic Data Branch, Grade M-7.
 Chief, Maps and Surveys Branch, Grade M-7.

OFFICE OF ENGINEERING DESIGN AND CONSTRUCTION

Office of the Manager of Engineering Design and Construction

Assistant to the Manager of Engineering Design and Construction, Grade M-7.

Division of Engineering Design

Civil Engineer (Group Head), Civil Design Branch, Grade M-7.
 Electrical Engineer (Group Head), Electrical Design Branch, Grade M-7.
 Electrical Engineer (Staff Head), Electrical Design Branch, Grade M-7.
 Mechanical Engineer (Group Head), Mechanical Design Branch, Grade M-7.
 Mechanical Engineer (Staff Head), Mechanical Design Branch, Grade M-7.
 Chief, Inspection and Testing Branch, Grade M-7.
 Architect (Assistant to the Chief), Architectural Design Branch, Grade M-6.
 Mechanical Engineer (Group Head), Civil Design Branch, Grade M-6.
 Electrical Engineer (Group Head), Electrical Design Branch, Grade M-6.
 Assistant Chief, Inspection and Testing Branch, Grade M-6.

Division of Construction

Construction Engineer, Grade M-7.
 General Construction Superintendent, Grade M-7.
 Chief, Construction Accounting Branch, Grade M-7.
 Assistant to the Director of Construction, Grade M-6.
 General Construction Superintendent, Galatin Additions Branch, Grade M-6.
 General Construction Superintendent, Shawnee Additions Branch, Grade M-6.
 General Construction Superintendent, Tims Ford Project Branch, Grade M-6.
 Project Manager, Grade M-6.
 Project Construction Manager, Grade M-6.
 General Construction Superintendent, Land Between the Lakes Project Branch, Grade M-5.

OFFICE OF POWER

Office of the Manager of Power

Chief, Financial Planning Staff, Grade M-7.
 Chief, Fuels Planning Staff, Grade M-7.

Chief, Power Research Staff, Grade M-7.
 Chief, Management Services Staff, Grade M-7.
 Supervisor, Power Stores Section, Grade M-6.
 Assistant Supervisor, Power Stores Section, Grade M-5.
 Supervisor, Fuels Engineering Section, Grade M-5.
 Supervisor, Fuels Economics Section, Grade M-5.

Division of Power Planning and Engineering

Assistant to the Director of Power Planning and Engineering, Grade M-7.
 Chief, Civil Engineering and Design Branch, Grade M-7.
 Chief, Communication Engineering and Design Branch, Grade M-7.
 Chief, Electrical Engineering and Design Branch, Grade M-7.
 Chief, Nuclear Power Staff, Grade M-7.
 Chief, Power Supply Planning Branch, Grade M-7.
 Chief, Transmission System Planning Branch, Grade M-7.
 Assistant Chief, Civil Engineering and Design Branch, Grade M-6.
 Assistant Chief, Communication Engineering and Design Branch, Grade M-6.
 Assistant Chief, Electrical Engineering and Design Branch, Grade M-6.
 Assistant Chief, Power Supply Planning Branch, Grade M-6.
 Assistant Chief, Transmission System Planning Branch, Grade M-6.
 Reactor Physicist (Determination of Specifications), Grade M-6.
 Supervisor, Design Review Section, Grade M-5.
 Supervisor, Materials, Specifications, and Procurement Section, Grade M-5.
 Supervisor, System Development Section, Grade M-5.
 Supervisor, Transmission Line Engineering Section, Grade M-5.
 Civil Engineer (Determination of Specifications), Civil Engineering and Design Branch, Grade M-5.
 Electrical Engineer (Appraisal of Prospective Bidders), Electrical Engineering and Design Branch, Grade M-5.

Division of Power Marketing

Chief, Direct Marketing Branch, Grade M-7.
 Chief, Distributor Marketing Branch, Grade M-7.
 District Manager, Grade M-7.
 Assistant Chief, Distributor Marketing Branch, Grade M-6.
 Assistant District Manager, Grade M-5.

Division of Power Production

Chief, Hydroelectric Generation Branch, Grade M-7.
 Chief, Power Plant Maintenance Branch, Grade M-7.
 Personnel Officer (Contract Enforcement), Grade M-5.

Division of Power System Operations

Assistant to the Director of Power System Operations, Grade M-7.
 Chief, Electrical Laboratory and Test Branch, Grade M-7.
 Chief, Transmission System Maintenance Branch, Grade M-7.

Division of Power Construction

Area Construction Manager, Grade M-7.
 Assistant to the Director of Power Construction, Grade M-6.
 Assistant Area Construction Manager, Grade M-6.
 Construction Engineer (Contract Enforcement), Grade M-5.
 General Construction Superintendent, Grade M-5.
 Supervisor, Office Engineering Section, Grade M-5.

OFFICE OF AGRICULTURAL AND CHEMICAL DEVELOPMENT

Office of the Manager of Agricultural and Chemical Development

Administrative Officer (Budgetary Control), Grade M-6.
 Agriculturist (International Fertilizer Development), Grade M-6.
 Chemical Engineer (International Fertilizer Development), Grade M-6.

Division of Agricultural Development

Chief, Agricultural Resource Development Branch, Grade M-7.
 Chief, Soils and Fertilizer Research Branch, Grade M-7.
 Chief, Test and Demonstration Branch, Grade M-7.
 Assistant to the Director of Agricultural Development, Grade M-6.
 Assistant Chief, Test and Demonstration Branch, Grade M-6.
 Agricultural Economist (Contract Negotiation and Compliance), Grade M-6.
 Agriculturist (Contract Negotiation and Compliance), Grade M-6.
 Supervisor, Field Section, Grade M-6.
 Supervisor, Process and Product Improvement Section, Grade M-6.
 Administrative Officer (Budgetary Control), Grade M-5.

Division of Chemical Development

Chief, Applied Research Branch, Grade M-7.
 Chief, Design Branch, Grade M-7.
 Chief, Fundamental Research Branch, Grade M-7.
 Chief, Process Engineering Branch, Grade M-7.
 Electrical Engineer, Grade M-6.
 Mechanical Engineer, Grade M-6.
 Mechanical Engineer (Determination of Specifications), Grade M-5.
 Personnel Officer (Contract Compliance), Grade M-5.

Division of Chemical Operations

Chief, Maintenance Branch, Grade M-7.
 Supervisor, Procurement and Production Section, Grade M-5.
 Personnel Officer (Contract Compliance), Grade M-5.

OFFICE OF HEALTH AND ENVIRONMENTAL SCIENCE

Office of the Manager of Health and Environmental Science

Chief, Safety Staff, Grade M-7.
 Safety Engineer (Establishment and Enforcement of Safety Standards and Procedures Systems), Grade M-5.

Division of Environmental Research and Development

Assistant to the Director of Environmental Research and Development, Grade M-7.
 Chief, Air Quality Branch, Grade M-7.
 Chief, Environmental Biology Branch, Grade M-7.
 Chief, Environmental Engineering Branch, Grade M-7.
 Chief, Industrial and Radiological Hygiene Branch, Grade M-7.
 Chief, Research and Special Projects Staff, Grade M-7.
 Chief, Water Quality Branch, Grade M-7.
 Assistant Chief, Air Quality Branch, Grade M-6.
 Assistant Chief, Water Quality Branch, Grade M-6.
 Supervisor, Management Services, Grade M-5.
 Public Health Engineer (Determination of Public Health Engineering Specifications), Grade M-5.

Division of Medical Services

Chief, Special Health Services Staff, Grade M-7.

Chief, Central Area Medical Service, Grade M-7.
 Chief, Eastern Area Medical Service, Grade M-7.
 Chief, Western Area Medical Service, Grade M-7.
 Assistant to the Director of Medical Services, Grade M-6.
 Chief, Dental and Health Education Staff, Grade M-6.

OFFICE OF TRIBUTARY AREA DEVELOPMENT

Assistant to the Director of Tributary Area Development, Grade M-7.

DIVISION OF FORESTRY DEVELOPMENT

Chief, Tree Improvement and Influences Branch, Grade M-6.
 Supervisor, Strip Mine Reclamation Section, Grade M-5.

Dated: October 6, 1969.

TENNESSEE VALLEY AUTHORITY,
 L. J. VAN MOL,
 General Manager.

[P.R. Doc. 69-12182; Filed, Oct. 10, 1969; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69-102]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Cooper River, S.C.

1. The Seaboard Coast Line Railroad Co. by letter dated March 31, 1969, requested the Commander, 7th Coast Guard District to revise the operation regulations for its drawbridge across the Cooper River near Cordesville, S.C. A public notice dated June 23, 1969, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, 7th Coast Guard District and was made available to all persons known to have an interest in this subject. No comments were received in response to the public notice.

2. After examining all the factors relative to this proposal, the revision is accepted. Accordingly, § 117.245(g) (17) is revised to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston.* * * *

(17) Cooper River, S.C.; Seaboard Coast Line Railroad bridge near Cordesville. The draw shall be opened promptly on signal from 8 a.m. to 4 p.m. At all other times 24 hours' advance notice is required.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 30 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.4(a) (3) (v))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: October 6, 1969.

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

[P.R. Doc. 69-12199; Filed, Oct. 10, 1969; 8:48 a.m.]

[CGFR 69-107]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

St. Mary's Falls Canal, Mich.

1. The purpose of this document is to provide an editorial change that will reflect an alteration in one of types of draws used in the International Bridge, St. Mary's Falls Canal, Mich., from a swing span to a vertical lift. Accordingly, § 117.695 (a) is revised to read as follows: § 117.695 St. Mary's Falls Canal, Mich.; International Bridge.

(a) The bascule and vertical lift spans of this bridge shall be maintained in the open position during the navigation season, except when a train is approaching and crossing this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 30 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.4(a) (3) (v))

Effective date. This revision shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: October 6, 1969.

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

[P.R. Doc. 69-12198; Filed, Oct. 10, 1969; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8-1—GENERAL

1. Section 8-1.310-50 is added to read as follows:

§ 8-1.310-50 Plant inspection by qualified representatives of the Chief, Marketing Division for Drugs and Chemicals.

(a) When an inspection of a contractor's plant(s) by a qualified inspector or inspection agency representing the Chief, Marketing Division for Drugs and Chemicals discloses a violation or violations of the type specified in § 8-7.150-17, the division chief will immediately, by the

most expeditious means available, advise all Veterans Administration purchasing officers and other Government agencies authorized to use the contract that, pending further notification, drugs manufactured by the contractor in his plant(s) located at _____ will not be purchased. He will, after reinspection of the contractor's plant(s), advise all purchasing offices and other Government agencies either to resume purchasing or that the contractor has been declared in default.

(b) When the violations disclosed by the inspection and reinspection are of such a nature as to warrant debarment action, the appropriate contracting officer will immediately comply with the provisions of § 8-1.606.

PART 8-6—FOREIGN PURCHASES

2. Section 8-6.105 is revised to read as follows:

§ 8-6.105 Excepted articles, materials, and supplies.

Pursuant to the "Buy American Act," the Director, Supply Service has determined that the articles, materials, and supplies listed in this section may be acquired by the Veterans Administration without regard to source, except as provided in Subpart 8-6.53:

Acetylene, black.
 Agar, bulk.
 Anise.
 Antimony, as metal or oxide.
 Asbestos, amosite.
 Bananas.
 Beef, corned, canned.
 Beef extract.
 Bephenium hydroxynaphthoate.
 Bismuth.
 Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the United States and for which domestic editions are not available.
 Brazil nuts.
 Cadmium ores and flue dust.
 Calcium cyanamide.
 Capers.
 Cashew nuts.
 Castor beans.
 Chalk, English.
 Chicle.
 Chrome ore or chromite.
 Cinchona bark.
 Cobalt, in cathodes, rondelles, or other primary forms.
 Cocoa beans.
 Coconut and coconut meat in shredded, desiccated, or similarly prepared form.
 Coffee, raw or green bean.
 Colchicine alkaloid, raw.
 Copra.
 Cork, wood or bark and waste.
 Dammar gum.
 Diamonds, industrial.
 Emetine, bulk.
 1-Ephedrine.
 Ergot, crude.
 Erythritol tetranitrate.
 Fiber, coir, abaca, and agave.
 Flax.
 Goat and kid skins.
 Graphite, natural, crystalline, crucible grade.
 Hemp.
 Hog bristles for brushes.
 Hyoscine, bulk.

* Enter location of plant(s) where violations were disclosed.

Iodine, crude.
 Ipecac, root.
 Jute and jute burlaps.
 Kaurigum.
 Lac.
 Lavender oil.
 Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
 Manganese.
 Menthol, natural, bulk.
 Mica.
 Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
 Nitroguanidine (also known as picrite).
 Nux vomica, crude.
 Officinal oil.
 Olive oil.
 Olives, green; plain (unpitted) and stuffed, bulk.
 Opium, crude.
 Petroleum, crude oil; petroleum, finished products; and petroleum, unfinished oils.
 Pine needle oil.
 Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
 Pyrethrum flowers.
 Quartz crystals.
 Quebracho.
 Quinidine.
 Quinine.
 Radium salts.
 Rubber, crude and latex.
 Rutile.
 Santonin, crude.
 Shellac.
 Silk, unmanufactured.
 Sisal.
 Sperm oil.
 Spices and herbs.
 Sugar.
 Talc, block, steatite.
 Tapioca, tapioca flour and cassava.
 Tartar, crude, tartaric acid and cream of tartar.
 Tea.
 Thyme oil.
 Tin, in bars, blocks, and pigs.
 Triprolidine hydrochloride.
 Tungsten.
 Vanilla beans.
 Wax, carnauba.

PART 8-7—CONTRACT CLAUSES

3. Sections 8-7.150-5 and 8-7.150-6 are added to read as follows:

§ 8-7.150-5 Fixed-price service contracts.

(a) Fixed-price negotiated or advertised service contracts, other than architect-engineer and ambulance service contracts, will include the following clause:

CONTRACTOR'S RESPONSIBILITIES

The Contractor shall obtain all necessary licenses and/or permits required to perform this work. He shall take all precautions necessary to protect persons and property from injury or damage during the performance of this contract. He shall be responsible for any injury to himself, his employees, or others, as well as for any damage to personal or public property that occurs during the performance of this contract that is caused by his or his employees' fault or negligence.

(b) Ambulance service contracts will contain the indemnification clause set forth in § 8-10.451.

§ 8-7.150-6 Frozen processed foods.

(a) The following clause will be included in all invitations for bids and requests for proposals to purchase frozen processed foods:

FROZEN PROCESSED FOODS

The products delivered under this contract shall be in excellent condition, shall not show evidence of defrosting or refreezing, and shall have an internal temperature of 10° Fahrenheit, or lower, when delivered.

(b) VA Form 07-2138, Order for Supplies or Services, when used as a purchase order to procure items of this nature in the open market, will have the terms and conditions on the reverse thereof amended to include the clause shown in paragraph (a) of this section.

4. Sections 8-7.150-17 and 8-7.150-18 are added to read as follows:

§ 8-7.150-17 Inspection of contractor's plant by Chief, Marketing Division for Drugs and Chemicals or his representative.

The following clause will be included in all invitations for bids or requests for proposals to purchase drugs issued by the Marketing Division for Drugs and Chemicals:

(a) The plant or plants in which the products covered by this contract are manufactured or compounded are subject to inspection by the Chief, Marketing Division for Drugs and Chemicals, or by qualified inspectors designated by him. The inspection will be made for the purpose of ascertaining whether or not the Contractor is in violation of:

- (1) Good manufacturing practices as defined by the Food and Drug Administration; or
- (2) Safety, health or sanitation codes prescribed by Federal, State, or local laws or ordinances.

(b) The Contractor will be notified immediately in writing of all violations disclosed. The notification will also stipulate that the violations enumerated must be corrected within 60 days after the date of the notification. During this 60-day period the Government agencies authorized to use this contract will be prohibited from purchasing any of the Contractor's products, manufactured or compounded in the plant or plants in which the violations were disclosed. This prohibition may be lifted at any time during this period if, upon a reinspection requested by the Contractor, the violations disclosed are found to have been corrected.

(c) A reinspection will be made 60 days after the original inspection and if corrective action has not been taken, immediate action will be taken to declare the Contractor in default.

§ 8-7.150-18 Telecommunications equipment.

(a) When a detailed purchase description or formal specification is the basis for solicitations for telecommunications equipment as defined in Manual MP-6, Part VIII,¹ solicitations, including those for construction, will include the following clause:

¹ Available in any Veterans Administration station.

SPECIAL NOTICE

Descriptive literature. The submission of descriptive literature with offers is not required and voluntarily submitted descriptive literature which qualifies the offer will require rejection of the offer.

However, within 5 days after award of contract, the Contractor will submit to the Contracting Officer literature describing the equipment he intends to furnish and indicating strict compliance with the specification requirements.

The Contracting Officer will, by written notice to the Contractor within 20 calendar days after receipt of the literature, approve, conditionally approve, or disapprove the equipment proposed to be furnished. The notice of approval or conditional approval will not relieve the Contractor from complying with all requirements of the specifications and all other terms and conditions of this contract. A notice of conditional approval will state any further action required of the Contractor. A notice of disapproval will cite reasons therefor.

If the equipment is disapproved by the Government, the Contractor will be subject to action under the Default provision of this contract. However, prior to default action the Contractor will be permitted a period (at least 10 days) under that clause to submit additional descriptive literature on equipment originally offered or descriptive literature on other equipment.

The Government reserves the right to require an equitable adjustment of the contract price for any extension of the delivery schedule necessitated by additional descriptive literature evaluations.

(b) The descriptive literature to be furnished by the contractor after award in accordance with paragraph (a) of this section is subject to the controls established in § 8-74.113(b).

(c) The time of delivery or performance to be specified in the solicitation (see FPR 1-1.316) will include the time required for submission, receipt, the evaluation and approval required by § 8-74.113(b) of this chapter, and return to the contractor of the descriptive literature.

PART 8-19—TRANSPORTATION

5. Sections 8-19.302 and 8-19.303 are added to read as follows:

§ 8-19.302 F.o.b. origin.

(a) Normally shipments falling within this category will be shipped on a Government bill of lading. If, however, it is determined that parcel post is the most advantageous method of transporting purchases of this kind, a preaddressed mail indicia label, VA Form 07-3017, will be attached to the purchase order together with a preaddressed Certificate of Mailing, Post Office Department Form 3817. This latter form which is available from your local postmaster will, prior to mailing to the vendor, be modified as follows:

Delete "Affix 5¢ in postage and postmark"
 Insert, by means of a rubber stamp—
 "Postage and Fees Paid"
 "Veterans Administration"

(b) The vendor will be instructed to forward the merchandise by parcel post utilizing VA Form 07-3017 as an address

label and postage. He will also be instructed to have the POD Form 3817 receipted by the sending post office and returned to the contracting officer as evidence that shipment was mailed.

§ 8-19.303 F.o.b. origin, contractor's facility.

Shipments falling within this category will be handled in the same manner as provided in § 8-19.302.

PART 8-52—CONTRACT ADMINISTRATION

6. Section 8-52.106 is revised to read as follows:

§ 8-52.106 Representatives of contracting officers; receipt of equipment, supplies, and nonpersonal services.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, any contracting officer may, without prior notification to the contractor or vendor, designate the Chief, Storage and Distribution Section, or other competent personnel, to represent him in receiving and inspecting supplies, equipment and services at his station. Duties such as, but not limited to, the following will be performed by these designees:

(1) The inspection and certification as to compliance with the quality and quantity requirements of the purchase order or contract; and

(2) Inspection of supplies and equipment for condition and quantity and the acceptance of supplies, equipment, and services, based on quality inspection made by other authorized representatives.

(b) The Chief, Medical and General Reference Library in Central Office is hereby designated the representative of the contracting officer to receive, inspect and accept library books, newspapers and periodicals. Purchase documents will specify that delivery will be made direct to the library.

(c) The Chief, Stock Control Division, Veterans Administration Supply Depot, Hines, Ill., or person acting in that capacity, is hereby designated as the representative of each contracting officer and purchasing agent of the various marketing divisions of the Veterans Administration Marketing Center, Hines, Ill., for the purpose of accepting, on behalf of the Veterans Administration, items purchased for stock. Where inspection for compliance with specifications, purity, quality, or other element must be made by the Service and Reclamation Division or other testing agency, acceptance will be contingent upon receipt of a properly prepared inspection report.

(d) The Chiefs, Service and Reclamation Divisions, Veterans Administration Supply Depots at Hines, Ill., and Somerville, N.J., and the subdepot at Bell, Calif., are hereby designated as the representatives of the contracting officers and purchasing agents of the various marketing divisions of the Veterans Administration Marketing Center, Hines, Ill., for the purpose of inspecting, when

requested, supplies and equipment for compliance with technical, mechanical, operating, and other specifications. The results of such inspections will be forwarded to the Chief, Stock Control Division, Veterans Administration Supply Depot, Hines, Ill. 60141 when the item(s) involved is for stock and to the appropriate contracting officer or purchasing agent for all other items.

(e) The Chief of each Service and Reclamation Division may designate one or more employees of his division to represent him, and authority is hereby delegated to such designees to perform the inspection functions set forth in paragraph (d) of this section. Each such designation will be in writing with a copy furnished to the contracting officer or purchasing agent for filing in the appropriate contract file.

PART 8-74—SPECIAL PROCUREMENT CONTROLS

7. Section 8-74.113 is added to read as follows:

§ 8-74.113 Telecommunications equipment.

(a) Solicitations, including those for construction, based on detailed purchase descriptions or formal specifications for telecommunications equipment, as defined in Manual MP-6, Part VIII,¹ will include the clause required by § 8-7.150-18.

(b) The descriptive literature to be furnished by the contractor after award, required by the clause in § 8-7.150-18, is to be reviewed and approved by the Communications Service, Department of Data Management, prior to delivery and/or installation by the contractor. Promptly upon receipt of the descriptive literature, contracting officers will forward it together with a copy of the contract, the formal specification, or the detailed purchase description to the Regional Medical Director, Region No. ----- (134).

(c) Solicitations, including those for construction, for telecommunications equipment based on "brand name or equal" purchase description (see FPR 1-1.307-4 to 1-1.307-9 inclusive) are subject to the following:

(1) Prior to award, contracting officers will forward to the Regional Medical Director, Region No. ----- (134) the abstract of bids, one copy of each offer received, including descriptive literature and pertinent letters, and the comments and recommendations of the contracting officer.

(2) No commitments are to be made to contractors prior to receipt of Central Office reaction.

(3) Allowance of at least 30 days time for acceptance will be specified in the solicitation in order to allow sufficient time for the review required by this paragraph (c). (See FPR 1-2.201(a)(15).)

¹ Available at any Veterans Administration station.

PART 8-75—DELEGATIONS OF AUTHORITY

8. Section 8-75.201-14 is added to read as follows:

§ 8-75.201-14 Procurement of drugs.

The Chief, Marketing Division for Drugs and Chemicals, or person acting in that capacity, is hereby authorized to prohibit all authorized users of a drug contract entered into by that division from purchasing, for a period of 60 days, drugs manufactured or compounded in a plant or plants in which violations of the type specified in § 8-7.157-17 have been disclosed.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: October 6, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-12166; Filed, Oct. 10, 1969; 8:46 a.m.]

**Title 43—PUBLIC LANDS:
INTERIOR**

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4706]

[Oregon 4876 (Wash.)]

WASHINGTON

Partial Revocation of Public Land Order No. 261

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

1. Public Land Order No. 261 of January 24, 1945, which withdrew public lands for use of the War Department for military purposes, as modified by Public Land Order No. 881 of January 30, 1953, transferring jurisdiction of the lands from the War Department to the Atomic Energy Commission, and as modified in part by Public Land Order No. 1548 of August 1, 1957, to the extent necessary to permit mineral leasing, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 10 N., R. 26 E.,
Sec. 10, NE¼, SE¼.
T. 10 N., R. 27 E.,
Sec. 8, S¼;
Sec. 18;
Sec. 20, lot 2.

The areas described aggregate 1,010.90 acres in Benton County.

The lands are located northwest of Richland, Wash. Topography is level to rolling.

2. At 10 a.m. on November 11, 1969, the lands shall be open to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 11, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 10, T. 10 N., R. 26 E., has been open to applications and offers under the mineral leasing laws.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 6, 1969.

[F.R. Doc. 69-12175; Filed, Oct. 10, 1969; 8:46 a.m.]

[Public Land Order 4707]

[Arizona 3552, 3590]

ARIZONA

Addition to National Forest

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

Subject to valid existing rights, the following described lands, acquired in exchanges made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Sitgreaves National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 12 E.,
Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$;
Secs. 11, 13, 21.
T. 13 N., R. 13 E.,
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 31, lots 1 to 14, inclusive, NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate 3,844.50 acres in Coconino County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 6, 1969.

[F.R. Doc. 69-12205; Filed, Oct. 10, 1969; 8:46 a.m.]

[Public Land Order 4708]

[Nevada 054565]

NEVADA

Addition to National Forest

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

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

amended, are hereby added to and made a part of the Toiyabe National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 19 E.,
Sec. 16, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 18 S., R. 56 E.,
Sec. 28, SE $\frac{1}{4}$.

The areas aggregate 440 acres in Douglas and Clark Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 6, 1969.

[F.R. Doc. 69-12176; Filed, Oct. 10, 1969; 8:46 a.m.]

[Public Land Order 4709]

[Washington 05370]

WASHINGTON

Modification of Executive Order No. 8920 To Permit Grant of Right-of-Way

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

Executive Order No. 8920 of October 22, 1941, reserving lands for use by the Game Commission of the State of Washington in connection with the Sinlahekin Deer Winter Range and Wildlife Refuge, is hereby modified to the extent necessary to permit the granting of a right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to the Department of Natural Resources, State of Washington, over the following described lands, as delineated on maps on file with the Bureau of Land Management in Washington 05370, for construction of a public road:

WILLAMETTE MERIDIAN

T. 37 N., R. 25 E.,
Sec. 19, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 21, lot 6 and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 393.83 acres in Okanogan County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 6, 1969.

[F.R. Doc. 69-12177; Filed, Oct. 10, 1969; 8:46 a.m.]

[Public Land Order 4710]

[New Mexico 5820]

NEW MEXICO

Correction of Public Land Order No. 4592

Public Land Order No. 4592 of April 10, 1969, withdrawing lands for national forest recreation areas and administrative sites, appearing in 34 F.R. 6583 as F.R.

Doc. 69-4486, so far as it identifies Beatty's Administrative Site in Tps. 19 and 20 W., is corrected to read "Tps. 19 and 20 N."

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 6, 1969.

[F.R. Doc. 69-12178; Filed, Oct. 10, 1969; 8:46 a.m.]

[Public Land Order 4711]

[Montana 11425]

MONTANA

Withdrawal for Reclamation Project

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

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

PRINCIPAL MERIDIAN

T. 23 N., R. 59 E.,
Sec. 3, lots 1 and 2.

Containing 80 acres in Richland County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 6, 1969.

[F.R. Doc. 69-12179; Filed, Oct. 10, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 22; Amdt. No. 71-6]

PART 71—STANDARD TIME ZONE BOUNDARIES

Operating Exceptions for Certain Lines of Railroad

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to change the existing lists of exceptions pertaining to certain railroad operations that traverse time zone boundaries.

The changes are necessary because of the relocation of the mountain-central time zone boundary in North Dakota (33 F.R. 15800), Nebraska (32 F.R. 16215 and 34 F.R. 8111), and Kansas (34 F.R. 13415) and because of internal operational changes instituted by certain rail carriers.

Operating exceptions are granted pursuant to the first section of the Act of March 19, 1918, as amended by section 4(a) of the Uniform Time Act of 1966 (15 U.S.C. 261), to permit certain carriers to carry the standard of time upon which the major portion of a particular operation is conducted into an adjoining time

zone. However, the carrier concerned shall, in its advertisements, time cards, bulletin boards in stations and other publications, show the arrival and departure times at stations along the excepted lines in terms of the standard of time for the area in which those stations are situated.

Since this amendment involves the re-statement of certain existing exemptions and the establishment of certain new exemptions required by the time zone boundary changes described above, all of which are either now in effect or will become effective on October 26, 1969, I find that notice and public procedure thereon are impracticable and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, effective at 2 a.m. on October 26, 1969, paragraph (f) of section 71.6 of Title 49 of the Code of Federal Regulations is amended to read as follows:

§ 71.6 Boundary line between central and mountain zones.

(f) *Operating exceptions*—(1) *Lines east of boundary excepted from central zone.* Those portions of the following lines of railroad, located east of the zone boundary line described in this section, are, for operating purposes only, excepted from the U.S. standard central time zone and included within the U.S. standard mountain time zone:

Railroad	From—	To—
Atchison, Topoka & Santa Fe.	East line of Kearny County, Kans.	Scott City and Dodge City, Kans.
Do.....	Kansas-Colorado State line.	Salanta, Kans.
Do.....	Colorado-Oklahoma State line.	Dodge City, Kans., via Boise City, Okla.
Do.....	Texas-New Mexico State line (near Anthony, Tex.).	El Paso, Tex.
Chicago, Burlington & Quincy.	East line of Hooker County, Nebr.	Ravenna, Nebr.
Do.....	East line of Perkins County, Nebr.	Holdrege, Nebr.
Do.....	East line of Chase County, Nebr.	McCook, Nebr.
Do.....	East line of Dundy County, Nebr.	McCook, Nebr.
Chicago & Northwestern.	West line of Township 34 N., Range 30 W., Cherry County, Nebr.	Long Pine, Nebr.
Great Northern.	Montana-North Dakota State line.	Williston, N. Dak.
Do.....	Yellowstone River, N. Dak.	Waterford City, N. Dak.
Northern Pacific.	East line of Township 138 N., Range 83 W., Morton County, N. Dak.	Mandan, N. Dak.
Do.....	North line of Township 140 N., Range 81 W., Morton County, N. Dak.	Mandan, N. Dak.
Do.....	South line of Township 139 N., Range 81 W., Morton County, N. Dak.	Mandan, N. Dak.
Union Pacific.	East line of Keith County, Nebr.	North Platte, Nebr.

(2) *Lines west of boundary included in central zone.* Those portions of the following lines of railroad located west of the zone boundary line described in this section, are, for operating purposes only, excepted from the U.S. standard mountain time zone and included within the U.S. standard central time zone:

Railroad	From—	To—
Atchison, Topoka & Santa Fe.	Texas-New Mexico State line (near Texico, N. Mex.).	Clovis, N. Mex.
Chicago, Rock Island & Pacific.	Texas-New Mexico State line.	Tucumanari, N. Mex.
Do.....	West line of Thomas County, Kans.	Goodland, Kans.
Missouri.....	West line of Wichita County, Kans.	Pueblo, Colo.
Soo Line.....	Montana-North Dakota State line.	Whitehall, Mont.

(Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966, 15 U.S.C. 260-267; sec. 6(e) (5), Department of Transportation Act, 49 U.S.C. 1655(e) (5), § 1.8(1) (2), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.8(1) (2))

Issued in Washington, D.C., on October 7, 1969.

R. TENNEY JOHNSON,
Acting General Counsel.

[P.R. Doc. 69-12164; Filed, Oct. 10, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Umatilla National Wildlife Refuge, Washington and Oregon

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

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

WASHINGTON AND OREGON

UMATILLA NATIONAL WILDLIFE REFUGE

Ducks, geese, and coots may be hunted in accordance with applicable State regulations on those portions of the refuge that are designated by signs and/or delineated on maps available at refuge headquarters, Post Office Box 239, Umatilla, Ore. 97882, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Ore. 97208.

Special condition. In Oregon, hunting is permitted on Wednesdays, Saturdays, and Sundays.

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

Upland game birds may be hunted in accordance with applicable State regulations on those portions of the refuge that are designated by signs and/or delineated on maps available at refuge headquarters, Post Office Box 239, Umatilla, Ore. 97882, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Ore. 97208.

Special condition. In Oregon, hunting is permitted on Wednesdays, Saturdays, and Sundays.

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

WASHINGTON

UMATILLA NATIONAL WILDLIFE REFUGE

The public hunting of deer is permitted on the Umatilla National Wildlife Refuge, Wash., in accordance with State regulations covering the hunting of deer.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

TRAVIS S. ROBERTS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Ore.

OCTOBER 1, 1969.

[P.R. Doc. 69-12180; Filed, Oct. 10, 1969; 8:46 a.m.]

PART 32—HUNTING

Bosque Del Apache National Wildlife Refuge, N. Mex.

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

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

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The public hunting of quail and rabbits on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from October 11, 1969, through October 19, 1969, and November 29, 1969, through January 4, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 27,200 acres, includes all refuge lands east of the Bureau of Reclamation Channelization Project, and is delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of quail and rabbits subject to the following conditions:

(1) Hunting with rifles and handguns is prohibited.

(2) Access to the area is from the refuge headquarters entrance road; from Highway 380 via the Bureau of Reclamation east channel road; and from all other established entrances on the north, east, and south boundaries of the refuge.

Vehicles are permitted only on established roads.

(3) No more than two dogs may be used by a hunter.

(4) Hunters shall leave the refuge by one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas

generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 4, 1970.

WILLIAM T. KRUMMES,
Regional Director, Region 2.

OCTOBER 7, 1969.

[F.R. Doc. 69-12246; Filed, Oct. 10, 1969;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

PHOENIX-TUCSON INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Phoenix-Tucson Intrastate Air Quality Control Region (Arizona) as set forth in the following new § 81.36 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Arizona and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the U.S. Courthouse, Room 8413, First Avenue and North Van Buren Street, Phoenix, Ariz., beginning at 10 a.m., October 21, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.36 is proposed to be added to read as follows:

§ 81.36 Phoenix-Tucson Intrastate Air Quality Control Region.

The Phoenix-Tucson Intrastate Air Quality Control Region (Arizona) 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 section 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 Arizona:

Gila County.	Pima County.
Maricopa County.	Pinal County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: October 2, 1969.

JOHN H. LUDWIG,
Acting Commissioner, National
Air Pollution Control Administration.

[F.R. Doc. 69-12029; Filed, Oct. 10, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Expenses of the Filbert Control Board and Rate of Assessment for the 1969-70 Fiscal Year

Notice is hereby given of a proposal regarding expenses of the Filbert Control Board for the 1969-70 fiscal year and rate of assessment for that fiscal year, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Board has recommended for the 1969-70 fiscal year beginning August 1, 1969, a budget of expenses in the total amount of \$24,432. Based on the volume of filberts estimated to be subject to this regulatory program during the 1969-70 fiscal year, an assessment rate of 0.22 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

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

The proposal is as follows:

§ 982.314 Expenses of the Filbert Control Board and rate of assessment for the 1969-70 fiscal year.

(a) *Expenses.* Expenses in the amount of \$24,432 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1969, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.22 cent per pound of filberts.

Dated: October 8, 1969.

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

[F.R. Doc. 69-12204; Filed, Oct. 10, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-63]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Baton Rouge, La., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the

FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4563) the Baton Rouge, La., control zone is amended to read:

BATON ROUGE, LA.

Within a 5-mile radius of Ryan Airport (lat. 30°31'55" N, long. 91°09'00" W) excluding the portion within a 2-mile radius of Downtown Airport (lat. 30°26'45" N, long. 91°06'25" W), and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 5-mile radius zone to 1 mile east of the VORTAC.

(2) In § 71.181 (34 F.R. 4648) the Baton Rouge, La., transition area 700-foot portion is amended by adding " * * * within 2 miles each side of the Baton Rouge VORTAC 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport * * * "

Alteration of the control zone is proposed to exclude the Downtown Airport from the control zone and to revoke the southeasterly control zone extension. The need for the extension will cease when a forthcoming revision to the back course ILS instrument approach procedure becomes effective.

The proposed easterly 700-foot transition area extension is required for conformance to changed criteria for designation of terminal controlled airspace.

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

Issued in Fort Worth, Tex., on October 1, 1969.

A. L. COULTER,

Acting Director, Southwest Region.

[F.R. Doc. 69-12158; Filed, Oct. 10, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-85]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration and Designation

The Federal Aviation Administration is considering amendments to Part 71 of

the Federal Aviation Regulations that would extend VOR Federal airway No. 434 from Peoria, Ill., to Indianapolis, Ind., via Champaign, Ill., and designate VOR airways from Champaign to Terre Haute, Ind., and from Champaign to Knox, Ind., via Danville, Ill., and Lafayette, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The airspace actions proposed in this docket would:

1. Extend V-434 from Peoria, Ill., to Indianapolis, Ind., via Champaign, Ill.
2. Designate V-192 from Champaign to Terre Haute, Ind.
3. Designate V-251 from Champaign to Knox, Ind., via Danville, Ill., and Lafayette, Ind.

The actions proposed herein are required due to the increased air traffic between the locations involved. They would facilitate flight planning for both the pilot and controller.

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

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

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

[F.R. Doc. 69-12159; Filed, Oct. 10, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-96]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-479 from Northbrook, Ill., direct to Milwaukee, Wis. V-479 is presently designated from Northbrook, via the INT of the Northbrook 347° T (345° M) and the Milwaukee 161° T (159° M) radials. The action proposed herein would improve air navigation and

reduce the airway mileage between Northbrook and Milwaukee.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

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

[F.R. Doc. 69-12160; Filed, Oct. 10, 1969; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-89]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 181 from Fargo, N. Dak., to Grand Forks, N. Dak., and extend VOR Federal airway No. 171 from Alexandria, Minn., to Grand Forks, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the following airspace actions:

1. Realign V-181 east alternate from Fargo via the intersection of the Fargo 004° T (355° M) and Grand Forks 152° T (143° M) radials to Grand Forks.

2. Extend V-171 from Alexandria via the intersection of the Alexandria 321° T (314° M) and Grand Forks 152° T (134° M) radials to Grand Forks.

These proposed airway changes would relieve the terminal traffic congestion at Fargo and will provide dual inbound and outbound routings to the north and southeast of Fargo.

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

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

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

[F.R. Doc. 69-12161; Filed, Oct. 10, 1969;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-68]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area for Buffalo, Wyo., Municipal Airport.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writ-

ing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new VOR/DME approach procedure is proposed for Buffalo Municipal Airport. The final approach radial will be the 317° M (332° T) radial of Crazy Woman VORTAC, in addition the procedure turn and holding will be accomplished on the same radial southeast of the 20-mile DME fix. The proposed transition area will be required to provide controlled airspace protection for aircraft executing prescribed instrument procedures while operating above 700 feet above the surface.

In consideration of the foregoing the FAA proposes the following airspace action:

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

BUFFALO, WYO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo, Wyo., Airport (latitude 44°-22'48" N., longitude 106°43'02" W.) and within 4.5 miles each side of the Crazy Woman, Wyo., VORTAC 332° radial, extending from the 6-mile radius area to 12 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5.5 miles southwest of the Crazy Woman VORTAC 332° radial, extending from 4 miles to 30 miles northwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on October 1, 1969.

JAMES V. NIELSEN,
Acting Director, Western Region.

[F.R. Doc. 69-12162; Filed, Oct. 10, 1969;
8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-SW-56]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of

the Federal Aviation Regulations that would designate the following joint-use restricted area for VFR night aerial photography. The exploding flash powder charge and free falling dud cartridge associated with this operation would constitute a hazard to nonparticipating aircraft using the same airspace.

R-6304 CAMP BOWIE, TEX.

Boundaries. Beginning at lat. 31°41'00" N., long. 98°58'00" W., to lat. 31°39'25" N., long. 98°52'15" W., to lat. 31°34'30" N., long. 98°54'10" W., to lat. 31°36'10" N., long. 99°00'00" W., thence to point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. A 4-hour period commencing at official sunset, Monday through Thursday.

Using Agency. Commander, 75th Tactical Reconnaissance Wing, Bergstrom AFB, Tex.

Controlling Agency. Federal Aviation Administration, Air Route Traffic Control Center, Fort Worth, Tex.

Interested persons may participate in the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[F.R. Doc. 69-12163; Filed, Oct. 10, 1969;
8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR Bureau of Land Management UTAH

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10 a.m. on November 17, 1969:

SALT LAKE MERIDIAN

- Plats of survey accepted June 18, 1969:
T. 9 S., R. 18 W.,
Sec. 2, lots 1 to 9, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 8, lot 1, N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$
SE $\frac{1}{4}$;
Sec. 9, lots 1 to 6, inclusive, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$
NE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 16;
Sec. 17, lots 1 to 10, inclusive, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$
SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20 and 21;
Sec. 28, lots 1 to 6, inclusive, N $\frac{1}{2}$, W $\frac{1}{2}$
SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 32;
Sec. 33, lots 1 to 8, inclusive, W $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36.
T. 10 S., R. 18 W.,
Sec. 2, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 8, 9, 16, and 17;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20, 21, 28, and 29;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 32, 33, and 36.

The area described aggregates 25,138.75 acres.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Utah upon the acceptance of plats of survey:

SALT LAKE MERIDIAN

- T. 9 S., R. 18 W.,
Sec. 2, lot 9, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 16, 32, and 36.
T. 10 S., R. 18 W.,
Sec. 2, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Secs. 16, 32, and 36.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the remaining lands are open to the operation of the public land laws. All valid ap-

plications received at or prior to 10 a.m. on November 17, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These lands are similar in character and not suitable for farming. The lands have values for watershed, grazing, wildlife, and recreation, which can best be managed under principles of multiple use.

4. Inquiries concerning the lands should be addressed to the Manager, Utah Land Office, Post Office Box 11505, Salt Lake City, Utah 84111.

J. E. KEOGH,
Manager, Utah Land Office.

OCTOBER 2, 1969.

[F.R. Doc. 69-12154; Filed, Oct. 10, 1969;
8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EDWIN KLAPKA, SR.

Notice of Granting of Relief

Notice is hereby given that Edwin Klapka, Sr., 2121 South 79th Street, West Allis, Wis., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 22, 1938, in the Municipal Court of Milwaukee, Wis., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a) (20). Unless relief is granted, it will be unlawful for Edwin Klapka, Sr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Klapka to receive, possess or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Edwin Klapka's application and have found:

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

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

that the granting of the requested relief to Edwin Klapka, Sr., from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Edwin Klapka, Sr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 7th day of October, 1969.

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

[F.R. Doc. 69-12193; Filed, Oct. 10, 1969;
8:48 a.m.]

WILFRED F. SCHAEFER

Notice of Granting of Relief

Notice is hereby given that Wilfred F. Schaefer, 3908 East 73d Street, Inver Grove Heights, Minn. 55075 has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 9, 1937 by the District Court, Stearns County, Seventh Judicial District, Minnesota of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Wilfred F. Schaefer because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Schaefer to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Wilfred F. Schaefer's application and have found:

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

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

and that the granting of the relief would not be contrary to the public interest.

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

Signed at Washington, D.C., this 7th day of October 1969.

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

[F.R. Doc. 9-12192; Filed, Oct. 10, 1969;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

WATERMAN STEAMSHIP CORP.

Notice of Processing of Application

Notice is hereby given that Waterman Steamship Corp. (New York), as successor to Waterman Steamship Corp. (Alabama), has updated the application previously filed for operating-differential subsidy under title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (herein called the "Act") for the hereinafter referred to services, routes or lines in connection with that application, specified issues have heretofore been considered in public proceedings and designated as Dockets Nos. S-73 and S-157. Subsequent to these public proceedings, determinations were made and decisions rendered with respect to matters under section 605(c) of the Act relative to services on Trade Routes 5-7-8-9, 12, 21, 22, and 29, but that part of the application covering Trade Routes 5-7-8-9, and 29, is being held in abeyance. Also being held in abeyance is an application covering service on Trade Route 32 which was published in the FEDERAL REGISTER on July 26, 1966 (31 F.R. 10080). The full text of these decisions is set forth in published reports of the Federal Maritime Board and the Maritime Subsidy Board. Copies of these reports and the aforementioned 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, New G.A.O. Building, 441 G Street NW., Washington, D.C. 20235.

The findings of the Federal Maritime Board under the proceedings cited above were summarized in the applicable reports as follows:

UNDER DOCKET NO. S-73

1. Waterman Steamship Corp. is operating an existing service on Trade

Route 21 to the extent of 20 sailings annually, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of subsidy to Waterman Steamship Corp. for this existing service.

2. The present service provided by vessels of U.S. registry on Trade Route 21 is inadequate within the meaning of section 605(c) and, in the accomplishment of the purposes and policy of the Act, additional vessels of U.S. registry should be operated thereon.

3. Section 605(c) of the Merchant Marine Act, 1936, as amended, does not interpose a bar to the granting of an operating-differential subsidy contract to Waterman Steamship Corp. for its proposed service on Trade Route 21, including monthly top-off calls at North Atlantic ports.

NOTE: The applicant has asked that the updated application be held in abeyance insofar as it requests subsidy for sailings involving North Atlantic top-off calls.

4. Waterman Steamship Corp. is operating an existing service on Trade Route 22 to the extent of 23 annual sailings, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of subsidy to Waterman Steamship Corp. for this existing service.

5. The present service provided by vessels of U.S. registry on Trade Route 22 is inadequate within the meaning of section 605(c) and, in the accomplishment of the purposes and policy of the Act, additional vessels of U.S. registry should be operated thereon.

6. Section 605(c) of the Merchant Marine Act, 1936, as amended, does not interpose a bar to the granting of an operating-differential subsidy contract to Waterman Steamship Corp. for its proposed service on Trade Route 22 (including 12 California top-off calls annually). (**NOTE:** The applicant has asked that the updated application be held in abeyance insofar as it requests subsidy for sailings involving California top-off calls.)

7. Waterman Steamship Corp. is not operating an existing service between the Far East and the North Atlantic within the meaning of section 605(c) of the Merchant Marine Act, 1936, as amended. The present service provided by vessels of U.S. registry on Trade Route 12 inbound (Far East to the North Atlantic) is inadequate and in the accomplishment of the purposes and policy of the Act, additional vessels of U.S. registry should be operated thereon.

8. Section 605(c) of the Merchant Marine Act, 1936, as amended, does not interpose a bar to the granting of an operating-differential subsidy contract to Waterman Steamship Corp. for the operation of vessels on the service above described in 7.

UNDER DOCKET NO. S-157

Section 605(c) of the Merchant Marine Act, as amended, found not to interpose a bar to the granting of an operating-differential subsidy contract to Waterman Steamship Corp. for

a sufficient number of vessels to provide 18 to 30 annual sailings outbound only on Trade Route 12.

Any person, firm, or corporation having any interest in the aforementioned application under section 605(c) of the Act, and desiring to make written submission relevant to any substantial change in significant circumstances which would justify modification or re-examination of the determinations as hitherto made by the Board and as enumerated above, should by the close of business on October 27, 1969, notify the Secretary, Maritime Subsidy Board in writing in triplicate. Such submission should specifically identify the services, routes, or lines covered by the application and the specific determinations of the Board in which such person, firm, or corporation has an interest; and should contain a specific factual support for any claim that because of the existence of substantially changed significant circumstances, as referred to above, the prior determinations of the Board should not be determinative in the processing of the aforementioned application.

Upon the receipt of such statements as may be submitted, the Maritime Subsidy Board will take such action as it deems necessary in the premises. In the event further hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to such issues under section 605(c) as the Maritime Subsidy Board in its discretion may specifically prescribe.

If no submissions are received within the specified time, or if the Maritime Subsidy Board determines that the submissions filed within the specified time do not demonstrate sufficient interest or present prima-facie evidence of the existence of substantially changed significant circumstances, as referred to above, to warrant further hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board.

Dated: October 9, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-12234; Filed, Oct. 10, 1969;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69-10-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Worldwide Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of October 1969.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to worldwide

cargo rates, Docket No. 20993, Agreement CAB 21046.¹

By Order 69-8-174, dated August 29, 1969, the Board deferred action, with a view toward eventual approval, on certain resolutions relating to cargo rate matters adopted for a 2-year period of effectiveness beginning October 1, 1969, by the Traffic Conferences of the International Air Transport Association (IATA) at meetings held in Athens in April and May of 1969. In general terms, these resolutions propose revisions to rate levels applying in air transportation as defined by the Act, the introduction of a "bulk unitization" concept for the carriage of large-volume shipments moving in Atlantic and Pacific services, and the revalidation of amended rate-related resolutions. Among other things, the Board proposed to condition its approval of the resolution applicable to transatlantic specific commodity rate machinery so as to preclude any IATA resolution or provision from restricting the freedom of any IATA carrier to establish specific commodity rates at Boston, Philadelphia, Baltimore, or Washington. The Board deferred action so as to afford a 15-day period for the receipt of comments from interested persons and parties.

Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., in a joint filing received September 18, 1969, object to the Board's proposed condition. These carriers argue that there is no need for such a condition, since specific commodity rates are available to Philadelphia/Baltimore/Washington through the technique of agreed "add-ons" to New York specific commodity rates and that rates established to/from New York are applicable to/from Boston without price variation.

In a statement filed on September 18, 1969, counsel for Baltimore parties² submit, basically, that "nothing short of equality will eliminate the present preference—either in economics, equity, or law" under investigation in Docket 20522,³ and, therefore, oppose approval of the pending rate resolutions.

By letter dated September 16, 1969, counsel for various Detroit parties⁴ re-

quest that the Board amend its condition so as to include Detroit.

The Board has concluded to approve the agreement. The carriers, as noted, consider that specific commodity rates are available to East Coast gateway points in question by use of the "add-on" technique.⁵ At the same time, counsel for Baltimore seem to consider that nothing short of full equality—commonrating—of the East Coast gateways in question would remove preference and prejudice issues applicable to all North Atlantic rates to the named gateway cities which are under consideration in Docket 20522. Therefore, it appears that these issues can be resolved only in this investigation. On the other hand, we believe that the improvements to be afforded within the specific commodity rate structure, as well as within the general commodity rate structure, by virtue of the add-on technique, should be permitted to become effective. Inasmuch as the relationship of all North Atlantic rates to the gateway cities will be litigated in Docket 20522 we will remove the tentative condition which would have permitted any IATA carrier to independently establish specific commodity rates unique to Boston/Philadelphia/Baltimore/Washington traffic.

The Board, however, continues to be concerned with the absence of rates for particular commodities of peculiar interest to Boston/Philadelphia/Baltimore/Washington or, for all practical purposes, to any other U.S. city used as a gateway for transatlantic services. As discussed in Order 69-8-174, supra, this situation may stem, in part, from the financial interest of those carriers authorized and providing service only at New York and their desire to preclude competition from carriers serving other cities. There are, therefore, serious doubts that the IATA carriers should continue to have antitrust immunity from their actions which may have effectively precluded the establishment of specific commodity rates at U.S. gateway cities beyond New York. As indicated, the Board, in the course of the investigation, will have an opportunity to review in depth the matter of specific commodity rate agreements and to reevaluate the question of whether or not the specific commodity rate machinery operates in a fashion to warrant antitrust immunity.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

1. Those portions of Agreement CAB 21046, R-4, R-7, R-9, and R-10 (Resolution 002—"Standard Revalidation Resolution") described in Order 69-8-174 be and hereby are approved; and
2. Agreement CAB 21046, R-14 through R-24, R-26, R-27, R-37, R-38, R-40 through R-42, R-44, R-45, R-47, R-49, R-50, R-51, R-53 through R-55,

⁵ With the exception of Boston, which is commonrated with New York in the case of specific commodity rates.

R-57, R-59, R-60, R-62, and R-63 be and hereby are approved; and

3. Agreement CAB 21046, R-61⁶ (Resolution 590—"Traffic Conference 1 Specific Commodity Rates") be and hereby is approved, provided that approval shall not extend to the specific commodity rates listed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-12186; Filed, Oct. 10, 1969;
8:47 a.m.]

CIVIL SERVICE COMMISSION

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant 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 authorizes the Office of Economic Opportunity to fill by non-career executive assignment in the excepted service the position of Chief, Research Division, Office of Planning, Research and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 69-12197; Filed, Oct. 10, 1969;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Notice of Agreements Filed

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

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

⁶ Filed as part of the original document.

Notice of agreement filed by:

Mr. Burton H. White, Burlingham Underwood Wright White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 7770-4, between the member lines of the North Atlantic French Atlantic Freight Conference, amends Article IX of the basic agreement to provide that any Conference member which is a party to Agreement No. 9498, as amended, (1) may charter to Wallenius Line, on any terms which may be agreed upon between them, space in any vessel operated under authority of such agreement for the carriage only of set-up, packed or unpacked automobiles, trucks, and house trailers, and (2) shall be entitled to represent Wallenius Line solely in respect to the aforesaid commodities and to permit its agents, operators or managers to do so.

Dated: October 8, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12187; Filed, Oct. 10, 1969; 8:47 a.m.]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreements Filed

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

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

Notice of agreement filed by:

Mr. D. K. Conway, Chairman, North Atlantic Westbound Freight Association, Atlantic Freight Secretaries, Ltd., Cunard Building, Liverpool 3, England.

Agreement No. 5850-11, filed October 2, 1969, amends Clause 4 of the basic agreement to except transportation in Eire from the general prohibition against a member directly or indirectly refunding or remitting any part of rates of freight and other charges collected in accordance with the tariff. This change was one of the three proposed by pending Agreement No. 5850-10, notice of which was published in the FEDERAL REGISTER on September 6, 1969.

In view of the inclusion of Agreement No. 5850-10 in the proceeding in Docket No. 68-8, the Association requests withdrawal from Agreement No. 5850-10 of the words "and Eire," and seeks expeditious consideration of the addition of Eire as an area in which the member lines of the Association may absorb shipper costs.

Dated: October 8, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12188; Filed, Oct. 10, 1969; 8:47 a.m.]

SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Agreements Filed

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

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

Notice of agreement filed by:

Mr. William L. Hamm, Secretary, South and East Africa Rate Agreement, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8054-8, among the member lines of the South and East Africa Rate Agreement amends Article (1) (b) of the basic agreement to provide that the trade area covered by the agreement shall be served by direct call or transshipment, or by transshipment with other carriers.

Dated: October 8, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12189; Filed, Oct. 10, 1969; 8:47 a.m.]

ORIENTAL AFRICA LINES, INC., AND/ OR CHINESE MARITIME TRUST LTD.

Notice of Application for Certificate (Casualty)

Security for the protection of the public; financial responsibility to meet

liability incurred for death or injury to passengers or other persons on voyages.

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

Oriental Africa Lines, Inc., and/or Chinese Maritime Trust Ltd. (Orient Overseas Line), 80 Broad Street, Monrovia, Liberia.

Dated: October 8, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12190; Filed, Oct. 10, 1969; 8:47 a.m.]

ORIENTAL AFRICA LINES, INC. AND/ OR CHINESE MARITIME TRUST LTD.

Notice of Application for Certificate (Performance)

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Oriental Africa Lines, Inc., and/or Chinese Maritime Trust Ltd. (Orient Overseas Line), 80 Broad Street, Monrovia, Liberia.

Dated: October 8, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12191; Filed, Oct. 10, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.
Temporary Reg. F-60]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telecommunications rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*
a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent

the interests of the executive agencies of the Federal Government before the Georgia Public Service Commission in a proceeding involving telecommunication rates of the Southern Bell Telephone and Telegraph Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

OCTOBER 7, 1969.

[P.R. Doc. 69-12185; Filed, Oct. 10, 1969;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 8, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41779—*Chlorine from Charleston, Tenn.* Filed by O. W. South, Jr., agent (No. A6132), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Charleston, Tenn., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 48 to Southern Freight Association, agent, tariff ICC S-800.

FSA No. 41780—*Class and commodity rates from and to Theodore, Ala.* Filed by O. W. South, Jr., agent (No. A6133), for interested rail carriers. Rates on property moving on class and commodity rates, between Theodore, Ala., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 41781—*Newsprint paper to Worcester, Mass.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2960), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Bromptonville, Quebec, Canada, to Worcester, Mass.

Grounds for relief—Private truck competition.

Tariff—Supplement 48 to Canadian National Railways tariff ICC E. 543.

By the Commission.

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

[P.R. Doc. 69-12202; Filed, Oct. 10, 1969;
8:48 a.m.]

[Notice No. 424]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 8, 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-71592. By order of October 1, 1969, the Motor Carrier Board approved the transfer to H. E. Chamberlin Trucking, Inc., Fitchburg, Mass., of the certificate of registration in No. MC-57519 (Sub-No. 1) issued January 19, 1965, to Hubert E. Chamberlin, doing business as H. E. Chamberlin Trucking, Fitchburg, Mass., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding in scope to the service authorized in irregular route common carrier certificate No. 6130, dated May 9, 1951, issued by the Massachusetts Department of Public Utilities, Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601, representative for applicants.

No. MC-FC-71619. By order of October 1, 1969, the Motor Carrier Board approved the transfer to Earl Kruthoff, doing business as Kruthoff Truck Lines, Watertown, S. Dak., of certificate No. MC-133642 (Sub-No. 1) issued August 13, 1969, to Gary A. Carlson, doing business as Carlson Truck Line, Montevideo, Minn., authorizing the transportation of animal and poultry feed (except liquid molasses), from Minneapolis, Minn., to points in Day, Roberts, Marshall, Grant, Spink, Deuel, Codington, Brookings, Kingsbury, Beadel, Hand, Hyde, Faulk, Edmunds, McPherson, Campbell, Walworth, Potter, Sully, Hughes, Stanley, Haakon, Ziebach, Corson, Perkins, Meade, Butte, Dewey, and Harding Counties, S. Dak., and feed (except liquid molasses), from Minneapolis, Minn., to points in Hamlin and Clark Counties, Brown County (except Aberdeen), and Day County (except Waubay and points within 30 miles thereof), S. Dak. Irving A. Hinderaker, 318 Midland Building, Watertown, S. Dak. 57201, attorney for applicants.

No. MC-FC-71650. By order of October 3, 1969, the Motor Carrier Board approved the transfer to Aall Quote Industries, Inc., Pico Rivera, Calif., of the operating rights in certificate No. MC-42473 issued March 14, 1957, to Robert E. Kerivan, doing business as K & W Trucking Co., Paramount, Calif., authorizing the transportation of: General commodities, with the usual exceptions, between points in a specified area of California. R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, attorney for applicants.

No. MC-FC-71652. By order of October 3, 1969, the Motor Carrier Board approved the transfer to Action Enterprises, Inc., Phoenix, Ariz., of certificate of registration No. MC-57329 (Sub-No. 2) issued June 1, 1965, to Westward Transfer Co., a corporation, Phoenix, Ariz., authorizing transportation in interstate or foreign commerce solely within the State of California. Donald J. Kenney, 1212 Arizona Title Building, Phoenix, Ariz. 85003, attorney for applicants.

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

[P.R. Doc. 69-12203; Filed, Oct. 10, 1969;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-258 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

OCTOBER 2, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas

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

Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon all pur-

chasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.²

² If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Rules of Practice and Procedure (18 CFR 1.8 and 1.37(f)) on or before November 14, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-258..	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, Tex. 75221.	# 496	2	Cities Service Gas Co. (West Medicine Lodge Field, Barber County, Kans.).	\$727	9-11-69	# 12-22-69	# 12-23-69	# 14.0	# 18.0	RI65-466.
RI70-259..	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	# 24	7	Panhandle Eastern Pipe Line Co. (Northeast Trail Field (Putnam) Dewey County, Okla.) (Oklahoma "Other" Area).	720	9-11-69	# 10-10-69	# 10-11-69	# 12.0	# 14.0	
RI70-260..	Keweenaw Oil Co., Post Office Box 2230, Tulsa, Okla. 74101.	# 79	1	Trunkline Gas Co. (South Timballer Blocks 179 and 187, Offshore Louisiana).	8,700	9-9-69	# 10-10-69	# 10-11-69	# 18.5	# 20.0	
RI70-261..	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221, Attention: Mr. P. T. Davis.	# 627	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Blocks 33 and 34, West Delta Blocks 95 and 96, Offshore Louisiana).	13,500	9-9-69	# 10-10-69	# 10-11-69	# 18.5	# 20.0	
RI70-262..	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attention: Mr. A. M. Mouser.	# 177	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Delta Blocks 95 and 96, Grand Island Blocks 33 and 34, Offshore Louisiana).	1,125	9-9-69	# 10-10-69	# 10-11-69	# 18.5	# 20.0	
RI70-263..	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001, Attention: Mr. Paul L. Cato.	# 350	1	do	13,500	9-12-69	# 10-13-69	# 10-14-69	# 18.5	# 20.0	
RI70-264..	Highland Resources, Inc., 1201 San Jacinto Bldg., Houston, Tex. 77002, Attention: J. L. Bianchi, Esq.	# 8	1	Trunkline Gas Co. (South Timballer Blocks 179 and 187, Offshore Louisiana).	1,746	9-11-69	# 10-12-69	# 10-13-69	# 18.5	# 20.0	
RI70-265..	General Crude Oil Co., Post Office Box 2262, Houston, Tex. 77001.	# 13	1	do	5,250	9-11-69	# 10-12-69	10-13-69	# 18.5	# 20.0	

¹ Basic contract dated after Sept. 28, 1969, the date of issuance of general policy statement No. 61-1, and proposed rate does not exceed 16-cent area initial rate ceiling.

² The stated effective date is the effective date requested by Respondent.

³ The suspension period is limited to 1 day.

⁴ Periodic rate increase.

⁵ Pressure base is 14.65 p.s.i.a.

⁶ Subject to a downward B.t.u. adjustment.

⁷ Basic contract dated after Sept. 28, 1969, the date of issuance of general policy statement No. 61-1, and proposed rate does not exceed 15-cent area initial rate ceiling.

⁸ The stated effective date is the first day after expiration of the statutory notice.

⁹ Renegotiated rate increase.

¹⁰ Cashhead gas.

¹¹ Provided by amendment dated Feb. 19, 1968 (Supplement No. 6), previously accepted on Apr. 13, 1968, as a supplement only and not as a notice of change.

¹² Contract dated Nov. 27, 1968.

¹³ The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.

¹⁴ Rate increase filed pursuant to Paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.

Tenneco Oil Co. (Tenneco) requests a retroactive effective date of April 13, 1968 for its proposed rate increase. Keweenaw Oil Co. (Keweenaw) requests that its proposed rate increase be permitted to become effective as of October 5, 1969. Highland Resources, Inc., requests an effective date of October 1, 1969, and General Crude Oil Co. requests an effective date of September 16, 1969 for its proposed increase. 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.

The basic contracts related to the proposed rate increases filed by Atlantic Richfield Co. (Operator), et al. (Atlantic) and Tenneco were executed subsequent to September 28, 1969, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Atlantic and Tenneco's proposed rate filings should be suspended for 1 day from December 22, 1969 (Atlantic), the proposed effective date, and October 10, 1969 (Tenneco), the expiration date of the statutory notice.

¹⁵ Pressure base is 15.025 p.s.i.a.

¹⁶ Subject to quality adjustments.

¹⁷ Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.

¹⁸ Initial rate as conditioned by temporary certificate issued July 7, 1969, in Docket No. CI69-744.

¹⁹ Initial rate as conditioned by temporary certificate issued Aug. 22, 1969, in Docket No. CI69-1125.

²⁰ Contract dated Apr. 28, 1969.

²¹ Initial rate as conditioned by temporary certificate issued Aug. 22, 1969, in Docket No. CI69-1061.

²² Contract dated Apr. 22, 1969.

²³ Initial rate as conditioned by temporary certificate issued Aug. 22, 1969, in Docket No. CI69-1099.

²⁴ Initial rate as conditioned by temporary certificate issued July 7, 1969, in Docket No. CI69-867.

²⁵ Contract dated Nov. 27, 1968.

²⁶ Initial rate as conditioned by temporary certificate issued July 7, 1969, in Docket No. CI69-735.

Keweenaw, Atlantic Richfield Co., Getty Oil Co., Continental Oil Co., Highland Resources, Inc., and General Crude Oil Co.'s proposed rate increases, from 18.5 cents to 20 cents per Mcf, involve sales of third vintage gas well gas in offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas well gas. The producers involved herein were

issued conditioned temporary certificates authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustments). Deliveries of gas have not as yet commenced thereunder.

Consistent with previous Commission action on similar rate filings, we conclude that the producers' proposed rate increases should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the producers' proposed

increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[P.R. Doc. 69-12112; Filed, Oct. 10, 1969; 8:45 a.m.]

[Docket Nos. RI70-243, etc.]

SUN OIL COMPANY—DX DIVISION ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates¹

OCTOBER 2, 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 subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-243..	Sun Oil Co., DX Division, Post Office Box 2039, Tulsa, Okla. 74102.	256	7	El Paso Natural Gas Co. (Big Lake Area, Reagan County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	\$3,228	9-8-69	10-9-69	3-9-70	18.0	19.2565	RI68-418.
RI70-244..	Pubeo Petroleum Corp., Post Office Box 869, Albuquerque, N. Mex. 87103.	4	31	El Paso Natural Gas Co. (Aztec Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,236	9-5-69	10-6-69	3-6-70	13.0	14.2357	
RI70-245..	The Nueces Co. (Operator), 1001 American Bldg., Houston, Tex. 77002.	3	14	El Paso Natural Gas Co. (Fort Stockton Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,154	9-2-69	10-3-69	3-3-70	18.243	19.257	
RI70-246..	W. A. Moncrief, Jr. et al., Moncrief Bldg., Ninth and Commerce, Fort Worth, Tex. 76102.	3	2	Southern Union Gathering Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,835	9-8-69	10-8-69	3-8-70	13.0	15.9	
RI70-247..	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	242	10	Transwestern Pipeline Co. (Catesby Field, Beaver, Cimarron, and Ellis Counties, Okla.) (Panhandle Area).	22,336	9-9-69	10-10-69	3-10-70	19.5	23.0175	RI65-482.
RI70-248..	do	243	11	Transwestern Pipeline Co. (Panhandle Area, Lipscomb, Ochiltree, and Roberts Counties, Tex.) (RR. District No. 10).	76,500	9-8-69	10-9-69	3-9-70	18.5	23.0	RI69-675.
RI70-249..	J. C. Barnes Oil Co. (Operator) et al., Post Office Box 305, Midland, Tex. 79701.	3	2	Panhandle Eastern Pipe Line Co. (Alledo Field, Shallow Formations, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	6,960	9-8-69	10-9-69	3-9-70	13.0	17.9	
RI70-250..	Weesely Petroleum, Ltd. (Operator) et al., 2002 Republic National Bank Bldg., Dallas, Tex. 75201.	7	3	Panhandle Eastern Pipe Line Co. (Mocane Morrow Field, Beaver County, Okla.) (Panhandle Area).	3,000	9-9-69	10-10-69	3-10-70	17.0	18.0	
RI70-251..	Pioneer Production Corp. (Operator) et al., Post Office Box 2542, Amarillo, Tex.	7	10	El Paso Natural Gas Co. (Mocane (Tonkawa) Field, Beaver County, Okla.) (Panhandle Area).	14,297	9-4-69	11-1-69	4-1-70	17.0	19.0	
RI70-252..	Placid Oil Co. (Operator) et al., 2500 First National Bank Bldg., Dallas, Tex. 75202.	1	12	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Bethany Field, Panola County, Tex.) (RR. District No. 6).	3,000	9-8-69	11-1-69	4-1-70	15.4248	16.4248	RI65-232.
RI70-253..	do	11	11	do	200	9-8-69	11-1-69	4-1-70	15.4248	16.4248	RI65-232.
RI70-253..	Sun Oil Co. (Operator) et al., 1608 Walnut St., Philadelphia, Pa. 19103.	122	22	Transwestern Pipeline Co. (Panhandle Area, various counties, Okla. (Panhandle Area) and Texas) (RR. District No. 10).	299,880 42,000	9-8-69	10-9-69	3-9-70	19.0 19.0175	26.0 26.0175	RI68-101, RI68-101.
RI70-254..	Killam & Hurd, Ltd. (Operator) et al., Post Office Box 499, Laredo, Tex. 78040. Attention: Mr. Douglas O. Hunt.	3	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (South Davis Field, Zapata County, Tex.) (RR. District No. 4).	19,800	9-5-69	11-1-69	4-1-70	16.0	17.0	
RI70-255..	Rodney DeLange (Operator) et al., D-304 Petroleum Center, San Antonio, Tex. 78299. Attention: Mr. O. Neathery, Jr.	1	6	United Gas Pipe Line Co. (Poehler Field, Goliad County, Tex.) (RR. District No. 2).	2,060	9-8-69	10-9-69	(Accepted) 3-9-70	13.1664	16.6	
RI70-256..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	170	10	Transcontinental Gas Pipe Line Co. (San Miguel Creek and Dilworth Fields McMullen County, Tex.) (RR. District No. 1).	1,751	9-8-69	10-9-69	3-9-70	15.0	16.2160	

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 subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-257..	Texas Oil & Gas Corp., 1001 Americana Bldg., Houston, Tex. 77002.	54	4	United Gas Pipe Line Co. (North LaWard Field, Jackson County, Tex.) (R.R. District No. 2).	\$14,968	9-10-69	* 10-11-69	3-11-70	14.1792	** 18.28	

* The stated effective date is the effective date requested by Respondent.

† Periodic rate increase.

‡ Pressure base is 14.65 p.s.i.a.

§ Applicable only to acreage added by Supplements Nos. 29 and 30.

¶ The stated effective date is the first day after expiration of the 30-day notice.

** Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.

†† Pressure base is 15.025 p.s.i.a.

‡‡ End of the suspension period for previously filed rate increase in Docket No. RI69-719.

§§ Rate suspended in Docket No. RI69-719 until Oct. 2, 1969. Respondent has filed motion to make rate effective on that date.

¶¶ Two-step periodic rate increase.

§§§ Respondent is filing from fractured rate to initial contract rate.

¶¶¶ Includes 0.0175-cent tax reimbursement.

§§§§ Subject to a downward B.T.U. adjustment.

¶¶¶¶ Not applicable to interest of Sun Oil Co. added by Supplement No. 6.

** "Fractured" rate increase. Respondent contractually due 19 cents per Mcf.

†† Subject to upward and downward B.T.U. adjustment.

‡‡ "Fractured" rate increase. Respondent contractually due periodic increase to 25 cents per Mcf.

§§ Texas Railroad District No. 10 production.

¶¶ 19-cent rate applicable to Texas acreage added by Supplements Nos. 17 and 18 is effective subject to refund in Docket No. RI66-430.

§§ Oklahoma Panhandle production.

¶¶ The stated effective date is the contractual effective date.

§§ Amendment dated Aug. 7, 1969, provides, among other things, for a renegotiated rate of 16.6 cents for the 5-year period commencing June 19, 1969 with 1-cent increases every 5 years thereafter and deletes price redetermination provisions.

¶¶ Renegotiated rate increase.

§§ Applicable to acreage added by Supplement No. 8 only. Current rate under basic acreage is 16.2160 cents subject to refund in Docket No. RI68-436.

¶¶ From initial rate to contractually provided for periodic plus tax reimbursement.

Pubco Petroleum Corp. (Pubco) requests that its proposed rate increase be permitted to become effective as of October 1, 1969. Wessely Petroleum Ltd. (Operator) et al., and Sun Oil Co. (Operator) et al., request that their proposed rate increases be permitted to become effective as of September 1, 1969. Rodney DeLange (Operator) et al., (DeLange) request a retroactive effective date of June 19, 1969, for their proposed rate increase and contract amendment. 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.

Concurrently with the filing of their rate increase, DeLange submitted a contract amendment dated August 7, 1969, designated as Supplement No. 6 to DeLange's FPC Gas Rate Schedule No. 1, which provides the basis for their proposed rate increase. We believe that it would be in the public interest to accept for filing DeLange's contract amendment to become effective as of October 9, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The rate increase filed by Pubco reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the

contractual problem presented, the hearing provided herein for Pubco shall concern itself with the contractual basis for such rate filing, as well as the statutory lawfulness of the proposed increased rate and charge.

Shell Oil Co. (Shell) and Humble Oil & Refining Co. (Humble) request that should the Commission suspend their proposed rate increases, that the suspension periods with respect thereto be shortened to 1 day. Good cause has not been shown for granting Shell and Humble's requests for limiting to 1 day the suspension periods with respect to their rate filings and such requests are denied.

The Nueces Co. (Operator) (Nueces) proposes a rate change related to a rate schedule under which the current rate is suspended. Nueces has submitted the required motion to place the suspended rate in effect and proposes to make the instant rate change effective as of 1 day after expiration of the suspension period. Good cause has not been shown for limiting to 1 day the suspension period with respect to Nueces' rate filing and such request is denied. We conclude that Nueces' proposed rate increase should be suspended for 5 months from October 3, 1969, the expiration date of the statutory notice.

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, Chapter I, Part 2, § 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

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 DeLange's contract amendment dated August 7, 1969, designated as Supplement No. 6 to DeLange's

FPC Gas Rate Schedule No. 1, and for permitting such supplement to become effective as of October 9, 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. 6 to DeLange's FPC Gas Rate Schedule No. 1 is accepted for filing and permitted to become effective as of October 9, 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, Chapter 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 14, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

[P.R. Doc. 69-12114; Filed, Oct. 10, 1969;
8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations. (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Alexandria Industrial Garment Manufacturing Co., Inc., Alexandria, Tenn.; 8-15-69 to 8-14-70 (men's work shirts).

The Arrow Company, Albertville, Ala.; 9-8-69 to 9-7-70 (men's dress shirts).

Big River Manufacturing Co., Kittanning, Pa.; 8-23-69 to 8-22-70 (boys' knit shirts and nylon jackets).

Delmeade Slacks, Inc., Okolona, Miss.; 8-23-69 to 8-22-70 (ladies' slacks).

Detroit Slacks, Inc., Detroit, Ala.; 9-1-69 to 8-31-70 (men's and boys' pants).

Don Juan Manufacturing Corp., Hartford, N.C.; 8-11-69 to 8-10-70 (men's and boys' shirts).

Edmonton Manufacturing Co., Edmonton, Ky.; 8-14-69 to 8-13-70 (men's work clothing).

Elder Manufacturing Co., Dexter, Mo.; 8-21-69 to 8-20-70 (men's and boys' shirts and boys' slacks).

Eudora Garment Corp., Eudora, Ark.; 9-9-69 to 9-8-70 (washable service apparel).

Excelsior Frocks, Inc., Archbald, Pa.; 8-15-69 to 8-14-70; 10 learners (women's dresses).

Fleetline Industries, Inc., Garland, N.C.; 8-23-69 to 8-22-70 (men's shirts).

The Foster Co., Greenville, Ala.; 8-11-69 to 8-10-70 (men's pants and women's slacks).

G & S Manufacturing, Inc., Auburn, Nebr.; 8-31-69 to 8-30-70 (infant's and boys' coats and pants).

Glenn's All-American Sportswear, Inc., Amory, Miss.; 8-12-69 to 8-11-70 (men's pants).

Greensboro Manufacturing Co., Greensboro, Ga.; 8-17-69 to 8-16-70 (men's and boys' slacks and walking shorts).

F. Jacobson & Sons, Inc., Middlesboro, Ky.; 8-22-69 to 8-21-70 (men's dress shirts).

Katz Underwear Co., Plant No. 1, No. 2, Honesdale, Pa.; 8-14-69 to 8-13-70 (women's nightwear).

Kellwood Co., Phil Campbell, Ala.; 8-23-69 to 8-22-70 (boys' jeans).

Kenrose Pilot Plant, Saltville, Va.; 9-4-69 to 9-3-70 (women's dresses).

Kingtree Industries, Inc. Kingtree, S.C.; 8-15-69 to 8-14-70; 10 learners (ladies' slacks, capris, jamaicas, and shorts).

Knitwear Association, Inc., Allentown, Pa.; 8-14-69 to 8-13-70; 10 learners (girls', boys', and men's polo shirts).

Lackawanna Pants Manufacturing Co., Scranton, Pa.; 9-9-69 to 9-8-70 (men's pants).

Laurens Shirt Corp., Laurens, S.C.; 8-14-69 to 8-13-70 (men's dress and sport shirts).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; 9-8-69 to 9-7-70 (men's and boys' slacks).

Meadow Sportswear, Inc., Bay Minette, Ala.; 8-13-69 to 8-12-70 (men's dress slacks).

Allan Merrill Manufacturing Co., Chisholm, Minn.; 8-14-69 to 8-13-70 (men's and boys' outerwear jackets).

Meyersdale Manufacturing Co., Inc., Meyersdale, Pa.; 9-4-69 to 9-3-70 (men's dress and sport shirts).

Modelrite Dress Co., Dunmore, Pa.; 8-13-69 to 8-12-70; 5 learners (women's dresses).

Niemor Contractors, Newark, N.J.; 8-15-69 to 8-14-70 (men's and boys' outerwear jackets).

Petersburg Manufacturing Co., Petersburg, Tenn.; 8-29-69 to 8-28-70 (men's and boys' pants).

Piedmont Garment Co., Harmony, N.C.; 8-28-69 to 8-27-70 (ladies' blouses).

Plains Manufacturing Co., Inc., Plains, Pa.; 8-18-69 to 8-17-70 (brassieres).

Princess Peggy, Inc., Peoria, Ill.; 8-13-69 to 8-12-70 (women's dresses).

Raycord Co., Inc., Spartanburg, S.C.; 8-22-69 to 8-21-70 (men's sport shirts).

Reed Manufacturing Co., Inc., Nettleton, Miss.; 8-19-69 to 8-18-70 (men's and boys' pants).

Reidbord Brothers Co., Philippi, W. Va.; 8-18-69 to 8-17-70; 10 learners (men's work pants).

Relda Apparel Manufacturing Co., Inc., Hughesville, Pa.; 9-1-69 to 8-31-70; 10 learners (women's dresses).

Riveredge Dress Corp., New Bedford, Mass.; 8-26-69 to 8-25-70; 5 learners (women's dresses).

Salem Garment Co., Salem, S.C.; 8-25-69 to 8-24-70 (women's dresses).

Sampson Sewing Co., Clinton, N.C.; 8-29-69 to 8-28-70 (children's car coats and zipper jackets).

Sanford Manufacturing, Inc., Sanford, Fla.; 9-9-69 to 9-8-70; 10 learners (men's and boys' pajamas).

Scamper Sportswear, Inc., Hazleton, Pa.; 9-4-69 to 9-3-70 (ladies' and children's jackets).

Sevier Industries, Inc., Sevierville, Tenn.; 8-24-69 to 8-23-70 (men's and boys' pants).

Shawnee Garment Manufacturing Co., Shawnee, Okla.; 8-25-69 to 8-24-70; 10 learners (men's work clothes).

The Solomon Co., Collinsville, Ala.; 9-7-69 to 9-6-70; 10 learners (men's pants and walking shorts).

Somerset Shirt & Pajama Co., Somerset, Pa.; 8-23-69 to 8-22-70 (boys' nightwear).

Stanwood Corp., Pelahatchie, Miss.; 9-3-69 to 9-2-70 (juveniles', men's, and boys' outerwear and work jackets).

Stephenson Enterprises, Inc., Folkston, Ga.; 8-18-69 to 8-17-70; 10 learners (men's and boys' slacks).

Levi Strauss & Co., Maryville, Tenn.; 8-16-69 to 8-15-70 (men's and boys' pants).

Vernon Manufacturing Co., Inc., Vernon, Ala.; 9-1-69 to 8-31-70 (men's pants).

Wendell Garment Co., Inc., Wendell, N.C.; 9-5-69 to 9-4-70 (men's sport shirts).

Williamson-Dickie Manufacturing Co., Fort Worth, Tex.; 8-18-69 to 8-17-70 (men's and boys' pants).

Williamson-Dickie Manufacturing Co., McAllen, Tex.; 8-11-69 to 8-10-70 (men's work pants).

Williamson-Dickie Manufacturing Co., Weslaco, Tex.; 8-18-69 to 8-17-70 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Altamont Shirt Corp., Altamont, Tenn.; 9-4-69 to 9-3-70; 50 learners (men's and boys' shirts, and women's and girls' blouses).

Angelica Uniform Co., Summersville, Mo.; 9-4-69 to 9-3-70; 55 learners (women's uniforms and men's smocks).

Blanchard Shirt Corp., Inc., Mountain View, Ariz.; 8-21-69 to 8-20-70; 50 learners (men's dress and sport shirts).

G-B Manufacturers, Inc., Chetopa, Kans.; 9-8-69 to 9-7-70; 50 learners (men's trousers).

The Jay Garment Co., Clarksville, Tenn.; 8-20-69 to 8-19-70; 15 learners (work clothes).

Jonesville Industries, Inc., Jonesville, La.; 9-1-69 to 8-28-70; 40 learners (men's pants).

Kiski Valley Sportswear, Apollo, Pa.; 9-2-69 to 9-1-70; 30 learners (men's sport jackets).

Marcus Manufacturing Co., Nowata, Okla.; 9-1-69 to 8-28-70; 15 learners (men's pants).

Sanford Manufacturing, Inc., Sanford, Fla.; 9-9-69 to 9-8-70; 20 learners (men's and boys' pajamas).

Stephenson Enterprises, Inc., Folkston, Ga.; 8-18-69 to 8-17-70; 50 learners (men's and boys' slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Banner Elk Glove Co., Banner Elk, N.C.; 8-26-69 to 8-25-70; 20 learners for plant expansion purposes (work gloves).

Edmont-Wilson Haynesville Plant, Haynesville, La.; 8-12-69 to 8-11-70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Vienna, Ill.; 9-1-69 to 8-31-70; 10 learners for normal labor turnover purposes (cotton work gloves).

Tex-Sun Glove Co., Corsicana, Tex.; 8-19-69 to 8-18-70; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Eupora, Miss.; 8-31-69 to 8-30-70; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

J. A. Cline & Son, Inc., Hildebran, N.C.; 8-20-69 to 8-19-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' half hose).

Fort Payne Hosiery Mills, Inc., Fort Payne, Ala.; 8-24-69 to 8-23-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

Stinger Hosiery Mills, Inc., Thomasville, N.C.; 9-9-69 to 9-8-70; 5 learners for normal labor turnover purposes (seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Beauty Maid Mills, Inc., Statesville, N.C.; 9-9-69 to 9-8-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Isaacson-Carrico Manufacturing Co., El Campo, Tex.; 9-4-69 to 9-3-70; 5 learners for normal labor turnover purposes (girls' underwear and sleepwear).

Sierra Lingerie Co., Ogden, Utah; 8-25-69 to 8-24-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties, and children's pajamas and gowns).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Ana Manufacturing Corp., Barranquitas, P.R.; 8-4-69 to 7-17-70; 33 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.23 an hour (women's underwear) (replacement certificate).

Carlita Corp., Hormigueros, P.R.; 8-10-69 to 4-7-70; 12 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates \$1.17 an hour for the first 240 hours and \$1.30 an hour for the remaining 240 hours (ladies' and men's sport and dress gloves) (replacement certificate).

Coamo Glove Corp., Coamo, P.R.; 8-10-69 to 3-24-70; 13 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.30 an hour for the remaining 240 hours (ladies' nylon dress gloves) (replacement certificate).

Compania de San Lorenzo, Inc., San Juan, P.R.; 7-28-69 to 1-28-70; 50 learners for plant expansion purposes in the occupations of sewing machine operating, hand sewing, and final pressing, for a learning period of 320 hours at the rate of \$1.08 an hour (men's dress shirts and ties).

Economy Industries, Inc., Rio Grande, P.R.; 7-28-69 to 7-27-70; 13 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, for a learning period of 320 hours at the rates of \$1.13 an hour until Aug. 3, 1969 and \$1.23 an hour effective Aug. 4, 1969 (girls' and ladies' blouses).

El Finale, Inc., Caguas, P.R.; 8-10-69 to 10-20-69; 16 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.30 an hour for the remaining 240 hours (ladies' fabric and leather gloves) (replacement certificate).

Ginny Lynn Mills, Inc., Quebradillas, P.R.; 8-10-69 to 8-25-69; 6 learners for normal labor turnover purposes in the occupations of: (1) Seaming; examining and inspecting, for a learning period of 240 hours at the rate of \$1.15 an hour; (2) folding, for a learning period of 360 hours at the rate of \$1.15 an hour; and (3) mending and pairing, for a learning period of 720 hours at the rates of \$1.15 an hour for the first 360 hours

and \$1.20 an hour for the remaining 360 hours (women's seamless hosiery) (replacement certificate).

Ginny Lynn Mills, Inc., Quebradillas, P.R.; 8-10-69 to 9-12-69; 39 learners for plant expansion purposes in the occupations of: (1) Seaming, examining and inspecting, knitting, for a learning period of 240 hours at the rate of \$1.15 an hour; (2) preboarding and folding, for a learning period of 360 hours at the rate of \$1.15 an hour; and (3) pairing, for a learning period of 720 hours at the rates of \$1.15 an hour for the first 360 hours and \$1.20 an hour for the remaining 360 hours (women's seamless hosiery) (replacement certificate).

Guantes de Ponce, Inc., Ponce, P.R.; 8-10-69 to 3-23-70; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.30 an hour for the remaining 240 hours (ladies', men's, and children's fabric dress gloves; ladies' and men's leather dress gloves) (replacement certificate).

Isabela Vieques Corp., Vieques, P.R.; 8-1-69 to 7-31-70; 25 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.08 an hour (men's dress shirts).

La Torre Co., Inc., Albonito, P.R.; 8-4-69 to 7-17-70; 36 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.23 an hour (ladies' underwear and shoulder straps) (replacement certificate).

Panty Matic, Rio Grande, P.R.; 7-28-69 to 7-27-70; 9 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rates of \$1.13 an hour until Aug. 3, 1969 and \$1.23 an hour effective Aug. 4, 1969 (ladies' panties and underwear).

Ricardo Corp., Hormigueros, P.R.; 8-10-69 to 3-30-70; 19 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.30 an hour for the remaining 240 hours (ladies' fabric and leather gloves) (replacement certificate).

Sabana Grande Manufacturing Corp., Sabana Grande, P.R.; 8-10-69 to 8-11-69; 30 learners for normal labor turnover purposes in the occupations of: (1) Looping, for a learning period of 960 hours at the rates of \$1.15 an hour for the first 480 hours and \$1.20 an hour for the remaining 480 hours; (2) mending, for a learning period of 720 hours at the rates of \$1.15 an hour for the first 360 hours and \$1.20 an hour for the remaining 360 hours; and (3) knitting, examining, and inspecting, for a learning period of 240 hours at the rate of \$1.15 an hour (ladies' seamless hosiery) (replacement certificate).

Sira Corp., Mayaguez, P.R.; 8-10-69 to 10-8-69; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.30 an hour for the remaining 240 hours (ladies' dress gloves) (replacement certificate).

Surtex Glove Corp., Coamo, P.R.; 8-10-69 to 9-25-69; 17 learners for normal labor turnover purposes in the occupation of sewing machine operating for 480 hours at the rate of \$1.17 an hour for the first 240 hours and \$1.30 an hour for the remaining 240 hours (ladies' nylon dress gloves) (replacement certificate).

Syl Bee Manufacturing Co., Inc., Plant No. 1, Aguas Buenas, P.R.; 7-30-69 to 7-29-70; 12 learners for normal labor turnover

purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.29 an hour (Brassieres).

Syl Bee Manufacturing Co., Inc., Plant No. 2, Aguas Buenas, P.R.; 7-30-69 to 7-29-70; 7 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.29 an hour (brassieres).

Tejidos Co., Inc., Albonito, P.R.; 8-4-69 to 8-25-69; 22 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of \$1.23 an hour (women's and children's underwear) (replacement certificate).

Utua Glove Corp., Utua, P.R.; 8-10-69 to 10-13-69; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of \$1.17 an hour for the first 240 hours and \$1.30 an hour for the remaining 240 hours (ladies' fabric and leather gloves) (replacement certificate).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Adelphian Academy, Holly, Mich.; 9-1-69 to 8-31-70; authorizing the employment of 60 student-workers in the woodworking industry (manufacturing trellises, picnic tables, bird houses, etc.) in the occupations of woodworking machine operator, assembler and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rates of \$1.40 an hour for the first 120 hours and \$1.45 an hour for the remaining 120 hours.

Andrews University, Berrien Springs, Mich.; 9-1-69 to 8-31-70; authorizing the employment of: (1) 70 student-workers in the bookbinding industry in the occupations of gluing, backing, stamping, overmaking, and related operations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (2) 20 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours; (3) 105 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 800 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 500 hours; and (4) 12 student-workers in the clerical industry in the occupations of bookkeeper, stenographer, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours.

Atlantic Union College, South Lancaster, Mass.; 9-1-69 to 8-31-70; authorizing the employment of: (1) 15 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 300 hours at the rate of \$1.40 an hour; (2) 45 student-workers in the bookbinding industry in the occupations of bookbinding, bindery worker, and related skilled and semiskilled occupations, for a learning period of 300 hours at the rate of \$1.40 an hour; (3)

10 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semiskilled occupations, for a learning period of 300 hours at the rate of \$1.40 an hour.

Brigham Young University, Provo, Utah; 9-1-69 to 8-31-70; authorizing the employment of: (1) 50 student-workers in the university press industry in the occupations of press operating and assembly workers, for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours; 50 press clerical workers and typists for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (2) 15 student-workers in the motion picture production industry in the occupations of technicians, production assistants and clerical workers; for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (3) 60 student-workers in educational media services in the occupations of clerical workers, inspection, shipping and receiving, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (4) 30 student-workers in the division of continuing education industry in the occupations of clerical workers and stenographic workers, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (5) 50 student-workers in the public relations and telephones industry in the occupations of switchboard operators, typists, and clerical workers, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; and (6) 35 student-workers in the admissions, records, and alumni industry in the occupations of stenographic workers and clerical workers, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours.

Campion Academy, Loveland, Colo.; 9-1-69 to 8-31-70; authorizing the employment of 35 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, mop maker, and related skills and semiskilled occupations, for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours.

Cedar Lake Academy, Cedar Lake, Mich.; 9-1-69 to 8-31-70; authorizing the employment of 60 student-workers in the furniture manufacturing industry (redwood-outdoor) in the occupations of woodworking machine operator, assembler, and related skilled, and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours.

Enterprise Academy, Enterprise, Kans.; 9-1-69 to 8-31-70; authorizing the employment of 20 student-workers in the printing industry in the occupations of compositor, pressman, linotype operator, bindery worker and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours.

Forest Lake Academy, Maitland, Fla.; 9-1-69 to 8-31-70; authorizing the employment of 25 student-workers in the bookbinding industry in the occupations of mending, sewing, trimming, backing, boarding, case making, type setting, stamping, casing-in, and related skilled and semiskilled operations including incidental clerical work in the shop, for a learning period of 600 hours at

the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours.

Hawaiian Mission Academy, Honolulu, Hawaii; 9-1-69 to 8-31-70; authorizing the employment of: (1) 5 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours; and (2) 1 student-worker in the clerical industry in the occupations of clerical (press), and general office work for the print shop, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours.

Maplewood Academy, Hutchison, Minn.; 9-1-69 to 8-31-70; authorizing the employment of: (1) 20 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; and (2) 1 student-worker in the clerical industry in the occupations of typist, record-keeper and related skilled and semiskilled occupations in the office, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours.

Newbury Park Academy, Newbury Park, Calif.; 9-1-69 to 8-31-70; authorizing the employment of 25 student-workers in broom manufacturing industry in the occupations of broom maker, sorter, stitcher, seeder, packager and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours.

Sandia View Academy, Corrales, N. Mex.; 9-1-69 to 8-31-70; authorizing the employment of 25 student-workers in furniture manufacturing industry in the occupations of woodworking machine operator, off-bearer, assembler, finisher, and related skilled and semiskilled occupations including incidental clerical work in shop, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours.

Southern Missionary College, Collegedale, Tenn.; 9-1-69 to 8-31-70; authorizing the employment of: (1) 50 student-workers in the bookbinding industry in the occupations of cleaning, checking in, sewing, casework, and related operations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (2) 25 student-workers in the broom manufacturing industry in the occupations of sorting, dyeing, winding, stitching, labeling, shipping, and related operations, for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours; (3) 10 student-workers in the clerical industry in the occupations of typewriting, filing, billing, and related operations, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours; and (4) 30 student-workers in the printing industry in the occupations of composing, pressmen, binding, and related operations, for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours.

Thunderbird Academy, Scottsdale, Ariz.; 9-1-69 to 8-31-70 authorizing the employment of 100 student-workers in the woodworking industry (manufacturing furniture) in the occupations of woodworking machine operator, assembler, furniture finisher, and

semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of \$1.45 an hour for the first 300 hours and \$1.50 an hour for the remaining 300 hours.

Union College, Lincoln, Nebr.; 9-1-69 to 8-31-70; authorizing the employment of: (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of \$1.40 an hour for the first 500 hours and \$1.45 an hour for the remaining 500 hours; (2) 15 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (3) 40 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.40 an hour for the first 300 hours and \$1.45 an hour for the remaining 300 hours; (4) 5 student-workers in the clerical industry in the occupations of bookkeeper, business machine operator, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of \$1.40 an hour for the first 240 hours and \$1.45 an hour for the remaining 240 hours; and (5) 10 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, mop maker and related skilled and semiskilled occupations; for a learning period of 360 hours at the rates of \$1.40 an hour for the first 180 hours and \$1.45 an hour for the remaining 180 hours.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 2d day of October 1969.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 69-12181; Filed, Oct. 10, 1969;
8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-110]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of

lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from December 20, 1969 to August 31, 1969 (List No. 23-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 193 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a) (2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR, Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

COMPASSES, LIFEBOAT

The W. M. Welch Manufacturing Co., 1515 Sedgewick Street, Chicago 10, Ill., Approval No. 160.014/2/0 expired and was terminated effective July 31, 1967.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

The Marine Safety Equipment Corp., Point Pleasant Beach, N.J., Approval No. 160.015/45/2 expired and was terminated effective April 10, 1967.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa. 16501, Approval No. 160.049/62/0 expired and was terminated effective August 31, 1969.

TELEPHONE SYSTEMS, SOUND-POWERED

The Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn, N.Y., Approval Nos. 161.005/39/1 and 161.005/68/0 expired and were terminated effective April 23, 1969, and June 24, 1968.

SAFETY VALVES (POWER BOILERS)

The Crosby Valve and Gage Co., Wrentham, Mass., Approval No. 162.001/194/1 expired and was terminated effective December 22, 1966.

BOILERS (HEATING)

The Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N.Y., Ap-

proval No. 162.003/65/2 expired and was terminated effective December 20, 1965.

RELIEF VALVES (HOT WATER HEATING BOILERS)

The Watts Regulator Co., Lawrence, Mass., Approval No. 162.013/29/0 expired and was terminated effective December 20, 1965.

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

The Caloric Appliance Corp., Topton, Pa., Approval No. 162.020/58/0 expired and was terminated effective March 3, 1969.

The Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Mass., Approval No. 162.020/98/0 expired and was terminated effective May 15, 1966; Approval Nos. 162.020/138/0, 162.020/139/0, 162.020/140/0, and 162.020/141/0 expired and were terminated effective July 7, 1966.

SEMI-PORTABLE FIRE EXTINGUISHING SYSTEMS

The Ansul Chemical Co., Marinette, Wis., Approval No. File: JJ/162.022/Ansul expired and was terminated due to change of specification, effective July 5, 1968.

The General Fire Extinguisher Corp., 6801 Rising Sun Avenue, Philadelphia, Pa., and 8740 Washington Boulevard, Culver City, Calif., Approval No. 162.022/General Fire Extinguisher Corp. expired and was terminated due to change of specification, effective August 27, 1968.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio 44135, Approval No. 162.025/63/0 expired and was terminated effective March 6, 1969.

Dated: October 8, 1969.

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

[F.R. Doc. 69-12200; Filed, Oct. 10, 1969; 8:48 a.m.]

REVOCATION OF THE DESIGNATIONS OF CHAMPLAIN-ROUSES POINT, N.Y., AND BURLINGTON, VT., AS PORTS OF DOCUMENTATION

1. Notice of the proposed revocation of the designations of Champlain-Rouses Point, N.Y., and Burlington, Vt., as ports of documentation and the transfer of the documentation records to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Federal Building, Albany, N.Y., was published in the FEDERAL REGISTER of August 2, 1969 (34 F.R. 12639) as CGFR 69-83.

2. By virtue of the 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), the following action is taken effective November 14, 1969.

(a) The designations of Champlain-Rouses Point, N.Y., and Burlington, Vt., as ports of documentation are revoked;

(b) The documentation records at Champlain-Rouses Point, N.Y., and Burlington, Vt., are transferred to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Federal Building, Albany, N.Y.; and

(c) Albany is designated as home port of all vessels now having Champlain-Rouses Point and Burlington as home port.

3. Vessels marked with the name of Champlain-Rouses Point and Burlington shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46) and the regulations issued thereunder, for a period of 2 years from the effective date of this order.

Dated: October 7, 1969.

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

[F.R. Doc. 69-12201; Filed, Oct. 10, 1969; 8:48 a.m.]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

OCTOBER 7, 1969.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during September 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6005	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in combination with water-reactive flammable solids, in any packaging which has been previously approved for the shipment of fissile and large quantities of radioactive materials, and provided further the total content of metallic liquid or alloy does not exceed 25 pounds.	Water, cargo-only aircraft, motor vehicle, and rail.
6002	Shippers upon specific registration with this Board, for the shipment of chlorpicrin or chlorpicrin mixtures, containing no compressed gas or poisonous liquid Class A, in a DOT Specification 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, or 4C cylinder, having a water capacity of not over 1,000 pounds.	Highway and rail.
6004	Southern Dyestuff Co. for the shipment of wet picric acid in a DOT Specification 21P/2U composite drum, of not over 55-gallon capacity.	Highway.
6003	Rogers, Inc., for the temporary shipment of butane in DOT 2P packaging of not over 8.5 fluid ounce capacity.	Highway and rail.
6007	Shippers upon specific registration with this Board, for the shipment of nickel carbonyl in sec glass ampules cushioned within a DOT Specification 2R packaging, overpacked in a wooden or fiberboard box.	Highway.

Special permit No.	Issued to—Subject	Mode or modes of transportation
6068	Shippers upon specific registration with this Board, for the shipment of nitrogen in a steel, nonrefillable, and spherical high pressure vessel.	Cargo-only aircraft and highway.
6071	Shippers upon specific registration with this Board, for the shipment of monobromotrifluoromethane pressurized with nitrogen in an aircraft fire extinguisher cylinder.	Cargo-only aircraft, motor vehicle, rail.
6072	Aerofjet-General Corp. for the shipment of nitrogen tetroxide in an aluminum alloy bladder-equipped nonrefillable pressure vessel, having an internal volume of 98 cubic inches.	Highway and rail.
6074	Jet Air Products Co., for the shipment of monochlorodifluoromethane or dichlorodifluoromethane in a nonrefillable steel cylinder having a maximum capacity of 750 cubic inches.	Highway and rail.
6075	Mobil Chemical Co. for the shipment of ethyl phosphorodichloridate in any DOT Specification tank car tanks as currently authorized for phosphorus oxychloride.	Rail.
6076	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Transnuclear, Inc., Model No. TN5 Container.	Water, passenger-carrying aircraft, cargo-only aircraft, and motor vehicle.
6077	U.S. Steel Corp., for the temporary shipment of 77 percent concentration sulfuric acid in DOT Specification 105A100W tank car tanks.	Rail.
6080	Air Products and Chemicals, Inc., for the shipment of nitric oxide in manifolded DOT Specification 3A2400 cylinders.	Highway.
6081	E. I. du Pont de Nemours and Co., for the shipment of pressurized monobromotrifluoromethane, in modified DOT Specification 110A300W tanks.	Do.
6087	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in the SNAP-7B Radioisotope Thermoelectric Generator System.	Do.
6089	Shippers upon specific registration with this Board, for the shipment fissile radioactive material in the Gulf General Atomic Model No. 33-FE-100 shipping unit.	Do.

WILLIAM K. BYRD,

Acting Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 69-12183; Filed, Oct. 10, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 259]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

SEPTEMBER 22, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CKYL (correction re power shown in recapitulative list—December 31, 1968).	Peace River, Alberta, N. 56°10'40", W. 117°19'56".	810 kilocycles 10	DA-N ND-D-180	U	III	.....	.....	.....	.....
(New) (change in operation from that notified on list No. 211).	Prince George, British Columbia, N. 53°51'03", W. 122°45'10".	620 kilocycles 10	DA-N ND-D-180	U	III	.....	.....	.....	9-15-70.
CBU (now in operation with increased power).	Vancouver, British Columbia, N. 49°08'15", W. 123°12'00".	690 kilocycles 50	DA-1	U	II	.....	.....	.....	.....
CJJC (change in daytime radiation pattern from that notified on list No. 252).	Langley, British Columbia, N. 49°06'56", W. 122°33'38".	800 kilocycles 10	DA-2	U	II	.....	.....	.....	9-1-70.
CKLS (correction of coordinates and antenna height).	La Sarre, Province of Quebec, N. 48°49'40", W. 79°12'00".	1140 kilocycles 11D/0.35N	ND-182	U	IV	133	120	320	.....

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 69-12174; Filed, Oct. 10, 1969; 8:46 a.m.]

[Docket No. 18688]

GARDEN STATE, INC.**Memorandum Opinion and Order and Order To Show Cause Designating Matter for Hearing**

In the matter of petition by Garden State, Inc., to stay construction and operation of CATV Distribution Facilities in Sussex Borough and Wantage Township, N.J., by Continental Telephone Corp., Farmers Union Telephone Co., and Continental Transmission Corp.

1. Garden State CATV, Inc. (Garden State or Petitioner), an operator of a CATV system serving communities in New Jersey, and an applicant for CATV franchises in Sussex Borough and Wantage Township, N.J., has petitioned the Commission to issue an order directing Continental Telephone Corp. (Continental), Farmers Union Telephone Co. (Farmers Union), and Continental Transmission Corp. (Transmission)¹ to show cause why they should not be required to cease and desist from the construction, offering, and operation of CATV channel facilities in Sussex Borough and Wantage Township, in alleged violation of section 214 of the Communications Act of 1934 and Part 63 of the Commission's rules. Garden State further petitions the Commission to issue an order directed against Continental, Farmers Union, and Transmission prohibiting them from beginning operation of any CATV distribution facilities in Sussex Borough and Wantage Township, N.J., pending resolution of a hearing or until the public convenience and necessity for such facilities is certified by the Commission.²

2. In support of its petition Garden State has alleged that it has commenced implementation of its plans to extend its existing CATV system to serve the communities and surrounding areas of Sussex Borough and Wantage Township and to that end submitted CATV franchise applications to Wantage and Sussex on June 10, 1969, and July 21, 1969, respectively. It is further alleged that Garden State has for "some time" sought a pole attachment agreement from Farmers Union but such attempts have proven unsuccessful as a result of Farmers Union's policy "to construct CATV facilities for 'lease-back' purposes, and that

¹ It is undisputed that Farmers Union Telephone Co. and Continental Transmission Corp. are wholly owned subsidiaries of Continental Telephone Corp.

² Also before the Commission for consideration is "Opposition of Continental Telephone Corporation, Farmers Union Telephone Company and Continental Transmission Corporation to Petition for Order to Show Cause and for Temporary Relief" (Opposition) and a "Reply to Opposition of Continental Telephone Corporation, Farmers Union Telephone Company and Continental Transmission Corporation" (Reply) filed by Garden State.

pole attachment arrangements would not be considered."³

3. Garden State alleges that CATV plant facilities are currently being constructed by an independent contractor on behalf of Transmission pursuant to a pole attachment agreement between Farmers Union and Transmission and that such construction is unlawful under section 214 of the Communications Act, absent prior section 214 certification by the Commission that the construction of such facilities would be in the public convenience and necessity. Concluding that the construction and/or operation of these facilities, if performed by, or on behalf of, Farmers Union without section 214 approval would be unlawful, Garden State contends that the requirements of section 214 cannot be circumvented by telephone companies utilizing a wholly owned or affiliated CATV system through pole attachment agreements.

4. Petitioner further contends that regardless of the violation of section 214 of the Act by Farmers Union the actions of the telephone company in denying it pole attachment agreements while at the same time permitting a commonly owned affiliate to enter the CATV market in Wantage and Sussex through such pole attachment agreements are anticompetitive in nature, unlawful and contrary to the public interest.

5. It is undisputed that construction of the CATV system by Transmission in Sussex and Wantage commenced in June 1969 and such construction has been undertaken by an independent contractor, Henkels and McCoy, on behalf of Transmission. As of August 14, 1969, 21 miles of trunk and distribution cable have been constructed for the CATV system which is substantially completed except for drops. In constructing the system the cable facilities are being attached to the poles of New Jersey Power and Light Co., Sussex Rural Electric Co., and Farmers Union Telephone Co.

6. The Continental Parties in their opposition deny Garden State's allegations that they have engaged in anti-competitive activity. They allege that it is the policy of Continental and its subsidiaries to allow, without any exception whatsoever, the use of telephone poles to all qualified CATV operators, including Garden State, if it will enter into a customary pole attachment agreement and furnish appropriate bond and insurance protection. Moreover, it is alleged that contrary to Garden State's allegations of refusal to deal, Farmers Union attempted on several occasions to meet with repre-

³ Garden State also alleged that letters sent to Farmers Union requesting an opportunity to discuss the possibility of pole attachment agreement were never acknowledged by Farmers Union.

sentatives of Garden State on the question of pole attachment rights.⁴

7. Transmission contends that it constructed the Sussex-Wantage CATV system in a good faith belief that such construction was consistent with the Commission's announced decisions and policies and not prohibited by section 214 of the Act.⁵ Transmission further contends that its operations are consistent with section 214 in light of the Commission's notice of inquiry and notice of proposed rule making in Docket 18509. It is Transmission's contention that "if the Commission were certain that section 214 applied to cable construction by a subsidiary (Transmission) of a holding company (Continental) in the area where a telephone company subsidiary of the latter (Farmers Union) provides land line service, there would have been no need for that proceeding, specifically intended to adopt policies in that CATV-telephone affiliation area."

8. The Commission in General Telephone Company of California et al., 13 F.C.C. 2d 448 (1968), determined that the provision of channel service by telephone companies to CATV systems required certification by the Commission prior to the construction and operation of such facilities. Subsequent to this decision the Commission has expressed its

⁴ The Continental Parties allege that in response to Garden State's pole attachment inquiry Farmers Union scheduled a meeting for Jan. 17, 1969, to discuss the matter with Garden State's then General Manager David Van Tassel. However, Van Tassel canceled that meeting and "despite the opportunity to do so" never sought to reschedule the meeting. It is further alleged that after receiving Van Tassel's letter of Apr. 30, 1969 (Garden State's Petition, Exhibit 1) Farmers Union called Van Tassel concerning an appointment and finding him out of his office left a message for him to return the call. It is again alleged that Van Tassel did not contact Farmers Union. Although Farmers Union concedes that they did not acknowledge Van Tassel's letter of May 15, 1969 (Petition, Exhibit 1) it maintains that this was due to their belief that Van Tassel was not serious in his desire for negotiations and that time was not of the essence.

⁵ Transmission and Continental state that at an informal meeting with a supervisory staff member of the Common Carrier Bureau in early 1969, they apprised the Bureau in general terms of Continental's CATV activities and of the relationship existing between Transmission, and the Continental operating telephone company subsidiaries. Allegedly, the staff member consulted did not at that time consider Transmission's operations generally to be inconsistent with section 214 or the Commission's decision in Docket No. 17333. The Commission finds Transmission's reliance on this meeting misplaced. By its own admission the specific construction here involved was not discussed. Moreover, the discussions with the staff dealt with Continental's CATV activities as they existed at that time and in relation to the partial stay of the effectiveness of that decision. In any event the Commission cannot accept Transmission's apparent contention that this staff discussion could be dispositive of any of the 214 questions raised herein.

concern over alleged situations where the actions of a local telephone company and an affiliated or wholly owned CATV system would operate to undermine our section 214 decision.⁸ One common thread is present in all such cases—the construction of the CATV distribution facilities in question was, or is, being undertaken by the affiliated CATV system pursuant to pole attachment agreements between the CATV system and its local telephone company affiliate.

9. We have heretofore recognized that the facts involved in Docket No. 17333 were limited to channel service offerings by telephone companies and did not include distribution systems provided pursuant to a pole line attachment arrangement.⁹ However, we have also stated that these aforementioned proceedings have raised substantial questions of fact and law concerning the actions of a carrier which is holding itself out to provide service that is subject to section 214 of the Act and the actions of an affiliated CATV company. Additionally, and more specifically, a question is raised of whether our decision in Docket No. 17333 is being undermined by the actions of a telephone company and an affiliated CATV system which would permit the telephone company not to seek section 214 certification.

10. The Commission finds that the allegations advanced here raise a similar question under section 214 of the Act. We, therefore, believe that a hearing is warranted to determine whether section 214 of the Communications Act of 1934 has been violated.¹⁰

11. In both the TeleCable and Manatee proceeding the Commission was confronted with allegations that a local telephone company was attempting to deny entry into the CATV field by refusing to enter pole attachment agreements with independent operators while at the same time permitting a wholly owned subsid-

ary of its parent corporation to enter the CATV field through pole attachment agreements with a local utility which jointly uses such poles with the local telephone company. In both cases we stated a substantial question was raised as to whether the primary thrust of the local telephone company's actions was to retain to itself complete ownership and control of CATV distribution facilities within the community and to reject, directly or indirectly, attempts by independent CATV operators to own, construct or operate their own distribution facilities through appropriate pole attachment arrangements.¹¹ The same question arises from the allegations made here that Farmers Union has refused to deal with the petitioner for a pole attachment agreement while at the same time entering into such an agreement with its affiliated CATV system. In view of the foregoing, and since we are unable to resolve on the controverted allegations before us the substantial factual issues bearing on these anticompetitive allegations, we shall include as an issue in this proceeding whether the actions of the Continental Parties acting alone or in concert vis-a-vis Garden State are anticompetitive and monopolistic in nature, in contravention of the Communications Act or otherwise contrary to the public interest.

12. As heretofore stated Garden State has requested that the Commission issue an order against Continental, Farmers Union, and Transmission, prohibiting them from beginning operation of any CATV distribution facilities in Sussex and Wantage pending resolution of a hearing or until the public convenience and necessity for such facilities is certified by the Commission. Continental, Transmission, and Farmers Union oppose this request alleging that Garden State has failed to establish the necessity for the extraordinary relief requested. Applying the standards used by the courts in passing upon motions for preliminary injunctions it is contended that Garden State has failed to show (1) the likelihood of ultimate relief on the merits; (2) the lack of any irreparable injury; (3) that the damage to petitioner outweighs the prejudice to defendant; and (4) that such an order would be in the public interest. Additionally, it is contended that petitioner's request for relief is barred by laches.¹²

13. It is important that our ultimate determination herein should not be influenced by continuing expansion of the operations in question during the pend-

⁸ We reiterate again that, if demonstrated, such activities "would substantially lessen competition or restrain commerce or unlawfully create a monopoly." (17 F.C.C. 2d at 518.)

⁹ Continental, Transmission, and Farmers Union also request that in the event that the Commission is disposed to consider injunctive relief that they be afforded oral argument before the Commission prior to its decision. All the parties' positions have been fully set forth and considered by the Commission. We find no compelling reason to warrant oral argument on this point and accordingly this request will be denied.

ency of the hearing. However, we are not persuaded by the record before us that the extraordinary relief in the nature of a preliminary injunction which Garden State has requested is required or that the public interest would be served thereby. See *Radio Hanover, Inc. v. United Utilities, Inc.*, 273 F. Supp. 709 (1967). In light of the expedited hearing which will be ordered herein, we here place Continental, Farmers Union, and Transmission on notice that any further construction or extension of lines without regard to the requirements of section 214 of the Act shall be at their own risk and shall not be considered to form a valid basis for special consideration. Further, any such construction or extension of lines shall be subject to affirmative remedial action, including our ordering said companies to divest themselves of CATV facilities if we find that said companies have engaged in unlawful or anticompetitive conduct or if otherwise required.

14. We also reject the argument that this proceeding is barred by laches. Even if we were to find that Garden State's petition is so barred the Commission pursuant to section 403 of the Act may institute its own investigation into the matters involved herein.

15. We are here concerned with assuring compliance with the Communications Act of 1934 and Part 63 of our rules and find that the public interest requires that the situation in Sussex and Wantage, N.J., be resolved expeditiously. Accordingly, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the Examiner certify the record in this matter, upon its closing, immediately to the Commission for final decision. Expedition also requires that the parties file their proposed findings and conclusions and any accompanying briefs within 20 calendar days after the record is closed, and that any reply findings be filed within 15 calendar days thereafter.

16. In view of the foregoing, the Commission is of the view that the matter should be designated for hearing to explore the issues raised. Accordingly, *it is ordered*, That pursuant to sections 4(i), 4(j), 202(a), 208, 214, 218, 312 (b) and (c), 403, 409(a), and 411(a) of the Communications Act of 1934, as amended, Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co., are directed to show cause why they should not be ordered to cease and desist from construction, operation, and offering of CATV facilities in Sussex and Wantage, N.J., in violation of the Communications Act and that this matter is designated for hearing in the Commission's offices in Washington, D.C., on a date and before an Examiner to be specified in a subsequent order on the following issues:

(1) To determine all the facts and circumstances surrounding:

(a) The relationship between Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co.;

¹⁰ TeleCable Corporation, 17 F.C.C. 2d 517 (1969); Dimension Cable TV, Inc., 16 F.C.C. 2d 445 (1969); Manatee Cablevision, F.C.C. 69-821, released Aug. 4, 1969.

¹¹ Dimension Cable TV, Inc., 16 F.C.C. 2d 445, 446.

¹² We reject the argument that the proceedings in Docket No. 18509 precludes at this time separate Commission inquiry into the issues raised by Garden State's petition here. Foremost among the questions to be resolved in that proceeding is whether telephone companies, either directly or through their owned or controlled affiliates, should be permitted to engage in furnishing CATV service to the public and, if so, what conditions should be attached to any authorizations thereafter issued by the Commission under section 214 to insure that rendition of the service will serve the public convenience and necessity. While we would hope that the comments received in that proceeding will enable the Commission to resolve this threshold policy question we reject the view that the pendency of that proceeding prohibits us from inquiry into the same or related questions in specific cases where necessary to insure compliance with section 214 of the Act. To hold otherwise would be to allow possible unlawful construction and operation of CATV channel facilities to proceed unchecked thus abrogating our responsibility under the Communications Act of 1934.

(b) The present and proposed plans or actions of Farmers Union Telephone Co. and/or Continental Transmission Corp. with respect to the construction and operation of CATV distribution facilities in Sussex Borough and Wantage Township, N.J.; and

(c) The policies and practices of Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co., in regard to the construction, operation and/or provision of CATV channel facilities or service to the public, as it relates to Sussex and Wantage.

(2) To determine all the facts and circumstances surrounding the negotiations and discussions for a pole attachment agreement by and between Garden State CATV, Inc. on the one hand and Farmers Union Telephone Co. on the other hand;

(3) To determine whether in view of the relationship among Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co., and the evidence adduced pursuant to issue (1) above, the proposed actions of Continental Transmission and Farmers Union are such as to require prior certification by the Commission under section 214(a) of the Communications Act;

(4) To determine whether the actions of Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co. vis-a-vis Garden State CATV, Inc., are anticompetitive and monopolistic in nature, in contravention of the Communications Act or are otherwise contrary to the public interest.

(5) To determine whether in light of the evidence adduced pursuant to the foregoing issues, Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co., jointly or separately should be directed to cease and desist from providing CATV facilities or services in the communities of Sussex and Wantage, N.J.;

(6) To determine in light of the foregoing whether any other action should be taken by the Commission and the nature thereof.

17. *It is further ordered*, That Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co., are directed to appear and give evidence with respect to the matters described herein at the hearing ordered herein, unless the hearing is waived in which event a written statement may be submitted within 30 days of the release of this order.

18. *It is further ordered*, That the burden of proof on issues 1(a), 1(b), and 1(c) is on Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co.; the burden on issue (2) is on the petitioner; and

the burden on issues (3), (4), (5), and (6) is on the Chief, Common Carrier Bureau, the Chief, CATV Task Force, and the petitioner.

19. *It is further ordered*, That Continental Telephone Corp., Continental Transmission Corp., Farmers Union Telephone Co., the Chief, Common Carrier Bureau, and the Chief, CATV Task Force, are made parties to the proceeding.

20. *It is further ordered*, That upon closing of the record, it shall be certified immediately to the Commission for final decision, and that the parties hereto shall file proposed findings of fact and conclusions and any accompanying briefs within twenty (20) calendar days after the record is closed, and that any reply findings be filed within fifteen (15) calendar days thereafter.

21. *It is further ordered*, That the petition filed herein by Garden State CATV, Inc., is granted to the extent reflected herein, and otherwise is denied.

22. *It is further ordered*, That the request by Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co. for oral argument is denied.

23. *It is further ordered*, That the Secretary of the Commission shall send copies of this order by certified mail, return receipt requested, to Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co.

24. *It is further ordered*, That to avail themselves of the opportunity for hearing herein provided, Continental Telephone Corp., Continental Transmission Corp., and Farmers Union Telephone Co. shall file their appearance in accordance with § 1.91(c) of the Commission's rules.

Adopted: October 1, 1969.

Released: October 8, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-12173; Filed, Oct. 10, 1969;
8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Issuance of Amendment to Provisional Operating License

The Atomic Energy Commission (the Commission) has issued Amendment

¹¹ Commissioner H. Rex Lee absent.

No. 1 to Provisional Operating License No. DPR-18 which authorizes Rochester Gas and Electric Corp. to operate the Robert Emmett Ginna Nuclear Power Plant Unit No. 1 (the reactor) located in Wayne County, N.Y. Amendment No. 1 modifies the license to authorize the receipt, possession, and use of an additional 16 grams of plutonium previously authorized under License No. SNM-1145, as a Pu-Be source which will be used as a calibration standard for the plant source range instrumentation and temporary core loading instrumentation.

The Commission has found that the application for licenses complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations published in 10 CFR Chapter I and that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. Prior public notice of this amendment is not required since the amendment does not involve any significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for licenses, dated November 1, 1965, and (2) the amendment to provisional operating license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20045, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 6th day of October 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-12153; Filed, Oct. 10, 1969;
8:45 a.m.]

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