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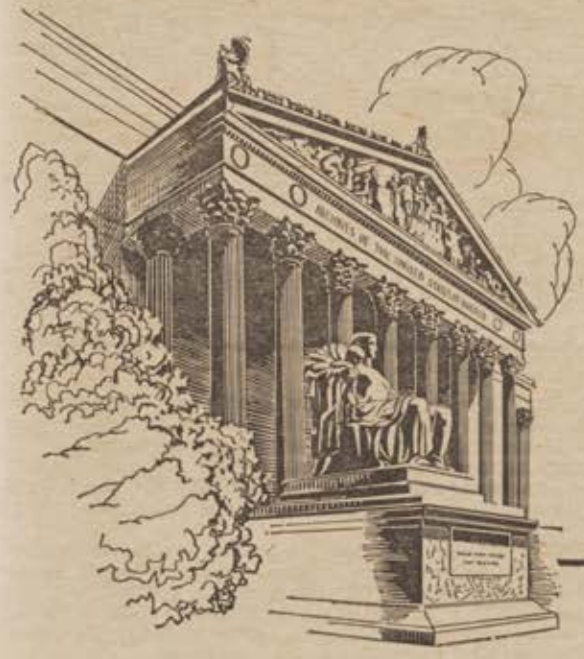

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Title 3—THE PRESIDENT

Proclamation 3942

NATIONAL INDUSTRIAL HYGIENE WEEK

By the President of the United States of America

A Proclamation

The protection and conservation of the health of our workers in all types of industry is of paramount importance in the highly industrialized society of the United States.

Through the concerted efforts of scientists, engineers, and research organizations, our industry has made great progress in solving many industrial health problems—in relation to air quality, noise abatement, mental health and the whole field of industrial hygiene.

In recognition of the progress already made in preserving the health of our industrial workers, and in recognition of those individuals and organizations who are seeking new ways to protect and improve the health of the nation's work force through the coordinated scientific measures and the technological and engineering controls which characterize industrial hygiene, the Congress by Senate Joint Resolution 150 has requested the President to proclaim the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period beginning October 12, 1969, and ending October 18, 1969, as National Industrial Hygiene Week.

I call upon the people of the United States, and interested groups and organizations, particularly those in industry, to observe this week with appropriate ceremonies and activities.

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

Richard Nixon

[F.R. Doc. 69-12687; Filed, Oct. 20, 1969; 3:24 p.m.]

Proclamation 3943

DAY OF BREAD AND HARVEST FESTIVAL

By the President of the United States of America

A Proclamation

Bread has come to symbolize food—and even life itself—for the American people. More than a food, it is an ancient and universal part of man's daily life. In a time of harvest, the symbol of bread reminds all Americans of the blessings and bounty of our land.

As a token of man's gratitude for the bounty of nature and the annual harvest of farm and field, and in recognition of bread as a symbol of all foods, the Congress by House Joint Resolution 851 has requested the President to proclaim Tuesday, the 28th of October, 1969, as a "Day of Bread" as a part of international observances, and the last week of October within which it falls as a period of "Harvest Festival."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Tuesday, October 28, 1969, as a Day of Bread, as a part of international observances, and the week beginning October 26, 1969, as a period of Harvest Festival.

I invite officials of the Federal and State governments and local officials to encourage citizens' groups and agencies of communication—press, radio, television and motion pictures—to observe these events with appropriate ceremonies and activities.

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

Richard Nixon

[F.R. Doc. 69-12733; Filed, Oct. 21, 1969; 11:23 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Subpart—1970 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

MISCELLANEOUS AMENDMENTS

This document is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1970 crop of upland cotton (referred to as "cotton"), for the purposes of (1) apportioning the national allotment of 17 million acres and the national reserve of 150,000 acres to the States, (2) establishing the projected State yields, and (3) establishing the farm domestic allotment at 65 percent. The latest available statistics of the Federal Government have been used in making determinations in this document.

Notice that the Secretary was preparing to make determinations with respect to these matters was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13662), in accordance with the provisions of 5 U.S.C. 553. No written submissions were received in response to such notice.

It is essential that the provisions in this document be made effective as soon as possible in order that the State and county committees may complete the allocation work and so that farmers may receive notice of their farm allotments and projected yields as soon as practicable. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and the provisions of this document shall be effective upon filing this document with the Director, Office of the Federal Register.

1. Section 722.478 (34 F.R. 15445, 16857) is further revised to read as follows:

§ 722.478 Apportionment of national allotment and national reserve to the States.

The national allotment of 17 million acres and the national reserve of 150,000 acres are apportioned to the States in accordance with section 344(b) of the act as follows:

State	State's share of national allotment (acres)	State's share of national reserve (acres)	Total allotment available for States (acres)
Alabama	1,002,040	21,260	1,023,300
Arizona	352,807	417	353,224
Arkansas	1,411,605	3,759	1,415,364
California	785,097	1,525	786,622
Florida	33,116	2,405	35,521
Georgia	860,703	16,666	877,369
Illinois	2,946	16	2,962
Kansas	13	2	15
Kentucky	7,266	186	7,452
Louisiana	592,079	6,866	598,945
Mississippi	1,626,299	15,918	1,642,217
Missouri	379,796	1,328	381,124
Nevada	2,690	1,000	3,690
New Mexico	183,042	428	183,470
North Carolina	462,493	17,149	479,642
Oklahoma	790,253	7,754	798,007
South Carolina	705,975	13,491	719,466
Tennessee	564,828	11,664	576,492
Texas	7,220,502	26,986	7,247,488
Virginia	16,450	1,180	17,630
United States	17,000,000	150,000	17,150,000

2. Section 722.481 (34 F.R. 16857) is amended by revising the heading and by adding new paragraphs (c) and (d) at the end thereof to read as follows:

§ 722.481 National domestic allotment, projected national and State yields and farm domestic acreage allotment percentage for the 1970 crop of cotton.

* * * * *

(c) *Projected State yields.* The projected State yields for the 1970 crop of cotton under section 301(b)(13)(L) of the act, are hereby determined as listed below, on the basis of the average yield per harvested acre in the State during 1964, 1965, 1966, 1967, and 1968, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

State	Projected yield (pounds per acre)
Alabama	465
Arizona	1,104
Arkansas	517
California	1,045
Florida	340
Georgia	447
Illinois	434
Kansas	216
Kentucky	577
Louisiana	614
Mississippi	689
Missouri	529
Nevada	835
New Mexico	691
North Carolina	354
Oklahoma	285
South Carolina	467
Tennessee	552
Texas	395
Virginia	320

(d) *Farm domestic acreage allotment percentage.* Under section 350 of the act, the Secretary is required to determine a farm domestic acreage allotment percentage for the 1970 crop of cotton which shall be the larger of (1) 65 percent of the 1970 farm acreage allotment established under section 344 of the act, or (2) the percentage obtained by dividing (i) the national domestic allotment (in net weight pounds) by (ii) the total for all States of the product of the State acreage allotment (established under § 722.478 in the first column headed "State's share of national allotment") and the projected State yield (established under paragraph (c) of this section). It is hereby determined that the farm domestic acreage allotment percentage for the 1970 crop of cotton shall be 65 percent which is larger than the percentage calculated under subparagraph (2) of this paragraph. This determination is based on the following data:

Determinations for purpose of:

(1) Section 722.481 (d)(2)(i) ..... 3.98 billion pounds.

(ii) Section 722.481 (d)(2)(ii) ..... 8.51 billion pounds.

(iii) Section 722.481 (d)(2) ..... 47 percent.

(Secs. 301, 344, 350, 375; 52 Stat. 38, as amended; 63 Stat. 670, as amended; 79 Stat. 1193, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1344, 1350, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

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

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

[F.R. Doc. 69-12592; Filed, Oct. 17, 1969; 3:45 p.m.]

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

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[§ 831.4, Rev. 1, Supp. 6]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1969 Crop

Pursuant to section 302(a) of the Sugar Act of 1948, as amended, § 831.16 is added to read as follows:

§ 831.16 Rates of recoverability, 1969 crop.

The hundred weight of sugar, raw value, commercially recoverable from sugar beets of the 1969 crop shall be computed by multiplying the net weight thereof in tons, at the time of delivery to a processor, by the rate of commercially recoverable sugar which is applicable under the following provisions of this section:

(a) For sugar beets marketed within a settlement area under any type of agreement other than an "individual test" or a "combined individual-cossette test" contract, the rate of commercially recoverable sugar per ton of beets with respect to each settlement area is established as follows:

Settlement areas by factories in States	1962–68 average sugar content	Rate of commercially recoverable sugar
	Percent	*Hundredweight*
Idaho:		
Idaho Falls, Rupert (Mini-Cassia), Twin Falls, including beets delivered from the Elwyhee area of Elmore and Owyhee Counties, Idaho	16.04	2.913
	16.45	2.987
Utah:		
Lewiston (Ogden)	15.79	2.867
Minnesota, North Dakota:		
East Grand Forks, Moorhead, Crookston, Drayton	15.78	2.866
Ohio:		
Ottawa	15.51	2.817
Michigan:		
Beets delivered to the factories of the Michigan Sugar Co. from its Southern Michigan Area	15.51	2.817
Missouri:		
Beets delivered from Missouri and Arkansas to the Hayti, Missouri Area of the Great Western Sugar Co.	16.09	2.922
Montana:		
Beets delivered to the Sidney, Montana factory of the Holly Sugar Corp. from Eastern North Dakota and Western Minnesota	15.08	2.902

(b) For sugar beets marketed under "individual test" contracts, other than those sugar beets marketed for processing by the American Crystal Sugar Co. at their Chaska, Minn., and Mason City, Iowa, factories, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundredweight by the percentage of sugar content of such beets, and then multiplying the result by 87 percent (the average extraction rate, as adjusted for shrink, effective for such beets). This computation can be shortened by the use of the factor of 0.1740. As an example, a content of 16.37 when multipled by 0.1740 would result in a rate of commercially recoverable sugar of 2.848 hundredweight.

(c) For sugar beets marketed under "combined individual-cossette test" contracts, including those sugar beets marketed for processing by the American Crystal Sugar Co. at their Chaska, Minn., and Mason City, Iowa, factories, the rate of commercially recoverable sugar per ton of beets for a producer shall be computed by multiplying 20 hundredweight by the adjusted percentage of sugar content of the beets delivered by such producer and then multiplying the result by 90.8 percent (the average extraction rate effective for such beets). This computation can be shortened by the use of the factor of 0.1816. As an example, an adjusted content of 16.37 when multiplied by 0.1816 would result in a rate of commercially recoverable sugar of 2.973 hundredweight. The adjusted percentage of sugar content for each producer shall be obtained by multiplying the weighted average percentage of sugar content of the beets delivered by him by a factor, the numerator of which shall be the appropriate factory cossette test average set forth below and the denominator of which shall be the weighted average sugar content of all beets delivered to the factory at such time as the Agricultural Stabilization and Conservation State Committee determines that at least 97 percent of the current crop of beets has been delivered to such factory.

Settlement areas by factories in States	*1962–68 average sugar content (percent)*
Idaho, Oregon, Washington:	
Nyssa-Nampa, including beets delivered from the Elwyhee area of Elmore and Owyhee Counties, Idaho	15.02
Toppenish-Moses Lake	15.20
Utah:	
North-South Utah (Garland, Layton, West Jordan)	15.55
Montana:	
Sidney	15.98
Minnesota, Iowa:	
Chaska-Mason City (including beets delivered from Burt County, Nebr.)	14.83

Statement of bases and considerations. Section 831.4 (7 CFR 831.4) provides the method of determining and establishing amounts of sugar commercially recoverable from sugar beets and provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER.

Pursuant to that regulation, this supplement sets forth the rates of recoverability as determined for the 1969 crop. Definitive rates are specified for the various settlement areas wherein sugar beets are marketed under "cossette test" contract. Within these areas, the rates give effect to 1962–68 average percentages of sugar content and the 1963–67 national average extraction rate of beet sugar, raw value, of 90.8 percent.

In lieu of an extensive table of definitive rates applicable to sugar beets of various percentages of sugar content as marketed under "individual test" contracts, this supplement provides that the rate of recoverability per ton of beets of any given percentage of sugar content so marketed may be computed by multiplying such content by the factor of 0.1740. This factor gives effect to the average rate of extraction of sugar, raw value, of 87 percent, as applicable to individual test beets. Listings of the applicable rates (expressed in hundredths) will be available for inspection at county ASCS offices in sugar beet producing counties. Similarly, for beets marketed under "combined individual-cossette test" contracts, a factor of 0.1816 may be used to give effect to the average extraction rate of 90.8 percent. The difference between 90.8 and 87 percent represents the average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets of the crops of 1963–67 marketed under individual test contracts. The lower percentage is not specified for beets marketed under combined individual-cossette tests because the results of such tests include adjustments to the cossette basis.

The percentages of 90.8 and 87 as determined herein for the 1969 crop, compare with the percentages of 91.3 and 87.6 for the 1968 crop.

Beginning with the 1964 crop, the regulations have provided that the 7-year factory cossette test average be substituted for the current year's factory cossette test average in calculating the factor to be applied to individual grower's sugar content for those growers marketing beets under "combined individual-cossette contracts". The average sugar content for each factory shown in paragraph (c) of this regulation represents the weighted average of the factory's cossette tests for the crops 1962–68.

Beginning with the 1969 crop, sugarbeets are being produced in Missouri and Arkansas for delivery to the Hayti, Mo., area of the Great Western Sugar Co. Processor payments for these beets will be based on the current cossette tests of the beets. Processing will be done at the company's factory at Brighton, Colo. Since there is no past production history for these beets, Sugar Act payments will be based on the 1962–68 average sugar content computed for the Brighton factory.

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

(Secs. 302, 303, 304, 403, 61 Stat. 930 as amended, 932; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on October 16, 1969.

E. J. PERSON,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 69-12620; Filed, Oct. 21, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-73]

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 amend the description of the Klamath Falls, Oreg., control zone.

An amendment is proposed to the VOR-Runway-32 approach procedure to Kingsley Field, Oreg. This amendment will change the final approach radial from 141° m. (160° T) to 144° m. (163° T). The criteria for designation of control zones and transition areas has recently been changed and it is considered appropriate at this time to amend the control zone to provide controlled airspace protection for aircraft executing prescribed instrument approach procedures while operating below 1,000 feet above the surface.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing in § 71.171 (34 F.R. 4557) the description of the Klamath Falls, Oreg., control zone is amended to read as follows:

KLAMATH FALLS, OREG.

Within a 5-mile radius of Kingsley Field (latitude 42°09'29" N., longitude 121°43'57" W.), within 4 miles east and 2 miles west of the Klamath Falls VORTAC 171° radial extending from the 5-mile radius zone to 8.5 miles south of the VORTAC, and within 2 miles each side of the Klamath Falls VORTAC 332° radial, extending from the 5-mile radius zone to 11 miles northwest of the VORTAC.

Effective Date: This amendment shall be effective 0901 G.m.t. December 11, 1969.

Issued in Los Angeles, Calif., on October 9, 1969.

JAMES V. NIELSEN,
Acting Director, Western Region.

[F.R. Doc. 69-12575; Filed, Oct. 21, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-99]

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

Alteration of Control Zones and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Davenport, Iowa, control zone and the Moline, Ill., control zone and transition area.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Davenport, Iowa, control zone and the Moline, Ill., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designated to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 11, 1969, as hereinafter set forth:

1. In § 71.171 (34 F.R. 4557), the following control zones are amended to read:

MOLINE, ILL.

Within a 5-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); and within 2 miles each side of the Quad City ILS localizer west course, extending from the 5-mile radius zone to the OM.

DAVENPORT, IOWA

Within a 5-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Davenport RBN, extending from the 5-mile radius zone to 6½ miles southwest of the RBN; and within 2 miles each side of the Cordova VOR 220° radial, extending from the 5-mile radius zone to 1 mile southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MOLINE, ILL.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from 1 mile east to 18½ miles west of the OM; within a 6½-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Davenport RBN, extending from the 6½-mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Cordova VOR 220° radial, extending from the 6½-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°55'00" N., on the east by longitude 89°50'00" W., on the south by latitude 41°10'00" N., and on the west by longitude 91°00'00" W.

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

Issued in Kansas City, Mo., on September 30, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-12581; Filed, Oct. 21, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-63]

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

Alteration of Transition Area

On August 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 13877) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Oreg., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted with the following change: Delete the FEDERAL REGISTER citation "* * * (34 F.R. 1892) * * *" and substitute "* * * (34 F.R. 6173) * * *" therefor.

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

Issued in Los Angeles, Calif., on October 9, 1969.

JAMES V. NIELSEN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the description of the Portland, Oreg., transition area as amended by 34 F.R. 6173 is further amended as follows:

Delete all after "* * * longitude 122°16'00" W.;" and substitute therefor "* * * that airspace east of Portland extending from the 30-mile radius area bounded on the north by the south edge of V-448S, on the east by an arc of a 60-mile radius circle centered on the Portland Airport and on the south by the Newberg VORTAC 081° radial; that airspace within arcs of 30- and 44-mile radius circles centered on Portland Airport bounded on the north by the Newberg VORTAC 081° radial and on the south by the northeast edge of V-165 excluding that airspace within Federal airways, that airspace south of Portland bounded on the northeast by the southwest edge of V-165, on the south by an arc of a 60-mile radius circle centered on Portland Airport and on the west by the east edge of V-23E; that airspace extending upward from 8,500 feet MSL north of Portland extending from the 30-mile radius area bounded on the northwest by the Portland VORTAC 036° radial, on the northeast by an arc of a 60-mile radius circle centered on Portland Airport and on the southeast by the northwest edge of V-448; that airspace east and southeast of Portland within arcs of 44- and 60-mile radius circles centered on the Portland Airport extending clockwise from the Newberg 081° radial to the northeast edge of

V–165, excluding the airspace within arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the north by the Portland VORTAC 118° radial and on the south by the Newberg 092° radial."

[F.R. Doc. 69–12578; Filed, Oct. 21, 1969; 8:45 a.m.]

[Airspace Docket No. 69–SO–119]

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 Orangeburg, S.C., transition area.

The Orangeburg transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the 226° bearing from the Orangeburg RBN and has a designated width of 4 miles each side of the bearing and a length of 9.5 miles from the RBN.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to the extension requires a reduction in the width from 4 to 3 miles each side of the 226° bearing and in the length from 9.5 to 8.5 miles. It is necessary to alter the description to reflect these changes.

Since this amendment is less restrictive 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 immediately, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Orangeburg, S.C., transition area is amended to read:

ORANGEBURG, S.C.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Orangeburg Airport (lat. 33°27'40" N., Long. 80°51'30" W.); within 3 miles each side of the 226° bearing from Orangeburg RBN (lat. 33°26'23" N., long. 80°52'41" W.), extending from the 7.5-mile radius area to 8.5 miles southwest of the RBN.

(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 13, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–12579; Filed, Oct. 21, 1969; 8:45 a.m.]

[Airspace Docket No. 69–CE–75]

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

Alteration of Transition Area; Correction

On August 22, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 13526, 13527), F.R. Doc. 69–9994, which altered the transition area at Creston, Iowa. However, in the alteration redesignation the last line thereof incorrectly reads "from the airport to V–65". It should have read "from the airport to V–6S". Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, "from the airport to V–65" as set forth in the transition area alteration redesignation in F.R. Doc. 69–9994, is deleted and "from the airport to V–6S" is substituted therefor.

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

Issued in Kansas City, Mo., on September 30, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69–12580; Filed, Oct. 21, 1969; 8:46 a.m.]

[Airspace Docket No. 69–SO–101]

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

Revocation of Control Zone and Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Mobile, Ala. (Brookley AFB), control zone and alter the Mobile, Ala., transition area.

The Mobile (Brookley AFB) control zone is described in § 71.171 (34 F.R. 4557) and the Mobile transition area is described in § 71.181 (34 F.R. 4637).

Effective July 1, 1969, the U.S. Air Force transferred Brookley AFB to the city of Mobile, Ala., and the name was changed to Brookley Field. Weather observation and reporting requirements are no longer available; thus, retention of the control zone is not justified. Additionally, it is necessary to alter the transition area description to provide controlled airspace for the new VOR RWY 32 instrument approach procedure predicated on the 150° radial of the Brookley VORTAC.

Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to revoke the control zone and alter the transition area accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Mobile, Ala. (Brookley AFB), control zone is revoked.

In § 71.181 (34 F.R. 4637), the Mobile, Ala., transition area is amended as follows: All after "* * * 8 miles northwest of the LOM * * *" is deleted and "* * * within an 8-mile radius of Brookley Field (lat. 30°37'08.5" N., long. 88°-03'57.2" W.); within an 8-mile radius of Fairhope Municipal Airport (lat. 30°-27'50" N., long. 87°52'35" W.); within 2 miles each side of the Brookley VORTAC 134° radial, extending from the Fairhope Municipal Airport 8-mile radius area to the Brookley Field 8-mile radius area; within 3 miles each side of the Brookley VORTAC 150° radial, extending from the Brookley Field 8-mile radius area to the Fairhope Municipal Airport 8-mile radius area * * *" 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 13, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69–12584; Filed, Oct. 21, 1969; 8:46 a.m.]

[Airspace Docket No. 69–WA–31]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of the Richland, Wash., Restricted Area R–6715.

The U.S. Atomic Energy Commission has concurred in the modification of the boundaries of R–6715 which will permit realignment of airways and designation of routes above 10,000 feet MSL and will permit VFR aircraft to follow the natural flyway along the Columbia River.

Since this amendment will restore airspace to the public use and is minor in nature, notice and public procedure hereon are unnecessary and for that reason this amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.67 (34 F.R. 4851) R–6715 Richland, Wash., is amended by deleting the present boundaries and designated altitudes and substituting therefor.

Boundaries. Beginning at lat. 46°44'25" N.; long. 119°25'00" W.; to lat. 46°39'30" N.; long. 119°25'00" W.; thence along the northeast bank of the Columbia River to lat. 46°34'10" N.; long. 119°20'00" W.; to lat. 46°-30'00" N.; long. 119°20'00" W.; to lat. 46°-30'00" N.; long. 119°15'30" W.; thence along the east bank of the Columbia River to lat. 46°23'00" N.; long. 119°16'00" W.; to lat. 46°23'00" N.; long. 119°23'00" W.; to lat. 46°23'20" N.; long. 119°24'50" W.; thence along State Highway Nos. 240 and 24 to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

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

Issued in Washington, D.C., on October 13, 1969.

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

[F.R. Doc. 69–12577; Filed, Oct. 21, 1969; 8:45 a.m.]

[Airspace Docket No. 69-WE-56]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

Correction

In F.R. Doc. 69-12227 appearing on page 15787 in the issue of Tuesday, October 14, 1969, the abbreviation in the 10th line reading "FHA" should be corrected to read "FAA".

[Airspace Docket No. 69-CE-59]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segment

On August 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 13373) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter Jet Route No. 34 segment between Ephrata, Wash., and Helena, Mont.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 11, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 431, 4856, 9797) is amended as follows: In the text of Jet Route No. 34 "Mullan Pass, Idaho;" is deleted.

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

Issued in Washington, D.C., on October 14, 1969.

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

[F.R. Doc. 69-12576; Filed, Oct. 21, 1969; 8:45 a.m.]

[Airspace Docket No. 69-WE-58]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route

On August 20, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 13425) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate Jet Route No. 158 from Mina, Nev., via Lucin, Utah; to Malad City, Idaho.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

In § 75.100 (34 F.R. 4856) the following jet route is added:

Jet Route No. 158 (Mina, Nev., to Malad City, Idaho).
From Mina, Nev., via Lucin, Utah; to Malad City, Idaho.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 14 U.S.C. 1655(c))

Issued in Washington, D.C., on October 14, 1969.

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

[F.R. Doc. 69-12582; Filed, Oct. 21, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-77]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation and Revocation of Jet Route Segments

On July 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12186) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would designate segments of Jet Route No. 547 from Peck, Mich., to Northbrook, Ill., and from Buffalo, N.Y., to Kennebunk, Maine; and revoke the segment of Jet Route No. 82 between Albany, N.Y., and Boston, Mass.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 11, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856) is amended as follows:

a. In the caption Jet Route No. 82 "Boston, Mass.," is deleted and "Albany, N.Y.," is substituted therefor, and in the text all after "Jamestown, N.Y.;" is deleted and "to Albany, N.Y.," is substituted therefor.

b. In the caption Jet Route No. 547 "Peck, Mich., to Buffalo, N.Y.," is deleted and "Northbrook, Ill., to Kennebunk, Maine," is substituted therefor, and the text is amended to read: "From Northbrook, Ill., via Pullman, Mich.; Peck, Mich.; London, Ontario; Buffalo, N.Y.; Syracuse, N.Y.; INT Syracuse 094° and Albany, N.Y., 058° radials; to Kennebunk, Maine, excluding the portion which lies over Canadian territory."

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

Issued in Washington, D.C., on October 14, 1969.

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

[F.R. Doc. 69-12583; Filed, Oct. 21, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1585]

PART 13—PROHIBITED TRADE PRACTICES

G. & T. Fur Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, G. & T. Fur Corp. et al., New York City, N.Y., Docket C-1585, Sept. 2, 1969]

In the Matter of G. & T. Fur Corp., a Corporation, and Arnold Goldstein and Louis Tama, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing, its fur products, and furnishing false guaranties that its fur products are not misbranded.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents G. & T. Fur Corp., a corporation, and its officers, and Arnold Goldstein and Louis Tama, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is "color added" when such fur is dyed.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Representing directly or by implication on an invoice that the fur contained in such fur product is "color added" when such fur is dyed.

2. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That respondents G. & T. Fur Corp., a corporation, and its officers, and Arnold Goldstein and Louis Tama, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: September 2, 1969.

By the Commission.

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

[F.R. Doc. 69-12569; Filed, Oct. 21, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

S,S,S-Tributyl Phosphorotrithioate

A. A petition was filed (PP 9F0737) with the Food and Drug Administration by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the defoliant *S,S,S*-tributyl phosphorotrithioate in or on the raw agricultural commodities: Cottonseed at 9.5 parts per million; meat, fat, and meat byproducts of cattle, sheep, and goats at 0.04 part per million; and milk at 0.004 part per million. The petition was amended to propose the tolerances established below in this order.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The tolerances established by this order will protect the public health.

2. This pesticide chemical should be added to the list of members of the class of cholinesterase-inhibiting pesticides.

3. The tolerances established for milk and for meat, fat, and meat byproducts of cattle, goats, and sheep are negligible residues.

4. The proposed usage on the growing cotton crop is not reasonably expected to result in residues of the defoliant in eggs or poultry. The usage is classified in the category specified in § 120.6(a)(3) for eggs and poultry.

5. Section 120.3 should be amended to provide for the residues of this pesticide chemical and for residues of the defoliant tributyl phosphorotrithioate.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

§ 120.3 [Amended]

1. Section 120.3(d) is amended by adding thereto a new subparagraph, as follows:

(6) Where tolerances are established for residues of both *S,S,S*-tributyl phosphorotrithioate and tributyl phosphorotrithioate in or on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the higher of the two tolerances, calculated as *S,S,S*-tributyl phosphorotrithioate.

2. Section 120.3 is also amended by alphabetically inserting "*S,S,S*-tributyl phosphorotrithioate" in the list of members of the class of cholinesterase-inhibiting pesticides in paragraph (e)(5).

3. The following new section is added to Subpart C:

§ 120.272 *S,S,S*-tributyl phosphorotrithioate; tolerances for residues.

Tolerances are established for residues of the defoliant *S,S,S*-tributyl phosphorotrithioate in or on raw agricultural commodities as follows:

4 parts per million in or on cottonseed.

0.02 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, and sheep.

0.002 part per million (negligible residue) in milk.

B. Having evaluated the data in a food additive petition (FAP 9H2317) submitted by the aforementioned petitioner, and other relevant material, the Commissioner concludes that the food additive regulations should be amended to establish a safe food additive tolerance of 6 parts per million for residues of the subject defoliant in or on cottonseed hulls resulting from application of the defoliant to the growing cotton crop. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)) and under authority delegated as cited above, Part 121 is amended by adding to Subpart C the following new section:

§ 121.332 *S,S,S*-Tributyl phosphorotrithioate.

A tolerance of 6 parts per million is established for residues of the defoliant *S,S,S*-tributyl phosphorotrithioate in or on cottonseed hulls. Such residue may be present only as a result of application of the defoliant to the growing cotton crop.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409(c)(1), (4), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1), (4))

Dated: October 15, 1969.

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

[F.R. Doc. 69-12571; Filed, Oct. 21, 1969; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[Treasury Decision 7017]

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

Excepted Narcotic Pharmaceutical Preparations

On September 10, 1969, a notice was published in the FEDERAL REGISTER (34 F.R. 14224) stating that the Director, Bureau of Narcotics and Dangerous Drugs, pursuant to the provisions of section 4702(a)(3) of the Internal Revenue Code

of 1954, as amended by section 4(c) of the Narcotics Manufacturing Act of 1960 (74 Stat. 58); § 151.426 of Title 26 of the Code of Federal Regulations; and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.200 of Title 28 of the Code of Federal Regulations, proposed certain additional restrictions on the retail sales of Class "X" exempt pharmaceutical preparations.

After due notice and opportunity for public hearing, and after consideration of all comments received on the proposed new restrictions, it is hereby found that the proposed regulations are necessary to restrict the existing abusive use of Class "X" exempt pharmaceutical preparations and to insure that such preparations are used for medicinal purposes only.

Therefore, § 151.424 of Title 26 of the Code of Federal Regulations is hereby amended by adding to the existing section the following new paragraphs:

§ 151.424 Conditions of exemption for Class "X" products.

* * * * *

(d) *Retail sale restrictions.* A Class "X" product may only be sold at retail without a prescription by a registered pharmacist and not by a nonpharmacist employee even if under the direct supervision of a pharmacist. However, after the pharmacist has fulfilled his professional and legal responsibilities set forth in this section, the actual cash, credit transaction, or delivery, may be completed by a nonpharmacist. A pharmacist must exercise professional discretion in the sale of a Class "X" product to insure that the product is being sold for medical purposes only. An abuse of such discretion shall subject the pharmacist to the penalties provided for violations of the law relating to narcotic drugs.

(e) *Age of purchaser and identification.* A Class "X" product may only be sold at retail without a prescription to a person at least 18 years of age. The pharmacist must require every retail purchaser of a Class "X" product to furnish suitable identification, including proof of age when appropriate, in order to purchase a Class "X" product. The name and address obtained from such identification shall be entered in the record of disposition to consumers required by paragraph (b)(2) of this section.

(f) *Quantity restrictions.* Not more than 2 ounces of camphorated opium tincture (paregoric), nor more than 8 ounces of any other Class "X" product containing opium, nor more than 4 ounces of any other Class "X" product, may be sold at retail to the same consumer in any given 48-hour period without a prescription.

Effective date. These amendments shall become effective on November 1, 1969.

Dated: October 11, 1969.

[SEAL] JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

RANDOLPH W. THROWER,
Commissioner, Internal Revenue Service, Department of the Treasury.

Approved: October 16, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-12573; Filed, Oct. 21, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-1118]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Domestic Telegraph Speed of Service Studies

Order. 1. The Commission has under consideration a letter dated June 18, 1969, from The Western Union Telegraph Co. submitting the biennial traffic load study required by § 64.221(c) of the Commission's rules and regulations, which was adopted for the purpose of determining such revision by the Commission, as may be warranted, in the list of 75 cities at which speed of telegraph service studies are required to be made by Part 64 of the Commission's rules. The list of cities presently specified in § 64.221(a) of the Commission's rules and regulations was last revised, effective September 1, 1967, on the basis of the 75 cities in the Western Union system handling the largest volume of terminating messages.

2. According to traffic data submitted by Western Union, on the basis of the average weekly received trunk load for the year ending April 26, 1969, Mobile, Ala., and Shreveport, La., non-FCC reporting cities, currently handle a larger volume of terminating messages than Grand Rapids, Mich., and Bridgeport, Conn., FCC reporting cities. Revision of the list of cities on the basis of the traffic data submitted by the telegraph company would reflect the 75 cities handling the largest volume of terminating traffic.

3. The Commission also has under consideration a letter dated July 30, 1969, from The Western Union Telegraph Co. stating that reperforator switching operations have been discontinued at Dallas, Tex., Oakland, Calif., Richmond, Va., and St. Louis, Mo. Deletion of the asterisks associated with the names of the cities at which reperforator operations have been discontinued would correct the list of 75 cities to reflect the reperforator offices which are in operation.

4. Western Union is the only person subject to the amended rule adopted herein, and Western Union has agreed to such amended rule and the effective date thereof; hence, compliance with the public notice, procedural and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

5. *It is ordered,* That pursuant to sections 4(i), 201(b), and 218 of the Communications Act of 1934, as amended, § 64.221(a) of Subpart B of Part 64 of the Commission's rules and regulations is amended, effective January 1, 1970, in the following respects:

Section 64.221(a) is amended by deleting the asterisks preceding Dallas, Tex., Oakland, Calif., Richmond, Va., and St. Louis, Mo., but leaving those names in the list of cities specified therein; and by deleting Grand Rapids, Mich., and Bridgeport, Conn., from the said list and inserting in said list in alphabetical order Mobile, Ala., and Shreveport, La.

(Secs. 4, 201, 218, 48 Stat., as amended, 1066, 1070, 1077; 47 U.S.C. 154, 201, 218)

Adopted: October 15, 1969.

Released: October 17, 1969.

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

[F.R. Doc. 69-12596; Filed, Oct. 21, 1969; 8:47 a.m.]

[FCC 69-1125]

PART 73—RADIO BROADCAST SERVICES

Assignment or Transfer of Existing Subsidiary Communications Authorization

Order. In the matter of amendment of §§ 73.294(a) and 73.594(a) of the Commission's rules to delete the requirement of filing FCC Form 318 in connection with the assignment or transfer of an existing Subsidiary Communications Authorization (SCA).

1. At the present time, the provisions of § 73.294(a) of the rules read as follows: "The SCA is of a subsidiary or secondary nature and shall not exist apart from the FM license or permit. No transfer or assignment of it shall be made separate from the FM broadcast license and failure to transfer the SCA (through application on FCC Form 318) with the FM license or permit renders the SCA void. The licensee or permittee must seek renewal of the SCA (on FCC Form 318) at the same time it applies for its renewal of FM license or permit;

[1] Commissioner Cox absent.

failure to renew the latter automatically terminates the SCA".

2. This section (§ 73.294(a)) is, in pertinent part, identical to § 73.594(a) of our educational broadcast rules. They both require the formal filing of FCC Form 318 at the time of assignment or transfer of a SCA, and do not permit a simple request for assignment or transfer as part of the main station's transfer or assignment application.

3. When a main station is being assigned or transferred, the application filed on FCC Form 314, 315, or 316 must set forth the exact instruments of authorization to be assigned or transferred. An SCA cannot be authorized independently of the main station and therefore necessarily must be given up along with the main station's license by any licensee transferring or assigning a main station. It is desirable to eliminate some confusion in the industry, as to which of the forms and statements required must be attested to by which of the parties participating in the assignment or transfer of a main station along with an existing SCA.[1] It appears that use of FCC Form 318, in light of these facts, is both burdensome to, and unnecessary for, the Commission's efficient operation, if the Commission permits a transferor of a SCA (commercial or educational) to simply request the transfer of a SCA in the assignment or transfer application of the main station involved. Therefore, the Commission is abolishing the requirement of the filing of FCC Form 318 at the time of the transfer or assignment of an SCA, and replacing it with the simple procedure of requesting the transfer or assignment as part of the main station's application for transfer or assignment.

4. Authority for the adoption of the amendments herein adopted is contained in sections 4(i), 303(f), and 303(r) of the Communications Act of 1934 as amended.

5. Because the changes in our rules herein ordered are purely procedural in nature, compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. sec. 553) is deemed unnecessary in that it would serve no useful purpose.

6. In view of the foregoing: *It is ordered*, That effective October 24, 1969, §§ 73.294(a) and 73.594(a) of the Commission's rules and regulations are amended, as set forth below.

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

Adopted: October 15, 1969.

Released: October 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] The Commission has found that FCC Form 318, in practice, is misunderstood in respect to whether the assignor or assignee, or both, should execute it.

[2] Commissioner Cox absent.

Sections 73.294(a) and 73.594(a) of the Commission's rules and regulations are amended to read as follows:

§ 73.294 Nature of the SCA.

(a) The SCA is of a subsidiary or secondary nature and shall not exist apart from the FM license or permit. No transfer or assignment of it shall be made separate from the FM broadcast license, and failure to transfer the SCA with the FM license or permit renders the SCA void. Any assignment or transfer of an SCA shall, if desired, be requested as part of the main station's transfer or assignment application. The licensee or permittee must seek renewal of the SCA (on FCC Form 318) at the same time it applies for its renewal of FM license or permit; failure to renew the latter automatically terminates the SCA.

* * * * *

§ 73.594 Nature of the SCA.

(a) The SCA is of a subsidiary or secondary nature and shall not exist apart from the noncommercial educational FM license or permit. No transfer or assignment of it shall be made separate from the FM license or permit, and failure to transfer the SCA with the FM license or permit renders the SCA void. Any assignment or transfer of an SCA shall, if desired, be requested as part of the main station's transfer or assignment application. The licensee or permittee must seek renewal of the SCA (on FCC Form 318) at the same time it applies for its renewal of noncommercial educational FM license; failure to renew the latter automatically terminates the SCA.

* * * * *

[F.R. Doc. 69-12597; Filed, Oct. 21, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

PART 375—CONSUMER INFORMATION

Subpart A—General

Regulations requiring manufacturers of motor vehicles to provide information to consumers concerning performance characteristics of their vehicles were published on January 25, 1969 (34 F.R. 1246), and amended on May 23, 1969 (34 F.R. 8112). By notice of July 11, 1969 (34 F.R. 11501), it was proposed that the regulations be amended to require manufacturers to provide the information to prospective purchasers, as well as those who have already bought a vehicle, and also to provide the information to the Administrator 30 days before the information is required to be provided to purchasers.

No general objections to the proposed amendment were received. One manufacturer objected to the requirement of providing copies to the Administrator 30 days in advance, on the basis that this did not allow sufficient lead time from the date of the proposal. In light of the fact that the information required to be provided consists only of performance figures that the manufacturer is certain can be exceeded by its vehicles, that the information must be provided in large quantities to dealers by January 1, 1970, and that no other manufacturers evidenced difficulty in meeting the December 1 date, the objection is found not to be meritorious.

The Automobile Manufacturers Association made two suggestions for changes to the regulation, both of which have been accepted and incorporated into the regulation. One change adds language to make it clear that the locations at which the information is to be provided are outlets with which the manufacturer has some legal connection. The other is that the date on which information relating to newly introduced vehicles is required is the "announcement date," on which dealers are authorized to display and sell the vehicles.

The proposal stated that three copies should be submitted to the Administrator by December 1, 1969. It has been determined that in light of the need for immediate processing and the large amount of information that will be received at that time, a somewhat larger number of copies will be needed. The number of copies has been changed, accordingly, from three to 10. Since the additional burden on automotive manufacturers of providing these copies appears to be insubstantial, a further notice of proposed rulemaking is found to be unnecessary. Other minor changes in wording are made for clarity.

Effective dates. Paragraphs (a) and (b) of § 375.6, *Requirements*, are effective January 1, 1970. Paragraph (c) of that section is effective December 1, 1969.

In light of the foregoing, Subpart A—General, of 49 CFR Part 375 is amended to read as set forth below. This amendment is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1407), and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR § 1.4(c).

Issued on October 16, 1969.

E. H. HOLMES,
Acting Federal Highway Administrator.

Subpart A—General

Sec.
375.1 Scope.
375.2 Definitions.
375.3 Matter incorporated by reference.
375.4 Application.
375.5 Separability.
375.6 Requirements.

AUTHORITY: The provisions of this Subpart A issued under secs. 112 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1401, 1407, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administration, 49 CFR 1.4(c).

Subpart A—General

§ 375.1 Scope.

This part contains Federal Motor Vehicle Consumer Information Regulations established under section 112(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(d)) (hereinafter "the Act").

§ 375.2 Definitions.

(a) *Statutory definitions.* All terms used in this part that are defined in section 102 of the Act are used as defined in the Act.

(b) *Motor Vehicle Safety Standard definitions.* Unless otherwise indicated, all terms used in this part that are defined in the Motor Vehicle Safety Standards, Part 371 of this subchapter (hereinafter "the Standards"), are used as defined in the Standards without regard to the applicability of a standard in which a definition is contained.

(c) *Definitions used in this part.* "Brake power unit" means a mechanism installed in a motor vehicle brake system that has a primary purpose of reducing the effort required by the operator to actuate the brake system, including both full-power and power-assist units.

"Lightly loaded vehicle weight" means—

(1) For a passenger car, curb weight plus 300 pounds (including driver and instrumentation), with the added weight distributed in the front seat area.

(2) For a motorcycle, curb weight plus 200 pounds (including driver and instrumentation), with added weight distributed on the saddle and in saddle bags or other carrier.

"Maximum loaded vehicle weight" is used as defined in Standard No. 110.

"Maximum sustained vehicle speed" means that speed obtainable by accelerating at maximum rate from a standing start for 1 mile.

"Skid number" means the frictional resistance measured in accordance with American Society for Testing and Materials Method E—274 at 40 miles per hour, omitting water delivery as specified in paragraph 7.1 of that Method.

§ 375.3 Matter incorporated by reference.

The incorporation by reference provisions of § 371.5 of this subchapter apply to this part.

§ 375.4 Application.

(a) *General.* Except as provided in paragraphs (b) through (d) of this section, each section set forth in Subpart B of this part applies according to its terms to motor vehicles manufactured after the effective date indicated.

(b) *Military vehicles.* This part does not apply to manufacturers of vehicles sold directly to the Armed Forces of the United States in conformity with contractual specifications.

(c) *Export.* This part does not apply to a motor vehicle intended solely for export and so labeled or tagged.

(d) *Import.* This part does not apply to importers of motor vehicles for purposes other than resale.

§ 375.5 Separability.

If any section established in this part or its application to any person or circumstances is held invalid, the remainder of the part and the application of that section to other persons or circumstances is not affected thereby.

§ 375.6 Requirements.

(a) At the time a motor vehicle is delivered to the first purchaser for purposes other than resale, the manufacturer of that vehicle shall provide to that purchaser, in writing and in the English language, the information specified in Subpart B of this part that is applicable to that vehicle.

(b) Every manufacturer of motor vehicles shall provide for examination by prospective purchasers, at each location where its vehicles are offered for sale by a person with whom the manufacturer has a contractual, proprietary, or other legal relationship, the information specified in Subpart B of this part that is applicable to each of the vehicles offered for sale at that location. With respect to newly introduced vehicles, the information shall be provided for examination by prospective purchasers not later than the day on which the manufacturer first authorizes those vehicles to be put on general public display and sold to consumers. Any requirements in Subpart B of this part that an information document unconditionally indicate the data applicable to the vehicle with which it is provided shall not apply to information provided pursuant to this paragraph.

(c) Each manufacturer of motor vehicles shall submit to the Administrator 10 copies of the information specified in Subpart B of this part that is applicable to each of the manufacturer's vehicles offered for sale, at least 30 days before that information is first provided for examination by prospective purchasers pursuant to paragraph (b) of this section.

[F.R. Doc. 69-12604; Filed, Oct. 21, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

On page 15298 of the FEDERAL REGISTER of October 1, 1969, there was published a notice of a proposed amendment to 50 CFR 32.21. The purpose of this amendment is to provide public hunting of upland game on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

SOUTH DAKOTA

Lacreek National Wildlife Refuge.

* * * * *

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 16, 1969.

[F.R. Doc. 69-12572; Filed, Oct. 21, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 815]

1970 DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1970 mainland quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Santurce, P.R., in Conference Room, Seventh Floor, Segarra Building, Step 20 on November 13, 1969 at 9:30 a.m.

The findings made above are in the nature of preliminary findings based on the best information now available. The quantity of direct-consumption sugar which will be permitted to be brought into the continental United States within the 1970 quota is still unknown. However, the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the quantity of such sugar which may be marketed in the continental United States and for local consumption in Puerto Rico within probable 1970 quotas.

Under such circumstances it is imperative that provision be made for the allotment of the direct-consumption portion of the mainland quota to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of the direct-consumption portion of the mainland quota in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the direct-consumption portion of the 1970 mainland quota among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings," "past marketings," and "ability to market," as provided in section 205(a) of the Act, should be measured; and (2) the relative weightings which should be given to these factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the direct-consumption portion of the mainland quota for the purposes of (1) allotting any increase, or decrease in the direct-consumption portion of the mainland quota; (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of this portion of the quota.

Signed at Washington, D.C., on October 16, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-12621; Filed, Oct. 21, 1969; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 51]

POTATOES

Proposed U.S. Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Potatoes (7 CFR 51.1540-51.1556). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than May 1, 1970, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Potatoes were last revised in July 1958. Since that time, there have been significant changes in the harvesting, handling, packaging, and marketing of potatoes. The proportion of the potato crop marketed fresh has decreased. The consumer has become increasingly critical of the quality and condition and sizing of potatoes found in retail stores. The U.S. Department of Agriculture, as well as potato industry organizations, receives many letters each year complaining about the poor quality of potatoes in the retail market.

Many members of the potato industry recognize the need to improve the overall quality of fresh potatoes marketed in order to compete successfully with other products. They also are aware that the present grade standards for potatoes are not adequate as a means of encouraging the packing of better quality potatoes. The minimum requirements for the U.S. No. 1 grade are lower in many respects than the quality demanded by the majority of consumers. The U.S. Fancy grade is too restrictive for the average packer. As a result too wide a range of quality is marketed under the U.S. No. 1 grade. Some buyers specify certain requirements higher than the U.S. No. 1 grade in order to obtain the better quality they require.

Interest in improving the quality of potatoes marketed led to discussions among representatives of the potato industry and Department officials. These eventually resulted in resolutions submitted to the Department by the National Potato Council. Two of these resolutions concern the U.S. Standards for Potatoes. One recommended additional optional size classifications; the other recommended that U.S. No. 1 potatoes be required to be fairly clean when offered for sale at retail.

This proposed revision of the potato standards has been prepared in response to these resolutions. In addition, in recent years, informal discussions with many representatives of the potato industry have indicated a need for other changes to improve the standards and make them more useful in marketing good quality potatoes. Consequently the scope of this proposal has been broadened to include changes relating to grade structure, skinning or maturity, basic size requirements, and tolerances for defects and their application. The proposed changes are set forth in detail below for consideration and comment. All members of the potato industry from producers to retailers, as well as consumers, are urged to give this proposal careful consideration and to submit their written comments and views.

Following are the principal changes proposed:

(1) The present standards provide four grades, U.S. Fancy, U.S. No. 1, U.S. Commercial, and U.S. No. 2. The proposed revision provides for only three grades, U.S. Extra No. 1 (replacing the present U.S. Fancy), U.S. No. 1, and U.S. No. 2. The U.S. Commercial grade, seldom used, would be eliminated. Most trading is on the basis of U.S. No. 1, U.S. No. 2, or a percentage of U.S. No. 1 quality.

(2) The tolerance for defects in the U.S. Extra No. 1 grade would be 5 percent, the same as in the present U.S. Fancy. Tolerances for defects would be reduced in the remaining grades. For U.S. No. 1, a reduction from 11 percent to 8 percent total tolerance is proposed, including not more than 5 percent for either external or internal defects. Tolerances in the U.S. No. 2 grade would be reduced from 11 percent to 10 percent, including not more than 6 percent for either external or internal defects. Included in the total tolerances for the U.S. Extra No. 1 and U.S. No. 1 grades are restricted tolerances of 2 percent and 3 percent respectively, for defects of any kind causing serious damage. The tolerance for potatoes affected by soft rot, freezing, or wet breakdown would remain the same as in the current standards, for the respective grades.

(3) The U.S. Extra No. 1 grade would require potatoes to be firm, fairly well matured, clean, free from sprouts, and free from internal defects. Potatoes would be required to be at least fairly well shaped with 50 percent or more well shaped.

(4) U.S. No. 1 potatoes would be firm, fairly clean when packed in containers of 25 pounds or less, and free from damage by dirt when packed in containers of more than 25 pounds or when in bulk. U.S. No. 1 also would require potatoes to be at least fairly well matured except that this requirement would not apply to potatoes which are freshly harvested and designated as "new potatoes" in connection with the grade.

(5) Definitions of external defects and internal defects would be added. External defects are defects which can be detected externally, including those which may also require cutting to determine the extent of injury. "Internal defects" are those which cannot be detected without cutting the potato. Tables listing examples of external and internal defects are included.

(6) Reference to round, intermediate, and long types of potatoes would be eliminated from the standards. There are now several varieties which do not run true to type in certain areas, creating confusion as to whether they are actually long or round potatoes. For example, Norgold is officially designated a long variety but frequently is round or blocky in shape. Kennebec is a round variety but usually is more long than round. Consequently, the proposed standards provide minimum and maximum sizes in terms of both diameter and weight. Official inspection certificates would describe the shape of potatoes in a lot and would indicate whether size was determined on a diameter or weight basis. Table I provides optional size designations which may be used by those wishing to specify comparatively uniform sizes. The diameter ranges in the "Small," "Medium," and "Large" designations in Table I conform to those recommended in the National Potato Council's resolutions. Table II provides minimum and maximum weights, in ounces, for the various count size designations based on the standard 50-pound carton. These weight ranges would apply to potatoes packed in any size container.

(7) Proposed size requirements would be as follows:

(a) For U.S. Extra No. 1, potatoes would be not less than 2¼ inches in diameter or 5 ounces in weight and would not vary more than 1¼ inches in diameter or more than 6 ounces in weight.

(b) For U.S. No. 1, unless otherwise specified in connection with the grade, potatoes would be not less than 2 inches in diameter or 4 ounces in weight; except when specified as new potatoes they would be not less than 1⅞ inches in diameter.

(c) U.S. No. 2 would require potatoes to be not less than 1½ inches in diameter, unless otherwise specified in connection with the grade.

(8) Size A for all types, would require potatoes to be not less than 2 inches in diameter or 4 ounces in weight, with a maximum weight of 16 ounces. In addition, a lot of potatoes designated as Size A would contain at least 50 percent of potatoes which are 2½ inches in diameter or 6 ounces in weight or larger.

(9) A new provision would require that a sample for grade and size determination consist of at least 25 pounds. The contents of two or more packages containing less than 25 pounds would be combined to provide a 25-pound sample. If desired, the entire contents would form the sample when packages contain more than 25 pounds.

(10) The "Application of Tolerances" section of the standards would provide a more practical basis for applying tolerances.

(11) The "Unclassified" section, seldom used and often misunderstood, would be deleted.

(12) A "Metric Conversion Table" would be added to provide a means of comparing measurements in terms of inches or ounces with their equivalents in terms of millimeters or grams.

(13) Definitions of certain defects would be added and others more precisely defined. Among the more important changes in definitions, sprouts would be considered as causing damage when more than 5 percent of the potatoes in a lot have any sprout more than three-fourths inch in length or have individual sprouts or clusters of sprouts which materially detract from the appearance of the potato. The present U.S. No. 1 grade permits 10 percent of the tubers to have sprouts more than ¾-inch-long. "Fairly clean" would be defined as meaning that at least 90 percent of the potatoes in any lot are reasonably free from dirt or staining, and not more than a slight amount of loose dirt or other foreign matter present in the container. A corresponding definition of "clean" would be provided. The proposal provides that artificial coloring would be considered damage when unsightly or when concealing any defect causing damage.

(14) The proposed revision presents the standards in a new format which should be more readily understood. The title of the standards would be changed from "U.S. Standards for Potatoes" to "U.S. Standards for Grades of Potatoes," conforming to the policy in titling standards for fresh fruits and vegetables adopted several years ago.

The proposed standards as revised are as follows:

Subpart—U.S. Standards for Grades of Potatoes

GRADES

SIZE

TOLERANCES

APPLICATION OF TOLERANCES

SAMPLES FOR GRADE AND SIZE DETERMINATION

SKINNING

DEFINITIONS

METRIC CONVERSION TABLE

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.1540 U.S. Extra No. 1.

"U.S. Extra No. 1" consists of potatoes which meet the following requirements:

(a) Similar varietal characteristics;
(b) Firm;
(c) Clean;
(d) At least fairly well matured; and,
(e) Fairly well shaped, with 50 percent or more well shaped.
(f) Free from:
(1) Sprouts;
(2) Internal defects;
(3) Freezing;

(4) Late blight; southern bacterial wilt and ring rot; and,

(5) Soft rot and wet breakdown.

(g) Not damaged by any other cause. See §§ 51.1560 and 51.1561.

(h) Size. The potatoes shall be not less than 2¼ inches in diameter or 5 ounces in weight and shall not vary more than 1¼ inches in diameter or more than 6 ounces in weight.

(i) For tolerances see § 51.1544.

§ 51.1541 U.S. No. 1.

"U.S. No. 1" consists of potatoes which meet the following requirements:

(a) Similar varietal characteristics;

(b) Firm;

(c) (1) Fairly clean when packed in containers of 25 pounds or less; and,

(2) Free from damage by dirt when packed in containers of more than 25 pounds or when in bulk.

(d) Fairly well shaped; and,

(e) At least fairly well matured.[3] [4]

(f) Free from:

(1) Freezing;

(2) Blackheart;

(3) Late blight, southern bacterial wilt, and ring rot; and,

(4) Soft rot and wet breakdown.

(g) Not damaged by any other cause. See §§ 51.1560 and 51.1561.

(h) Size. Unless otherwise specified in connection with the grade:

(1) Not less than 2 inches in diameter or 4 ounces in weight; or,

(2) When specified as new potatoes, not less than 1⅞ inches in diameter.

(i) For tolerances see § 51.1544.

§ 51.1542 U.S. No. 2.

"U.S. No. 2" consists of potatoes which meet the following requirements:

(a) Similar varietal characteristics; and,

(b) Not seriously misshapen.

(c) Free from:

(1) Freezing;

(2) Blackheart;

(3) Late blight, southern bacterial wilt, and ring rot; and,

(4) Soft rot and wet breakdown.

(d) Not seriously damaged by any other cause. See §§ 51.1560 and 51.1561.

(e) Size. Not less than 1½ inches in diameter, unless otherwise specified in connection with the grade.

(f) For tolerances see § 51.1544.

Size

§ 51.1543 Size.

(a) The minimum size, or minimum and maximum sizes may be specified in connection with the grade in terms of diameter or weight of the individual potato, or in accordance with one of the size designations in Table I or Table II: *Provided*, That sizes so specified shall not be in conflict with the basic size requirements for the grade.

(b) When size is specified in terms of number of potatoes, the weight ranges shown in Table II shall apply. These size designations may be applied to potatoes packed in any size container: *Provided*, That the weight ranges are within the limits specified.

TABLE I

Size designation	Minimum diameter [1] or weight		Maximum diameter [1] or weight	
	Inches	*Ounces*	*Inches*	*Ounces*
Size A [2]	2	4		16
Size B	1½		2¼	
Small	1¾		2½	6
Medium	2¼	5	3¼	10
Large	3	10	4¼	16
Bakers	3	10		

[1] Diameter means the greatest dimension at right angles to the longitudinal axis, without regard to the position of the stem end.

[2] In addition to the minimum and maximum sizes specified, a lot of potatoes designated as Size A shall contain at least 50 percent of potatoes which are 2½ inches in diameter or larger or 50 percent which are 6 ounces in weight or larger.

TABLE II

Size designation [1]	Minimum weight	Maximum weight
	Ounces	*Ounces*
50	12	18
55	12	18
60	11	16
70	10	15
80	9	13
90	8	12
100	7	10
110	6	9
120	5	8
140	4	7

[1] These size designations and corresponding weight ranges are based on the customary sizing of potatoes packed to count in standard 50-pound cartons. The specified weight ranges apply to potatoes packed in any size container.

Tolerances

§ 51.1544 Tolerances.

(a) *For defects.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(1) *U.S. Extra No. 1.* A total of 5 percent for potatoes in any lot which fail to meet the requirements of the grade: *Provided*, That not more than two-fifths of this tolerance, or 2 percent, shall be allowed for defects causing serious damage, including therein not more than one-half of 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(2) *U.S. No. 1.* A total of 8 percent for potatoes in any lot which fail to meet the requirements of the grade: *Provided*, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

5 percent for external defects;
5 percent for internal defects; or,
3 percent for defects causing serious damage and including in this latter amount not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(3) *U.S. No. 2.* A total of 10 percent for potatoes in any lot which fail to meet the requirements of the grade, including therein not more than:

6 percent for external defects; or,
6 percent for internal defects:

Provided, That included in the above tolerances not more than a total of 1 percent shall be allowed for potatoes which are frozen or affected by soft rot or wet breakdown.

(b) *For off-size.* In order to allow for variations incident to proper sizing, the following tolerances are provided:

(1) Not more than 3 percent of the potatoes in any lot may be smaller than the required or specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of 2¼ inches or larger in diameter or 5 ounces or more in weight. In addition, not more than 10 percent may be larger than any required or specified maximum size.

(2) When a percentage of the potatoes is specified to be of a certain size and larger, individual samples shall have not less than one-half of the percentage specified: *Provided*, That the average for the entire lot is not less than the percentage specified.

Application of Tolerances

§ 51.1545 Application of tolerances.

Individual samples shall have not more than double the tolerances specified, except that at least one defective and one off-size potato may be permitted in any sample: *Provided*, That en route or at destination one-tenth of the samples may contain three times the tolerance permitted for potatoes which are frozen or affected by soft rot or wet breakdown: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

Samples for Grade and Size Determination

§ 51.1546 Samples for grade and size determination.

Individual samples shall consist of at least 25 pounds. When individual packages contain at least 25 pounds, each individual sample is drawn from one package; when packages contain less than 25 pounds, a sufficient number of adjoining packages are opened to provide at least a 25-pound sample. The number of such individual samples drawn for grade and size determination will vary with the size of the lot.

Skinning

§ 51.1547 Skinning.

(a) The following definitions provide a basis for describing lots of potatoes as to the degree of skinning whenever description may be appropriate:

(1) "Practically no skinning" means that not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered";

(2) "Slightly skinned" means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered";

(3) "Moderately skinned" means that not more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered"; and,

[3] This maturity requirement does not apply to potatoes which are freshly harvested and designated as "new potatoes" in connection with the grade.

[4] New potatoes are potatoes which skin easily or become feathered under normal handling practices.

(4) "Badly skinned" means that more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered".

DEFINITIONS

§ 51.1548 Similar varietal characteristics.

"Similar varietal characteristics" means that the potatoes in any lot have the same general shape, color and character of skin, and color of flesh.

§ 51.1549 Firm.

"Firm" means that the potato is not shriveled or flabby.

§ 51.1550 Clean.

"Clean" means that at least 90 percent of the potatoes in any lot are practically free from dirt or staining and practically no loose dirt or other foreign matter is present in the container.

§ 51.1551 Fairly clean.

"Fairly clean" means that at least 90 percent of the potatoes in any lot are reasonably free from dirt or staining and not more than a slight amount of loose dirt or other foreign matter is present in the container.

§ 51.1552 Well shaped.

"Well shaped" means that the potato has the normal shape for the variety.

§ 51.1553 Fairly well shaped.

"Fairly well shaped" means that the potato is not materially pointed, dumbbell-shaped or otherwise materially deformed.

§ 51.1554 Mature.

"Mature" means that the skins of the potatoes are generally firmly set and not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered."

§ 51.1555 Fairly well matured.

"Fairly well matured" means that the skins of the potatoes are generally fairly firmly set and not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered".

§ 51.1556 Freezing.

"Freezing" means that the potato is frozen or shows evidence of having been frozen.

§ 51.1557 Soft rot or wet breakdown.

"Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury.

§ 51.1558 Damage.

"Damage" means any defect, or any combination of defects, which materially detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato. See Tables III and IV.

§ 51.1559 Serious damage.

"Serious damage" means any defect, or any combination of defects, which seriously detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato. See Tables III and IV.

§ 51.1560 External defects.

"External defects" are defects which can be detected externally. However, cutting may be required to determine the extent of the injury. Some external defects are listed in Table III.

TABLE III—EXTERNAL DEFECTS

Defect	Damage		Serious damage	
	When materially detracting from appearance of potato	or When removal causes loss of more than 5 percent of total weight of potato	When seriously detracting from appearance of potato	or When removal causes loss of more than 10 percent of total weight of potato
Air cracks	X		X	
Bruises	X	X	X	X
Dirt	X		X	
Enlarged lenticels	X		X	
External discoloration	X		X	
Flea Beetle injury	X	X	X	X
Greening	X	X	X	X
Misshapen	X		X	
Rhizoctonia	X		X	
Scab, pitted	X	X	X	X
Scab, russet	X		X	
Scab, surface	When more than 5 percent of surface affected.		When more than 25 percent of surface affected.	
Sunburn		X		X
Second growth	X		X	
Growth cracks	X		X	

Defects	Damage	Serious damage [1]
Wireworm or grass damage	When any hole in a potato 2½ inches in diameter or 6 ounces in weight is more than ¾-inch long, or when the aggregate length of all holes is more than 1¼ inches, or correspondingly shorter or longer holes in smaller or larger potatoes.	When any hole in a potato 2½ inches in diameter or 6 ounces in weight is more than 1½ inches long, or when the aggregate length of all holes is more than 2 inches, or correspondingly shorter or longer holes in smaller or larger potatoes.
Insects or worms	(See serious damage)	When present inside the potato.
Artificial coloring	When unsightly or when concealing any defect causing damage.	When concealing a serious defect or when penetrating into the flesh.
Sprouts	When more than 5 percent of the potatoes in any lot have any sprout more than ¾ inch in length or have individual sprouts or clusters of sprouts which materially detract from the appearance of the potato.	

[1] The following defects are considered serious damage when present in any degree:
1. Freezing.
2. Late blight.
3. Ring rot.
4. Southern bacterial wilt.
5. Soft rot.
6. Wet breakdown.

§ 51.1561 Internal defects.

"Internal defects" are defects which cannot be detected without cutting the potato. Some internal defects are listed in Table IV.

TABLE IV—INTERNAL DEFECTS

Defect	Damage	Serious damage
Hollow Heart	When materially detracting from the internal appearance.	When seriously detracting from the internal appearance.
Ingrown sprouts	When removal causes a loss of more than 5 percent of the total weight of the potato.	When removal causes a loss of more than 10 percent of the total weight of the potato.
Internal discoloration occurring entirely within the vascular ring.	When more than the equivalent of 3 scattered light brown spots ⅛ inch in diameter in a potato 2½ inches in diameter or 6 ounces in weight, or correspondingly lesser or greater number of spots in smaller or larger potatoes.	When more than the equivalent of 6 scattered light brown spots ⅛ inch in diameter in a potato 2½ inches in diameter or 6 ounces in weight, or correspondingly lesser or greater number of spots in smaller or larger potatoes.
Internal discoloration outside of or not entirely confined within the vascular ring.	When removal causes a loss of more than 5 percent of the total weight of the potato.	When removal causes a loss of more than 10 percent of the total weight of the potato.

METRIC CONVERSION TABLE

§ 51.1562 Metric conversion table.

Inches	Millimeters (mm)
⅛ equals	3.2
¼ equals	6.4
½ equals	12.7
¾ equals	19.1
1 equals	25.4
1½ equals	38.1
2 equals	50.8
2½ equals	63.5
3 equals	76.2
3½ equals	88.9
4 equals	101.6
4½ equals	114.3

Ounces	Grams
1 equals	28.35
4 equals	113.40
5 equals	141.75
6 equals	170.10
7 equals	198.45
8 equals	226.80
9 equals	255.15
10 equals	283.50
12 equals	340.20
14 equals	396.90
16 equals	453.60
18 equals	510.30
19 equals	538.60
20 equals	567.00

Dated: October 16, 1969.

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

[F.R. Doc. 69-12533; Filed, Oct. 21, 1969; 8:45 a.m.]

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966).

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

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 966.206 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1969, and ending July 31, 1970, by the Florida Tomato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $113,900.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-fourths of a cent ($0.0075) per 40-pound container of tomatoes, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

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

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

Dated: October 16, 1969.

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

[F.R. Doc. 69-12589; Filed, Oct. 21, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-117]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Washington, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Regional Headquarters, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. 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 Federal Aviation Administration, Southern Regional Headquarters, Room 724, 3400 Whipple Street, East Point, Ga.

The Washington transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (lat. 35°34'15" N., long. 77°03'00" W.); within 3 miles each side of the 198° bearing from WITN Commercial Broadcast Station (lat. 35°31'34" N., long. 77°04'31" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of WITN Commercial Broadcast Station.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Washington terminal area requires the following actions:

1. Increase the transition area basic radius circle from 8 to 8.5 miles.

2. Increase the extension predicated on the 198° bearing from WITN Commercial Broadcast Station 2 miles in width and 0.5 miles in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

(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 10, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-12586; Filed, Oct. 21, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-115]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Southern Pines, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Regional Headquarters, Air Traffic Division, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposd amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. 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

Federal Aviation Administration, Southern Regional Headquarters, Room 724, 3400 Whipple Street, East Point, Ga.

The Southern Pines transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pinehurst-Southern Pines Airport (lat. 35°14'02" N., long. 79°23'36" W.); within 1.5 miles each side of Pinehurst VORTAC 083° radial, extending from the 8.5-mile radius area to the VORTAC, excluding the portion within R-5311.

Since the last alteration of controlled airspace in the Southern Pines terminal area, turbojet aircraft have begun utilizing the Pinehurst-Southern Pines Airport. The application of Terminal Instrument Procedures (TERPs) and current airspace criteria applicable to this airport and associated instrument approach procedure requires the following actions:

1. Increase the transition area basic radius circle from 6 to 8.5 miles.

2. Decrease the extension predicated on Pinehurst VORTAC 083° radial 1 mile in width.

The proposed alteration is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

(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 10, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-12587; Filed, Oct. 21, 1969; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-WE-57]

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Areas R-2303A and R-2303B at Fort Huachuca, Ariz.

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, Western Region, Attention: Chief, Air Traffic Division, 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 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 Rocket, 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 proposals contained in this docket would alter the Fort Huachuca Restricted Areas as follows:

R-2303A FORT HUACHUCA, ARIZ.

Boundaries: Beginning at lat. 31°40'40" N., long. 110°11'00" W.; to lat. 31°34'00" N., long. 110°08'30" W.; to lat. 31°34'00" N., long. 110°22'00" W.; to lat. 31°33'00" N., long. 110°23'00" W.; to lat. 31°29'00" N., long. 110°23'00" W.; to lat. 31°29'00" N., long. 110°41'30" W.; to lat. 31°34'00" N., long. 110°43'30" W.; to lat. 31°38'30" N., long. 110°42'00" W.; to lat. 31°38'30" N., long. 110°39'30" W.; to lat. 31°41'00" N., long. 110°33'30" W.; to lat. 31°41'00" N., long. 110°12'00" W.; to point of beginning.

Designated altitudes: Surface to 15,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commanding General, U.S. Army Electronic Proving Ground, Fort Huachuca, Ariz.

R-2303B FORT HUACHUCA, ARIZ.

Boundaries: Beginning at lat. 31°35'00" N., long. 110°00'00" W.; to lat. 31°24'00" N., long. 110°00'00" W.; to lat. 31°24'00" N., long. 110°45'00" W.; to lat. 31°41'00" N., long. 110°51'00" W.; to lat. 31°48'00" N., long. 110°46'00" W.; to lat. 31°48'00" N., long. 110°25'45" W.; to point of beginning.

Designated altitudes: 15,000 feet MSL to FL 450.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commanding General, U.S. Army Electronic Proving Ground, Fort Huachuca, Ariz.

At present the designated altitudes of R-2303A are from the surface to 35,000 feet MSL. The proposals contained herein would change the designated altitudes of R-2303A from the surface to 15,000 feet MSL. Also, the horizontal dimensions would be reduced. Lowering the ceiling to 15,000 feet MSL would provide Albuquerque ARTCC additional airspace for radar vectoring aircraft around thunderstorms when only R-2303A is in use. The reduction in size at the east end of R-2303A would provide easier access to Fort Huachuca and Sierra Vista Airports for aircraft approaching from the east.

There is a need to expand R-2303B to provide restricted airspace for the flying of larger and higher speed drones which require greater turning radii and higher altitudes than those presently used.

The altitude difference between R-2303A and R-2303B would permit the using agency to invoke only that airspace necessary to contain the required activity, thereby releasing the remainder of the airspace to air traffic control.

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

Issued in Washington, D.C., on October 14, 1969.

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

[F.R. Doc. 69-12585; Filed, Oct. 21, 1969; 8:46 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69-27; Notice 1]

TILT CAB VEHICLE LATCH SYSTEMS; TRUCKS

Advance Notice of Proposed Motor Vehicle Safety Standard

The Federal Highway Administration is considering the issuance of a Federal Motor Vehicle Safety Standard, to be effective January 1, 1972, that would require separately mounted primary and secondary latch systems to secure the cab assembly to the chassis on tilt cab vehicles, and would establish performance requirements for these systems to minimize the likelihood of the cab's tilting forward in the event of impact. Also under consideration are requirements for independent release mechanisms for each latch system, for means of locking each latch in the closed position, and for means of providing visible evidence when any latch system is not properly latched and locked.

Comments and information on the above subjects are requested, including test methods and other data that might be considered in the formulation of reasonable and practicable performance requirements for tilt cab vehicle latch systems. Information is also rquested concerning:

Test procedures, including road tests, by which dynamic and static load levels for primary and secondary tilt cab latch systems can be determined, taking into account specific variations in tilt cab vehicle designs.

Inertial forces that affect the latch systems as a result of impact and operation on uneven road surfaces.

Other environmental factors that should be taken into consideration.

Costs of meeting the suggested requirements.

Municipalities, agencies and other parties engaged in the collection of accident data are requested to provide information as to accidents, injuries, and fatalities which have resulted from tilting of tilt cabs during impacts, and, in particular, from latch system failures.

Comments should identify the docket and notice number and be submitted in 10 copies to: Docket Section, Federal Highway Administration, Room 514, 400 Sixth Street SW., Washington, D.C., 20591. All comments received before the close of business on January 20, 1970, will be considered by the Administrator. All comments will be available in the docket for examination both before and after the closing date for comments. If further

rulemaking action is deemed appropriate, a notice of proposed rulemaking will be issued.

This advance notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on October 11, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-12568; Filed, Oct. 21, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 61]

[Docket No. 18703; FCC 69-1140]

TARIFFS AND EVIDENCE

Notice of Proposed Rule Making

In the matter of amendment of Part 61 of the Commission's rules relating to tariffs and Part 1 of the Commission's rules relating to evidence; Docket No. 18703.

1. Notice is hereby given of the proposed rule making in the above-entitled matter.

2. Under the Commission's existing tariff rules, there is no requirement that customers be given any notice of tariff changes over and above the constructive legal notice given by the mere physical filing of the official tariff documents with us plus the posting of copies of tariffs at certain locations in the operating territory of the filing carrier where, in theory, the public may inspect them.

3. The aforementioned notice requirements may no longer be adequate, particularly in those cases where there are increases in charges, or where there is some change that effectuates discontinuance, reduction, or impairment service. The number and complexity of tariffs filed with us are growing and it appears likely that many customers that may be adversely affected thereby will not physically inspect the official copies on file with us or those posted in the operating territory of the filing carrier or otherwise learn of the filing of significant tariffs.

4. We propose in the attached notice a rule which would require the carrier to give additional notice to affected customers whenever tariffs are to be filed that involve increases in charges or any discontinuance, reduction, or other impairment of service to any customer. At the outset, we would allow the filing carrier to choose the means most suitable under the circumstances for such notice in each case. This is because no one method would appear to be best under all circumstances. In some instances, for example, a newspaper ad may be sufficient. In other cases, some other method might be called for. Whatever method is used, the carrier would be required to state in its tariff transmittal letter what was done.

5. In addition we propose to amend the provision requiring letters of transmittal to contain the reasons for all changes in charges or regulations plus a justification therefor if such change results in a rate increase. It has become apparent that many carriers are providing only the minimum amount of information necessary to comply pro forma with the rule. Our proposed rules will restate the original intent of that provision by making more explicit the types of information we feel are necessary for the Commission to effectively evaluate a rate and/or regulation change or new tariff offering. These rules will require the carrier to consolidate and present at the time of filing the tariff matter, the relevant data that the carrier has used in determining whether to make such change or new offering.

6. Under the existing provision it has become necessary for the Commission to request additional information of the carriers before the staff can evaluate tariff filings. Such requests and the time lag before compliance have created serious problems. Generally, the Commission is restricted by section 204 of the Communications Act to a suspension period of 3 months before a properly filed tariff becomes effective. This coupled with the present 30 days notice requirement contained in the rules and regulations (47 CFR 61.58) allows the Commission only approximately 4 months to evaluate, if necessary suspend and investigate, go through hearings, and reach a decision on the lawfulness of a tariff. Because of the inadequacy of the information given by the carriers pursuant to the existing tariff provision, and the time necessary to get adequate information, the 4 months period has become totally inadequate. The proposed rules regarding information to be provided would cut the time period required for the evaluation process, and hearing procedure if necessary. In addition to a better information base, we propose to increase the notice requirement for tariff changes that constitute a rate increase from the present 30 days statutory notice to 60 days. Section 203(c) of the Act permits the Commission in its discretion, when good cause is shown, to modify the statutory notice requirement by a general order applicable to special circumstances or conditions. For the foregoing reasonings, we believe that such a modification is imperative if the Commission is to have enough time to perform its statutory duties.

7. It should be noted that the intent of these proposed rules is to reduce the number of tariff filings ordered for hearing. The rules envision that with better information available to the staff, many hearings might be avoided and that the public interest will be better served thereby.

8. The proposed rule concerning statistical data has a similar purpose. It is to be evisioned that much of the supporting data for new or changed tariff matter will be supported by scientific statistical studies. Yet the evaluation of these studies is time-consuming and in some cases impossible without the information that would be required by the rule. Again, since such information would already be in existence and readily accessible to the sponsor of a statistical study, we can see no hardship in the routine submission of such data. Further, to give application to this principle whenever statistical studies are to be used, we are proposing to make the admissibility into evidence of any such studies dependent upon the furnishing of the required information.

9. Authority for this proposed rulemaking is contained in sections 4(i), 203(a), (b), and (d), and 204 of the Communications Act. Interested persons are invited to comment on the proposals herein. Comments shall be filed on or before November 25, 1969, and reply comments on or before December 5, 1969. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited in this notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements and briefs shall be furnished to the Commission.

Adopted: October 15, 1969.

Released: October 17, 1969.

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

I. In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.363 is added, to read as follows:

§ 1.363 Introduction of statistical data.

(a) All scientific statistical studies, including but not limited to sample surveys, experiments, and econometric analyses, shall be described in a summary statement, with supplementary details added in appendices so as to give a comprehensive delineation of the plan and procedures undertaken, including, but not limited to, the definition of the sampling frame, the definition of the sampling units, the method of selecting the sample, the characteristics measured or counted, formulas used for statistical estimates, standard errors and test statistics, description of statistical tests; plus all related computations, computer programs, lists of input data, and statements of result.

(b) If the evidence did not arise from a scientific statistical study, then a clear statement should be made regarding all underlying assumptions and judgments, and techniques of collection, estimation, and/or testing.

II. In Part 61 of Chapter I of Title 47 of the Code of Federal Regulations, §§ 61.32, 61.33(a), and 61.58 are revised and §§ 61.21, 61.22, 61.38, 61.39, and 61.69(c) are added, to read as follows:

§ 61.21 **Rate increase.**

The term "rate increase" whenever used in this part means a change in tariff schedules which results in an increased charge to any of the carrier's customers.

§ 61.22 **Rate decrease.**

The term "rate decrease" whenever used in this part means a change in tariff schedules no part of which results in an increased charge to any of the carrier's customers.

§ 61.32 **Publications to be sent to Secretary, FCC, and commercial contractor.**

Publications sent for filing shall be addressed to "Secretary, Federal Communications Commission, Washington, D.C. 20554." Concurrently with the filing of the publication with the Commission, the filing carrier shall transmit a copy of the publication to the commercial firm or firms with whom the Commission annually awards a contract to make copies of Commission records and offer them for sale to the public. Concurrently, the contractor is Cooper-Trent, Inc., 1130 19th Street NW., Washington, D.C. 20006.

§ 61.33 **Letters of transmittal.**

(a) * * *

(Exact name of carrier in full)
TARIFF DEPARTMENT,

(Post Office Address)
---, 19 --
(Date)

Transmittal No. ------
SECRETARY,

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

ATTENTION: COMMON CARRIER BUREAU

The accompanying tariff (or other publication) is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended, issued by ---, and bearing FCC
(Carrier)
No. ------, effective ---, 19--. (Suppl. No. ------ to FCC No. ------, effective ---, 19--.) (------ revised page ------ of FCC No.------, effective ------, 19--.) (FCC Concurrence No.------, effective ---, 19--), etc. (Here give a statement describing the method of giving the additional notice required by § 61.58.)

* * * * *

§ 61.38 **Material to be submitted with letters of transmittal by filing carriers.**

(a) *Explanation and data supporting changes and/or new tariff offering.* The material to be submitted for a tariff change considered a rate increase or a rate decrease or for a tariff filing which is for a service not previously offered, shall include: (1) An explanation of the changed or new matter, the reasons for the filing, and the basis of ratemaking employed, (2) economic data and/or information to support the changed matter including:

(i) A cost of service study for all elements of costs for the most recent 12-month period; and a similar study containing a projection of costs for a 3-year period beginning at the date of the filing of the changed tariff matter; and

(ii) Estimates of the aggregate effect of the changed matter upon the carrier's traffic and revenues from the service to which the changed matter applies and to the overall traffic and revenues of the carrier and an explanation of the basis for the estimates (including data as to past traffic and revenues and projections of the traffic and revenues for a 3-year period beginning at the date of the filing of the changed tariff matter).

(b) *Working papers and statistical data.* (1) There is to be furnished to the Chief, Common Carrier Bureau, upon filing of any tariff change considered a rate increase or decrease or for a tariff filing which is for a service not previously offered, two sets of working papers for use by the staff. These working papers shall contain the information underlying the data supplied in response to paragraph (a) of this section. A clear indication shall be made as to how the working papers relate to information supplied in response to paragraph (a) of this section.

(2) All statistical studies will be submitted and supported in the form prescribed in § 1.363 of this chapter.

(c) *Exception.* If the tariff matter being filed by the issuing carrier contains charges, and classifications, practices, and regulations affecting such charges for a connecting carrier, it will be the duty of the connecting carrier to provide the data and/or information in paragraphs (a) and (b) of this section for its charges, and classifications, practices, and regulations affecting such charges on the date the tariff matter is filed with the Commission by the issuing carrier.

§ 61.39 **Use in hearing proceeding of material submitted with letters of transmittal.**

For all rate increases, the material submitted with the filing shall be of such composition, scope, and format that it could serve as the carrier's complete case-in-chief in the event the rate increase is set for hearing to commence on a date within 6 months from the date of filing.

§ 61.58 **Notice requirements.**

Every tariff, supplement, revised page and additional page of a tariff which does not constitute a rate increase, shall bear an effective date and, except as otherwise provided by regulation, special permission, or order of the Commission, shall give the full statutory notice of 30 days to the public and to the Commission regardless of whether or not changes are effected thereby. Every tariff, supplement, revised page and additional page of a tariff which does constitute a rate increase shall bear an effective date and, except as otherwise provided by regulation, special permission, or order of the Commission, shall give 60 days notice to the public and to the Commission regardless of whether or not changes are effected thereby. Notice shall be given primarily by filing with the Commission such proposed tariff publications. In addition to this notice, if the tariff publication proposes to increase any charge or to discontinue, reduce or otherwise impair service to any customer, the filing carrier shall take such steps as are appropriate under the circumstances to inform the affected customers of the impact of the tariff publication. Any period of notice required herein shall begin on and shall include the date the tariff is received by the Commission, but shall not include the effective date. In computing the notice required, Sundays and holidays shall be counted.

§ 61.69 **Rejections.**

* * * * *

(c) Failure of the carrier to comply with any provision of this part will be grounds for rejection of the tariff material being submitted for filing.

[F.R. Doc. 69-12598; Filed, Oct. 21, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18687]

TELEVISION BROADCAST STATIONS

Table of Assignments, Columbus, Ohio, etc.; Correction

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Columbus, Mansfield, and Newark, Ohio); Docket No. 18687, RM-1486.

Paragraph 5, line 8 to the notice of proposed rule making in the above-captioned matter (Adopted Oct. 1, 1969, released Oct. 3, 1969, FCC 69-1070, published in the FEDERAL REGISTER Oct. 8, 1969, 34 F.R. 15603) presently incorrectly reads: "Channel *31 with *28 at Newark, all in".

The above specified line is hereby corrected to conform with the notice as a whole and shall read "Channel *28 with Channel *31 at Newark, all in".

Released: October 17, 1969.

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

[F.R. Doc. 69-12599; Filed, Oct. 21, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1201]

[No. 32153]

RAILROAD COMPANIES

Uniform System of Accounts

OCTOBER 7, 1969.

Notice is hereby given, pursuant to the provisions of section 553 of the Administrative Procedure Act, that the Commission has under consideration proposed amendments to the Uniform System of

Accounts for Railroad Companies, to be effective as of January 1, 1970.

The intent of the proposed revisions is to give proper recognition (not provided in current regulations) in the primary accounts of the effects of certain technological changes that have occurred in the railroad indusrty respecting, among other things, the substantial investment cost of terminals and highway equipment which are now being used extensively in TOFC (piggyback) service, the expanding utilization of special-purpose automotive vehicles in the maintenance of way and structures, and the modernization of railroad equipment.

The Detailed Statement of Proposed Rule set forth below completely states the proposed revisions to the applicable sections of the Uniform System of Accounts for Railroad Companies considered necessary to accomplish the stated objective.

All carriers affected by the proposed rules and other interested parties who desire to do so should submit written views and comments for consideration, as soon as possible, and not later than December 15, 1969. The Commission will consider such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered. An original and 15 copies of any such responses should be submitted.

Notice shall be given railroad companies hereby affected and to the general public by depositing this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended, 49 U.S.C. 20)

By the Commission, Division 2.

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

DETAILED STATEMENT OF PROPOSED RULE

I. INSTRUCTIONS AMENDED

Item No. 1. Instruction "2–5 Equipment" is amended by revising the first sentence as follows:

2–5 *Equipment.* Accounts are provided for several classes of equipment, such as locomotives, passenger-train cars, freight-train cars, highway revenue equipment, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions and betterments, such as improved appliances, parts, or appurtenances. * * *

Item No. 2. Instruction "2–25 Lists of units of property" is amended as follows:

(a) Directly below the list of units for "Account 13, Fences, Snowsheds, and Signs" add the following:

Account 15, TOFC Terminals

A complete building.
A complete building, including attached platform and ramp.
A complete platform and attached ramp, structurally detached from a building.
A portable ramp.
A complete fence.
Paving, each complete installation.
An overhead crane, complete.
Each sewer installation.
A truck or tractor used exclusively at TOFC terminals.
Each floodlighting pole or tower installation.
Each floodlighting installation.
A power distribution system, complete.
Any applicable units listed under other accounts.

(b) The following item is added to the list of units for "Account 37, Roadway Machines":

* * * Each on and/or off-track automotive vehicle complete, including appurtenant roadway machine.

(c) The account number, title, and list of units for "Account 51, Steam Locomotives" are deleted.

(d) The title and list of units for "Account 52, Other Locomotives" are revised as follows:

Account 52, Locomotives

Diesel electric, lead or booster, i.e., "A" or "B" units.
Diesel electric. Extra or spare motors.
Electric locomotive.
Gasoline locomotive.
Gas turbine locomotive.
Steam locomotive, complete.
Steam locomotive, exclusive of tender.
Steam locomotive tender.
Steam locomotive booster.

(e) Directly below the list of units for "Account 54, Passenger-Train Cars" add the following:

Account 55, Highway Revenue Equipment

A complete vehicle.
A chassis.
A container.
A bogie.

(f) The list of units for "Account 58, Miscellaneous Equipment" is revised as follows:

Account 58, Miscellaneous Equipment

An airplane.
A complete vehicle.

Item No. 3. Directly below the caption "Instructions for Depreciation Accounts," Instruction "5–1 Method" is amended by revising the list of primary accounts following paragraph (c) as follows:

(a) The following line item is added directly below "13 Fences, snowsheds and signs":

15. TOFC terminals.

(b) Line item "51 Steam locomotives" is deleted.

(c) Line item "52 Other locomotives" is changed to:

52. Locomotives.

(d) The following line item is added directly below "54 Passenger-train cars":

55. Highway revenue equipment.

II. TEXTS OF PROPERTY ACCOUNTS ADDED, AMENDED, DELETED AND REVISED

Item No. 1. The system of accounts following the text of account 13, "Fences, snowsheds and signs", is amended by adding the following account number, title and text:

15 TOFC Terminals.

This account shall include the cost of structures, fixtures, machinery and appurtenances comprising terminals used for loading and unloading trailers and containers on and from flat cars.

TOFC TERMINAL STRUCTURES AND DETAILS

Cranes and hoists, including related machinery and appurtenances.
Drainage and sewerage.
Fences.
Grading and preparing grounds for TOFC terminals.
Offices, TOFC terminal.
Lighting system.
Platforms, ramps and appurtenances.
Power distribution systems.
Sidewalks, pavements and driveways on terminal grounds.
Terminal trucks and tractors.

NOTE: "Trailers", as used in the text and elsewhere in this system of accounts unless otherwise indicated in the context, means trailer bodies used in TOFC service which are permanently mounted on running gear. "Containers" means trailer bodies used in TOFC service which are not permanently mounted on wheels or chassis, but are separated from such running gear before being loaded on flat cars.

Item No. 2. The text of account 37 "Roadway Machines" is amended by adding the following sentence: "This account shall also include the cost of special-purpose on- and/or off-track automotive vehicles, permanently equipped with appurtenant roadway machines and used exclusively in maintenance of way and structures."

Item No. 3. Account 51 "Steam Locomotives" is deleted.

Item No. 4. The title and text of account 52 "Other Locomotives" are revised to read as follows:

52 Locomotives.

(a) This account shall include the cost of locomotives and tenders purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

(b) Records shall be maintained to reflect the investment cost of locomotives used predominantly in regular yard switching service and in terminal switching and transfer service separately from the investment cost of other transportation service locomotives.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal Boards.
Fire-extinguishing apparatus.
Gongs.
Headlamps.
Metallic packing.
Pneumatic sanding equipment.
Radio equipment, permanently attached.
Seat boxes.
Signal lamps.
Speed recorders.
Steam-gauge lamps.
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

NOTE: Cars with motor equipment are not to be classed as locomotives.

Item No. 5. The system of accounts following the text of account 54, "Passenger-train Cars", is amended by adding the following account number, title and text:

55 Highway Revenue Equipment.

(a) This account shall include the cost of highway vehicles used in revenue transportation service, including pickup and delivery service, substitute line-haul service, and TOFC service; also the cost of appurtenances (such as radio communication equipment) necessary to equip them for service, and the inspection and transportation costs and charges required for delivery of the vehicles into the carrier's revenue service.

(b) Records shall be maintained to identify the carrier's investment in the following items:

LIST OF HIGHWAY REVENUE EQUIPMENT

Bogies.	Semitrailers.
Buses.	Tractors.
Chassis.	Trailers.
Containers.	Trucks.

(c) The cost of trucks and tractors, which are used exclusively at TOFC terminals for loading and unloading trailers and containers on and from flat cars shall be charged to account 15, "TOFC terminals".

Item No. 6. The text of account 58 is revised to read as follows:

58 Miscellaneous equipment.

(a) This account shall include the cost of automobiles, trucks and other highway equipment not used in revenue transportation service and not provided for elsewhere; the cost of airplanes; the cost of appurtenances (such as radio communication equipment) necessary to equip them for service; and the inspection and transportation costs and charges required for delivery of the vehicles to the carrier.

(b) The cost of special-purpose on and/or off-track automotive vehicles, which are permanently equipped with appurtenant roadway machines and used exclusively in maintenance of way and structures, shall be charged to account 37, "Roadway machines".

III. TEXTS OF REVENUE ACCOUNTS AMENDED

Item No. 1. The text of account 101 "Freight" is amended by supplementing the lists of items to be credited and charged, following paragraph (c), and revising "Note G" as follows:

ITEMS TO BE CREDITED

* * * * *

(j) Revenue from transportation of trailers and containers on flat cars in TOFC service upon the basis of all-rail line-haul freight tariff rates and under arrangements for motor carrier-railroad joint haul, and from the loading and unloading of trailers and containers on and from flat cars upon the basis of tariff rates and under arrangements for motor carrier-railroad joint haul.

ITEMS TO BE CHARGED

(l) Amounts paid to motor truck companies for hauling trailers and containers to and from TOFC terminals, and allowances to shippers who perform such service on the basis of tariff rates.

* * * * *

NOTE G: This account shall be maintained so as to show separately payments and allowances for (a) terminal collection and delivery services when performed in connection with line-haul transportation of freight on the basis of freight tariff rates, further separated between (1) TOFC service, and (2) all other freight service; also (b) payments for switching services when performed in connection with line-haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (c) payments on basis of tariff rates for loading and unloading livestock.

Item No. 2. The text of account 137 "Demurrage" is amended by adding the following sentence and "Note":

137 Demurrage.

* * * This account shall also include the revenue from the detention of trailers and containers used in TOFC service, incident to loading and unloading, upon the basis of tariff rates.

NOTE: This account shall be maintained so as to reflect separately (1) revenue from detention of cars, and (2) revenue from detention of trailers and containers used in TOFC service.

IV. TEXT OF MAINTENANCE OF WAY AND STRUCTURES ACCOUNT ADDED

Item No. 1. The system of accounts following the text of account 221, "Fences, snowsheds and signs", is amended by adding the following account number, title and text:

226 TOFC Terminals.

(a) This account shall include the cost of repairing TOFC terminal structures, fixtures, machinery, and appurtenances.

(b) A list of TOFC terminal structures and appurtenances appears in property account 15, "TOFC terminals".

V. TEXTS OF MAINTENANCE OF EQUIPMENT ACCOUNTS ADDED, AMENDED, DELETED, AND REVISED

Item No. 1. Account 308 "Steam Locomotives; Repairs" is deleted.

Item No. 2. The title and text of account 311 "Other Locomotives; Repairs" are revised to read as follows:

311 Locomotives; Repairs.

(a) This account shall include the cost of repairing transportation service locomotives and tenders, including appurtenances, and the cost of small hand tools used in repairs. This account shall also include the cost of work train service for the transportation of locomotives without power to shops for repairs, including the pay and expenses of caretakers, and the pay and expenses of caretakers of locomotives without power which are hauled in transportation service trains to shops for repairs; also notarial fees in connection with reports on conditions of locomotives.

(b) A list of locomotive appurtenances appears in property account 52, "Locomotives".

(c) This account shall be maintained so as to reflect separately (1) cost of repairs to locomotives used predominantly in regular yard switching service and in terminal switching and transfer service, and (2) cost of repairs to other transportation service locomotives.

NOTE A: The cost of inspecting locomotives in service shall be included in the appropriate enginehouse expense accounts.

NOTE B: The cost of repairing locomotives and tenders of foreign lines, waybilled as freight and damaged in transit, shall be charged to account 418, "Loss and damage; Freight"; and the cost of repairing locomotives and tenders of foreign lines having trackage rights over the carrier's line, damaged by collision, wreck, or other cause for which the carrier is liable, shall be charged to account 416, "Damage to property".

NOTE C: The cost of running locomotives under power to shops for repairs in connection with transportation service shall be included in the cost of the service in connection with which the movement occurs.

NOTE D: The cost of repairing locomotives used solely in work service in connection with operations shall be included in account 326, "Work equipment; Repairs". The cost of repairing locomotives on account of construction work shall be included in the cost of the work.

Item No. 3. The text of account 314 is amended by revising the first sentence of paragraph (a) and adding paragraph (c) and "Note C" as follows:

314 Freight-train Cars; Repairs.

(a) This account shall include the cost of repairing freight-train cars and appurtenances, and the cost of repairing motor equipment affixed to freight-train cars engaged in transportation service; the cost of train yard car inspection; the cost of lubricating cars; also the cost of small hand tools, materials, lubricants, and supplies used in repairs, and other related expense items. * * *

* * * * *

(c) This account shall be maintained so as to reflect separately (1) cost of train yard car inspection, and (2) other freight-train car repair costs.

* * * * *

NOTE C: "Waybilled as freight" refers to equipment for which a tariff charge is made independent of any load.

Item No. 4. The text of account 317 is amended by revising paragraph (a) and adding paragraph (c) and "Note C" as follows:

317 Passenger-train Cars; Repairs.

(a) This account shall include the cost of repairing passenger-train cars and appurtenances and the cost of repairing motor equipment affixed to passenger-train cars used in transportation service; the net loss sustained on account of the destruction of foreign passenger-train cars in the carrier's transportation service; amounts paid to others for repairs of passenger-train cars for which the carrier is liable; the cost of train yard car inspection; the cost of lubricating cars; also the cost of small hand tools, materials, lubricants, and supplies

used in repairs, and other related expense items.

* * * * *

(c) This account shall be maintained so as to reflect separately (1) cost of train yard car inspection, and (2) other passenger-train car repair costs.

* * * * *

NOTE C: "Waybilled as freight" refers to equipment for which a tariff charge is made independent of any load.

Item No. 5. The system of accounts following the text of account 317, "Passenger-train cars; Repairs", is amended by adding the following account number, title and text:

318 Highway Revenue Equipment; Repairs.

(a) This account shall include the cost of repairing highway revenue equipment and appurtenances; the cost of related towing and wrecker services; also the cost of small hand tools, materials, lubricants, and supplies used in repairs, and other related expense items. This account shall also include the net loss sustained on account of the destruction of foreign highway revenue equipment in the carrier's transportation service, and payments to others for repairs of highway revenue equipment for which the carrier is liable.

(b) A list of highway revenue equipment appears in property account 55, "Highway revenue equipment".

NOTE A: The cost of repairing highway revenue equipment of foreign lines, waybilled as freight and damaged in transit, shall be charged to account 418, "Loss and damage; Freight"; and the cost of repairing highway revenue equipment of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck or other cause for which the carrier is liable, shall be charged to account 416, "Damage to property".

NOTE B: "Waybilled as freight" refers to equipment for which a tariff charge is made independent of any load.

Item No. 6. The text of account 328 is revised to read as follows:

328 Miscellaneous Equipment; Repairs.

This account shall include the cost of repairing miscellaneous equipment and appurtenances (see account 58, "Miscellaneous equipment"); the cost of related towing and wrecker services; also the cost of small hand tools, materials, lubricants and supplies used in repairs, and other related expense items.

Item No. 7. The text of account 331 is revised to read as follows:

331 Equipment; Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of equipment the ledger value of which is includible in accounts 52 through 58.

VI. TEXTS OF TRANSPORTATION EXPENSE ACCOUNTS AMENDED AND DELETED

Item No. 1. The text of account 373 is amended by revising the second sentence of paragraph (b) and adding paragraph (c) directly below the tabulated "List of Employees" as follows:

373 Station Employees.

* * * * *

(b) * * * This account shall also include the pay of tractor drivers, crane operators, and other employees, or compensation to others, engaged in loading and unloading trailers and containers on and from flat cars at TOFC terminals; payments to elevator companies (when not made as division of rate) for transferring grain en route; and payments to other companies and individuals for loading and unloading commercial freight under contract or otherwise.

* * * * *

(c) This account shall be maintained so as to reflect separately station employees expenses applicable to (1) TOFC transportation service, and (2) other transportation service.

* * * * *

Item No. 2. The text of account 376 is amended by adding paragraph (d) and "Note" directly below the tabulated "Items of Expense" as follows:

376 Station Supplies and Expenses.

* * * * *

(d) This account shall be maintained so as to reflect separately station supplies and expenses applicable to (1) TOFC transportation service, and (2) other transportation service.

NOTE: The text of this account shall apply to such TOFC terminal facility and terminal operating costs as heating; lighting; building, equipment, and other rentals; fuel and other expenses.

Item No. 3. Account 385 "Water for Yard Locomotives" is deleted.

Item No. 4. The first sentence of the text of account 387 is revised as follows:

387 Other Supplies for Yard Locomotives.

This account shall include the cost of water and supplies, other than fuel and lubricants, used on locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including the cost of repairs and renewals of furniture, tools and other movable articles required for use on locomotives in yard service. * * *

Item No. 5. Account 397 "Water for Train Locomotives" is deleted.

Item No. 6. The first sentence of the text of account 399 is revised as follows:

399 Other Supplies for Train Locomotives.

This account shall include the cost of water and supplies, other than fuel and lubricants, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in transportation train service. * * *

Item No. 7. The text of account 402 "Train Supplies and Expenses" is amended by deleting paragraph (d).

Item No. 8. The text of account 411 is amended and the list of "Items of Expense" is supplemented as follows:

411 Other Expenses.

(a) This account shall include all expenses in connection with rail line and highway revenue transportation which are not properly chargeable to other transportation accounts.

(b) This account shall be maintained so as to reflect separately (1) expenses applicable to operating highway revenue equipment, and (2) other transportation expenses.

ITEMS OF EXPENSE

* * * * *

Pay of drivers, fuel, supplies, vehicle licenses and other direct expenses of operating highway revenue equipment.

Pay of employees engaged in loading and unloading freight on and from trailers and containers used in TOFC service at shippers' or consignees' premises.

* * * * *

Item No. 9. The text of account 418 is amended by revising paragraph (a) as follows:

418 Loss and Damage; Freight.

(a) This account shall include payments and expenses on account of loss, destruction, damage, or delays to revenue freight shipments, including locomotives, cars and highway revenue equipment transported as freight, express matter, milk shipments, and livestock, and expenses incurred on account of such payments; also expenses on account of loss, destruction or damage to shipments of company material.

* * * * *

VII. TEXTS OF INCOME ACCOUNTS AMENDED

Item No. 1. Account 503 "Hire of Freight Cars; Credit Balance" is amended by revising the title, text and "Note A" and adding "Note D" as follows:

503 Hire of Freight Cars and Highway Revenue Equipment; Credit Balance.

(a) This account shall include, except as provided in the texts of accounts 509, "Income from lease of road and equipment", and 542, "Rent for leased roads and equipment", the net credit balance of (1) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and highway revenue equipment, over (2) amounts payable accrued for the use of the freight cars of others leased or interchanged, and highway revenue equipment of others.

(b) This account shall be maintained so as to reflect separately the net credit balance applicable to (1) rent from freight-train cars, and (2) rent from highway revenue equipment.

NOTE A: If the net balance is a debit, it shall be included in account 536, "Hire of freight cars and highway revenue equipment; Debit balance".

* * * * *

NOTE D: Rent from the use of highway equipment recorded in account 58, "Miscellaneous equipment", shall be included in account 510, "Miscellaneous rent income".

Item No. 2. Account 536 "Hire of Freight Cars; Debit Balance" is amended by revising the title, text and "Note A" and adding "Note E" as follows:

536 Hire of Freight Cars and Highway Revenue Equipment; Debit Balance.

(a) This account shall include, except as provided in the classification for investment in road and equipment and in the texts of accounts 509, "Income from lease of road and equipment", and 542, "Rent for leased roads and equipment", the net debit balance of (1) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and highway revenue equipment, under (2) amounts payable accrued for the use of the freight cars of others leased or interchanged, and highway revenue equipment of others.

(b) This account shall be maintained so as to reflect separately the net debit balance applicable to (1) rent for freight-train cars, and (2) rent for highway revenue equipment.

NOTE A: If the net balance is a credit, it shall be included in account 503, "Hire of freight cars and highway revenue equipment; Credit balance".

* * * * *

NOTE E: Rent paid for highway equipment not used in revenue transportation service and not provided for elsewhere shall be charged to account 543, "Miscellaneous rents". Rent paid for highway equipment used in construction work shall be included in the cost of the work.

VIII. FORM OF INCOME STATEMENT AMENDED

"599 Form of Income Statement" is amended as follows:

Item No. 1. Line item "503 Hire of freight cars—Credit balance" is changed to:

503 Hire of freight cars and highway revenue equipment—Credit balance

Item No. 2. Line item "536 Hire of freight cars—Debit balance" is changed to:

536 Hire of freight cars and highway revenue equipment—Debit balance

IX. MISCELLANEOUS AMENDMENTS

Item No. 1. The list of "Property Accounts" is amended as follows:

(a) Directly below "13 Fences, snowsheds and signs" add:

15 TOFC terminals

(b) Line item "51 Steam locomotives" is deleted.

(c) Line item "52 Other locomotives" is changed to:

52 Locomotives.

(d) Directly below "54 Passenger-train cars" add:

55 Highway revenue equipment.

Item No. 2. The list of "Railway Operating Expense Accounts" is amended as follows:

(a) Directly below "221 Fences, snowsheds and signs" add:

226 TOFC terminals.

(b) Line item "311 Other locomotives; repairs" is changed to:

311 Locomotives; repairs.

(c) Directly below "317 Passenger-train cars; repairs" add:

318 Highway revenue equipment; repairs.

(d) The following line items are deleted:

308 Steam locomotives; repairs.
385 Water for yard locomotives.
397 Water for train locomotives.

Item No. 3. The list of "Income Accounts" is amended by revising the following line items:

(a) "503 Hire of freight cars; credit balance" is changed to:

503 Hire of freight cars and highway revenue equipment; credit balance.

(b) "536 Hire of freight cars; debit balance" is changed to:

536 Hire of freight cars and highway revenue equipment; debit balance.

Item No. 4. 480 "Accounts for Small Carriers, Class II": The "Condensed Classification of Operating Expenses" is amended as follows:

(a) In the listing "Accounts for Small Carriers—Class II" line item "2226 Car repairs" is changed to:

2226. Car and highway revenue equipment repairs.

(b) The listing "Accounts for Large Carriers—Class I" is amended as follows:

(1) Directly below "272 Removing snow, ice, and sand" add the following (includible in the account grouping "2203. Maintaining structures".):

226. TOFC terminals.

(2) Line item "311 Other locomotives—Repairs" is changed to:

311. Locomotives—Repairs.

(3) Directly below "317 Passenger-train cars—Repairs" add the following (includible in the account grouping "2226. Car and highway revenue equipment repairs".):

318. Highway revenue equipment—Repairs.

(4) The following line items are deleted:

308. Steam locomotives—Repairs.
385. Water for yard locomotives.
397. Water for train locomotives.

[F.R. Doc. 69-12607; Filed, Oct. 21, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[P & S Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

Notice of Petition To Vacate Order and Dismiss Proceeding

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a basic order was issued on December 7, 1943, in the case of In re St. Louis National Stockyards Co., respondent, prescribing the rates and charges to be assessed by the respondent for the stockyard services rendered by it. Such rates and charges have been modified from time to time by subsequent orders issued in the proceeding. The latest such order was issued on August 26, 1969, prescribing the rates and charges to be assessed by respondent to and including June 30, 1971, unless modified or extended by further order before the latter date.

On September 9, 1969, the respondent filed a petition requesting that the rate order in this proceeding be dismissed in conformity with § 203.11 of the statements of general policy under the Packers and Stockyards Act. The petition reads as follows:

> This is a rate proceeding under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). The respondent is now operating under an order issued on August 26, 1969. The current schedule of rates and charges [became] effective September 1, 1969, and is to remain in effect, unless modified or extended by further order, to and including June 30, 1971.
>
> The basic rate order in this proceeding was issued December 7, 1943. During the period since the basic rate order has been in effect this respondent has followed the procedure, prior to filing of a petition for modification of the basic order, of seeking an advance indication of the attitude of the Packers and Stockyards Administration toward the changes to be proposed. Information in support of such proposals has been submitted and a tentative agreement is reached before a formal petition for modification has been filed.
>
> The respondent does not believe economic conditions in the industry, the marketing structure in the trade territory, or any other circumstances necessitates the continuation of the formal procedure for obtaining modification in the rates and charges assessed by respondent.
>
> It is requested, therefore, that in conformity with the [policy] expressed in § 203.11 of the statements of general policy under the Packers and Stockyards Act (9 CFR 203.11) that the rate order in this proceeding be vacated and the proceeding be dismissed.

Any interested person may file with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER, written data, views, comments or arguments with respect to the petition filed by respondent.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 16th day of October 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-12590; Filed, Oct. 21, 1969; 8:46 a.m.]

SHELDON LIVESTOCK CO., INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
IOWA	
Sheldon Livestock Company, Sheldon, Jan. 7, 1959.	Sheldon Livestock Company, Inc., July 2, 1969.
NEW YORK	
Owego Livestock Sales, Owego, July 11, 1960.	Willie's Auction Service, Sept. 16, 1969.
OKLAHOMA	
Marlow Sale Barn, Marlow, July 24, 1967.	Marlow Livestock Sale, Sept. 2, 1969.
TEXAS	
Lockhart Livestock Auction Company, Lockhart, Apr. 4, 1957.	Lockhart Livestock Auction Co., Inc., June 24, 1969.
Mansfield Commission Company, Mansfield, Mar. 9, 1959.	Mansfield Livestock Commission Company, July 1, 1969.

Done at Washington, D.C., this 16th day of October 1969.

W. L. EICHENBERGER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-12622; Filed, Oct. 21, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-111]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

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 granted as herein described during the period from August 25, 1969, to September 16, 1969 (List No. 25-69). 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 198 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. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS; REPAIRING AND CLEANING

Approval No. 160.006/17/1, Castle cleaning process for kapok life preservers as outlined in Castle Carpet Cleaning Corp. letter dated May 24, 1964, and U.S.C.G. Specification 160.006, where buoyancy fillers are not removed from envelope covers during cleaning process, manufactured by Castle Carpet Cleaning Corp., 36–21 33d Street, Long Island City, N.Y. 11101, effective September 8, 1969. (It is an extension of Approval No. 160.006/17/1, dated Oct. 15, 1964.)

BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010/62/0, 5.0' x 2.67' (7½'' x 10'' body section) peripheral-body type buoyant apparatus, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane core, 8-person capacity, dwg. No. 21962 dated August 16, 1964, and Specification No. 6162 dated August 18, 1964, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective September 11, 1969. (It is an extension of Approval No. 160.010/62/0, dated Oct. 19, 1964.)

Approval No. 160.010/63/0, 6.0' x 4.0' box-float type buoyant apparatus, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane core, 20-person capacity, dwg. No. 21961 dated August 16, 1964, and Specification No. 6161 dated August 18, 1964, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, New York, N.Y. 11201, effective September 11, 1969. (It is an extension of Approval No. 160.-010/63/0, dated Oct. 19, 1964.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/3/1, Davis type BLS fresh air hose mask assembly with velocity blower, Davit Unit Nos. 4066, 4067, 4087, 4088, 4090, 4091, 4092, or 4093 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM–1906 when assembled with BM–1902 face piece and BM–1902 or 1902A harness and hose, manufactured by Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corp. of America, 225 Erie Street, Lancaster, N.Y. 14086, formerly Davis Emergency Equipment Co., Inc., effective September 4, 1969. (It is an extension of Approval No. 160.011/3/1, dated Oct. 12, 1964, and change of name and address of manufacturer.)

COMPASSES, LIFEBOAT

Approval No. 160.014/1/0, type LMC–101D, compensating mariners liquid-filled magnetic lifeboat compass with mounting, assembly drawing No. D–1 dated July 18, 1945, manufactured by John E. Hand and Sons Co., Beechwood and Birch Avenues, Cherry Hill, N.J. 08034, effective September 11, 1969. (It is an extension of Approval No. 160.014/1/0, dated Nov. 13, 1964.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/95/2, hydraulic launching system for Brucker Survival Capsule; approved as an alternate to a lifeboat winch for a maximum lowering load of 10,500 pounds on a single fall with a ram and a five-fold or six-fold purchase; identified by system drawing 20–100 dated May 26, 1969, and drawing list dated September 4, 1969, approved for use only with the "A" and "B" relief valve settings shown on drawing 20–102, revision B dated August 26, 1969, approved for use only on non-self-propelled drilling rigs, artificial islands, and fixed structures, manufactured by Whittaker Corp., 801 Royal Oaks Drive, Monrovia, Calif. 91016, effective September 4, 1969. (It supersedes Approval No. 160.015/95/1, dated Feb. 4, 1969, to show change in address and design.)

SIGNALS, DISTRESS, FLOATING ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.022/2/1, Model OS–5 floating orange smoke distress signal, dwg. Nos. 9 and 10 dated April 28, 1964, and Specification OS–5 dated April 28, 1964, minor change in specifications; no change in construction, manufactured by Superior Signal Company, Inc., West Greystone Road, Spotswood, N.J. 08884, effective September 15, 1969. (It is an extension of Approval No. 160.022/2/1, dated Oct. 21, 1964.)

LIFEFLOATS FOR MERCHANT VESSELS

Approval No. 160.027/60/0, 5.0' x 2.67' (7½'' x 10'' body section) peripheral-body type lifefloat, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane core, 6-person capacity, dwg. No. 21963 dated August 16, 1964, and Specification No. 6163, dated August 18, 1964, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective September 11, 1969. (It is an extension of Approval No. 160.027/60/0, dated Oct. 19, 1964.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/150/2, mechanical davit, steel straight boom sheath screw, Type B–47; approved for a maximum working load of 9,450 pounds per set (4,725 pounds per arm) using not less than 2-part falls; identified by general arrangement dwg. 80049, Rev. C, dated January 15, 1969, and drawing list dated September 9, 1969, manufactured by Welin Davit and Boat Division of Lane Lifeboat and Davit Corp., 500 Market Street, Perth Amboy, N.J. 08861, effective September 10, 1969. (It reinstates and supersedes Approval No. 160.032/150/1, terminated Feb. 16, 1967 to show change in design and address.)

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/22/4, 24.0' x 8.0' x 3.25' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G–2440–T, revised August 15, 1969. 46 CFR 160.035–13(c) Marking. Weights: Condition "A"=3,525 pounds; Condition "B"=11,055 pounds, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective September 15, 1969. (It reinstates and supersedes Approval No. 160.035/22/3, terminated Mar. 12, 1969, to show change in address and construction.)

JACKKNIFE (WITH CAN OPENER) FOR MERCHANT VESSELS

Approval No. 160.043/2/0, No. 850 jackknife (with can opener), dwgs. PR–110–15 and PR–110–24, dated June 22, 1954, manufactured by Imperial Knife Co., Inc., Imperial Place, Providence, R.I. 02903, effective September 4, 1969. (It is an extension of Approval No. 160.043/2/0, dated Oct. 6, 1964.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

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

Approval No. 160.047/574/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Crystal Lake, Ill. 60014, and Hazlehurst, Ga. 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607, effective September 8, 1969. (It is an extension of Approval No. 160.047/574/0, dated Oct. 6, 1964.)

Approval No. 160.047/575/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Crystal Lake, Ill. 60014, and Hazlehurst, Ga. 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607, effective September 8, 1969. (It is an extension of Approval No. 160.047/575/0, dated Oct. 6, 1964.)

Approval No. 160.047/576/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Crystal Lake, Ill. 60014, and Hazlehurst, Ga. 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607, effective September 8, 1969. (It is an extension of Approval No. 160.047/576/0, dated Oct. 6, 1964.)

Approval No. 160.047/622/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, effective September 11, 1969.

Approval No. 160.047/623/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, effective September 11, 1969.

Approval No. 160.047/624/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, effective September 11, 1969.

Approval No. 160.047/625/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective September 15, 1969.

Approval No. 160.047/626/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective September 15, 1969.

Approval No. 160.047/627/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective September 15, 1969.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

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

Approval No. 160.048/234/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048(c)(1)(i), manufactured by Ero Manufacturing Co., Crystal Lake, Ill. 60014, and Hazelhurst, Ga. 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607, effective September 8, 1969. (It is an extension of Approval No. 160.048/234/0, dated Oct. 6, 1964.)

Approval No. 160.048/255/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, effective September 11, 1969.

Approval No. 160.048/256/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Outdoor Supply Co., Inc., Oxford, N.C. 27565, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective September 15, 1969.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/65/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad and Textile Co., dwg. No. 175–LA–4, revised June 15, 1964, manufactured by Outdoor Supply Co., Inc., Marine Division, 1648 Lawson Street, Durham, N.C. 27701, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, effective September 12, 1969.

Approval No. 160.050/66/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad and Textile Co., dwg. No. 175–LA–4, revised June 15, 1964, manufactured by Outdoor Supply Co., Inc., Marine Division, 1648 Lawson Street, Durham, N.C. 27701, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, effective September 12, 1969.

Approval No. 160.050/67/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad and Textile Co., dwg. No. 175–LA–4, revised June 15, 1964, manufactured by Outdoor Supply Co., Inc., Marine Division, 1648 Lawson Street, Durham, N.C. 27701, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, effective September 12, 1969.

Approval No. 160.050/68/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad and Textile Co., dwg. No. 175–LA–4, revised June 15, 1964, manufactured by Outdoor Supply Co., Inc., Marine Division, 1648 Lawson Street, Durham, N.C. 27701, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, effective September 12, 1969.

Approval No. 160.050/69/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad and Textile Co., dwg. No. 175–LA–4, revised June 15, 1964, manufactured by Outdoor Supply Co., Inc., Marine Division, 1648 Lawson Street, Durham, N.C. 27701, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, effective September 12, 1969.

Approval No. 160.050/70/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad and Textile Co., dwg. No. 175–LA–4, revised June 15, 1964, manufactured by Outdoor Supply Co., Inc., Marine Division, 1648 Lawson Street, Durham, N.C. 27701, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, effective September 12, 1969.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

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

Approval No. 160.052/168/0, Type II, Model PFA, adult cloth covered unicellular plastic foam buoyant vest dwg. No. PF1101 (sheets 1 and 2), Rev. 1 dated June 24, 1963, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass. 02210, effective September 16, 1969. (It is an extension of Approval No. 160.052/168/0, dated Oct. 28, 1964.)

Approval No. 160.052/169/0, Type II, Model PFM, child medium cloth covered unicellular plastic foam buoyant vest, dwg. No. PF1101 (sheets 1 and 3), Rev. 1 dated June 24, 1963, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass. 02210, effective September 16, 1969. (It is an extension of Approval No. 160.052/169/0, dated Oct. 28, 1964.)

Approval No. 160.052/170/0, Type II, Model PFS, child small cloth covered unicellular plastic foam buoyant vest, dwg. No. PF1101 (sheets 1 and 4), Rev. 1 dated June 24, 1963, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass. 02210, effective September 16, 1969. (It is an extension of Approval No. 160.052/170/0, dated Oct. 28, 1964.)

Approval No. 160.052/295/0, Type II, Model PVAII–3180, adult, vinyl-dipped unicellular plastic foam buoyant vest, Ero dwg. No. 1000, dated January 19, 1962, manufactured by Ero Manufacturing Co., Hazlehurst, Ga. 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607, effective September 8, 1969. (It is an extension of Approval No. 160.052/295/0, dated Oct. 6, 1964.)

Approval No. 160.052/296/0, Type II, Model PVCMII–3185, child, vinyl-dipped unicellular plastic foam buoyant vest, Ero dwg. No. 1001, dated January 19, 1962, manufactured by Ero Manufacturing Co., Hazlehurst, Ga. 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607, effective September 8, 1969. (It is an extension of Approval No. 160.052/296/0, dated Oct. 6, 1964.)

Approval No. 160.052/297/0, Type II, Model PVCSII–3190, child, vinyl-dipped unicellular plastic foam buoyant vest, Ero dwg. No. 1002, dated January 19, 1962, manufactured by Ero Manufacturing Co., Hazlehurst, Ga. 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607, effective September 8, 1969. (It is an extension of Approval No. 160.052/297/0, dated Oct. 6, 1964.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/14/0, N–35 explosion-proof flashlight, Type II, size 2 (2-cell), Part Number N–35, each flashlight shall be plainly and permanently marked with the name of the manufacturer and the above part number, manufactured by Fulton Manufacturing, Division of Chromalloy American Corp., Wauseon, Ohio 43567 (formerly Fulton Manufacturing Corp.), effective August 25, 1969. (It is an extension of Approval No. 161.008/14/0, dated Aug. 25, 1964, and change of name of manufacturer.)

Dated: October 17, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69–12605; Filed, Oct. 21, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–252]

UNIVERSITY OF NEW MEXICO

Notice of Issuance of Facility License Amendment

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on September 19, 1969 (34 F.R. 14615), the Atomic

Energy Commission (the Commission) has issued Amendment No. 2 to Facility License No. R–102 substantially as proposed in that notice. The amendment authorizes the University of New Mexico to operate its modified AGN–201, Serial No. 112, nuclear reactor located on the university's campus in Albuquerque, N. Mex., at increased power levels up to 5 watts (thermal).

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, 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.

A copy of the license amendment is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the license amendment may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of October 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69–12591; Filed, Oct. 21, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69–10–77]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 16, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R–127 through R–129.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 7, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

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

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R–127 through R–129, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–12593; Filed, Oct. 21, 1969; 8:47 a.m.]

[1] Filed as part of the original document.

[Docket No. 18650; Order 69–10–79]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 16, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20806, R–59 through R–64.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 7, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates, and cancels rates from Miami to San Salvador and Guatemala City and from New Orleans to San Salvador, also indicated in the attachment.

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

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R–59 through R–64, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–12594; Filed, Oct. 21, 1969; 8:47 a.m.]

[1] Filed as part of the original document.

[Docket No. 17353]

PACIFIC ISLANDS LOCAL SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be held on November 5, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 17, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69–12595; Filed, Oct. 21, 1969; 8:47 a.m.]

CIVIL SERVICE COMMISSION

PHYSICAL SCIENCE SUBSERIES, NATIONWIDE

Notice of New Automatic Termination Date for Special Rates

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established a new automatic termination date for the special rates authorized for positions in the Physical Science Subseries, GS–1301.1, 5/12 for a 90-day period starting with the first day of the first pay period after July 27, 1969. The special rates cited will now be terminated at the beginning of the first pay period which occurs on or after February 1, 1970.

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

[F.R. Doc. 69–12614; Filed, Oct. 21, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Intra-Departmental Educational Affairs, Office of the Assistant Secretary/Commissioner of Education.

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

[F.R. Doc. 69-12618; Filed, Oct. 21, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary/Deputy Commissioner for Planning, Research and Evaluation, Office of the Assistant Secretary/Commissioner of Education.

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

[F.R. Doc. 69-12619; Filed, Oct. 21, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Special Education Services) in the Office of the Assistant Secretary for Education.

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

[F.R. Doc. 69-12615; Filed, Oct. 21, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner of Education in the Office of the Commissioner.

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

[F.R. Doc. 69-12617; Filed, Oct. 21, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Confidential Assistant to the Assistant Secretary (for Education)" to "Executive Assistant to the Assistant Secretary/Commissioner of Education".

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

[F.R. Doc. 69-12616; Filed, Oct. 21, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND EVERETT ORIENT LINE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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. W. R. Purnell, District Manager, American Mail Line, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9825 between American Mail Line, Ltd., and Everett Orient Line establishes a through billing arrangement for the transportation of cargo in the trade from Alaska, Washington, Oregon, and California to ports in Indonesia with transshipment at Singapore or ports in Malaysia in accordance with the terms and conditions set forth in the Agreement.

By order of the Federal Maritime Commission.

Dated: October 16, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12623; Filed, Oct. 21, 1969; 8:49 a.m.]

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

Notice of Issuance of Casualty Certificate

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 have been issued 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 Part 540):

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

Dated: October 16, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12625; Filed, Oct. 21, 1969; 8:49 a.m.]

ORIENTAL AFRICA LINES, INC., ET AL.

Notice of Issuance of Performance Certificate

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

Notice is hereby given that the following have been issued 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 C.F.R. Part 540):

Oriental Africa Lines, Inc. and/or Chinese Maritime Trust Ltd. (Orient Overseas Line), 80 Broad Street, Monrovia, Liberia.
Royal Caribbean Cruise Line A/S, Haakon VII's Gate 1, Oslo 1, Norway.

Dated: October 16, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12626; Filed, Oct. 21, 1969; 8:49 a.m.]

[Docket No. 69-25]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Temporary Strike Surcharge in U.S. North Atlantic/Puerto Rico Trade; Third Supplemental Order

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a temporary "Strike Surcharge" designed to increase rates and charges of Transamerican Trailer Transport, Inc. (TTT), by 10 percent during the period from May 17, 1969, to April 10, 1970; and suspended the operation of the said surcharge to and including September 16, 1969.

TTT voluntarily further postponed the effective date of the suspended matter to and including October 17, 1969.

TTT has now filed an amendment to the matter previously suspended by the Commission which will, upon becoming effective October 18, 1969, reduce the surcharge on trailerload cargo from 10 to 5 percent; and extend the expiration date of the surcharge to and including July 17, 1970.

Now therefore it is ordered, That this proceeding shall include an investigation into and a hearing concerning Rule No. 5 on 6th Revised Page 10A, Tariff FMC-F No. 1 to the same extent as that applicable to the original surcharge as set forth in the order of May 14, 1969.

It is further ordered, That (I) a copy of this order shall forthwith be served on all parties to this proceeding and published in the FEDERAL REGISTER; and (II) the said parties be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-12624; Filed, Oct. 21, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-282 etc.]

UNION PRODUCING CO. ET AL.

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

OCTOBER 10, 1969.

Union Producing Co. and Union Producing Co. (Operator) et al. (both referred to herein as Union), have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-282...	Union Producing Co.,[2] 900 Southwest Tower, Houston, Tex. 77002.	1	10	United Gas Pipe Line Co. (Aqua Dulce Field, Nueces County, Tex.) (RR. District No. 4).	[3] $194,000	9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		2	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		3	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		4	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		5	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		6	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		7	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		8	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		9	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		10	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		11	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		12	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		13	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		14	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		15	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		16	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		17	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		18	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		19	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		20	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		21	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		22	11	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		23	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		24	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		25	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		26	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		27	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		29	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		30	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		31	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		32	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		33	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		34	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		35	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		36	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		37	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		38	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		39	9	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	
.....do[2]		40	10	.....do		9-15-69	[3] 10-16-69	3-16-70	[4] 14.0	[4] [5] 15.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI70-282	Union Producing Co., etc.	95	10	United Gas Pipe Line Co. (North McFadden Field, Victoria County, Tex.) (RR. District No. 2).	1,712	9-15-69	[3] 10-16-69	3-16-70	[3] 14.0	[4] [5] 16.8525	
	do [7]	238	6	United Gas Pipe Line Co. (Haynes Ranch Field, Refugio County, Tex.) (RR. District No. 2).		9-15-69	[3] 10-16-69	3-16-70	[3] 14.0	[4] [5] [6] 15.231	RI69-333.
	do [7]	252	15	United Gas Pipe Line Co. (Strauch-Wilcox and San Dimingo Fields, Bee County, Tex.) (RR. District No. 2).	10,618	9-15-69	[3] 10-16-69	3-16-70	[3] 14.0	[3] 17.2176	
	do [7]	253	8	United Gas Pipe Line Co. (West Tuleta Field, Bee County, Tex.) (RR. District No. 2).	22,523	9-15-69	[3] 10-16-69	3-16-70	[3] 14.0	[3] [9] 17.2176	
	do [7]	78	[10] 14	United Gas Pipe Line Co. (Tom O'Conner Field, Refugio County, Tex.) (RR. District No. 2).	22,500	9-15-69	[3] 10-16-69	3-16-70	[3] 14.0	[4] [5] 19.0	
	do [7]	236	[10] 8	United Gas Pipe Line Co., (Greth Field, Refugio County, Tex.) (RR. District No. 2).	7,200	9-15-69	[3] 10-16-69	3-16-70	[3] 15.0	[4] [7] 19.0	
	do	80	9	Trunkline Gas Co. (Heard Ranch Field, Bee County, Tex.) (RR. District No. 2).	2,500	9-15-69	[3] 10-16-69	3-16-70	[4] [5] 14.6	[4] [5] [6] 15.6	
	do	195	7	Texas Eastern Transmission Corp. (Muldon Field, Monroe County, Miss.).	27,300	9-15-69	[3] 10-16-69	3-16-70	[4] [11] 19.0	[4] [11] [12] 21.60	
	do	227	6	South Texas Natural Gas Gathering Co. (Shepherd Field, Hidalgo County, Tex.) (RR. District No. 4).	41,200	9-15-69	[3] 10-16-69	3-16-70	[4] [5] 16.0	[4] [5] [6] 18.0	
	do	231	4	Florida Gas Transmission Co. (Kain Field, Matagorda, Tex.) (RR. District No. 3).	7,987	9-15-69	[3] 10-16-69	3-16-70	[4] [5] 16.0	[4] [5] [6] 19.5	
	do	250	3	Natural Gas Pipeline Co. of America (Jennings Field, Zapata and Jim Hobbs Counties, Tex.) (RR. District No. 4).	39,840	9-15-69	[3] 10-16-69	3-16-70	[4] [13] 16.0	[4] [5] [6] 19.0	
	do [7]	92	[14] 18	United Gas Pipe Line Co. (Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.).	5,250	9-16-69	[3] 11-24-69	4-24-70	[5] 20.0	[4] [15] 23.0	
	do	202	11	Texas Eastern Transmission Corp. (San Domingo Field, Bee County, Tex.) (RR. District No. 2).	600	9-15-69	[3] 10-16-69	3-16-70	[3] 13.8733	[4] [5] 14.8733	
	do [7]	222	[14] 17	United Gas Pipe Line Co. (Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.).	1,650	9-16-69	[3] 11-24-69	4-24-70	20.0	[4] [6] 23.0	
	do	230	5	Texas Gas Transmission Co. (Lisbon Field, Claiborne Parish, La.) (North Louisiana).	170	9-15-69	[3] 10-16-69	3-16-70	[3] [16] 18.25	[4] [12] [16] 19.75	
	do [7]	232	[14] 8	United Gas Pipe Line Co. (Calhoun Field, Ouachita Parish, La.) (North Louisiana).		9-15-69	[3] 10-26-69	(Accepted)			
		232	9		15,940	9-15-69	[3] 10-26-69	3-26-70	[3] [16] 18.75	[12] [17] [18] 23.00	
	do	233	2	Arkansas Louisiana Gas Co. (Calhoun Field, Ouachita Parish, La.).	900	9-15-69	[3] 10-16-69	3-16-70	[3] [16] 18.75	[4] [12] [16] 20.25	
	do [7]	248	8	United Gas Pipe Line Co. (South Downsville Field, Union and Lincoln Parishes, La.) (North Louisiana).	14,000	9-15-69	[3] 10-16-69	3-16-70	[4] [16] 18.75	[4] [12] [16] 19.75	
	do	249	4	Michigan Wisconsin Pipe Line Co. (Holly Ridge Field, Tensas Parish, La.) (North Louisiana).	4,500	9-15-69	[3] 10-16-69	3-16-70	[4] [16] 18.5	[4] [12] [16] 22.25	
RI70-283	Union Producing Co. (Operator) et al. [7]	93	7	United Gas Pipe Line Co. (East McFaddin Field, Victoria County, Tex.) (RR. District No. 2).	3,424	9-15-69	[3] 10-16-69	3-16-70	[3] 14.7125	[4] [5] 16.8525	
	do [7]	94	5	do	3,200	9-15-69	[3] 10-16-69	3-16-70	[3] 14.6	[3] [19] 16.6	
	do [7]	245	9	United Gas Pipe Line Co. (Fox Field, Refugio County, Tex.) (RR. District No. 2).	1,378	9-15-69	[20] 12-1-69	5-1-70	14.0	[4] [5] [6] 15.231	RI69-331
	do [7]	63	[21] 13	United Gas Pipe Line Co. (Burnell-North Pettus Fields Bee, Karnes, and Goliad Counties, Tex.) (RR. District No. 2).		9-15-69	[3] 10-16-69	(Accepted)			
		63	14		320,000	9-15-69	[3] 10-16-69	3-16-70	[3] 14.0	[3] [17] 16.0	
	do [7]	42	[22] 8	United Gas Pipe Line Co. (Batterville Field, Lamar and Marion Counties, Miss.).		9-15-69	[3] 10-16-69	(Accepted)			
		42	9		3,720	9-15-69	[3] 10-16-69	3-16-70	[3] 14.0	[12] [17] 20.0	
	do [7]	209	[23] 8	United Gas Pipe Line Co. (Soso Field, Jasper, Jones, and Smith Counties, Miss.).		9-15-69	[3] 10-16-69	(Accepted)			
		209	9		10,800	9-15-69	[3] 10-16-69	3-16-70	[3] 14.0	[12] [17] 20.0	

[1] Based on total sales since the Aqua Dulce Field is operated by Union as a unit.
[2] The stated effective date is the effective date requested by Respondent.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Settlement rate as approved by Commission order issued Dec. 23, 1964, in Dockets Nos. G-13811 and G-18354 et al. Moratorium on increased rate filings expired Dec. 1, 1967.
[7] Both buyer and seller are wholly owned subsidiaries of Pennzoil United, Inc.
[8] Subject to a downward B.t.u. adjustment.
[9] Redetermined rate increase.
[10] Includes agreement dated July 31, 1969, which provides that the contract price of 19 cents shall apply for the period July 1, 1969 to Feb. 1, 1971, in lieu of a redetermined price.
[11] Subject to a 1.39-cent compression charge by buyer.
[12] Pressure base is 15.025 p.s.i.a.
[13] Initial "In-Line" certificated rate as prescribed in Opinion No. 422.
[14] Includes agreement dated Aug. 25, 1969, providing that the contract price of 23 cents shall apply from Nov. 24, 1969, the expiration of the contract term in lieu of a redetermined rate.
[15] Includes 1.75 cents tax reimbursement.
[16] Contract agreement dated Aug. 21, 1969, provides for 21.5 cents base rate from Oct. 26, 1974, and a base rate of 23 cents thereafter. Also provides for reduction in tax reimbursement and new measurement procedures.
[17] Renegotiated rate increase.
[18] Includes 1.50 cents tax reimbursement.
[19] Two-step periodic rate increase.
[20] Contractual effective date.
[21] Agreement dated Oct. 3, 1968, which provides for the proposed rate increase.
[22] Agreement dated May 3, 1968, which provides for a renegotiated rate of 20 cents commencing July 1, 1967, and ending July 1, 1972, and for 21 cents thereafter. Provides for reimbursement of new taxes.

The rate schedules involved herein were included in Union's companywide settlement approved by Commission order issued December 23, 1964, in Dockets Nos. G–13811 and G–18354 et al. The moratorium prohibiting increased rate filings by Union for the subject sales expired on December 1, 1967. With the exception of increases contained in Supplement Nos. 9 and 6 to Union's FPC Gas Rate Schedule Nos. 245 and 238, respectively, all of the proposed increases are from settlement rates.

Union Producing Co., Union Producing Co. (Operator) et al., and the United Gas Pipe Line Co. are wholly owned subsidiaries of Pennzoil United, Inc.

Concurrently with the filing of their rate increases, Union Producing Co. (Operator) et al., submitted three contract agreements [2] and Union Producing Co. submitted a contract agreement [3] which provide the basis for their proposed rate increases. We believe that it would be in the public interest to accept Union's proposed contract agreements to become effective on the dates shown in the "Effective Date" column listed above, but not the proposed rates contained therein which are suspended as hereinafter ordered.

Union's 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 § 2.56).

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

The Commission finds:

(1) Good cause has been shown for accepting for filing Union's contract agreements, as set forth above, and for permitting such supplements to become effective on the dates indicated in the "Effective Date" column listed above, the proposed effective dates.

(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 the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement Nos. 13, 8, and 8 to Union's (as Operator) et al.) FPC Gas Rate Schedule Nos. 63, 42, and 209, respectively, and Supplement No. 8 to Union's FPC Gas Rate Schedule No. 232, are accepted for filing and permitted to become effective on the dates indicated in the "Effective Date" column listed above, the proposed effective dates.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements as 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 (18 CFR 1.8, 1.37(f)) on or before November 26, 1969.

By the Commission.

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

[F.R. Doc. 69–12455; Filed, Oct. 21, 1969; 8:45 a.m.]

[2] Designated as Supplement Nos. 13, 8, and 8 to Union's (as (Operator) et al.) FPC Gas Rate Schedule Nos. 63, 42, and 209, respectively.

[3] Designated as Supplement No. 8 to Union's FPC Gas Rate Schedule No. 232.

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION AND ATLANTIC NATIONAL BANK OF JACKSONVILLE

Order Approving Acquisition of Bank Stock by Bank Holding Companies

In the matter of the applications of Atlantic Bancorporation and The Atlantic National Bank of Jacksonville, Jacksonville, Fla., for approval of acquisition of not less than 80 percent of the voting shares of Lake Wales Bank & Trust, Lake Wales, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the applications of Atlantic Bancorporation and The Atlantic National Bank of Jacksonville, both of Jacksonville, Fla., for the Board's prior approval of the acquisition of not less than 80 percent of the voting shares of Lake Wales Bank & Trust, Lake Wales, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the applications to the Comptroller of the Currency and to the Florida Commissioner of Banking and requested their views and recommendations. Both the Comptroller and the Commissioner recommended approval of the applications.

Notice of receipt of the applications was published in the FEDERAL REGISTER on August 23, 1969 (34 F.R. 13631), providing an opportunity for interested persons to submit comments and views with respect to the proposal. Copies of the applications were forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said applications be and hereby are approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

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

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secertary.*

[F.R. Doc. 69–12600; Filed, Oct. 21, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. G–6]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the civilian executive agencies before the Interstate Commerce Commission in a proceeding involving freight classification rules.

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 civilian executive agencies before the Interstate Commerce Commission in a proceeding involving changes in section 2, Rule 3, Supplement 21, Uniform Classification Committee, Agent, I.C.C. 5, concerning shipments of extraordinary value.

b. The Secretary of Defense may redelegate this authority to any officer,

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Roberston, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

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.

Dated: October 16, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-12570; Filed, Oct. 21, 1969; 8:45 a.m.]

TARIFF COMMISSION

[AA1921-57]

PLASTIC MATTRESS HANDLES

Determination of No Injury or Likelihood Thereof

OCTOBER 17, 1969.

On July 17, 1969, the Tariff Commission was advised by the Assistant Secretary of the Treasury that plastic mattress handles manufactured by Fibre Conversion Co., Ltd., Toronto, Canada, are being, and are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-57 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on September 4, 1969. Notice of the investigation and hearing was published in the FEDERAL REGISTER (34 F.R. 12358).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined by a vote of 5 to 1 that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of plastic mattress handles manufactured by Fibre Conversion Co., Ltd., Toronto, and sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

Views of Chairman Sutton and Commissioners Thunberg, Newsom, and Moore. Our reasons for these negative determinations are premised upon the circumstances under which plastic mattress handles entered the market and the factors that influenced their utilization in that market.

Plastic handles were first introduced into the U.S. mattress trade in the late 1950's. The plastic handle was somewhat easier to manipulate during the fastening process and gained some acceptance in the mattress industry immediately. It was not, however, until the handle industry developed automatic fastening machines that the plastic handles gained wide acceptance. The use of such handles now exceeds the combined use of all other handles in the U.S. mattress industry. Such machines may now be loaded with bulk quantities of handles, will affix the handles at designated positions on side-strip materials for the mattresses depending on their size, and will cut the strip material to appropriate lengths for incorporation into the mattress. Similar automatic machines have not been developed for use with handles of materials other than plastic.

There were three major producers of the plastic handles in the United States and one major producer in Canada—Fibre Conversion Co., Ltd., of Canada—when the handles at less than fair value began to enter the U.S. market in appreciable quantities. Two of the domestic manufacturers had developed automatic machines which they sold for the installation of such handles. One domestic company introduced the first automatic machine in 1959; another followed with an automatic machine in 1961. Both companies have been making technical improvements in their machines each year; however, the latter machine has been more rapid and efficient in operation and the latter company has the greater volume of sales of both machines and plastic handles. A third handle producer has made no machine and its sales of plastic handles have been much less than those of the first two producers mentioned above.

The Canadian producer of plastic handles first marketed its product in appreciable quantities in the United States in 1966 through a wholly owned sales subsidiary known as Windham Industries, Inc. Its sales were made in conjunction with the introduction in the U.S. market of a new automatic machine which is somewhat faster than any comparable U.S.-made machine. As a result of this machine, made by Fibre Conversion Co., Ltd., it has been able within 3½ years to gain above 15 percent of the U.S. market for molded-plastic mattress handles.

Evidence before the Commission indicates that the major mattress manufacturers in the United States are influenced in their selection of molded-plastic handles primarily by the functional efficiency of the automatic machines which are available from the handle manufacturers for the installation of such handles and to some minor degree by the esthetic appearance of such handles. There has been no credible evidence that mattress manufacturers buy Canadian handles in deference to U.S. handles by reason of price differentials. The volume of sales of plastic handles bears a close correlation to the marketplace acceptance of automatic machines made by such handle manufacturers and tends to follow the technical improvements being made in such machines each year.

The importer of the Canadian handles introduced them in the U.S. market in 1966 with the sales theme that he had the most efficient automatic machine available for installing molded-plastic mattress handles. The machine could only operate with his particular handle, a decided advantage in his favor in that the sale of the machine gave him captive sales for his handles. No other handle could be substituted for it. No evidence was obtained from any domestic mattress handle manufacturer (none of whom made an appearance at our public hearing on the matter), that indicated that there was any price tie-in between the sales of machines and handles by the importer. The bulk of the imported handles were sold at prices f.o.b. Buffalo, N.Y., which were higher than the f.o.b. price at the Canadian plant for Canadian consumption. For 2 years the Canadian manufacturer and its subsidiary believed that the imports were being sold at or above fair value. The margins of dumping[1] established by the Secretary of the Treasury for plain (the major imports) and printed (minor imports) plastic handles bear no relation to the differences between the weighted average prices for domestic plastic handles and the weighted average prices obtained for the imported plastic handles. The importer's sales in 3 out of 4 years (1966-69) were at lower average prices than the average prices for the domestic handles; however, when such differences in prices existed, they were always more than the dumping margin, being as much as five times as great. It is quite evident that the U.S. sales prices were not founded or dependent upon a dumping margin. Even if U.S. prices of the importer's plastic mattress handles were to be considered as influencing sales or customers' preferences, the extent of injury to domestic producers caused by the dumping margin would be de minimis.

Although the importer, Windham Industries, has obtained its plastic handles from Canada for 4 years, it is now obtaining its handles from a new plant established in the United States which is being operated by a firm that is related to the Canadian firm. The new plant is now operating successfully and is expected to meet the U.S. needs for Windham Industries in the foreseeable future. Its production is much larger than the sales currently being made by Windham Industries and a sizeable inventory is being established. Accordingly, further imports at LTFV are not expected in any sizeable quantities.

The foregoing considerations[2] form the basis for our determination that imports of plastic mattress handles from Fibre Conversion Co., Ltd., of Toronto, Canada, are not causing, or likely to cause, injury to an industry in the United

[1] Essentially the difference between net sales price for consumption in Canada and net sales price for consumption in the United States.

[2] Commissioner Thunberg notes that the profits of the two largest domestic producers of both automatic machines and handles were increased in 1968 over 1967 as a further indication that the domestic plastic mattress handle industry is not being injured by reason of the subject handles.

States, nor are they preventing the establishment of an industry in the United States.

Views of Commissioner Clubb. In recent cases the Commission has consistently ruled that the injury test in the Antidumping Act is satisfied by anything more than a "de minimis" injury. In "Cast Iron Soil Pipe from Poland," Inv. No. AA1921-50 (Sept. 1967) I phrased the rule as follows:

> Frivolous, inconsequential, or immaterial injury would not call for application of dumping duties, but anything greater would. [Footnote omitted.]

and

> * * * If a competitive article is not produced in the United States, or if the imported article competes only peripherally in the same geographic or product market, Congress has provided for the consumer to benefit from the lower prices, rather than the domestic producer from peripheral protection. But where the competition is direct, and the price is unfair, Congress has insisted that the dumping duties be imposed.

This rule was followed in "Titanium Sponge from the U.S.S.R.," Inv. No. AA1921-51 (July 1968), and in "Pig Iron from East Germany, Czechoslovakia, Romania, and the U.S.S.R.," Inv. Nos. AA1921-52, 53, 54, and 55 (Sept. 1968). In these latter cases, the de minimis test was vigorously attacked, but was reaffirmed, the Commission holding that the injury requirement is met by a showing of anything more than a trivial or inconsequential effect on the domestic industry.

While employing the de minimis test the Commission has always been conscious of the fact that some cases might be presented where even that minimal standard would not be met and a negative determination would therefore be required. This is not because small violations of the act will be permitted, but rather because insignificant deviations from the norm established in the Antidumping Act do not amount to "violations." [3]

This is such a case. Evidence obtained in the investigation suggests that small changes in the price of handles are not a significant factor in the competition for mattress handle sales. Including the Canadian firm, the major handle manufacturers make both handles and the machines used to attach the handles to the mattress. The machines are constructed in such a way that usually only one brand of handle can be used with them, i.e., the handle produced by the company that makes the machine. Accordingly, the handle manufacturers compete vigorously to have a mattress manufacturer install their attaching machine, knowing that once the machine is installed the mattress manufacturer must normally use their handles, and continue to do so until their prices or service become so undesirable that he is willing to undertake the substantial inconvenience of changing machines. There is no evidence that the insignificant dumping margin in this case ever caused a mattress manufacturer to make such a change.

Moreover, with the exception of one minor item, the Canadian producer would have been underselling the U.S. producers by a substantial margin even without the LTFV sales. The technically unfair price merely increased this margin by a very small amount. Thus, while the Canadian producer did acquire some new business during the period of LTFV sales, there is no evidence that he gained any cognizable competitive advantage as a result of his LTFV price.

Since the domestic producers neither lost sales as a result of the unfairly priced imports, nor were forced to reduce their prices in order to meet the unfair competition, it follows that any inconvenience realized by the domestic industry in this case falls well within the de minimis rule, and requires a determination of no injury.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION BY COMMISSIONER LEONARD

In my opinion, the domestic industry, comprised of the domestic facilities devoted to the production of plastic mattress handles, is being and is likely to be injured by reason of the importation of such handles into the United States from Convexco, Ltd. (formerly Fibre Conversion Co., Ltd.), Toronto, Canada, and their sale at less than fair value. Although the domestic plastic-mattress-handle industry is indeed a small one, it is nonetheless entitled to full consideration by the Commission in its disposition of this case.

The U.S. market for mattress handles is relatively static. The principal handles in use are those made of molded plastic and those made of rayon cord. Molded plastic handles were introduced in the late 1950's and have sicne made substantial inroads into the market previously supplied primarily by handles of rayon cord. The shift from rayon cord handles to molded plastic handles has been steady. Today, molded plastic handles comprise approximately 55 percent of the handles used by the U.S. producers of mattresses.

The imports of mattress handles have consisted almost entirely of molded plastic handles from Fibre Conversion, Ltd. Imports from this company began in 1966 and in the relatively short time thereafter have increased to the point where they now supply more than 15 percent of U.S. consumption of plastic handles and approximately 8.5 percent of U.S. consumption of all mattress handles. In the relatively static U.S. market for mattress handles, there is a consequent loss of sales to domestic producers.

All the U.S. sales of the imported plastic handles have been at less than fair value. The bulk of the imports have been plain handles for which the average margin of dumping, as determined by the Treasury Department, is relatively small. The average margin of dumping for the remaining imports of printed handles is much larger.

Others contend that, in terms of design and appearance, the imported handles are equal or, perhaps, even superior in quality to the domestic plastic handles with which they most directly compete; that the price advantage the Canadian producer has over domestic producers is substantially larger than the margins of dumping; and that the primary edge the Canadian producer has over the domestic producers is its automatic machine (highly regarded in general) which works with its handles only and thus assures it a captive market wherever it is used. At first blush, these advantages might lead one to conclude that the dumping practices are of no real consequence, i.e., that the aforementioned loss of sales by the domestic producers would have occurred in any event, and that the impact of the dumping practices is de minimis. I cannot agree with this conclusion. If the foregoing factors were of primary importance, there would have been no cause or justification for dumping; indeed, there would have been an economic incentive not to dump.

It is true that the Canadian producer was not able to compete in the U.S. market until it developed a satisfactory automatic machine for attaching its plastic handles to mattresses, but that is no warrant for ruling out what to my mind remains in the long run of prime importance in any handle transaction between the buyer and seller—i.e., the price of the handles without which the machine has no value. Even where a foreign producer has a substantial natural price advantage, the addition thereto of an increment—even though small—based upon dumping necessarily increases the tendency of the foreign import so endowed to affect and possibly depress the prices of the less-favored domestic products. In this case, the foreign producer has demonstrated aggressive price practices which include dumping in the United States and, according to its own testimony, dumping in virtually all of its other numerous export markets. Indeed, in its testimony before the Commission, the foreign producer stated that it felt there was little cause for complaint on the part of U.S. producers since its sales in most other major export markets were at prices substantially lower than those quoted in the United States.

In this connection, I submit that there is, to my mind, no convincing evidence, or any reasonable presumption, that the dumping margin respecting the complained of imports was consistently as small as it alleged. In its public testimony, for example (Transcript of the Hearings, p. 24), the foreign producer

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[3] Cf. Whitaker Cable Corporation v. F.T.C., 239 F. 2d 253, 256 (7th Cir., 1956), where the Seventh Circuit applied the same reasoning to the Robinson-Patman Act:

> We do not mean to suggest that the Act may be violated a little without fear of its sanctions but rather that insignificant "violations" are not, in fact or in law, violations as defined by the Act. If the amount of the discrimination is inconsequential or if the size of the discriminator is such that it strains credulity to find the requisite adverse effect on competition, the Commission is powerless under the Act to prohibit such discriminations * * *.

testified that it had entered into an abortive agreement with one U.S. concern as early as 1965 (before he had successfully entered the U.S. market) to supply handles at "significantly below the figure of 14 to 15 cents a set" until such time as the firm in question was able to manufacture handles in bulk for the Canadian producer's machine. Had such an agreement entered into force, the price to the U.S. firm would have been significantly more than 25 percent below the going domestic prices for handles at that period—illustrative of the aggressive pricing practices of this concern in the United States and other markets.

From the information before the Commission, I am satisfied that the Canadian producer sold his goods in the domestic market for no less than was necessary for it to establish a foothold in the domestic market and that the dumping margins reflected in its prices have been and are sufficiently large to be significant in the consummation of sales.

The Canadian exporter has indicated that, in the future, its exports to the United States will cease because the company will supply the U.S. market with handles produced by its subsidiary in Jersey City, N.J., rather than with those produced in Canada. However, the company's larger Canadian facilities—which in 1968 produced and sold more than five times as many handles as were exported to the United States in that year—are not being shut down; they will continue to be available to produce handles as needed to meet the company's expanding sales in the United States. By operating two plants—one in Canada and one in the United States—the company will have greater flexibility in meeting the U.S. demand for its product. Whenever business conditions dictate, it is to be expected that the company will continue to export plastic handles to the United States, and that, as in the past and as determined by the Treasury Department, such exports are likely to be sold at less than their fair value in the U.S. market—or in any other market when there is a commercial advantage in so doing.

In summary, I am of the opinion that the dumping practices are an important part of a complex of factors by virtue of which the Canadian producer has been able to gain entry into, maintain, and constantly improve the company's position in, the domestic market—with a consequent loss of sales to domestic producers and with an adverse impact on their prices. It follows that the conditions for an affirmative determination under section 201(a) of the Antidumping Act, 1921, as amended, are met: I.e., the domestic plastic-mattress-handle industry is being injured and is likely to continue to be injured by reason of the importation of plastic mattress handles sold in the United States at less than fair value.

The public record is replete with indications that the firm in question has practiced dumping on a wide scale in exploiting export markets—a fact not given weight by the majority. It is to be hoped that the Canadian producer will not regard the negative determination of the Commission majority as a condonation of dumping practices and as an invitation to persist in them in the U.S. market.

By direction of the Commission.

[SEAL] WILLARD W. KANE,
Acting Secretary.

[F.R. Doc. 69-12603; Filed, Oct. 21, 1969; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 17, 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. 41789—*Titanium dioxide from Hamilton, Miss.* Filed by O. W. South, Jr., agent (No. A6135), for interested rail carriers. Rates on titanium dioxide, dry, in carloads, as described in the application, from Hamilton, Miss., to Minneapolis, Minn., Transfer and St. Paul, Minn.

Grounds for relief—Market competition.

Tariff—Supplement 22 to Southern Freight Association, agent, tariff ICC S-838.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12608; Filed, Oct. 21, 1969; 8:47 a.m.]

[Notice 1340]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 17, 1969.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 112520 (Sub-No. 200) (Republication), filed April 23, 1969, published FEDERAL REGISTER issue of May 22, 1969, and republished this issue. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32202. Applicant's representative: W. Guy McKenzie, Jr. (same address as above). By application filed April 23, 1969, applicant seeks a Certificate of Public Convenience and Necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of cement, from points in Escambia County, Fla., to points in Alabama, Georgia, and Mississippi on the south of U.S. Highway 80, and points in Florida west of the eastern boundary of Jefferson County, Fla. An order of the Commission, Operating Rights Board, dated September 19, 1969, and served October 1, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *cement*, from points in Escambia County, Fla., to those points in those points in those parts of Alabama, Georgia, and Mississippi on and south of U.S. Highway 80, and those points in Florida, west of the eastern boundary of Jefferson County, Fla.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127385 (Sub-No. 2) (Republication), filed August 13, 1965, published in the FEDERAL REGISTER issue of September 1, 1965, and republished this issue. Applicant: PYRAMID VAN & STORAGE CO. OF MONTEREY, a corporation, California Avenue and Metz Road, Sand City, Calif., Post Office Box 1429, Monterey, Calif. Applicant's representatives: Daniel W. Baker and Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. In a prior report decided November 11, 1968, the Commission Review Board No. 2 granted applicant authority to operate in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting used household goods; (1) between points in Alameda,

Santa Clara, Santa Cruz, San Mateo, San Francisco, Marin, Sonoma, Contra Costa, Napa, Solano, San Joaquin, Stanislaus, Merced, San Benito, Monterey, Sutter, Kings, and Sacramento Counties, Calif.; and (2) between points in Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego Counties, Calif. In a petition filed February 3, 1969, applicant has tendered a verified statement to show past operations in additional counties sought in the original application, but not authorized in the prior report. By amendment embraced in its verified statement, applicant also seeks to enlarge the territory originally sought to include points in Yuba County, Calif. By order entered July 14, 1969, the entire Commission determined that the proceedings be reopened for further processing under the modified procedure. A report of the Commission on further consideration by Review Board No. 2 found that the present and future public convenience and necessity require the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of the commodities to, and from points substantially as indicated below.

An order of the Commission, Review Board No. 2, decided October 3, 1969, and served October 8, 1969, finds that the present and future public convenience and necessary require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, between points in Alameda, Santa Clara, Santa Cruz, San Mateo, San Francisco, Marin, Sonoma, Contra Costa, Napa, Solano, San Joaquin, Stanislaus, Merced, San Benito, Monterey, Sutter, Kings, Sacramento, Yuba, Fresno, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133595 (Republication), filed March 21, 1969, published in the FEDERAL REGISTER issue of May 1, 1969, and republished this issue. Applicant: VERNON W. HITCHCOCK, doing business as LANCASTER MOVING & STORAGE CO., 44814 North Yucca, Lancaster, Calif. 93534. Applicant's representative: Larry D. Morse, 44919 North Elm Avenue, Lancaster, Calif. 93534. By application filed March 21, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between points in Los Angeles and Kern Counties, Calif., restricted to shipments (1) moving on a through bill of lading of a freight forwarder operating under the exemption provided in section 402(b)(2) of the Interstate Commerce Act; and (2) having a prior or subsequent line-haul movement by rail, motor, water, or air. By order dated June 23, 1969, and served July 2, 1969, it was ordered that this proceeding be handled under modified procedure. An order of the Commission, Operating Rights Board, dated September 29, 1969, and served October 9, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, between points in Los Angeles and Kern Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may, file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133778 (Republication), filed May 22, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and republished this issue. Applicant: ROBERT W. LAUSCH, doing business as R. W. LAUSCH, Rural Route 1, Post Office Box 25, Chanute, Kans. 66720. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, Kans. 66067. By application filed May 22, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *dogs* and hound dogs for racing and breeding purposes and greyhound dog racing equipment, between points indicated below. An order of the Commission, Operating Rights Board, dated September 19, 1969, and served October 8, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of dogs and *dog racing equipment*, between points in Kansas, Texas, Colorado, Mississippi, Nebraska, Arkansas, South Dakota, Massachusetts, Florida, and Arizona; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 86779 (Notice of Filing of Petition for Modification of Key Point Restriction), filed September 29, 1969. Petitioner: ILLINOIS CENTRAL RAILROAD COMPANY, a corporation, Chicago, Ill. Petitioner's representatives: Robert Mitten and John H. Doeringer, 135 East 11th Place, Chicago, Ill. 60605. Petitioner states that in No. MC 86779 it holds authority to transport general commodities, over U.S. Highway 51 and other connecting highways from Memphis, Tenn., to Dyersburg, Tenn., and thence to Fulton, Ky. This route is parallel to Illinois Central's main line between Fulton and Memphis, which constitutes a segment of its main Chicago-New Orleans route. Petitioner is authorized to serve all stations between Memphis and Fulton that are stations on its railroad. As pertinent here, the stations at which motor carrier service is authorized are as follows: Memphis, Woodstock, Lucy, Millington, Kerrville, Tipton, Atoka, Brighton, Covington, Henning, Ripley, Gates, Halls, Fowlkes, Dyersburg, Newbern, Trimble, Obion, Polk, Rives, Gibbs, Harris, and Pierce, Tenn., and Fulton, Ky. Another route is authorized between Dyersburg and Fulton via Ridgely and Tiptonville, Tenn., and Hickman, Ky. The above authority is restricted as follows: "Said carrier shall not serve any point not a station on its rail line. No shipment shall be transported by said carrier as a

common carrier by motor vehicle between any one of the following points, or through or to or from more than one of the said points: Fulton, Ky., and Dyersburg and Memphis, Tenn." By the instant petition, petitioner requests modification of this portion of its certificate to delete the key point of Dyersburg, Tenn., and to substitute therefor a key point at Henning, Tenn. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 125770 (Sub-No. 1), (Notice of Filing of Petition To Modify Permit by Adding a New Destination Point), filed September 19, 1969. Petitioner: SPIEGEL TRUCKING, INC., Harrison, N.J. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner is authorized in No. MC 125770 (Sub-No. 1) to transport steel office furniture and equipment, from Newark, N.J., to Baltimore, Md.; Albany and Dorsaga, Ga.; Shelby, Ohio; Chicago, Ill.; Boston and Hingham, Mass.; Philadelphia, Pa.; and the District of Columbia, with no transportation for compensation on return, except as otherwise authorized, under a continuing contract, or contracts with Hillside Metal Products, Inc., of Newark, N.J. By the instant application, petitioner seeks to add Savannah, Ga., as a destination point. Petitioner states that some of its shipments which formerly moved to Albany are to be diverted to Savannah, Ga., therefore, the latter point is needed as a destination point. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR Part 240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-10612 (Amendment) (MATLACK, INC.—Control—SOUTHERN TANK LINES, INC. & T. I. McCORMACK TRUCKING CO., INC.), published in the September 17, 1969, issue of the FEDERAL REGISTER, on page 14502. By amendment filed October 9, 1969, with reference to T. I. McCORMACK TRUCKING CO., Inc., only, MATLACK, INC., seeks to *purchase* the operating rights and property of T. I. McCORMACK TRUCKING CO., INC., in lieu of control and to *temporarily lease* the operating rights in lieu of temporary control through management, as granted September 23, 1969, by Review Board No. 5, and consummated September 25, 1969.

No. MC-F-10618 (NELSON-WESTERBERG, INC.—Purchase—CAPITOL MOVING & STORAGE CO., INC.), published in the October 1, 1969, issue of the FEDERAL REGISTER, on page 15328. Application filed October 13, 1969, for temporary authority under section 210a(b).

No. MC-F-10635. Authority sought for purchase by GENERAL DELIVERY, INC., Post Office Box 1816, Fairmont, W. Va. 26554, of a portion of the operating rights of MORGANTOWN TRANSFER AND STORAGE COMPANY, 705 University Avenue, Morgantown, W. Va. 26505, and for acquisition by VIRGINIA L. THOMPSON, 1776 Morgantown Avenue, Fairmont, W. Va. 26554, of control of such rights through the purchase. Applicants' attorney and representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005, and H. William Largent, 202 Monongahela Building, Morgantown, W. Va. 26505. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Wheeling, W. Va., and Morgantown, W. Va., serving no intermediate points, between Morgantown, W. Va., and Pittsburgh, Pa., serving all intermediate and certain off-route points, between Morgantown, W. Va., and Redhouse, Md., serving all intermediate points and the off-route points in Preston County, W. Va., and Garrett County, Md.; and *general commodities*, with exceptions as specified above, over irregular routes, between points in Monongalia County, W. Va., on the one hand, and, on the other, points in Greene and Fayette Counties, Pa., between points in West Virginia. Vendee is authorized to operate as a *common carrier* in West Virginia, Maryland, New York, Ohio, Virginia, Pennsylvania, Kentucky, New Jersey, Indiana, Illinois, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10636. Authority sought for purchase by BARBER TRANSPORTATION CO., 321 Sixth Street, Rapid City, S. Dak. 57701, of the operating rights of FAYE METZINGER (ANNA METZINGER, ADMINISTRATRIX), Martin, S. Dak. 57551, and for acquisition by ZELLA S. BARBER, 321 Sixth Street, S. Dak., of control of such rights through the purchase. Applicants' attorney: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk (except grain, coal, sand, and gravel), commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Pine Ridge, S. Dak., and Omaha, Nebr., serving certain intermediate and off-route points, over two alternate routes for operating convenience only; and *livestock and emigrant movables*, over irregular routes, between Martin, S. Dak., and points in South Dakota and Nebraska within 100 miles of Martin, on the one hand, and, on the other, Sioux Falls, S. Dak., Sioux City, Iowa, and points in Nebraska. Vendee is authorized to operate as a *common carrier* in South Dakota, Wyoming, Iowa, Illinois, Minnesota, Nebraska, Indiana, and Colorado. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10637. Authority sought for purchase by PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio, of a portion of the operating rights of ACCELERATED TRANSPORT-PONY EXPRESS, INC., Fifth and Vine Streets, Sunbury, Pa., and for acquisition by RAY SIBILA, DONALD SIBILA, and RONALD SIBILA, all also of Massillon, Ohio, of control of such rights through the purchase. Applicants' representatives: James Muldoon, 88 East Broad Street, Columbus, Ohio 43215, and Jack Fullerton, 1151 South 21st Street, Harrisburg, Pa. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Wheeling, W. Va., and Clarksburg, W. Va., between Wheeling, W. Va., and Fairmont, W. Va., between Wheeling, W. Va., and Morgantown, W. Va., serving all intermediate points, and all off-route points in West Virginia and Ohio within 10 miles of Wheeling, W. Va., between Wheeling, W. Va., and Clarksburg, W. Va., serving all intermediate points (except New Martinsville, W. Va., and those between New Martinsville and Moundsville, W. Va.), between junction U.S. Highway 250 and West Virginia Highway 89, near Cameron, W. Va., and Morgantown, W. Va., serving all intermediate points (except Waynesburg, Pa.). Vendee is authorized to operate under certificates of registration, in intrastate commerce within the State of Ohio. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC-123685 Sub-4 is a matter directly related.

No. MC-F-10638. Authority sought for purchase by REFRIGERATED FOOD LINE, INC., 2136 East Kearney Street, Springfield, Mo. 65803, of a portion of the operating rights of BILYEU REFRIGERATED TRANSPORT CORPORATION, Post Office Box 688, Marshall, Mo. 65340. Applicants' attorney: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Springfield, Mo., and the site of the plant of M.F.A. Packing Division at Macon, Mo., to points in Kansas,

from points in Kansas, except Kansas City, Kans., to Macon and Springfield, Mo. Restriction: The authority granted herein is restricted against tacking or joinder with any other authority held by carrier for the purpose of performing a through service. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska, Idaho, New Mexico, Oregon, Utah, Wyoming, Hawaii, Montana, and Washington). Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 69-12610; Filed, Oct. 21, 1969; 8:48 a.m.]

[Notice 572]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 17, 1969.

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

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

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

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Deviation No. 50), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209, filed August 25, 1969, amended October 2, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over U.S. Highway 75 to junction Indian Nation Turnpike, thence over the Indian Nation Turnpike to junction U.S. Highway 69, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: From Tulsa, Okla., over U.S. Highway 64 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Oklahoma Highway 72, thence over Oklahoma Highway 72 to junction U.S. Highway 266, thence over U.S. Highway 266 to junction U.S. Highway 69, thence over U.S. Highway 69 to Atoka, Okla., and return over the same route.

No. MC 20824 (Deviation No. 6), COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, 2141 South High School Road, Post Office Box 41719, Indianapolis, Ind. 46214, filed October 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Fort Wayne, Ind., over Interstate Highway 69, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 36, to junction Indiana Highway 9, thence over Indiana Highway 9 via Marion, Ind., to Huntington, Ind., thence over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route.

No. MC 59957 (Deviation No. 8), MOTOR FREIGHT EXPRESS, INC., Post Office Box 1029, York, Pa. 17405, filed October 3, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Greensburg, Pa., over U.S. Highway 119 (an access road) to junction Interstate Highway 70, thence over Interstate Highway 70 to Cambridge, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Greensburg, Pa., over U.S. Highway 30 to Pittsburgh, Pa., thence over U.S. Highway 22 to Cambridge, Ohio, and return over the same route.

No. MC 65491 (Deviation No. 9), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between Albany, N.Y., and Glens Falls, N.Y., over Interstate Highway 87, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Albany, N.Y., over New York Highway 32 to Troy, N.Y., thence over U.S. Highway 4 to Mechanicville, N.Y., thence over New York Highway 67 to Ballston Spa, N.Y., thence over New York Highway 50 to Saratoga Springs, N.Y., thence over U.S. Highway 9 to Glens Falls; and return from Glens Falls, N.Y., over New York Highway 32B to Fort Edward, N.Y., thence over New York Highway 197 to Argyle, N.Y., thence over New York Highway 40 to Middlefalls, N.Y., thence over New York Highway 29 to Schuylerville, N.Y., thence over U.S. Highway 4 to Troy, N.Y., thence over New York Highway 32 to Albany, N.Y.

No. MC 65491 (Deviation No. 10), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Allentown, Pa., over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 81, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 22, thence over U.S. Highway 22 to Easton, Pa., thence over unnumbered highway via Wilson, Dryland, Butztown, Bethlehem, and Allentown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway at or near Strausstown, Pa., thence over unnumbered highway via Strausstown and Bethel, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa.; (2) from New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 69 near Clinton, N.Y., thence over New Jersey Highway 69 to junction U.S. Highway 46, thence over U.S. Highway 46 to Portland, Pa., thence over Alternate U.S. Highway 611 to junction U.S. Highway 611, thence over U.S. Highway 611 to Stroudsburg, Pa., thence over U.S. Highway 209 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to Wilkes-Barre, Pa., thence over U.S. Highway 11 to Bloomsburg, Pa., thence over Pennsylvania Highway 42 to junction Pennsylvania Highway 442, thence over Pennsylvania Highway 442 to junction Pennsylvania Highway 405, thence over Pennsylvania Highway 405 to Muncy, Pa., thence over Pennsylvania Highway 14 to junction U.S. Highway 220, thence over U.S. Highway 220 to Hollidaysburg, Pa., and (3) from Stroudsburg, Pa., over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Syracuse, N.Y., and return over the same routes.

No. MC 65491 (Deviation No. 11), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Binghamton, N.Y., and Syracuse, N.Y., over Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Stroudsburg, Pa., over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Syracuse, N.Y., and return over the same route.

No. MC 65491 (Deviation No. 12), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New Haven, Conn., and Hartford, Conn., over Interstate Highway

91, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass., and return over the same route.

No. MC 65491 (Deviation No. 13), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mass., over Interstate Highway 90 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction U.S. Highway 20, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass., and return over the same route.

No. MC 65491 (Deviation No. 14), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Richmond, Va., and Newark, N.J., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Newark, N.J., and Richmond, Va., over U.S. Highway 1.

No. MC 65491 (Deviation No. 15), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 22, thence over U.S. Highway 22 to Easton, Pa., thence over unnumbered highway via Wilson, Dryland, Butztown, Bethlehem, and Allentown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway at or near Strausstown, Pa., thence over unnumbered highway via Strausstown and Bethel, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., and return over the same route.

No. MC 65491 (Deviation No. 16), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y., 10469, filed October 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Stroudsburg, Pa., over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 22, thence over U. S. Highway 22 to junction New Jersey Highway 69 near Clinton, N.Y., thence over New Jersey Highway 69 to U.S. Highway 46, thence over U.S. Highway 46 to Portland, Pa., thence over Alternate U.S. Highway 611 to junction U.S. Highway 611, thence over U.S. Highway 611 to Stroudsburg, Pa., thence over U.S. Highway 209 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to Wilkes-Barre, Pa., thence over U.S. Highway 11 to Bloomsburg, Pa., thence over Pennsylvania Highway 42 to junction Pennsylvania Highway 442, thence over Pennsylvania Highway 442 to junction Pennsylvania Highway 405 thence over Pennsylvania Highway 14 to junction U.S. Highway 220, thence over U.S. Highway 220 to Hollidaysburg, Pa., and return over the same route.

No. MC 65491 (Deviation No. 17), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Boston, Mass., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass., and return over the same route.

No. MC 65491 (Deviation No. 18), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to Scranton, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Newark, N.J., over U.S. Highway 1 to Richmond, Va.; (2) from Stroudsburg, Pa., over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Syracuse, N.Y., and return over the same routes; and (3) from New York, N.Y., over U.S. Highway 1 to Newark, N.Y., thence over U.S. Highway 22 to junction unnumbered highway, thence over unnumbered highway via Annandale, N.J., to Clinton, N.J., thence over U.S. Highway 22 to Easton, Pa., thence over unnumbered highway via Wilson, Butztown, and Bethlehem, Pa., to Allentown, Pa., thence over U.S. Highway 222 to Reading, Pa., with no transportation for compensation on return except as otherwise authorized.

No. MC 65491 (Deviation No. 19), GEORGE W. BROWN, INC., 1473 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Philadelphia, Pa., over the Northeast Extension of the Pennsylvania Turnpike to Scranton, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Stroudsburg, Pa., over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Syracuse, N.Y., and return over the same routes; and (2) from New York, N.Y., over U.S. Highway 1 to Newark, N.Y., thence over U.S. Highway 22 to junction unnumbered highway, thence over unnumbered highway via Annandale, N.J., to Clinton, N.J., thence over U.S. Highway 22 to Easton, Pa., thence over unnumbered highway via Wilson, Butztown, and Bethlehem, Pa., to Allentown, Pa., thence over U.S. Highway 222 to Reading, Pa., with no transportation for compensation on return except as otherwise authorized.

No. MC 65491 (Deviation No. 20), GEORGE W. BROWN, INC., 1475 East 222d Street, Bronx, N.Y. 10469, filed October 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation route as follows: Between Scranton, Pa., and Hartford, Conn., over Interstate Highway 84, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 69 near Clinton, N.Y., thence over New Jersey Highway 69 to junction U.S. Highway 46, thence over U.S. Highway 46 to Portland, Pa., thence over Alternate U.S. Highway 611 to junction U.S. Highway 611, thence over U.S. Highway 611 to Stroudsburg, Pa., thence over U.S. Highway 209 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to Wilkes-Barre, Pa., thence over U.S. Highway 11 to Bloomsburg, Pa., thence over Pennsylvania Highway 42 to junction Pennsylvania Highway 442, thence over Pennsylvania Highway 442 to junction Pennsylvania Highway 405, thence over Pennsylvania Highway 405 to Muncy, Pa., thence over

Pennsylvania Highway 14 to junction U.S. Highway 220, thence over U.S. Highway 220 to Hollidaysburg, Pa.; (2) from Stroudsburg, Pa., over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Syracuse, N.Y.; (3) from New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.; and (4) from Norwalk, Conn., over U.S. Highway 7 to Danbury, Conn., thence over U.S. Highway 6 to junction Massachusetts Highway 3, thence over Massachusetts Highway 3 to Boston, Mass., and return over the same routes.

No. MC 80430 (Deviation No. 11), GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601, filed October 3, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Detroit, Mich., and Atlanta, Ga., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Detroit, Mich., over U.S. Highway 25 to Toledo, Ohio; (2) from Toledo, Ohio, over U.S. Highway 24 to Huntington, Ind.; (3) from Huntington, Ind., over Indiana Highway 37 to Noblesville, Ind.; (5) from Noblesville, Ind., over Indiana Highway 37A to Indianapolis, Ind.; (6) from Indianapolis, Ind., over U.S. Highway 31 to junction U.S. Highway 31E, thence over U.S. Highway 31E to Nashville, Tenn. (also from junction U.S. Highway 31 and U.S. Highway 31W, over U.S. Highway 31W to Nashville, Tenn.); and (7) from Nashville, Tenn., over U.S. Highway 41 to Atlanta, Ga., and return over the same routes.

By the Commission.

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

[F.R. Doc. 69-12611; Filed, Oct. 21, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 17, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket Case No. M-1062, filed September 26, 1969. Applicant: JAMES R. CLARK, Crosby, N. Dak. Applicant's representative: Calvin A. Calton, 107 North Main Street, Crosby, N. Dak. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, excluding liquids and cement in bulk and international traffic, to, from, and within the city of Minot, N. Dak., and the following territory: U.S. Highway 52 northwest of Minot, N. Dak., to junction of State Highway 8, thence north to Northgate, N. Dak., thence west to Montana and North Dakota border, thence south to Westby, N. Dak., thence east on State Highway 5 to junction U.S. Highway 85, thence south to junction State Highway 50, thence east on State Highway 50 and county road to junction U.S. Highway 52. Both intrastate and interstate authority sought.

HEARING: To be determined by the Commission. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the North Dakota Public Service Commission, Bismarck, N. Dak. 58501, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4441 Sub 2, filed March 3, 1969. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, Post Office Box 10234, Knoxville, Tenn. 37919. Applicant's representative: Grant W. Smith, 711 J. C. Bradford Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except for petroleum products in tank vehicles, LPG gas, and commodities requiring special equipment, between Memphis, Tenn., and Nashville, Tenn., over Interstate Highway 40, Tennessee Highway 100, U.S. Highway 64, U.S. Highway 70, U.S. Highway 79, and U.S. Alternate Highway 70 and U.S. Alternate Highway 41; serving all intermediate points, between Linden, Tenn., and junction of U.S. Highway 40 over Tennessee Highways 20 and 100, serving all intermediate points, between Waverly, Tenn., and Clarksville, Tenn., over U.S. Highway 13, serving all intermediate points, between Nashville, Tenn., and Knoxville, Tenn., on U.S. Highway 40, U.S. Highways 70 and 70S serving all intermediate points between Crossville, and Nashville, Tenn., between Nashville, Tenn., and Erin, Tenn., over Tennessee Highway 12 and U.S. Highway 49, serving no intermediate points, between Chattanooga, Tenn., and Nashville, Tenn., over U.S. Highways 41, Alternate 41, 24, and 64, serving all intermediate points except Monteagle and Jasper, Tenn., between Johnson City, Tenn., and Erwin, Tenn., over U.S. Highways 19W and 23, serving all intermediate points. Between Greeneville, Tenn., and Erwin, Tenn., on U.S. Highway 411 and Tennessee Highway 107, serving all intermediate points, between Erwin, Tenn., and Flag Pond, Tenn., via U.S. Highways 19W and 23, serving all intermediate points, between Chattanooga, Tenn., and Bristol, Tenn., via U.S. Highway 64 and U.S. Highway 411, serving all intermediate points on U.S. Highway 411. Serving no points on U.S. 64, except Chattanooga, between Bluff City, Kingsport, and Bristol, Tenn., via Tennessee Highways 126 and 75, between Greeneville, Tenn., and Kingsport, Tenn., via Tennessee Highway 93, between Morristown, Tenn., and junction U.S. Highway 411, via U.S. Highway 25, between Erwin, Tenn., and Bristol, Tenn., via Tennessee Highways 36, 67A, U.S. Highways 19, 19E, between Memphis, Tenn., on the one hand, and, on the other, points in east Tennessee on U.S. Highways 11, 11E, 11W, 411, 19E, and 19W. Applicant intends to tack with all authority applied for or held by applicant. Applicant requests authority to serve all intermediate points unless specifically restricted. Both intrastate and interstate authority sought.

HEARING: Tuesday, November 18, 1969 at 9:30 a.m., C-1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 23958, filed August 15, 1969. Applicant: COLORADO CARTAGE CO., INC., 5275 Quebec Street, Denver, Colo. Applicant's representative: John H. Lewis, The 1650 Grant Street, Denver, Colo. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of freight; (1) between points within a 5-mile radius of Denver, Colo.; (2) between points in the following described area: Commencing at the junction of the city and county of Denver north boundary at I-25, thence north on I-25 to the intersection of Colorado Highway 66, thence east on Colorado Highway 66 to its junction with U.S. Highway 85 at or near Platteville, Colo., thence south on U.S. Highway 85 to its junction with unnumbered highway approximately 5 miles north of Fort Lupton, Colo., thence east on said unnumbered highway to its junction (if extended) to U.S. Highway 6, thence on U.S. Highway 6 to Roggen, thence south on unnumbered highway to Colorado Highway 52, thence on Colorado Highway 52 to Prospect Valley, thence south on Colorado Highway 79 to I-70, thence west on I-70 to its junction with the city and county of Denver boundary, thence along said city and county of Denver boundary to points of beginning, restricted against service (a) on I-25 north of Colorado 7, (b) on Colorado Highway 66 or points within 2 miles of Colorado Highway 66, (c) on I-70 or points within 5 miles of I-70 which are located beyond a 5-mile radius of Denver; (3) between points within paragraph (1) above, on the one hand, and, on the other the described area in paragraph (2). Transportation of farm supplies between Golden, Colo. to points described in

paragraph (2) above. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Public Utilities Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80208, and should not be directed to the Interstate Commerce Commission.

State Docket No. 36,023, filed August 27, 1969. Applicant: COLUMBUS PARCEL SERVICE, INC., 1362 Essex Street, Columbus, Ohio 43211. Applicant's representatives: Sanborn, Brandon and Duvall, 79 East State Street, Columbus, Ohio 43215. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except commodities in bulk, classes A and B explosives, household goods and those requiring special equipment to load, unload or transportation from and to Franklin County, Ohio. Restricted: (1) To the transportation of not more than 500 pounds picked up at one time from one consignor destined to one consignee at one location on one day, except shipments whose origin and destination are both located within Franklin County, Ohio. (2) To operations conducted in motor vehicles of not more than two (2) axles and whose cubic capacity does not exceed 750 cubic feet. By the same application, applicant also seeks authority under the provision of section 206(2)(6) of the Interstate Commerce Act, as amended, to transport property as described above in interstate commerce. Both intrastate and interstate authority sought.

HEARING: Tuesday, October 28, 1969 at 10 a.m., e.s.t. Place of hearing not given. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio 43215, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 69-12613; Filed, Oct. 21, 1969; 8:48 a.m.]

[Notice 925]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 16, 1969.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 7832 (Sub-No. 10 TA), filed October 10, 1969. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, doing business as SUPER M FOODS DELIVERY, 105 Hudson Street, New York, N.Y. 10013. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses (except commodities in bulk), and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between Linden, N.J., on the one hand, and, on the other, points in Connecticut (except New Haven and Fairfield Counties), points in Rhode Island, Massachusetts, Hillsboro County, N.H.; Sullivan, Delaware, Onondaga, Monroe, Schoharie, Montgomery, Fulton, Schenectady, Saratoga, Warren, and Washington Counties, N.Y.: Restriction: The operations proposed are to be limited to service under contract with Food Fair Stores, Inc., for 180 days. Supporting shipper: Food Fair Stores, Inc., Food Fair Building, 3175 John F. Kennedy Boulevard, Philadelphia, Pa. 19101. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 52579 (Sub-No. 120 TA), filed October 13, 1969. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. Applicant's representative: W. Abel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Forest Park, Ga., to points in Florida, for 150 days. Supporting shipper: Zahre Corp., Framingham, Mass. 01701. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 107002 (Sub-No. 381 TA), filed October 13, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, W.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and molasses*, in bulk, in tank vehicles, from McComb, Miss., to points in Alabama, Arkansas, Louisiana, and Tennessee, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson Miss. 38201.

No. MC 107515 (Sub-No. 679 TA), filed October 13, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive film*, from Springfield, Mo., to Marietta, Ga., for 180 days. Supporting shipper: 3M Co., 3M Center, St. Paul, Minn. 55101. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 115651 (Sub-No. 19 TA), filed October 13, 1969. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, Ill. 61102. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, Ill. 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, from Galesburg, Ill., to Miscatine, Iowa, for 180 days. Supporting shipper: Archer Daniels Midland Co., Galesburg, Ill. Send protests to: District Supervisor Andrew J. Montgomery, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 117395 (Sub-No. 17 TA), filed October 13, 1969. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, Ark. 71854. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blasting sand*, in bulk, for the account of Gifford-Hill and Co., Inc., from Texarkana, Ark., to a bridge job near Hosston, La., for 180 days. Supporting shipper: Gifford-Hill & Co., Inc., 2949 Stemmons Freeway, Dallas, Tex. 75247. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117762 (Sub-No. 1 TA), filed October 10, 1969. Applicant: MIKE FALCONE, JR., AND ROBERT FALCONE, a partnership, doing business as MIKE FALCONE, JR. & SON, 9504 Ocala Avenue, Silver Spring, Md. 20901. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., to Landover, Md., for 180 days. Supporting shipper: Grand Union Co., 640 Winters Avenue, Paramus,

N.J. 07652. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2210, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 123111 (Sub-No. 7 TA), filed October 13, 1969. Applicant: QUEENSWAY TANK LINES LIMITED, Queensway Road, Chesterville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil and kerosene*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada near Champlain, N.Y., to Plattsburgh, N.Y., for 150 days. Supporting shipper: S. J. Samain, General Manager, Supply & Distribution, Liquifuels, 347 Bay Street, Toronto 1, Canada. Send protests to: District Supervisor Morris H. Gross, Interstate Commerce Commission, Bureau of Operations, Room 104 O'Donnell Building, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 123255 (Sub-No. 5 TA), filed October 13, 1969. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and premiums, and advertising materials incidental thereto*, from Sheboygan, Wis., to points in Lower Peninsula of Michigan, and from Newport, Ky., to points in Ohio, for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 123538 (Sub-No. 3 TA), filed October 13, 1969. Applicant: CLAYTON ROSS, doing business as ROSS TRUCKING, Amherst, S. Dak. 57421. Applicant's representative: L. R. Gustafson, Britton, S. Dak. 57430. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer compounds, from* Winona, Minn., to points in North Dakota and South Dakota, for 180 days. NOTE: Applicant intends to tack with MC 123538 Subs 1 and 2. Supporting shipper: Farmers Union Central Exchange, Post Office Box G, St. Paul, Minn. 55101; Carl G. Pylkas, Transportation Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12612; Filed, Oct. 21, 1969; 8:48 a.m.]

[Notice 431]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 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-71647. By order of October 15, 1969, the Motor Carrier Board approved the transfer to Celeryvale Transport, Inc., Denver, Colo., of a portion of certificate No. MC-116544 (Sub-No. 70) issued March 30, 1967, to Wilson Brothers Truck Line, Inc., Carthage, Mo., authorizing the transportation of: Bananas, and agricultural commodities, between points in specified counties in Mississippi and points in Colorado. John H. Lewis, 1650 Grant Street Building, Denver, Colo. 80203, attorney for applicants.

No. MC-FC-71655. By order of October 14, 1969, the Motor Carrier Board approved the transfer to H. S. Knill Co., Ltd., Ontario, Canada, of certificate No. MC-133144 issued August 26, 1969, to H. S. Knill, Ontario, Canada, authorizing the transportation of: Livestock, for breeding and show purposes (except horses), between ports of entry between the United States and Canada located on the Detroit, Niagara, St. Clair, and St. Lawrence Rivers, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and Wisconsin. Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. 14201, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12609; Filed, Oct. 21, 1969; 8:47 a.m.]

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