

FEDERAL REGISTER

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Agricultural Stabilization and
Conservation Service
Agriculture Department
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Civil Service Commission
Coast Guard
Consumer and Marketing Service
Emergency Preparedness Office
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Title 3—THE PRESIDENT

Proclamation 3945

RANDOM SELECTION FOR MILITARY SERVICE

By the President of the United States of America

A Proclamation

WHEREAS section 5(a)(1) of the Military Selective Service Act of 1967, as amended (50 U.S.C. App. 455(a)(1)), provides that selection of persons for training and service under that Act shall be made in an impartial manner without discrimination on account of race or color, under such rules and regulations as the President may prescribe; and

WHEREAS section 5(a)(2) of that Act (50 U.S.C. App. 455(a)(2)) limited the President's authority to prescribe rules and regulations by requiring, in effect, the selection of registrants through a method known as "oldest first"; and

WHEREAS such section 5(a)(2) has been repealed by Public Law 91-124 of November 26, 1969:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by section 5(a) of the Military Selective Service Act of 1967, as amended, and having determined that a method of random selection will provide the most equitable basis for selection of registrants for military training and service, do hereby proclaim the following:

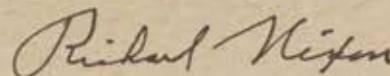
That a random selection sequence will be established by a drawing to be conducted in Washington, D.C., on December 1, 1969, and will be applied nationwide. The random selection method will use 366 days to represent the birthdays (month and day only) of all registrants who, prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth. The drawing, commencing with the first day selected and continuing until all 366 days are drawn, shall be accomplished impartially.

On the day designated above, a supplemental drawing or drawings will be conducted to determine alphabetically the random selection sequence by name among registrants who have the same birthday.

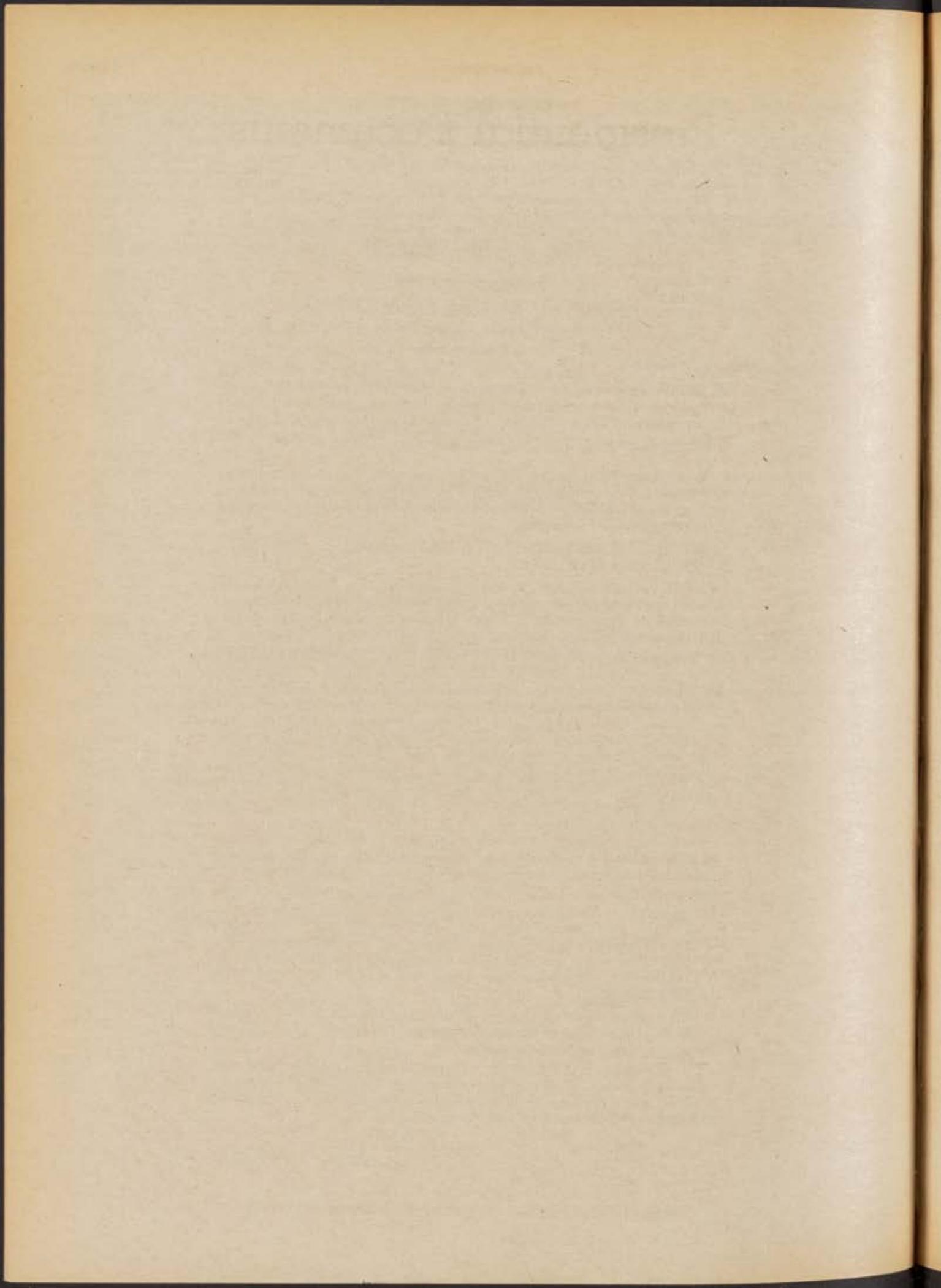
The random selection sequence obtained as described above shall determine the order of selection of registrants who prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth and who are not volunteers and not delinquents. New random selection sequences shall be established, in a similar manner, for registrants who attain their nineteenth year of age on or after January 1, 1970.

The random sequence number determined for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection.

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



[F.R. Doc. 69-14292; Filed, Nov. 28, 1969; 11:30 a.m.]



Executive Order 11497

AMENDING THE SELECTIVE SERVICE REGULATIONS
TO PRESCRIBE RANDOM SELECTION

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended), I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 10001 of September 17, 1948, No. 10202 of January 12, 1951, No. 10292 of September 25, 1951, No. 10659 of February 15, 1956, No. 10735 of October 17, 1957, No. 10984 of January 5, 1962, No. 11098 of March 14, 1963, No. 11119 of September 10, 1963, No. 11241 of August 26, 1965, No. 11360 of June 30, 1967, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1631.4, *Calls by the Secretary of Defense*, is amended by revoking paragraphs (b) and (c) and redesignating paragraph (d) as (b).

2. Section 1631.5, *Calls by the Director of Selective Service*, is amended by adding a new paragraph (d), to read as follows:

"(d) The Director of Selective Service shall establish a random selection sequence for induction. Such random selection sequence shall be determined as the President may direct, and shall be applied nationwide. The first sequence shall determine the order of selection of registrants (other than delinquents or volunteers) who prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth. New random selection sequences shall be established, in a similar manner, for registrants who attain their nineteenth year of age on or after January 1, 1970. The random sequence number determined for any registrant shall apply to him so long as he remains subject to random selection. A random sequence number established for a registrant shall be equivalent, for purposes of selection, to the same random sequence number established for other registrants in other drawings."

3. Paragraphs (a) and (b) of Section 1631.7, *Action by Local Board Upon Receipt of Notice of Call*, are revoked, paragraph (c) is redesignated as paragraph (b), and a new paragraph (a) is prescribed to read as follows:

"(a) When a call is received by a Notice of Call on Local Board (SSS Form 201) from the State Director of Selective Service for a specified number of men to be delivered for induction, or for a specified number of men in a medical, dental, or allied specialist category to be delivered for induction, the Executive Secretary or clerk, if so authorized, or a local board member shall select and issue orders to report for induction to the number of men required to fill the call from among its registrants who have been classified in Class I-A or Class I-A-O and have been found acceptable for service in the Armed Forces and to whom a Statement of Acceptability (DD Form 62) has been mailed at least 21 days before the date fixed for induction: *Provided*, That any registrant classified in Class I-A or Class I-A-O who is subject to random selection as herein provided, whose random sequence number has been reached, and who would have been ordered to report for induction except for delays due to a pending personal appearance, appeal, preinduction examination, reclassification, or otherwise, shall if and when found acceptable and when such delay is concluded, be ordered to report for induction next after delinquents and volunteers even if the year in which he otherwise would have been ordered to report has ended and even if (in cases of extended liability) he has attained his twenty-sixth birthday: *Provided further*, That a registrant classified in Class I-A or Class I-A-O who has volunteered for induction or who is a delinquent may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether or not a Statement of Acceptability (DD Form 62) has been mailed to him. Registrants shall be selected and ordered to report for induction in the following categories and in the order indicated:

THE PRESIDENT

"(1) Delinquents who have attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

"(2) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

"(3) (i) 1970. In the calendar year 1970, nonvolunteers born on or after January 1, 1944, and on or before December 31, 1950, who have not attained the 26th anniversary of the dates of their birth, in the order of their random sequence numbers established by random selection procedures prescribed in accordance with paragraph (d) of section 1631.5. The nonvolunteers thus subject to selection are designated the 1970 Selection Group and constitute category (3) for 1970. Members of the 1970 Selection Group on December 31, 1970, whose random sequence numbers have not been reached by that date, shall be assigned to the priority group which is immediately below the First Priority Selection Group for 1971.

"(ii) 1971 and Later Years. For calendar year 1971, and for each subsequent year, a new First Priority Selection Group and lower priority groups shall be established which together will constitute category (3) for that year. The First Priority Selection Group shall consist (A) of nonvolunteers in Class I-A and Class I-A-O who prior to January 1 of each such calendar year have attained the age of 19 years but not of 20 years, and (B) of nonvolunteers who prior to January 1 of each such calendar year have attained the age of 19 but not of 26 years and who during that year are classified into Class I-A or Class I-A-O following expiration of their deferments or exemptions or otherwise. Members of each such First Priority Selection Group, who have not attained the 26th anniversary of the dates of their birth, shall be selected in the order of their random sequence numbers. Members of each such First Priority Selection Group on December 31 of the respective calendar year whose random sequence numbers are not reached by that date shall be assigned to successively lower priority groups, so that those who were in the 1970 Selection Group and who move into a lower priority group at the end of 1970 as herein provided will be in the lowest such group, those who were in the 1971 First Priority Selection Group will be in the next to the lowest such group, and so forth. Any registrant who was subject to selection in the 1970 Selection Group or in the First Priority Selection Group for any subsequent year, who thereafter is assigned to a lower priority group in category (3), who while in such a lower priority group receives a deferment or exemption, and who subsequently is reclassified into Class I-A or Class I-A-O, shall be reassigned to the priority group in which he would have been if he had not received such deferment or exemption.

"(iii) *Certain Registrants Married Before August 27, 1965.* Within each group in category (3) there shall be a subgroup consisting of registrants who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide family relationship in their homes. Registrants in any such subgroup shall be in all respects subject to this paragraph, except that they shall be selected after other registrants in the group of which that subgroup is a part.

"(4) Nonvolunteers who attain the age of 19 years during the calendar year but who have not attained the age of 20 years, in the order of their dates of birth with the oldest being selected first.

"(5) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.

"(6) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first."

Richard Nixon

THE WHITE HOUSE,

November 26, 1969.

[F.R. Doc. 69-14291; Filed, Nov. 28, 1969; 11:30 a.m.]

Rules and Regulations

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission [Docket No. C-1591]

PART 13—PROHIBITED TRADE PRACTICES

Tops Furniture Co., Inc., and Milton Mecklar

Correction

In F.R. Doc. 69-13769 appearing at page 18453 in the issue of Thursday, November 20, 1969, the second line of the first paragraph should be deleted and the following substituted therefor: "goods—Goods: § 13.1760 *Terms and*".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that a second position of Special Assistant to the Commissioner of Customs (Organized Crime and Smuggling), is exempted under Schedule C, Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (c) of § 213.3305 is amended as set below.

§ 213.3305 Treasury Department.

(c) *Bureau of Customs.*

(3) Two Special Assistants to the Commissioner of Customs (Organized Crime and Smuggling).

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 69-14128; Filed, Nov. 28, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Confidential Staff Assistant to the Assistant Director for Operations is exempted under Schedule C, Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (c) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(c) *Office of the Assistant Director for Operations.*

(2) One Confidential Staff Assistant to the Assistant Director.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 69-14127; Filed, Nov. 28, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that a third position of Special Assistant to the Chairman is exempted under Schedule C, Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3377 is amended as set out below.

§ 213.3377 Equal Employment Opportunity Commission.

(a) Three Special Assistants to the Chairman.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 69-14126; Filed, Nov. 28, 1969; 8:46 a.m.]

PART 713—EQUAL OPPORTUNITY

Miscellaneous Amendments; Correction

When the miscellaneous amendments to Part 713 were published in the FEDERAL REGISTER of September 4, 1969, at page 14023 (F.R. Doc. 69-10543) the authority statement was inadvertently omitted. It should have read as follows:

(5 U.S.C. 1301, 3301, 3302, 7151-7154, 7301, E.O. 10577; 3 CFR 1954-1958 Comp., p. 218, E.O. 11222, 3 CFR 1964-1965 Comp., p. 306, E.O. 11478, 3 CFR 1969 Comp.)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 69-14125; Filed, Nov. 28, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 13]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

SALE AND LEASE TRANSFERS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.) in order to modify the sale and lease transfer procedure for 1970. Also, a cross-reference to the 1970 export market reserve of 62,500 acres is added.

Since the period for filing applications for transfer to take effect for 1970 has begun and will close December 31, 1969, it is essential that the local committees and farmers be informed of this modification as soon as possible. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, 19823, 34 F.R. 924, 2351, 3733, 5099, 7231, 12325, and 18089) is amended as follows:

1. Subparagraph (1) of paragraph (a) of § 722.428 is revised to read as follows and subparagraph (3) thereof is revoked:

§ 722.428 Applications for transfer.

(a) *Persons eligible to file applications for transfers—*(1) *Sale or lease.* The owner and operator of any old cotton farm for 1970, as defined in § 722.404(p), for which an upland cotton allotment is or will be established for 1970 shall be eligible to file an application for sale or lease of all or part of such allotment to any other owner or operator of a farm for transfer to such farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the application.

(3) [Revoked]

2. Paragraphs (b) and (d) of § 722.429 are revised to read as follows:

§ 722.429 Amount of allotment transferable.

(b) *No transfer of acreage from national reserve.* No acreage apportioned from the national reserve to a farm shall be transferred under section 344a of the Act. This limitation applies only to farms having allotments of 10 acres or less for which minimum farm allotments have been established in counties receiving an allocation from the national reserve. It is hereby determined for 1970 that 8 percent of each such farm allotment is attributable to the national reserve. If all or part of the allotment is to be transferred, the county committee shall transfer 92 percent of the allotment or part of the allotment and shall cancel 8 percent thereof. If part of the allotment is to be transferred, the minimum allotment for the farm shall be reduced by the percentage which the part of the allotment transferred is of the entire allotment.

(d) *Sale and lease transfers—limit on amount of acreage transferred.* The total upland cotton allotment which may be transferred by sale or lease to a farm shall not exceed the smaller of (1) the available cropland on the farm, or (2) the acreage obtained by subtracting the allotment (excluding reapportioned acreage, and any increases or decreases of allotment resulting from exchanges of cotton and rice allotments and from owner transfers shall be disregarded) for such farm established for the year the transfer is to take effect from the sum of (i) the 1965 farm allotment before release and reapportionment and (ii) 100 acres. The available cropland on the farm for purposes of such transfers shall be the total cropland as defined in Part 719 of this chapter, on the farm less the total of the allotments, feed grain base, and sugar proportionate shares established for the farm for the current year. Producers wishing to transfer cotton allotment to a farm may choose to reduce the feed grain base, sugar proportionate share, or other allotments on the farm to the extent necessary to meet the requirements of this section. If the farm to which allotment is to be transferred is made up of two or more separately owned tracts, each separately owned tract shall be considered a farm for purposes of computing this limitation except where the county committee, with the approval of a representative of the State committee, determines that an owner of a tract has an ownership interest in one or more of the other tracts by reason of ownership of stock in a corporation which owns such other tract, or by reason of membership as a partner in a partnership which owns such other tract, or the owner of a tract is a member of the same family living in the same household and the other tract is owned by another member of such family. Notwithstanding the foregoing provisions of this paragraph,

in the case of a temporary transfer by lease for a number of years which the county committee approved to first become effective in a year prior to 1970 and such transfer remains effective for 1970, the limitation under subparagraph (2) of this paragraph for 1970 shall be computed by using the 1970 preliminary farm allotment.

3. Paragraph (a) of § 722.432 is amended by adding language at the end thereof to read as follows:

§ 722.432 Export market acreage for 1968, 1969, and 1970.

(a) *National export market acreage reserve.* * * * The national export market acreage reserve for the 1970 crop of cotton in the amount of 62,500 acres was established in § 722.480 (34 F.R. 15446).

(Secs. 344, 344a, 346(e), 375, 63 Stat. 670, as amended; 79 Stat. 1197, as amended; 79 Stat. 1192, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1344b, 1346(e), 1375)

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

Signed at Washington, D.C., on November 24, 1969.

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

[F.R. Doc 69-14161; Filed, Nov. 28, 1969; 8:46 a.m.]

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

[Tangelo Reg. 38, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida tangelo crop and the current and prospective market conditions. More restrictive regulation requirements should be made effective no later than December 1, 1969, because the terminal market supply situation reflects excessive shipments of

smaller tangelos, hence, a higher percentage of the larger sizes of tangelos is needed in fresh tangelos shipments to (1) maintain returns to producers consistent with the declared policy of the act by reducing the percentage of smaller, less desirable tangelos in shipments to fresh market outlets, and (2) provide consumers with Florida tangelos of the most desirable quality.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 1, 1969. Domestic shipments of Florida tangelos are currently regulated pursuant to Tangelo Regulation 38 (34 F.R. 18354, 18600) and determinations as to the need for and extent of, continued regulation of domestic shipments of tangelos must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such tangelo shipments subsequent to November 30, 1969, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 25, 1969, such meeting was held (after giving due notice) to consider recommendations for regulation; and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendations of the committees, and information concerning such provisions has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.518 (Tangelo Regulation 38; 34 F.R. 18354, 18600) paragraph (a) (2) (ii) is amended to read as follows:

§ 905.518 Tangelo Regulation 38.

(a) * * *

(2) * * *

(ii) Any tangelos, grown in the production area, which are smaller than 2½ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances,

specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That during any week of the periods specified in the U.S. Standards for Florida handler may ship a quantity of tangelos which are smaller than the size prescribed in this subdivision (ii) if (a) the number of standard packed boxes of such smaller tangelos does not exceed 15 percent of the total shipments of tangelos by such handler during the last previous week, within the current fiscal period, in which he shipped tangelos; and (b) such smaller tangelos are of a size not smaller than 2 $\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

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

Dated, November 26, 1969, to become effective December 1, 1969.

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

[F.R. Doc. 69-14257; Filed, Nov. 28, 1969;
8:48 a.m.]

[Tangerine Reg. 38, Amdt. 1]

**PART 905—ORANGES, GRAPEFRUIT,
TANGERINES, AND TANGELOS
GROWN IN FLORIDA**

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee reflects its appraisal of the Florida tangerine crop and the current and prospective market conditions. More restrictive regulation requirements should be made effective no later than December 1, 1969, because the terminal market supply situation reflects excessive shipments of smaller tangerines, hence, a higher percentage of the larger sizes of tangerines is needed in fresh tangerine shipments to (1) maintain returns to producers consistent with the declared policy of the act by reducing the percentage of smaller,

less desirable tangerines in shipments to fresh market outlets, and (2) provide consumers with Florida tangerines of the most desirable quality.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 1, 1969. Domestic shipments of Florida tangerines are currently regulated pursuant to Tangerine Regulation 38 (34 F.R. 18600) and determinations as to the need for, and extent of, continued regulation of domestic shipments of tangerines must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of such tangerine shipments subsequent to November 30, 1969, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on November 25, 1969, such meeting was held (after giving due notice) to consider recommendations for regulation; and interested persons were afforded an opportunity to submit their views; the provisions of this amendment are identical with the aforesaid recommendations of the committees, and information concerning such provisions has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.519 (Tangerine Regulation 38; 34 F.R. 18600) the provisions of paragraph (a) (2) (ii) are amended to read as follows:

§ 905.519 Tangerine Regulation 38.

- (a) * * *
- (2) * * *

(ii) Any tangerines, grown in the production area, which are smaller than 2 $\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Tangerines: *Provided*, That during any week of the period specified in this subparagraph (2), any handler

may ship a quantity of tangerines which are smaller than the size prescribed in this subdivision (ii) if (a) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total shipments of tangerines by such handler during the last previous week, within the current fiscal period, in which he shipped tangerines, and (b) such smaller tangerines are of a size not smaller than 2 $\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

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

Dated, November 26, 1969, to become effective December 1, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Veg-
etable Division, Consumer and
Marketing Service.

[F.R. Doc. 69-14258; Filed, Nov. 28, 1969;
8:48 a.m.]

[Lemon Reg. 403]

**PART 910—LEMONS GROWN IN
CALIFORNIA AND ARIZONA**

Limitation of Handling

§ 910.703 Lemon Regulation 403.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 26, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 30, 1969, through December 6, 1969, are hereby fixed as follows:

- (i) District 1: 27,900 cartons;
- (ii) District 2: 46,500 cartons;
- (iii) District 3: 130,200 cartons.

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

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

Dated: November 28, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 69-14294; Filed, Nov. 28, 1969;
11:47 a.m.]

[Grapefruit Reg. 70]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.370 Grapefruit Regulation 70.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other

available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 25, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period December 1, 1969, through December 7, 1969, is hereby fixed at 135,000 standard packed boxes.

(2) As used in this section, "handled", "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: November 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Veg-
etable Division, Consumer
and Marketing Service.

[F.R. Doc. 69-14259; Filed, Nov. 28, 1969;
8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962, (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134-134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) is amended to read as follows:

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the States of Mississippi, New York, North Carolina, Rhode Island, and Virginia and the nature and extent of outbreaks of this disease, the following areas are hereby quarantined because of said disease:

- (1) *Mississippi.* Calhoun, Grenada, and Tishomingo Counties.
- (2) *New York.* Montgomery County.
- (3) *North Carolina.* Cumberland, Duplin, and Wilson Counties.
- (4) *Rhode Island.* The entire State.
- (5) *Virginia.* City of Virginia Beach County.

2. In § 76.2, paragraph (f) is amended by adding the States of Michigan, Minnesota, and Tennessee to the States listed therein; and paragraph (g) is amended by adding the State of West Virginia to and deleting the State of Michigan from the States listed therein.

(Secs. 4-7, 23 Stat. 32, as amended, sec. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, sec. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134h; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

Fifty percent of all hog cholera outbreaks in fiscal year 1969 were attributed to the movement of swine. During the last quarter of fiscal year 1969 almost 68 percent of such outbreaks were associated with such movements. Program officials view spread of the disease by this means as the most serious obstacle facing the success of the eradication program.

The amendments quarantine the entire State of Rhode Island and certain counties in the States of Mississippi, New York, North Carolina, and Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such State and counties. In addition, the amendments add the States of Michigan, Minnesota, and Tennessee to the list of hog cholera eradication States; add the State of West Virginia to the list of hog cholera free States; and delete the State of Michigan from the list of hog cholera free States, thus reflecting the present status of such States.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of November 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-14182; Filed, Nov. 28, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9337]

PART 36—NOISE STANDARDS: AIRCRAFT TYPE CERTIFICATION Corrections

The following corrections are hereby made to the preamble and regulatory material of new Part 36—Noise Standards: Aircraft Type Certification, which was published in the FEDERAL REGISTER on Tuesday, November 18, 1969 (34 F.R. 18355-18379):

(1) On page 18360 of the preamble, the word "noise" was inadvertently omitted from the statement, in the right-hand column, second paragraph, that §§ 21.93(b) and 36.1(c) will insure that noise reduction technology sufficient to achieve Appendix C limits must be applied "before further aircraft growth can occur." The quoted words are hereby corrected to read "before further aircraft noise growth can occur."

(2) On page 18364, paragraph (a) of § 36.2 contains a typographical error in

the cross reference to "§ 36.201 (b) (1) and (c) (1)." This cross reference is hereby corrected to read: "§ 36.201 (b) and (c) (1)."

(3) On page 18379, paragraph (e) of § C36.7 is not correct as it now stands, and this paragraph is hereby corrected to read as follows:

Section C36.7 Takeoff test conditions. * * *

(e) A constant takeoff configuration, selected by the applicant, must be maintained throughout the takeoff noise test, except that the landing gear may be retracted.

Issued in Washington, D.C., on November 24, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-14159; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. 69-CE-27-AD; Amdt. 39-881]

PART 39—AIRWORTHINESS DIRECTIVES

Marvel Schebler Models MA-3-A, MA-3-PA, MA-3-SPA, MA-4-SPA, MA-4-5, MA-5, MA-4-5-AA, MA-6AA, and HA-6 Carburetors

There have been reports of contamination believed to be bowl plug sealant

in some bowls of a group of Marvel Schebler carburetors installed on various Continental, Franklin, and Lycoming model engines. This contamination could cause a reduction or complete loss of engine power. Since this condition is likely to exist in other carburetors of this group, an Airworthiness Directive is being issued requiring within the next 25 hours' time in service after the effective date of this AD, cleaning and inspection of these carburetors for contaminant.

Since immediate adoption is required in the interest of safety, it is found that notice and public procedure hereon are impractical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 P.R. 13897), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

MARVEL SCHEBLER. Applies to Marvel Schebler Models MA-3-A, MA-3-PA, MA-3-SPA, MA-4-SPA, MA-4-5, MA-5, MA-4-5-AA, MA-6AA, and HA-6 carburetors of the following listed part numbers and serial numbers installed on the Continental, Franklin, and Lycoming model engines as specified below, to wit:

Engine manufacturer and model	Carburetor model	Carburetor part No.	Carburetor serial Nos.
Continental:			
A-65 and A-75 series.....	MA-3-PA.....	A10-4233.....	P-23-460 through P-23-464.
O-200 series.....	MA-3-SPA.....	A10-4115-1.....	AV-4-4094.
O-200 series.....	MA-3-SPA.....	A10-4894.....	BE-14-10218 through RE-15-11672.
O-85 series.....	MA-3-SPA.....	A10-4240.....	AU-15-235 through AU-15-244.
C-90 series.....	MA-3-SPA.....	A10-4252.....	Q-23-2422 through Q-23-2436.
O-145 series.....	MA-3-SPA.....	A10-4885.....	BF-14-3598 through BF-15-3655.
O-470-K.....	MA-4-5.....	A10-3965-12.....	H-3-6904 through H-3-6886.
O-470-R.....	MA-4-5.....	A10-4893.....	BD-13-3946 through BD-15-4600.
Franklin:			
4A-235 series.....	MA-3-SPA.....	A10-4654.....	BN-3-112 through BN-3-120.
GA-335 series.....	MA-5.....	A10-4865.....	BC-14-530 through BC-16-705.
GV-350 series.....	MA-5.....	A10-4899.....	BA-14-203 through BA-14-207.
6A-350 series.....	MA-5.....	A10-4865.....	BC-14-530 through BC-16-705.
Lycoming:			
O-235 series.....	MA-3-A.....	A10-3103-1.....	Y-30-3132 through Y-30-3275.
O-235 series.....	MA-3-A.....	A10-4933.....	BV-0-268 through BV-0-338.
O-235 series.....	MA-3-PA.....	A10-4978-1.....	BQ-3-252 through BQ-3-276.
O-235 series.....	MA-3-PA.....	A10-5050.....	BY-0-100 through BY-1-291.
O-290 series.....	MA-3-SPA.....	A10-3340-1.....	B-35-342 through B-36-350.
O-330 series.....	MA-4-SPA.....	A10-3678-32.....	A-25-14781 through A-26-16246.
O-330 series.....	MA-4-SPA.....	A10-5009.....	BL-5-2632 through BL-5-3435.
O-360 series.....	MA-4-5.....	A10-3878.....	G-34-4651 through G-36-5382.
O-360 series.....	MA-4-5.....	A10-4164-1.....	K-27-6400 through K-27-6692.
O-360 series.....	MA-4-5.....	A10-5034.....	BU-0-283 through BU-0-383.
O-360 series.....	HA-6.....	A10-5045.....	BW-0-108 through BW-1-550.
VO-435 series.....	MA-4-5-AA.....	A10-4925-12.....	Z-15-2394 through Z-15-2434.
TVO-435 series.....	MA-6-AA.....	A10-4438-1.....	AH-19-3676 through AH-21-4067.
O-540 series.....	MA-4-5.....	A10-4404.....	R-24-6530 through R-26-6916.
O-540 series.....	MA-4-5.....	A10-4404-1.....	AO-20-3571 through AO-23-3820.
O-540 series.....	MA-4-5.....	A10-5042.....	BS-1-427 through BS-1-588.
O-540 series.....	MA-4-5.....	A10-5054.....	BZ-0-100 through BZ-0-209.
VO-540 series.....	MA-6-AA.....	A10-4218-1.....	AK-17-1274 through AK-19-1478.
VO-540 series.....	MA-6-AA.....	A10-4975.....	BK-2-125 through BK-3-148.

NOTE: The affected carburetors listed above were manufactured between December 5, 1968, and June 23, 1969. Approximately 25 percent of these carburetors have been inspected and cleaned by Marvel Schebler or the manufacturers of the engines or aircraft on which the carburetors are installed. Marvel Schebler Service Bulletin A1-69 lists the carburetors remaining to be inspected and covers the same subject matter as this AD. Any carburetor serial numbers included in this AD but not listed on Marvel Schebler Service Bulletin A1-69 comply with this AD, and require no further inspection or cleaning. A logbook entry of compliance and nameplate marking must be made on these unlisted carburetors. The "A" prefix to the

part numbers listed above does not appear on the carburetor nameplate.

Compliance: Required within the next 25 hours' time in service after the effective date of this AD, unless previously accomplished.

To prevent possible power losses due to blockage of carburetor metering passages by thread lubricant or other foreign material, accomplish the following or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, or Chief, Engineering and Manufacturing Branch, FAA, Eastern Region:

Remove the carburetor bowl drain plug with the aircraft fuel valve in the "ON" position and allow the carburetor to flush for 20 to 30 seconds. The auxiliary pump, if in-

stalled, should be operating. After flushing, inspect the drain plug cavity and drain plug for thread lubricant or other foreign material and remove any such material noted. After cleaning, refush 20 to 30 seconds, reinstall plug approximately one thread into cavity, apply Parker Seal Lube or equivalent on exposed threads and tighten.

Note: If practical, aircraft should be positioned so that bottom of bowl slopes toward drain opening during flushing and cleaning. Recommended torque for 1/4-inch pipe plug is 50-60 in.-lbs., for 1/2-inch pipe plug is 120-144 in.-lbs.

After completion of the above, impression stamp or engrave "A1" on nameplate or apply approximately 1/4-inch diameter dot of yellow enamel or similar permanent material to nameplate.

This amendment becomes effective November 29, 1969.

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

Issued in Kansas City, Mo., on November 21, 1969.

DANIEL E. BARROW,
Director, Central Region.

[F.R. Doc. 69-14155; Filed, Nov. 28, 1969;
8:45 a.m.]

[Airspace Docket No. 69-SO-106]

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

Alteration of Control Zone and Transition Area

On October 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15659), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the New Bern, N.C., control zone and transition area.

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

Subsequent to publication of the notice, a discrepancy in the longitudinal ordinate was noted in the control zone description. It is necessary to alter the description to correct the longitudinal ordinate for Simmons-Nott Airport to long. 77°02'35" W. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the New Bern, N.C., control zone is amended to read:

NEW BERN, N.C.

Within a 5-mile radius of Simmons-Nott Airport (lat. 35°04'20" N., long. 77°02'35" W.); within 2.5 miles each side of New Bern VOR 221° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR.

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

NEW BERN, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Simmons-Nott Airport (lat. 35°04'20" N., long. 77°02'35" W.); excluding the portion within R-5306A.

(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 November 18, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14156; Filed, Nov. 28, 1969;
8:45 a.m.]

[Airspace Docket No. 69-SO-108]

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

Alteration of Transition Area

On October 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15659), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Greenville, N.C., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

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

GREENVILLE, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Pitt-Greenville Airport (lat. 35°37'55" N., long. 77°23'05" W.); within 3 miles each side of the 007° bearing from Greenville RBN (lat. 35°42'32" N., long. 77°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north 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 November 18, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14157; Filed, Nov. 28, 1969;
8:45 a.m.]

[Airspace Docket No. 69-AL-14]

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

Alteration of Transition Area

On August 9, 1968, F.R. Doc. 68-9500 was published in the FEDERAL REGISTER

(34 F.R. 4637) amending Part 71 of the Federal Aviation Regulations effective October 10, 1968.

This document altered the Yakutat, Alaska, 1,200-foot transition area by adding a 1,200-foot transition area to the southeast. The written description of the added transition area inadvertently omitted the portion extending from the 700-foot transition area. In order to provide continuity of protected airspace, action is taken herein to join the 1,200-foot transition area to the southeast with the 700-foot transition area as originally intended.

Since this amendment will impose no undue burden on any person, the Administrator has determined that notice and public procedure thereon are unnecessary and it may be made effective January 8, 1970, as hereinafter set forth.

In § 71.181 (34 F.R. 4637) Yakutat, Alaska, is amended by deleting "15-mile radius area to 65 miles southeast of the VORTAC" and substituting therefor "700-foot transition area to 65 miles southeast of the VORTAC."

(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 Anchorage, Alaska, on November 17, 1969.

H. H. STANLEY,
Acting Director, Alaskan Region.

[F.R. Doc. 69-14158; Filed, Nov. 28, 1969;
8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

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

On September 19, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14607) stating that the Bureau of the Census was considering new regulations which would permit exporters or their authorized agents to omit the advance presentation and customs authentication of Shipper's Export Declarations for certain specified shipments provided there is no resultant lessening of the completeness and reliability of the information reported on the Shipper's Export Declaration prepared by such exporters or their agents.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of written comments. Data, views, and arguments on the proposed rules have been received in writing and modifications have been made in the text of the new regulations as set forth hereinafter.

The new regulations will be applicable only to Shipper's Export Declarations for General License shipments by air and water carriers destined to Country Groups T, V, and X as defined in Supplement No. 1 to Part 370 of the Export Control Regulations (15 CFR Parts 368-399). They are not applicable to rail or truck shipments.

The new regulations are designed to aid exporters and transportation companies in facilitating the movement of export cargo by eliminating customs authentication of export declarations covering selected general license shipments. Exporters will continue to be responsible for the preparation of complete and accurate Shipper's Export Declarations. The functions of freight forwarders in servicing exporters in obtaining freight space, preparing the necessary documents required for exportation, arranging for the availability of goods for export, or in screening the Shipper's Export Declarations received from exporters to insure accuracy and content of information are not affected.

Nothing in these regulations should be construed either as requiring the performance by carriers of any freight forwarder functions, or as requiring the preparation of Shipper's Export Declarations by carriers, except as currently authorized when a carrier is acting as agent of the exporter. Carriers participating in the new procedure will be required to examine for completeness export declarations presented to them under these regulations. Carriers are not responsible for the accuracy of the statements furnished on Shipper's Export Declarations prepared by exporters or their agents except for: Port of exportation, name and flag of vessel or air carrier, foreign port of unloading, bill of lading or air waybill number(s), method of transportation, and pier or airport where the goods are laden.

All exporters and forwarders are eligible to utilize the revised procedures with participating carriers that agree to handle Shipper's Export Declarations in the manner described in these regulations. Carriers that wish to use these procedures shall so notify the Bureau of the Census in writing and the names of such participating carriers may be obtained from District Directors of Customs at those ports for which the carriers have advised the Bureau of the Census of their or their agent's willingness to accept unauthenticated declarations under this procedure.

The regulations are issued under the authority of title 13, U.S.C., section 302; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950; Department of Commerce Order No. 85-A, April 8, 1969, 34 F.R. 6703.

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

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

(a) Notwithstanding the provisions of Subparts A and B of this part, the procedures set forth in subparagraphs (1)

through (4) of this paragraph may be utilized in lieu of the requirements relating to advance presentation and authentication of Shipper's Export Declarations for general license shipments made by air or water carriers and destined to Country Groups T, V, and X, as defined in Supplement No. 1 to Part 370 of the Export Control Regulations (Parts 368-399 of this title).

(1) Except as otherwise required by the Export Control Regulations, only two copies of the Shipper's Export Declaration need be prepared by the exporter or his agent and delivered to the carrier before the shipment is loaded on board the exporting vessel or aircraft. In preparing Shipper's Export Declarations in accordance with this procedure exporters or their agents shall show in the upper right corner in the space provided for Customs Authentication Number, "NAR", which will signify that no authentication is required.

(2) The carrier shall check the declaration for completeness (i.e., see that all appropriate spaces on the Shipper's Export Declaration are completed) of: Name of exporter, agent of exporter, ultimate consignee, intermediate consignee, foreign port of unloading, place and country of ultimate destination, marks and numbers, commodity description, number and kind of packages, general license symbol, destination control statement, shipping weight, indication of "D" or "F", Schedule B number, net quantity (when required), value at port of exportation, bill of lading or air waybill number(s), and signature, and see that such information is not inconsistent with other records or information as may be available to the carrier. If the declaration appears incomplete or inconsistent, except with respect to the items enumerated in the following sentence, the carrier shall return it to the exporter or his agent to be checked, completed, or corrected, and returned to the carrier before loading the cargo. The carrier shall be responsible for the accuracy of the following items of information on the declaration: Port of exportation, name and flag of vessel or air carrier, foreign port of unloading, bill of lading or air waybill number(s), method of transportation, and pier or airport where the goods are laden.

(3) In addition, carriers will insure that the bill of lading or air waybill number shown on the manifest is inserted in the box provided on the Shipper's Export Declaration, before submission of the manifest and accompanying Shipper's Export Declarations to Customs.

(4) For shipments covered by unauthenticated Shipper's Export Declarations accepted by carriers under these provisions, manifests must show the notation "NAR" (no authentication required) and related bill of lading or air waybill number; and prior to submission of the manifest to Customs, such Shipper's Export Declarations shall be separated from those Shipper's Export Declarations which have been authenticated.

(b) Carriers notification of participation:

(1) A carrier wishing to participate in this procedure shall send a letter to the Foreign Trade Division, Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20233, with a copy to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. This letter shall: (i) Propose a date on which the carrier intends to begin participating in this procedure; (ii) Specifically identify those ports at which the carrier or its authorized agents will accept unauthenticated declarations under this procedure; and (iii) Include a statement of the carrier's willingness to accept unauthenticated declarations under this procedure and to comply with the provisions of this procedure as set forth in § 30.42 of the Foreign Trade Statistics Regulations and § 386.3 of the Export Control Regulations of this title.

(2) The Bureau of the Census, with the advice of the Office of Export Control, will acknowledge and accept carriers' statements of willingness to participate in this procedure, confirming the dates on which such carriers will begin participating in the procedure and the ports at which such carriers will participate.

(3) Participation by a carrier will be restricted to those ports specified by the carrier in his initial letter. A carrier may add or delete ports of participation by notifying the Bureau of the Census and the Office of Export Control.

(4) Exporters or their agents may obtain the names of participating carriers and the ports at which such carriers have agreed to participate in this procedure from District Directors of Customs.

(c) These special procedures in no way relieve the exporter or his agent, from his responsibilities in reporting complete and accurate information.

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

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

(f) Any exporter, agent, or carrier from whom such privileges are withdrawn may apply for reinstatement of such privileges after a period of 45 days

from the effective date of withdrawal. Application shall be in writing, addressed to the Bureau of the Census and shall contain an explanation of remedial action taken by the firm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective date: These regulations shall be effective January 1, 1970.

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

I concur: November 26, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[F.R. Doc. 69-14219; Filed, Nov. 28, 1969;
8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4738]

[Wyoming 0308864]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

Correction

In F.R. Doc. 69-13450 appearing at page 18167 in the issue of Thursday, November 13, 1969, the following changes should be made:

1. The item in parentheses in the third line of paragraph 1, now reading "(Wyoming No. 17)", should read "(Wyoming No. 7)".

2. At the bottom of the first column on page 18168 the third line under the heading "T. 25 N., R. 119 W.," now reading "Sec. 3, lots 5, 6, 11, 12, 13, 14, and SE 1/2;" should read "Sec. 3, lots 5, 6, 11, 12, 13, 14, and SE 1/4;".

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1631—QUOTAS AND CALLS Random Selection

CROSS REFERENCE: For a document amending the Selective Service Regulations to prescribe random selection, see Title 3, Executive Order 11497, F.R. Doc. 69-14291, *supra*.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

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

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

PART 148e—ERYTHROMYCIN

PART 148n—OXYTETRACYCLINE

Confirmation of Effective Date of Order Repealing Provision for Certification of Certain Antibiotic Drugs

An order was published in the *FEDERAL REGISTER* of September 16, 1969 (34 F.R. 14429), amending the antibiotic drug regulations to delete certain dental cone and dental paste drugs from the list of drugs acceptable for certification. The order repealed §§ 141c.209, 141c.210, 146c.209, 146c.210, 148e.19, 148n.13, and 148n.14 and revoked all antibiotic drug certificates issued under those regulations.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective October 26, 1969.

Firms affected by the order will be allowed 30 days from the date of publication hereof in the *FEDERAL REGISTER* to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: November 20, 1969.

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

[F.R. Doc. 69-14152; Filed, Nov. 28, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 69-121]

PART 82—BOUNDARY LINES OF INLAND WATERS

Change in Demarcation Line for Chesapeake Bay

The Chesapeake Bay Sealanes Study Committee in accordance with resolutions of the Intergovernmental Maritime Consultative Organization (IMCO) has recommended to the Commandant, U.S. Coast Guard the institution of a traffic separation scheme for the approaches to Chesapeake Bay. The purpose of this scheme is to assist in preventing collisions of vessels navigating the area. Compliance with the scheme is voluntary on the part of the navigators of vessels. The scheme, in essence, provides for the establishment of two sealanes marked by buoys converging from seaward to the Pilot Area off Cape Henry. As a part of this traffic separation scheme, the Committee recommended the relocation of the present line of demarcation in order that only one set of the nautical rules of the road would apply in the Pilot Area. This line of demarcation separates the high seas from rivers, harbors and inland waters for the purpose of indicating to mariners the point at which a change from one set of the nautical rules of the road to the other is necessary. In accordance with this recommendation Cape Henry Junction Lighted Whistle Buoy through which the existing line of demarcation passes will be disestablished. It was further recommended that the line should be drawn from Cape Henry Light to three buoys, two of which will be established as a part of the traffic separating scheme, and thence to Cape Charles Light. The three buoys are, in turn, Cape Henry Buoy Number 1 located at 36°-55.0' N., 75°58.0' W., Chesapeake Bay Entrance Lighted Bell Buoy CBC to be established at 36°54'55" N., 75°55'48" W. and North Chesapeake Bay Entrance Lighted Gong NCD to be established at 36°56'47" N., 75°55'10" W. This change will move the southern leg of the demarcation line to the south a maximum dis-

tance of approximately 1 1/2 miles and will extend the line seaward a maximum distance of approximately 0.3 of a mile.

The scheme was approved by the Commandant, submitted to and approved by a subcommittee of IMCO subject to minor changes which do not affect its actual operation or the line of demarcation above described. The related demarcation line modification proposal was considered and approved by the Merchant Marine Council Committee of the U.S. Coast Guard. Based on these recommendations, the Commandant U.S. Coast Guard hereby approves the change in the line of demarcation.

Some months ago the decision was made to implement this traffic separation scheme on December 1, 1969. All affected agencies and individuals were so notified and have arranged their plans accordingly. Some delays were experienced in obtaining comment from the various agencies to which it was submitted. Accordingly, it is now impracticable to postpone this implementation date. In view of this circumstance, the minor changes in the existing line of demarcation and the further fact that the position of the new line can readily be ascertained by mariners, it is hereby found that compliance with the provisions of the Administrative Procedure Act relating to notice of proposed rule making and public procedures thereon are impracticable and unnecessary.

Accordingly, § 82.30 is revised to read as follows:

§ 82.30 Chesapeake Bay and tributaries.

A line drawn from Cape Henry Light to Cape Henry Buoy 1; thence to Chesapeake Bay Entrance Lighted Bell Buoy CBC; thence to North Chesapeake Entrance Lighted Gong Buoy NCD; thence to Cape Charles Light.

(Sec. 2, 28 Stat. 672, as amended, sec. 6(b) (1), 80 Stat. 937; 33 U.S.C. 151, 49 U.S.C. 1655(b) (1); 49 CFR 1.4(a) (2))

Effective date. This amendment shall become effective on December 1, 1969.

Dated: November 26, 1969.

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

[F.R. Doc. 69-14220; Filed, Nov. 28, 1969; 8:48 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Caribbean Sea, Virgin Islands

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.817 is hereby prescribed establishing and governing the use and navigation of two restricted areas in the Caribbean Sea at

St. Croix, V.I., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.817 Caribbean Sea, at St. Croix, V.I.; restricted areas.

(a) *The areas*—(1) *Area "A"*. A triangular area bounded by the following coordinates:

Latitude	Longitude
17°44'42" N.	64°54'18" W.
17°43'06" N.	64°54'18" W.
17°44'30" N.	64°53'30" W.

(2) *Area "B"*. A rectangular area bounded by the following coordinates:

Latitude	Longitude
17°41'42" N.	64°54'00" W.
17°41'42" N.	64°54'18" W.
17°41'18" N.	64°54'00" W.
17°41'18" N.	64°54'18" W.

(b) *The regulations*. (1) Anchoring in the restricted areas is prohibited with the exception of U.S. Government owned vessels and private vessels that have been specifically authorized to do so by the Commanding Officer, Atlantic Fleet Range Support Facility.

(2) The regulations in this paragraph shall be enforced by the Commanding Officer, Atlantic Fleet Range Support Facility, Roosevelt Roads, P.R., and such agencies as he may designate.

[Regs., Nov. 14, 1969, 1507-32 (Caribbean Sea, Virgin Islands)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent
Branch, Plans Division,
TAGO.

[F.R. Doc. 69-14124; Filed, Nov. 28, 1969;
8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service,
General Services Administration

NEW EDITION OF GSA FORM 1424,
GSA SUPPLEMENTAL PROVISIONS

Chapter 5A of Title 41 is amended as follows:

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

Paragraphs (b) and (c) (1) of § 5A-2.201-70 are revised to read as follows:
§ 5A-2.201-70 *Forms to be used.*

(b) Standard Form 33A, Solicitation Instructions and Conditions, March 1969 edition.

(c)

(1) GSA Form 1424, GSA Supplemental Provisions, September 1969 edition, shall be incorporated by reference in each solicitation for offers, by using the following provision:

GSA Form 1424, GSA Supplemental Provisions, September 1969 edition, receipt of

which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1424, if not enclosed, is available upon request.

PART 5A-16—PROCUREMENT FORMS

Subpart 5A-16.9—Illustrations of Forms

Section 5A-16.950-1424 is revised to include an illustration of the September 1969 edition of GSA Form 1424.

NOTE: The form illustrated in 5A-16.950-1424 is filed as part of the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division—3BRD, Washington, D.C. 20407. (Sec. 205(c), 33 Stat. 390; 40 U.S.C. 465(c))

Effective date. This regulation is effective 60 days after publication in the FEDERAL REGISTER, but may be observed earlier upon availability of revised GSA Form 1424.

Dated: November 20, 1969.

A. F. SAMPSON,
Commissioner,
Federal Supply Service.

[F.R. Doc. 69-14151; Filed, Nov. 28, 1969;
8:45 a.m.]

Title 46—SHIPPING

Chapter 1—Coast Guard, Department
of Transportation

[CGFR 69-72]

PART 146—TRANSPORTATION OR
STORAGE OF EXPLOSIVES OR
OTHER DANGEROUS ARTICLES OR
SUBSTANCES, AND COMBUSTIBLE
LIQUIDS ON BOARD VESSELS

PART 161—ELECTRICAL EQUIPMENT

PART 164—MATERIALS

Miscellaneous Amendments

Correction

In F.R. Doc. 69-12837 appearing at page 17479 in the issue of Wednesday, October 29, 1969, the following changes should be made:

1. In § 146.07-1 insert "(b)" between paragraph (a) and subparagraph (3) and change the word "in" in the first line of subparagraph (3) to "is".

2. On page 17489 the word "contained" appearing in the 11th line of the first column should be changed to read "container".

3. In the introductory paragraph of § 146.27-31 (c), line 2, the word "storage" should read "stowage".

4. In the third column of page 17492 the third line of the amendment to column 5 of § 146.27-100 should be changed to read "or if the vessel is provided with a com-".

5. On page 17496 the seventh line in paragraph (e) at the top of the first column should be changed to read "specified in paragraphs (r) (3), (s) (3), or (t) (3)".

6. In § 164.007-7(c) the section reference in the third line now reading

"§ 164.077-4(d) (4)" should be changed to read "§ 164.007-4(d) (4)".

7. In the 10th line of § 164.008-5(a) (5) the word "of" should be inserted between the words "surface" and "insulation".

Title 50—WILDLIFE AND FISHERIES

Chapter 1—Bureau of Sport Fisheries
and Wildlife, Fish and Wildlife
Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION
OF WILDLIFE

PART 13—IMPORTATION OF WILDLIFE OR EGGS THEREOF

Live or Dead Fish, Mollusks, and
Crustaceans

By notice of proposed rule making published in the FEDERAL REGISTER of August 19, 1969 (34 F.R. 13373), notification was given that it was proposed to amend Part 13 of Title 50 Code of Federal Regulations, to restrict the importation, transportation, or acquisition of live fish or viable eggs of the family Clariidae.

Interested persons were invited to submit their comments, suggestions, or objections with respect to the proposed amendment, within 90 days of the publication of the notice.

All comments and relevant matters received having been considered, § 13.7 is amended to read:

§ 13.7 Importation of live or dead fish, mollusks, and crustaceans or their eggs.

(a) (1) The importation, transportation, or acquisition is prohibited of any live fish or viable eggs of the family Clariidae: *Provided*, That the Director shall issue permits authorizing the importation, transportation, and possession of such live fish or viable eggs under the terms and conditions set forth in §§ 13.10 through 13.11.

(2) Except as provided in subparagraph (1) of this paragraph, and except for the salmonids of the fish family Salmonidae, as provided in paragraph (b) of this section, all species of live or dead fish, mollusks, and crustaceans, or parts thereof, or their eggs, may be imported, transported, and possessed in captivity without a permit, for scientific, medical, educational, sale, exhibition, or propagational purposes upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 13.12. No such live fish, mollusks, crustacean, or any progeny or eggs thereof, may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission from such agency.

(b) (1) Notwithstanding authority granted Federal agencies in § 13.4, all live or dead fish or eggs of salmonids of

the fish family Salmonidae are prohibited entry into the United States for any purpose unless such importations are by direct shipment, accompanied by a certification that the importation is free of the protozoan *Myxosoma cerebralis*, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The certification shall be signed in the country of origin by a designated official acceptable to the Secretary of the Interior as being qualified in fish pathology, or in the United States by a qualified fish pathologist designated for this purpose by the Secretary of the Interior.

(2) The certificate required by this section shall consist of a statement in the English language, printed or typewritten, stating that this shipment of fish or eggs is free from these two diseases by the methods outlined in Fish Disease Leaflet 9, and will contain (i) the date and port of export in the country of origin and the anticipated United States date of arrival and port of entry, (ii) surface or air carrier and flight number, or vessel name or number, (iii) bill of lading number or airway bill number, and (iv) the handwritten signature, in ink, of the

authorized certifying officer, and may be substantially in the following form:

I, _____, approved by the Secretary of the U.S. Department of the Interior, on _____ as a certifying official for _____ as required by Title _____ (Country) 50, CFR 13.7(b), do hereby certify, using the methodology described in Fish Disease Leaflet (FDL-9, July 1968), that this shipment of _____ of dead or live fish or fish eggs to be shipped under _____ (Weight in pounds) _____ is free of the (Bill of lading number, or airway bill number) protozoan *Myxosoma cerebralis*, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The shipment is scheduled to depart _____ on _____ via (City and Country) _____ (Date) _____ with anticipated (Name of carrier) arrival at the port of _____ U.S.A., on _____ (City) _____ (Date) _____ (Signature in ink of certifying officer) _____ (Date)

(c) Nothing in this part shall restrict the importation and transportation of dead fish or dead eggs of salmonids of the fish family Salmonidae when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby all spores of the protozoan *Myxosoma cerebralis*, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or so-called "Egtved disease" have been killed. Salmon landed in North America and brought into the United States for processing or sale, or any salmonid caught in the wild in North America under a sport or a commercial fishing license, shall be exempt from the requirement for certification, but the Declaration For Importation of Wildlife must be filed as required in §13.12.

(62 Stat. 687, as amended, 18 U.S.C. 42)

Effective date: January 1, 1970.

JOHN S. GOTTSCHALK,
Director.

NOVEMBER 26, 1969.

[F.R. Doc. 69-14211; Filed, Nov. 28, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Monetary Offices

[31 CFR Parts 90, 92, 93]

TERMINATION OF GOLD DEPOSITS AT MINTS FOR EXCHANGE

Notice of Proposed Rule Making

Effective January 1, 1970, the U.S. Mints and Assay Offices will no longer accept deposits of gold for exchange into gold bars. Accordingly, Parts 90, 92, and 93 of Title 31 of the Code of Federal Regulations will be amended to delete specifications and conditions for the receipt of such deposits. These amendments will be effective as of the close of business December 31, 1969. Deposits received at the U.S. Mints and Assay Offices prior to this time will be accepted for exchange in accordance with the regulations governing such exchanges.

Dated: November 26, 1969.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14255; Filed, Nov. 28, 1969;
9:05 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18751; FCC 69-1286]

MULTIPLE OWNERSHIP OF STAND- ARD, FM, AND TELEVISION BROAD- CAST STATIONS

Stock Held by Banks in Fiduciary Capacity

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations (stock held by banks in a fiduciary capacity); Docket No. 18751, RM-1460.

1. Notice of proposed rule making and notice of inquiry are given in the above-entitled proceeding.

2. On May 28, 1969, the American Bankers Association (ABA) filed a petition requesting certain amendments to the Commission's multiple ownership rules and the Commission's ownership reporting requirements, with respect to stock in broadcast licensees held by bank trust departments in a fiduciary capacity. ABA requests that the multiple ownership rules be amended (1) so that there is no limitation on broadcast holdings by bank trust departments if the bank executes a disclaimer of intention to control the management or policy of the broadcast company; or (2) so that hold-

ings in different trust accounts of broadcast company stock, wherein the bank has the power to vote, need not be aggregated for determining size of interest, or, in the alternative, if they are required to be aggregated, raising the level for applying the multiple ownership rules from 1 percent to 10 percent on the aggregate holdings (with power to vote) and to 5 percent on any single trust account, instead of the present 1 percent.¹

3. With respect to ownership reporting, ABA requests that the requirement that a copy of or an abstract of every trust agreement be filed with the Commission be deleted. ABA also requests that ownership reports be required annually instead of monthly, even if there are changes in holdings, and that the report by a bank to a broadcast company be limited to holdings in that company.

4. Finally, the ABA requests that corporations, whose broadcast operations are a minimal part of the corporation's entire business, not be required to secure ownership reports from banks as to holdings of that stock.

5. The Commission on June 12, 1968, adopted a report and order, 13 FCC 2d 357, which amended the Commission's multiple ownership rules and the ownership reporting rules as they related to broadcast holdings by regulated investment companies (commonly known as "mutual funds"), stock brokers and trusts (Docket 15627). The amendment had the effect of permitting mutual funds to own up to 3 percent in broadcast companies with over 50 stockholders (instead of the 1 percent limitation previously applicable which was retained for other types of holders), provided the mutual fund formally indicates that it will not attempt to control the company or influence the management thereof.²

6. The ownership reporting rules were amended by the June 1968 action in two respects. The rules, after amendment, provide that trust agreements need not be filed, but that an abstract of the agreement may be filed in lieu thereof. Also, stock brokers no longer need to report to a broadcast company stock that they hold, as brokers, if held less than 30 days. However, the report and order, and a public notice issued simultaneously, emphasized that, as

¹ Meredith Corp. and Columbia Broadcasting System, Inc., filed pleadings in support of the ABA petition. The pleadings contend that trust assets of a bank are held for investment only, and that relief from the 1 percent rule is required to prevent unnecessary disruption as to holding of broadcast stocks.

² The amendments also clarified the duopoly policy flowing from the multiple ownership rules as to broadcast companies with over 50 stockholders. It now provides that the same standard for application of the "seven-stations" rule as set forth in §§ 73.35, 73.240, and 73.636 will be used in the application of the duopoly policy.

liberalized by these amendments, the reporting rules are to be strictly complied with, including ascertainment by broadcast licensees of the information necessary to file the required reports and the filing within 30 days of information as to ownership changes, as required by §§ 1.613 and 1.615 of the rules.

7. The Commission considered, in detail, the subject matter of the ownership of broadcast stocks by investment-type entities prior to the June 1968 amendment of the aforementioned rules. ABA urges many of the same arguments dealt with in Docket 15627, which are discussed briefly below. We are of the opinion that the conclusions reached in that proceeding are, in the main, well founded in the light of the passage of time. However, we stated at paragraph 35 of the June 1968 report and order: "As to trusts, information presented with regard to them is so scanty as to present no basis for increasing the benchmark." It appears that ABA has compiled substantial data concerning broadcast holdings of trust departments of banks in support of its request for the amendments set forth above.

8. ABA's request that banks not be required to report holdings of broadcast companies in the case of corporations where broadcasting is a minimal part of the corporation's total business, most of which is in an unrelated field, must be rejected. ABA's chief argument in this connection is that in such cases, the bank trust department's purpose in investing in the security is not the corporation's broadcast interests but its other activities. However, this argument misses the point. The identity of substantial stockholders in broadcast licensees, be they banks or others, is of great importance to the Commission in a number of respects. It is necessary to determine whether the multiple ownership rules are being complied with or violated, and whether the broader policies behind these rules—furthering diversification of broadcast ownership and avoiding concentration of control—are being effectively implemented. It is also of importance in determining whether the licensee company is being truly operated independently, for example in the presentation of news and other programs, or is being used to further the interests of substantial stockholders. Therefore the Commission must know the nature and identity of broadcast licensee stockholders.

9. The Commission has made a considered judgment that, as to corporations with over 50 stockholders, all ownership interests that amount to 1 percent of a broadcast company, must be reported to the Commission. With the passage of time (over 15 years), this 1 percent standard appears to be reasonably related to the Commission's duty to

regulate broadcasting. Also, it appears that it is not unduly burdensome duty for licensees to file reports under this standard. Where a large diversified corporation has broadcast facilities, even where their value or revenues are relatively small in relation to the corporation's total assets or revenues, the Commission must have complete knowledge as to the ownership aspects of the corporation.⁸ The Commission must be able to determine whether proper licensee responsibility is being exercised in the public interest. The request of the ABA that banks need not report to broadcast licensees if the broadcast business is a small part of the corporation's business will not be included in this rule making proceeding.

10. The ABA requests that ownership report changes be filed on a less frequent basis than monthly is being considered by the Commission as a part of its study looking toward up-dating the ownership reporting form as we stated we would in the June 1968 order, *supra*. Therefore, this request also will not be included in this rule making proceeding.

11. ABA's request for deletion of the requirement that a copy of or an abstract of every trust agreement be filed may well be a reasonable request. It will be included in this rule making to determine whether, without the trust instrument or an abstract and assuming that other complete ownership data has been submitted, adequate information is on file to enable the Commission to adequately enforce the multiple ownership rules and other statutory and policy requirements. The data obtained may indicate that the Commission has full information as to the legal and beneficial aspects of ownership of stock by banks and other trustees. If, based upon all the facts, it can be shown that filing of a copy or an abstract would be duplicative or otherwise unnecessary, the Commission would, of course, dispense with this requirement. Within the foregoing limitations, this request of ABA that the requirement that broadcast licensees need not file a copy or an abstract of trust agreements will be submitted for comments.

Ownership limitation. 12. The requests of ABA concerning the application of the multiple ownership rules cover two points. One request is that broadcast stocks could be held by banks without limitation, provided the bank (who has the power to vote the stock) executes a disclaimer of intention to control the management or policy of the broadcast company. The other request is that holdings by banks (where the bank has the power to vote) not be aggregated, or if

aggregated, the limitation be raised from 1 percent to 10 percent with a 5 percent limitation on any single trust account. The requests will be considered together, because of certain interacting factors.

13. ABA, in its petition, contends that, due to the nature and purpose of its holdings, the 1 percent benchmark now applicable to all stockholders except mutual funds is an unreasonable standard. Its major premises are that bank trust department holdings are widely dispersed among the various trust accounts, and that stock is acquired for investment purposes only and not to exercise control over management or broadcast policy. In support of the proposed amendments, ABA conducted a survey by requesting that 20 banks supply certain information concerning stocks, in general, and broadcast stocks, in particular, held in the trust departments. Nineteen of the 20 banks supplied the data requested by ABA.

14. Because of the vast and growing size of holdings in trust departments of banks, ABA contends that the consequences flowing from the present multiple ownership rules as they apply to trusts, and the burdensome reporting requirements, would result in a permanent reduction in the availability of capital for broadcast companies, because banks would not consider corporations that have broadcast interests as trust investments. It is also claimed that two other similar results would occur: (1) Corporations where broadcasting interests are just a small part of the total business would dispose of their broadcast interests to retain their status as trust investments, and (2) present nonbroadcast corporations would never diversify into broadcast activities.

15. Another point urged by the ABA is that, in addition to no longer investing in corporations with broadcast properties, banks would face divestiture of such stocks presently held by them. In the 20 banks surveyed (19 reporting), the claimed required divestiture by banks of broadcast stocks in which they have the power to vote would be (as of Apr. 3, 1969):⁴

At 1 percent over \$976 million (25 companies).
At 3 percent over \$256 million (15 companies).
At 5 percent over \$84 million (nine companies).
At 10 percent over \$4 million (one company).

⁴This analysis, Table I attached to the petition, seems to assume that any interest in a broadcasting company would have to be reduced to the stated percentage level. This is contrary to fact, in two respects: (1) A bank, or any other stockholder, may have one interest of any size in a licensee company; it is only where the holder has two or more such interests that problems may arise; (2) two (or even more) interests of more than a certain size may be held if the companies owned do not between them have more than the maximum allowable number of stations or stations serving substantially the same area. Not all of the 45 publicly held licensee corporations listed own the maximum permissible number of stations; Travelers Insurance Co., for example, has only radio and TV stations at Hartford.

ABA contends that the size of the divestitures required at 1 percent, 3 percent, and 5 percent would cause serious market disruptions and a severe depression in the market for broadcast stocks and stocks of diversified corporations with broadcast properties. While we are not closing our eyes to the claimed required divestitures, we must examine these requested changes in the light of the Communications Act and the Commission's rules and policies adopted thereunder, irrespective of the scope of divestiture.

16. With the foregoing background, we now examine the ABA requests concerning the ownership aspects of its petition. ABA requests that there be no numerical limitation on stock held by banks provided a disclaimer of intention to enter into the management of the broadcast company. ABA's request for an amendment of the rules so that stock may be held without limitation must be denied, irrespective of its statement of disclaimer of intent to enter into the management of the company. Ownership, even passive and latent, cannot be unlimited, as mere size of a holding alone may have an effect on management and policies of a broadcast company. The matter of a disclaimer will be considered in connection with the specific percentage limitations and aggregation discussed below.

17. ABA states that it does not agree that stock held in trust should be aggregated for the purpose of the multiple ownership rules. We cannot agree. It may be, as ABA urges, that each trust account is for some purposes a separate entity. But the petition does not show, nor do we have reason to believe, that when a bank votes stock in a company held in various trust funds it votes the different holdings separately or differently. The power to vote, even though sterilized by a disclaimer, may be exercised at any time. Therefore the aggregate size of the holdings must be known and recognized under the multiple ownership rules. ABA also urges that if aggregation is required it should be on the basis of the power to vote, and with this we agree. As set forth in the June 1968 decision, stockholdings will be considered on the basis of who has the power to vote.

18. However, we believe that ABA makes a better case for the proposition that the 1 percent benchmark may not be a realistic one as applied to stock held by banks as trust investments. In the June 1968 decision, the Commission permitted mutual funds to own up to 3 percent of the voting stock of broadcast companies without bringing the multiple ownership restrictions into play. We relied, in part, on the fact that mutual funds, in general, state in their prospectuses that stock held by them is not for the purposes of exercising control over management but for the purposes of investment only. Mutual funds that do not publish such disclaimer in their prospectus are permitted to file a separate disclaimer and thereby be subject to the 3 percent limitation rather than the 1 percent restriction.

⁸It would be extremely difficult to arrive at any standard as to what is "minimal" for this purpose. Broadcasting is an industry of comparatively high return in relation to invested capital, and thus broadcast holdings of a diversified company may be highly important in its revenue and income structure even if they represent only a small part of its assets, and may be a strong incentive to investment.

19. If banks and other parties including broadcasters, can show, by significant facts, that its trust holdings are for investment purposes only, and not for the exercising of any degree of control over the management of a broadcast company, the Commission, based on such facts and other relevant data, may be inclined to permit holdings in excess of 1 percent.

20. However, we are tentatively of the view that the permissible figure should be no more than 3 percent, for reasons stated above and in our June 1968 decision. On the basis of the ABA's analysis of 19 bank trust holdings, it appears that the imposition of this requirement, and its strict enforcement with respect to bank trust department holdings, would not be unduly burdensome or be so restrictive as to inordinately impair the availability of capital for broadcasting. For example, if the present 1 percent rule is applied in these situations, it appears that it would require disposing of or reducing some 50 interests, by 12 of the 19 banks reporting. If the rule were changed to 3 percent, it would require the elimination or reduction of only 16 interests, by only six of the 19 banks. Of the 45 publicly held licensee companies listed, the stock of only 15 would be affected, and these usually in minor amount.²

21. Therefore the Commission invites comments on two questions as follows:

A. Is the filing of trust agreements or abstracts thereof, as required by § 1.613 (b) of the Commission's rules, necessary so that the Commission will have adequate information to enable it to carry out its responsibilities under the Communications Act and the Commission's rules and policy? If such filings are necessary in some cases, could they be dispensed with partly or entirely in others, for example by the presumption that unless otherwise indicated a bank holding as trustee has unqualified power to vote and acquire or dispose of the stock of the licensee company?

B. Assuming that banks execute disclaimers of intention to control the management or policy of a broadcast company as to stock held by the banks as trust investments over which they hold the power to determine how the stock will be voted, is the 1 percent benchmark specified in §§ 73.35(b), 73.240(b), and 73.636(b) a reasonable and proper standard as to stock held by banks in their trust departments, or should a higher figure, such as 3 percent, be permitted?

² Nine of the banks reported no interests of 3 percent or more of the voting stock of a broadcast licensee company; four reported one such interest, which would not have to be reduced under this standard. There were no interests of this size in 29 of the licensee companies; one such interest (in General Tire) would not be affected because the bank holds no other such interest. Holdings of the stock of Capital Cities could be affected in three cases if the bank elected to reduce it and keep other holdings; the same is true of five other licensees in two cases, and of the remaining nine in only one case.

22. As part of our consideration of this overall problem, we are also instituting an inquiry at this time concerning certain other financial and management connections between banks and licensees. Under this inquiry, the ABA is requested to make a further survey of its member banks.³ The survey should include (a) interlocking directorates between the banks and the licensees in which the banks vote stock; and (b) loans by the banks to licensees in which the banks vote stock.

23. Authority for this amendment is contained in sections 4(d) and 303(r) of the Communications Act of 1934, as amended. Authority for the inquiry is contained in section 403 of the Communications Act of 1934, as amended.

24. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 2, 1970, and reply comments on or before April 3, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

25. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 19, 1969.

Released: November 25, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,⁴

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 69-14166; Filed, Nov. 28, 1969;
8:46 a.m.]

[47 CFR Parts 89, 91, 93, 95]

[Docket No. 18740; FCC 69-1260]

OPERATION OF CERTAIN FIXED STATIONS IN MOBILE RELAY STATION BANDS

Notice of Proposed Rule Making

In the matter of amendment of Parts 89, 91, 93, and 95 of the Commission's rules concerning the operation of certain fixed stations in the band 450-470 Mc/s which control mobile relay stations; Docket No. 18740, RM-1375.

1. In the second report and order in Docket No. 13847 (FCC 68-128, 33 P.R. 3114), released February 9, 1968, the Commission essentially completed the rule making proceeding to split the channels in the band 450-470 Mc/s.

³ An appropriate sampling both as to size and the nature of the data can be discussed with the Broadcast Bureau.

⁴ Chairman Burch not participating; concurring statement of Commissioner Robert E. Lee filed as part of original document; Commissioner Wells absent.

Among the rule changes adopted in the proceeding were those which, except for control stations, provided for the elimination by November 1, 1971, of all fixed use of this band within 75 miles, and in some cases, 100 miles of the top 87 urbanized areas; a requirement for five Mc/s separation between base and mobile frequencies; and deletion of provisions which had permitted base stations to operate on mobile only frequencies.

2. These rules were adopted because operation of fixed stations in this band precludes to some extent the use of the particular frequencies by stations in the mobile service. Operation of higher power base stations in mobile bands presents a potential interference problem to cochannel and adjacent channel mobile operations and tends to prevent the close-in duplication of mobile only assignments.

3. The exception, referred to above, which permits control stations to continue their fixed operation was made subject to certain conditions designed to alleviate the adverse effect on mobile operations. Control stations are required to utilize the frequency of the mobile units associated with the mobile relay station. The power is limited, and directional antennas with a front-to-back ratio of at least 15 dB are required. The control station may produce a signal level at the mobile relay station not exceeding six dB above that which would result from a mobile station transmitting from the control station location.

4. Since the adoption of the new rules, developments indicate the need for further changes in the rules governing operation of control stations. The present rule requirement that control stations utilize directional antennas has resulted in a number of requests for rule waiver in certain systems that use a single station to control more than one mobile relay station. In such systems, where a control station transmits to multiple mobile relay station sites, use of a directional antenna meeting the specifications of the rules is inappropriate since the control signals must be directed to different points of the compass. For example, a station controlling two mobile relay stations separated by 180° requires two directional antennas back-to-back, and the requirement for a minimum front-to-back ratio for each antenna becomes meaningless. Also, when two directional antennas are placed in close proximity, they interact and their directional characteristics are modified. The installation of a single bidirectional antenna in such cases should be permitted.

5. The same rationale dictates use of omnidirectional antennas or antennas with cardioid patterns in certain situations involving more than two associated mobile relay stations. Accordingly, we are proposing to amend the rules to permit the use of bidirectional, cardioid or omnidirectional antennas as set forth below.

6. Under existing rules, the strength of the control station signal, at each mobile relay site, may not exceed by more

than six dB the signal level produced there by a unit of the associated mobile station transmitting from the control station location. In systems where a single station controls more than one mobile relay station, requiring measurements to determine the signal ratio at each mobile relay location does not appear to be desirable, and serves no useful purpose once the signal ratio has been established at any one of the locations. It is proposed, therefore, to require compliance with the signal level limitation at only one of the mobile relay locations and to permit the applicant to choose the measurement site. The particular rule section would also be modified to require the applicant to state that the power output of the control station transmitter will be adjusted to comply with the signal level limitation, and would require that records to this effect be maintained with other station records.

7. The restrictions on use of 450-470 MHz frequencies by control stations are intended, to the extent possible, to equate their technical effect on spectrum use with that of a mobile station operating in the same area. Control stations are required to operate on the same frequency as the associated mobile units. The rules, however, require separate frequency coordination for each control station, even though the area of operation has been coordinated for mobile use, and with few exceptions, the associated control stations are located within the operating area of the mobile units. We believe, therefore, that in this situation the requirement for separate or additional frequency coordination for control stations serves no useful purpose. Accordingly, we propose herein to amend the rules governing Parts 89, 91, and 93 to eliminate this requirement.

8. In addition to the foregoing considerations with respect to the operation of control stations in this band, the Commission has before it the petition for rule making (RM-1375) filed on November 19, 1968, by the National Association of Manufacturers, requesting amendment of the rules to permit a control station transmitting on the frequencies assigned to associated mobile units in the 450-470 Mc/s band to meet the same frequency stability requirement applicable to mobile stations. The Commission concurs with the association's argument that the same tolerance, not a more stringent one, is appropriate for both mobile and control installations. Therefore, we also propose to amend the rules to specify that these control stations may operate with a frequency tolerance of ± 0.0005 percent. The tighter frequency tolerance of ± 0.00025 percent will be retained for all other fixed stations operating in this band.

9. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(1) and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 29, 1969,

and reply comments on or before January 8, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 19, 1969.

Released: November 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE, Secretary.

I. Part 89 of the Commission's rules is amended as follows:

1. In § 89.15, the introductory text of paragraph (a) is amended to read as follows:

§ 89.15 Frequency coordination procedures.

(a) Except for applications from States requesting frequencies in accordance with a geographical assignment plan, applications in the Special Emergency Radio Service, applications for control stations in mobile relay systems on frequencies above 450 Mc/s where the associated mobile frequency is used, and applications requesting assignment of frequencies in the 27.23-27.28 Mc/s band or frequencies above 470 Mc/s, the following applications shall be accompanied by information required by either paragraph (b) or (c) of this section:

2. In § 89.103(a), a new footnote is added to the table of frequency tolerances to read as follows:

§ 89.103 Frequency stability.

(a) * * *

Frequency range	All fixed and base stations		All mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
Mc/s	Percent	Percent	Percent	Percent
450 to 470	± 0.00025	.0005	.0005	± 0.0005
***	***	***	***	***

¹ Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 percent.

II. Part 91 of the Commission's rules is amended as follows:

1. In § 91.8, a new subdivision is added to paragraph (a) (1) to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *
(1) * * *

¹ Commissioners Burch, Chairman; and Wells not participating.

(ix) Any application for a control station in a mobile relay system on frequencies above 450 Mc/s where the associated mobile frequency is used.

2. In § 91.102(a), a new footnote is added to the table of frequency tolerances to read as follows:

§ 91.102 Frequency stability.

(a) * * *

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
Mc/s	Percent	Percent	Percent	Percent
450 to 470	± 0.00025	± 0.00025	.0005	± 0.0005
***	***	***	***	***

¹ Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 percent.

III. Part 93 of the Commission's rules is amended as follows:

1. In § 93.9, a new subdivision is added to paragraph (a) (1) to read as follows:

§ 93.9 Frequency coordination.

(a) * * *
(1) * * *

(iii) Any application for a control station in a mobile relay system on frequencies above 450 Mc/s where the associated mobile frequency is used.

2. In § 93.102(a), a new footnote is added to the table of frequency tolerance to read as follows:

§ 93.102 Frequency stability.

(a) * * *

Frequency range	All fixed and base stations	All mobile stations	
	Over 300 watts	Over 3 watts	3 watts or less
Mc/s	Percent	Percent	Percent
450 to 470	± 0.00025	.0005	± 0.0005
***	***	***	***

¹ Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 percent.

IV. Parts 89, 91, and 93 of the Commission's rules are amended as follows:

§§ 89.259, 89.309, 89.359, 89.409, 89.459, 91.254, 91.304, 91.354, 91.454, 91.504, 91.554, 91.730, 91.754, 93.352 [Amended]

Sections 89.259(g) (4), 89.309(h) (4), 89.359(g) (4), 89.409(f) (1), 89.459(e) (1), 91.254(b) (30), 91.304(b) (33), 91.354(b) (33), 91.454(b) (12), 91.504(b) (29), 91.554(b) (9), 91.730(b) (18), 91.754(b) (14), and 93.352(d), are identically amended as follows:

() This frequency may be assigned to a control station associated with a mobile relay system if it is also assigned to the associated mobile station. Control

stations operating on this frequency shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(i) If the station is used to control one or more mobile relay stations located within 45° of azimuth, a directional antenna having a front-to-back ratio of at least 15 db shall be used at the control station. For other situations where a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. In each case, the antenna used must, consistent with reasonable design, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each mobile relay station and limits radiation in other directions to the extent feasible.

(ii) The strength of the signal of a control station, controlling a single mobile relay station, may not exceed by more than 6 db, at the antenna terminal of the mobile relay receiver, the signal strength produced there by a unit of the associated mobile station. When the station controls more than one mobile relay station, the 6 db control-to-mobile signal difference need be verified at only one of the mobile relay station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(iii) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(iv) Control stations authorized prior to June 1, 1968, must conform to the requirements of this paragraph by no later than November 1, 1971.

(v) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, page 50. The centers of urbanized areas are determined from the appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

V. Part 95 of the Commission's rules is amended as follows:

1. In § 95.41, paragraph (a) (1) preceding the table of frequencies is amended to read as follows:

§ 95.41 Frequencies available.

(a) * * *

(1) The following frequencies or frequency pairs are available primarily for

assignment to base and mobile stations. They may also be assigned to fixed stations as follows:

(i) Fixed stations which are used to control base stations of a system may be assigned the frequency assigned to the mobile units associated with the base station. Such fixed stations shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(a) If the station is used to control one or more base stations located within 45° of azimuth, a directional antenna having a front-to-back ratio of at least 15 db shall be used at the fixed station. For other situations where such a directional antenna cannot be used, a cardioid, bidirectional, or omnidirectional antenna may be employed. Consistent with reasonable design, the antenna used must, in each case, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each base station and limits radiation in other directions to the extent feasible.

(b) The strength of the signal of a fixed station controlling a single base station may not exceed the signal strength produced at the antenna terminal of the base receiver by a unit of the associated mobile station, by more than 6 db. When the station controls more than one base station, the 6 db control-to-mobile signal difference need be verified at only one of the base station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(c) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(d) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, page 50. The centers of urbanized areas are determined from the appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(ii) Fixed stations, other than those used to control base stations, which are located 75 or more miles from the center of an urbanized area of 200,000 or more population. The centers of urban-

ized areas of 200,000 or more population are listed on page 226 of the appendix to the U.S. Department of Commerce publication "Air Line Distance Between Cities in the United States." When the fixed station is located 100 miles or less from the center of such an urbanized area, the power output may not exceed 15 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 db. For two-frequency systems, separation between transmit-receive frequencies is 5 Mc/s.

2. In § 95.45, a new footnote is added to the table of frequency tolerance to read as follows:

§ 95.45 Frequency tolerance.

Class of station	Maximum authorized power input	Frequency tolerance	
		Fixed and base	Mobile
A	3 watts or less	10.00025	10.0005
A	Over 3 watts	10.00025	10.0005
***	***	***	***

* Fixed stations used to control base stations, through use of a mobile only frequency, may operate with a frequency tolerance of 0.0005 percent.

[F.R. Doc. 69-14167; Filed, Nov. 28, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-369]

INTEREST ON REFUNDS

Rates of Independent Gas Producers and Pipelines in Effect at End of Suspension Period; Notice of Extension of Time

NOVEMBER 21, 1969.

Upon consideration of the requests filed by the Independent Natural Gas Association of America and Tennessee Gas Pipeline Co., a division of Tenneco Inc., on November 17, 1969, and November 18, 1969, respectively, in the above-designated proceeding;

Notice is hereby given that the time is extended to and including December 15, 1969, within which any interested person may submit data, views, and comments in writing in the above-designated matter.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14131; Filed, Nov. 28, 1969; 8:45 a.m.]

Notices

POST OFFICE DEPARTMENT

POSTAL MONEY ORDERS ISSUED AT OVERSEAS MILITARY POST OFFICES

Restriction on Payment Through Banks Outside U.S.

The Department has designed a new postal money order for issuance by U.S. military post offices overseas. The new money order will be salmon colored, and will bear a payment restriction as follows:

Note—Not payable through banks outside the United States of America, other than through U.S. military banking facilities.

The new money order will not be placed in use prior to January 15, 1970.

The Postmaster General will refuse final payment on the described money orders bearing foreign bank endorsements, and the amounts of such money orders will be charged back to U.S. commercial banks through which they were presented for payment.

Notice of proposed rule making with respect to the foregoing is unnecessary, since the issuance and payment of the subject money orders involves the public property and contracts, as well as military and foreign affairs functions, of the United States.

(5 U.S.C. 301, 39 U.S.C. 501, 705(d), 712, 5101, 5102)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-14216; Filed, Nov. 28, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

UPLAND COTTON

Special Referendums on Out-of-County Transfers by Sale or Lease of 1970 Farm Acreage Allotments in Imperial and Riverside Counties, Calif.

Notice is hereby given that special county referendums, pursuant to section 344a(b)(ii) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1344b(b)(ii)), on the question of transfers out-of-county but within the same State by sale or lease of upland cotton allotments to take effect in 1970, shall be conducted by mail ballot during the period December 1-5, 1969, each inclusive, in accordance with Part 717 of Chapter VII (33 F.R. 18345, 34 F.R. 12940; 7 CFR Part 717) in Imperial and Riverside Counties, Calif.

Although cotton producers in each of these counties voted not to permit out-of-county transfers by sale or lease of

1970 upland cotton farm acreage allotments in the referendum held during the period May 5-9, 1969, the seriousness of the pink bollworm infestation during the summer of 1969 and the consequent possibility of a State-imposed ban on growing cotton in 1970 in these counties makes it desirable that producers be afforded the opportunity to vote again on the question.

Signed at Washington, D.C., on November 25, 1969.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14164; Filed, Nov. 25, 1969; 2:40 p.m.]

Office of the Secretary

GEORGIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Georgia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Appling.	Jeff Davis.
Atkinson.	Lanier.
Bacon.	Lowndes.
Baker.	Miller.
Ben Hill.	Mitchell.
Berrien.	Montgomery.
Brantley.	Pierce.
Brooks.	Seminole.
Bryan.	Sumter.
Bulloch.	Tattnall.
Calhoun.	Telfair.
Candler.	Terrell.
Coffee.	Thomas.
Colquitt.	Tift.
Cook.	Toombs.
Decatur.	Treutlen.
Dougherty.	Turner.
Early.	Ware.
Echols.	Wayne.
Evans.	Wheeler.
Grady.	Wilcox.
Irwin.	Worth.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14183; Filed, Nov. 28, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10659]

MEPAZINE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Pacatal Tablets containing 25 milligrams and 50 milligrams mepazine, present as the hydrochloride, per tablet; previously marketed by Warner-Chilcott Laboratories, Division of Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 10-559). (The company reported in October 1966 that the drug had been withdrawn.)

The Food and Drug Administration concurs with the comment of the Academy panel that mepazine should not be marketed. Serious adverse effects associated with the use of the drug have included granulocytopenia and agranulocytosis, paralytic ileus, urinary retention, seizures, hypotension, and jaundice.

The Food and Drug Administration concludes that there is a lack of substantial evidence of effectiveness of mepazine for the claims which it purported or was represented to have. It is further concluded that the drug is not shown to be safe, in that the hazards associated with its use present risks which are unwarranted in view of its lack of effectiveness. Accordingly, the Commissioner intends to initiate proceedings to withdraw approval of the above listed new-drug application which provides for oral and injectable forms of mepazine.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug and any interested person who may be adversely affected by the removal of such article from the market to submit any pertinent data bearing on the proposal within 30 days after publication of this notice in the FEDERAL REGISTER. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on both the safety and efficacy of the product, and not previously submitted.

This announcement of the proposed action and implementation of the NAS: NRC report for this drug is made to give notice to persons who might be adversely affected by its withdrawal from the

market. Promulgation of an order withdrawing approval of the new-drug application will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holder of the subject new-drug application has been mailed a copy of the NAS-NRC report, and any interested person may obtain a copy on request from the office named below.

Communications forwarded in response to this announcement should refer to DESI No. 10559, which identifies this announcement, and should be directed to the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Request for NAS-NRC report: Press Relations Office (CE-300).

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

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

Dated: November 20, 1969.

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

[P.R. Doc. 69-14153; Filed, Nov. 28, 1969;
8:45 a.m.]

CIVIL SERVICE COMMISSION

GENERAL SERVICES ADMINISTRATION

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 General Services Administration to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[P.R. Doc. 69-14129; Filed, Nov. 28, 1969;
8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

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 General Services Administration to fill by noncareer executive assignment in the excepted service the

position of Director of Legislative and Congressional Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[P.R. Doc. 69-14130; Filed, Nov. 28, 1969;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21283]

AIRLIFT INTERNATIONAL, INC.

Notice of Prehearing Conference

For approval of agreement and control relationships; agreement C.A.B. 21222.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 16, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before December 9, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., November 25, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[P.R. Doc. 69-14171; Filed, Nov. 28, 1969;
8:47 a.m.]

[Docket No. 21430]

LESTER E. COX MEDICAL CENTER ET AL.

Notice of Prehearing Conference

Petition for approval of distribution of stock of Ozark Air Lines, Inc.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 4, 1969, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., November 24, 1969.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[P.R. Doc. 69-14172; Filed, Nov. 28, 1969;
8:47 a.m.]

[Docket No. 21545]

NORTH CANADA AIR, LTD.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as

amended, that a hearing in the above-entitled proceeding is assigned to be held on December 1, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 21, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[P.R. Doc. 69-14173; Filed, Nov. 28, 1969;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17441 etc.; FCC 69-1278]

BETTER T.V., INC., ET AL.

Memorandum Opinion and Order Designating Application for Consolidated Hearing

In the matter of Better T.V., Inc., of Dutchess County, N.Y. (complainant) v. New York Telephone Co. (defendant), Docket No. 17441; in regard applications of New York Telephone Co. for certificates of public convenience and necessity for construction and/or operation of CATV channel distribution facilities to provide service to: U.S. Cablevision Corp., in the general vicinity of Hyde Park, N.Y., Docket No. 18525, File No. P-C-7271; Hudson Valley Cablevision Corp., in the general vicinity of Titusville, Poughkeepsie, and La Grange, N.Y., Docket No. 18617, File No. P-C-7114; Comtel, Inc., in the Borough of Manhattan, New York, N.Y., Docket No. 18620, File No. P-C-7226; WEOK Cablevision, Inc., in the general vicinity of Poughkeepsie and La Grange, N.Y., Docket No. 18621, File No. P-C-7247; WEOK Cablevision, Inc., in the general vicinity of Poughkeepsie, La Grange, and Pleasant Valley, N.Y., Docket No. 18622, File No. P-C-7248; Broadway Maintenance CATV Corp., vicinity of Brookhaven, N.Y., Docket No. 18623, File No. P-C-7255; Manhattan Cable Television, in the Borough of Manhattan, New York, N.Y., Docket No. 18624, File No. P-C-7282; Comtel, Inc., in the Borough of Manhattan, New York, N.Y., Docket No. 18750, File No. P-C-7430.

1. By a memorandum opinion and order and certificate, 18 F.C.C. 2d 783 released August 7, 1969, in Docket No. 17441 et al., the Commission designated for a consolidated hearing certain applications filed by the New York Telephone Co. for certification pursuant to section 214(a) of the Communications Act of channel distribution facilities to serve CATV operators including Comtel, Inc., and Manhattan Cable Television in Manhattan in the city of New York (i.e., File No. P-C-7226, Docket No. 18620, and File No. P-C-7282, Docket No. 18624, respectively).

2. The designated issues contemplate exploration into policies and practices of the telephone company underlying the grant of some and denial of other pole-line attachment or duct space arrangements; whether undue or unreasonable preference or prejudice or advantage or disadvantage resulted from such policies and practices; whether certification of the proposed construction and operation is warranted; and, if so, whether a grant of the certification application should be made subject to any conditions.

3. Now before the Commission is an application filed by New York Telephone Co. for certification of channel distribution facilities to serve Comtel, Inc., in Manhattan, File No. P-C-7430; petitions to deny said application filed June 13, 1969, by the city of New York and jointly by TelePrompTer Manhattan CATV Corp. and Manhattan Cable Television; a reply to such petitions filed by New York Telephone Co. on July 7, 1969; a petition in support of the application filed by Comtel, Inc., on July 7, 1969; a response thereto filed by the city of New York; and a motion filed jointly by TelePrompTer Manhattan CATV Corp. and Manhattan Cable Television (petitioners) on August 19, 1969 (motion), requesting that the Commission designate for hearing and consolidate in the above-mentioned hearing application File No. P-C-7430.

4. In support of their motion, petitioners assert that the proposed service would substantially duplicate service proposed in File No. P-C-7282 to provide service for Manhattan Cable Television; that the issues contained in File No. P-C-7430 are closely related to those in File No. P-C-7226, also for service to Comtel, Inc., in Manhattan; that New York Telephone Co. has agreed that the issues, geographic area, and parties in File No. P-C-7430 are identical or closely related to those in Files Nos. P-C-7226 and P-C-7282 and requested that the three applications be considered at the same time; and that the Commission should include File No. P-C-7430 in the pending hearing to avoid needless duplication.

5. The motion is unopposed. It appears that all parties to the hearing agree that the Motion should be granted.¹ Grant of the motion will not require modification of any issue herein or the addition of any party. We are persuaded that consolidation of application File No. P-C-7430 in this proceeding at this time in and of itself should not require modification of the procedural dates established by the Hearing Examiner and that the public interest would be served by consolidation of the application for hearing as requested by Petitioners.

¹ Joint response of Chief, Common Carrier Bureau, and Chief, CATV Task Force, filed July 10, 1969, par. 3; and prehearing conference of Sept. 16, 1969, Tr. 12. We are advised that this continues to be the view of the parties after this matter was discussed on November 7, 1969, by counsel at the meeting ordered by the Hearing Examiner in his order (PCC 69M-1178) released September 17, 1969.

6. Accordingly, it is ordered, That, pursuant to section 214(a) and section 403 of the Communications Act of 1934, as amended, New York Telephone Co. application File No. P-C-7430 is hereby designated for consolidated hearing with the proceedings in Docket No. 17441 et al.

7. It is further ordered, That the motion for designation and consolidation filed jointly by TelePrompTer Manhattan CATV Corp. and Manhattan Cable Television on August 19, 1969 and other pleadings referred to in paragraph three herein are granted to the extent reflected herein and in all other respects are denied.

Adopted: November 19, 1969.

Released: November 25, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14169; Filed, Nov. 28, 1969;
8:47 a.m.]

[Dockets Nos. 18744, 18745; FCC 69-1266]

**CULPEPER COMMUNICATIONS, INC.,
AND CULPEPER BROADCASTING
CORP.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In regards applications of Culpeper Communications, Inc., Culpeper, Va., requests: 103.1 mcs, No. 276; 3 kw; 84 feet, Docket No. 18744, File No. BPH-6577; Culpeper Broadcasting Corp., Culpeper, Va., requests: 103.1 mcs, No. 276; 3 kw; 156 feet, Docket No. 18745, File No. BPH-6688; for construction permits.

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

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

3. Culpeper Broadcasting Corp. proposes approximately 26 percent duplicated programming while Culpeper Communications, Inc., proposes independent operation. Therefore, evidence regarding programming duplication will be admissi-

ble under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicant's program proposals will not be permitted in the absence of a specific programming inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67-614 (1967).

4. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

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

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

6. It is further ordered, That, if the Culpeper Communications application is granted program test authority shall not be granted until the Messrs. Potter and Martin have disposed of their interests in the licensee of Station WCVA-AM and have reported this fact to the Commission.

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

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

Adopted: November 19, 1969.

Released: November 25, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14169; Filed, Nov. 28, 1969;
8:47 a.m.]

² Chairman Burch not participating.

[Dockets Nos. 18746-18749; FCC 69-1267]

SANDERN OF IOWA, INC., ET AL.

**Memorandum Opinion and Order
Designating Applications for Con-
solidated Hearing on Stated Issues**

In regard applications of Sandern of Iowa, Inc., Shenandoah, Iowa, requests: 920 kc, 500 w, 1 kw-LS, U, Docket No. 18746, File No. BP-18554; Shenandoah Broadcasting Co., Shenandoah, Iowa, requests: 920 kc, 500 w, 1 kw-LS, U, Docket No. 18747, File No. BP-18577; Buddy Tucker Evangelistic Association, Inc., Shenandoah, Iowa, requests: 920 kc, 500 w, 1 kw-LS, U, Docket No. 18748, File No. BP-18578; C & H Broadcasting, Inc., Shenandoah, Iowa, requests: 920 kc, 500 w, 1 kw-LS, U, Docket No. 18749, File No. BP-18579; for construction permits to operate the deleted KFNF facilities at Shenandoah, Iowa.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that all proposals would seek to operate the deleted KFNF facilities at Shenandoah, Iowa, which ceased operation as of July 6, 1969.

2. It is the Commission's policy not to grant an individual request for interim operating authority among competing applicants. Community Broadcasting Co. v. F.C.C., 274 F. 2d 753 (1960). Accordingly, the individual requests by Shenandoah Broadcasting Co. and Sandern of Iowa, Inc., for interim operating authority are being denied. However, we will entertain a request for joint interim operation of this facility by an applicant or applicants in this proceeding which will allow participation on a fair and equitable basis by all applicants desiring to do so.

3. Based on the estimates of Sandern of Iowa, Inc., \$102,393 will be required for construction costs and operating expenses during the first year consisting of the following: Equipment, \$16,393; building, \$1,000; loan curtailments, \$12,000; interest (estimated), \$5,400; miscellaneous, \$4,000; 1 year's working capital, \$63,600. To meet these requirements, Sandern of Iowa, Inc., indicates an intention of relying upon existing capital, a bank loan and a loan from John Bozeman, the applicant's majority stockholder. The applicant's balance sheet shows cash in the amount of \$1,000. In addition, the applicant has a loan of \$60,000 subject to "standard banking requirements". No collateral requirement is shown as required by section III, paragraph 4(h) of FCC Form 301. Therefore, we have not credited the applicant with this amount. Bozeman proposes to provide (by loan or stock purchase) some \$50,000 from funds owed him by Jaco, Inc., licensee of Station KFRM, Salina, of which Bozeman is a stockholder. Purportedly \$60,000 from this source will be available. Mr. Bozeman's financial statement filed in April 1969, shows some \$40,000 on deposit but no liabilities are shown. Therefore, it cannot be determined if this amount is available. In addition, the Jaco, Inc.,

balance sheet submitted shows current liabilities in excess of current assets by slightly over \$38,000. Thus, these funds do not appear to be available. Therefore, an issue will be specified to determine whether sufficient funds are available to Sandern of Iowa, Inc.

4. Based on the applicant's figures, the Buddy Tucker Evangelistic Association, Inc., will require \$59,500 to construct and operate for 1 year without revenue itemized as follows: Equipment, \$13,500; building, \$500; miscellaneous, \$3,000; first year's working capital, \$42,000. Land will be leased, but no terms have been agreed upon. The applicant plans to finance construction and operation with \$1,272 in cash on hand and in banks and loans or gifts in the amount of \$6,641. However, current liabilities exceed current assets by \$20,000, and the loans or gifts have not been substantiated by the lenders or donors and, therefore, cannot be relied on. Accordingly, this applicant must establish whether sufficient funds are available to meet the costs of construction and 1 year's operation.

5. The corporate purpose of the Buddy Tucker Evangelistic Association, Inc., is to spread the Christian Gospel throughout the United States and neighboring countries by means of radio, evangelistic services and training and financial assistance to missionaries. The corporate powers granted in the articles of incorporation do not specifically authorize the association to engage in broadcasting. It appears necessary therefore to determine whether the corporation powers are sufficiently broad under the laws of the State of Iowa to permit the association to engage in broadcasting or whether the association may take further steps to amend the corporate powers.

6. The Buddy Tucker Evangelistic Association, Inc., states that religious broadcasting has been a large part of the program service which the association seeks to restore and that the association will continue the "Gospel and Good Music format" which the community seems to desire. The association has not, however, given any indication of what its policy will be with respect to making time available for the presentation of views of other religious groups. Accordingly, the association will be given an opportunity to indicate its policy in this area at the hearing.

7. The application of Sandern of Iowa, Inc., was filed on April 4, 1969, by John Bozeman as the individual applicant. On September 30, 1969, Bozeman filed an amendment to substitute as the applicant the corporation of which Bozeman is president and majority stockholder. Prior to the filing of the application, Bozeman was president and owner of 40 percent of the stock of Pier San of Nebraska, Inc., licensee of Station KOOO, Omaha, Nebr. The proposed Shenandoah station will serve a substantial portion of the area now being served by KOOO, and there would be a significant overlap of the 1-mv/m contours. Thus, retention of Bozeman's interest in KOOO would preclude the grant of the Sandern application. Just before the filing of the

application, Bozeman transferred his KOOO stock to a trustee to be held pending the happening of either of two events: The sale of KOOO or the denial of the application for the Shenandoah station in which Bozeman has an interest. Bozeman has been replaced as an officer of KOOO. Meantime, Bozeman retains a beneficial interest in KOOO. It appears that the trust effectively removes any control of KOOO formerly exercised by him, but the Commission finds it appropriate to provide that, in the event of a grant of the application of Sandern of Iowa, Inc., the construction permit will contain the condition that program tests will not be authorized until the permittee has submitted evidence that the necessary steps have been taken to divest Bozeman of his beneficial interest in KOOO.

8. In the light of the amendment of September 30, 1969, substituting Sandern of Iowa, Inc., instead of John Bozeman, normal procedure, pursuant to § 1.580(b) of the rules would be to withhold action for a period of thirty (30) days following the public notice of its acceptance released on October 22, 1969. In this instance, the Commission, on its own motion, will waive the provisions of § 1.580(b) and designate the application for hearing with the other three applications without further delay, in order to preclude any unnecessary delay toward the restoration of service formerly provided by Station KFNF.

9. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, for the reasons indicated above, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

10. It is ordered, That, on the Commission's own motion, § 1.580(b) of the Commission's rules are waived; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether sufficient funds are available to Sandern of Iowa, Inc., and the Buddy Tucker Evangelistic Association, Inc., to undertake the necessary construction and operate their proposed stations for 1 year without revenue.

(2) To determine whether the corporate power granted in the articles of incorporation of the Buddy Tucker Evangelistic Association, Inc., are sufficiently broad to permit it to engage in broadcasting, and, if not, whether the articles may be amended to permit such corporate activity.

(3) To determine whether the Buddy Tucker Evangelistic Association, Inc., would make time available for the presentation of views by other, including non-Christian, religious groups.

(4) To determine which of the proposals would best serve the public interest.

(5) To determine, in the light of the

evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

11. *It is further ordered*, That, in the event of a grant of the application of Sandern of Iowa, Inc., the construction permit shall contain the condition that program tests will not be authorized until the permittee has submitted evidence that John Bozeman has been divested of his beneficial interest in Station KOOO, Omaha, Nebr.

12. *It is further ordered*, That, the individual requests for interim operating authority by Shenandoah Broadcasting Co. and Sandern of Iowa, Inc., are denied.

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

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

Adopted: November 19, 1969.

Released: November 25, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹

(SEAL) BEN F. WAPLE,
Secretary.

[P.R. Doc. 69-14170; Filed, Nov. 28, 1969;
8:47 a.m.]

FEDERAL HOME LOAN BANK BOARD

FAR WEST FINANCIAL CORP.

Notice of Receipt of Applications for Permission To Acquire Control of Tustin Savings and Loan Association

NOVEMBER 25, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Far West Financial Corp., Los Angeles, Calif., a savings and loan holding company, for approval of acquisition of control of the Tustin Savings and Loan Association, Tustin, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said

¹ Chairman Burch not participating; Commissioner Bartley dissenting in the last sentence of paragraph 2.

acquisition to be effected by the purchase of all the guarantee stock of Tustin Savings and Loan Association for cash and stock. Following said acquisition it is proposed that Tustin Savings and Loan Association be merged into State Mutual Savings and Loan Association, a subsidiary of Far West Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

(SEAL) JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[P.R. Doc. 69-14165; Filed, Nov. 28, 1969;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Project 1445]

COLORADO

Order Vacating Withdrawal of Lands

NOVEMBER 18, 1969.

Application has been filed by the Forest Service, U.S. Department of Agriculture, for vacation of the power withdrawal pertaining to the following described lands of the United States:

6TH PRINCIPAL MERIDIAN, COLORADO

All unpatented portions of the following tracts lying within 50 feet of the center line of the transmission line location as shown on a map designated "Exhibit J-K" and entitled "Exhibit J-K, Public Service Company of Colorado, Bemrose Placer Distribution Line," and filed in the office of the Federal Power Commission on July 10, 1937.

T. 8 S., R. 78 W.,
sec. 2, S $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$;
sec. 12, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Approximately 8.73 acres.

The subject lands lie within the Arapaho National Forest near the Continental Divide, in Summit County, Colo.

The lands are withdrawn pursuant to the filing on July 10, 1937 of an application for license for transmission line Project No. 1445. Notice of the power withdrawal for the project was given to the General Land Office (now Bureau of Land Management) by Commission letter date September 15, 1937. Project No. 1445 consisted of a 13-kv. wood pole distribution line less than a mile long.

A 25-year license for the project was issued May 10, 1938. On March 4, 1941, the Commission determined that it had no authority over power lines which are not part of a project as defined in section 3(11) of the Federal Power Act, consequently after the license for Project No. 1445 expired, the Forest Service issued a special use permit for the 13-kv. line.

The Commission finds: The power value of the subject lands is protected by Forest Service special use permit and the power withdrawal pertaining thereto

serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 1445 is hereby vacated.

By the Commission,

(SEAL) GORDON M. GRANT,
Secretary.

[P.R. Doc. 69-14132; Filed, Nov. 28, 1969;
8:45 a.m.]

[Docket No. E-7253]

CITIZENS UTILITIES CO.

Notice of Supplemental Application

NOVEMBER 21, 1969.

Take notice that on November 17, 1969, Citizens Utilities Co. (applicant), filed a supplemental application seeking authority pursuant to section 204 of the Federal Power Act to issue up to an aggregate at any one time of \$30 million of unsecured promissory notes with a final maturity not later than December 4, 1970.

Applicant is engaged primarily in the business of generating, purchasing, transmitting, distributing, and selling at wholesale and retail of electric energy in the States of Arizona, Hawaii, Idaho, and Vermont, with its principal business office at Stamford, Conn. Applicant is also engaged in the purchase, distribution and sale of natural gas in the States of Arizona and Colorado.

The Commission by supplemental order issued May 23, 1969, authorized applicant to issue short-term promissory notes in the aggregate principal amount outstanding at any one time of \$19 million with the final maturity of not later than December 5, 1969. Applicant now requests the aggregate amount of \$19 million in short-term promissory notes be increased to \$30 million and that the final maturity of all notes be December 4, 1970. Applicant proposes to issue its short-term promissory notes due on or before December 4, 1970, in the aggregate maximum amount outstanding at any time of \$30 million, to four commercial banks which are currently extending credit and/or to commercial banks, insurance companies, or other industrial or similar investors.

The notes are to be issued to renew outstanding notes and to furnish funds for applicant's 1970 construction program which has an estimated cost of \$16,050,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein

must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14133; Filed, Nov. 28, 1969;
8:45 a.m.]

[Dockets Nos. RP70-8, RP70-9]

COLORADO INTERSTATE GAS CO.

Order Providing for Hearing, Suspending Proposed Tariff Sheets, and Consolidating Proceedings; Correction

NOVEMBER 13, 1969.

In the order providing for hearing, suspending proposed tariff sheets, and consolidating proceedings, issued November 12, 1969, and published in the FEDERAL REGISTER November 20, 1969 (34 F.R. 18492), in ordering paragraph (C), change "May 18, 1970" to "April 18, 1970."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14134; Filed Nov. 28, 1969;
8:45 a.m.]

[Docket No. CP70-126]

COLORADO INTERSTATE GAS CO.

Notice of Application

NOVEMBER 19, 1969.

Take notice that on November 12, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-126 an application pursuant to section 7(e) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of natural gas to an existing resale customer at a new delivery point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate metering and regulating facilities to deliver gas to Pueblo Gas and Fuel Co. for distribution in a new development near Pueblo, Colo., called Pueblo West, currently in the initial construction phase.

The total estimated cost of the proposed facilities is \$30,857, to be financed from funds on hand, funds from operations, or from short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the

Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance to the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14135; Filed, Nov. 28, 1969;
8:45 a.m.]

[Docket No. CP69-203]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

NOVEMBER 19, 1969.

Take notice that on November 12, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-203 a petition to amend the order of the Commission issued on June 10, 1969, to increase the allowable expenditure for proposed facilities and to extend the period of time during which to complete the construction from December 31, 1969, through March 31, 1970, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that upon conclusion of comprehensive studies it finds that the aggregate cost of the proposed compressor horsepower will be increased by \$2 million to \$12 million, rather than \$10 million as presently authorized. Applicant further states that such increased costs are occasioned by increases in labor and material costs above those contained in the original estimate and that delay in equipment delivery has contributed to such increases in cost and has restricted construction to such a degree that completion cannot be accomplished before March 31, 1970.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14136; Filed, Nov. 28, 1969;
8:45 a.m.]

[Docket No. CP67-348]

H.J.K. GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

NOVEMBER 20, 1969.

Take notice that on November 4, 1969, United Cities Gas Co. (applicant), 1200 Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219, filed in Docket No. CP67-348 a petition to amend the order of the Commission issued on September 25, 1967, as amended, to be substituted as the applicant in the proceedings in Docket No. CP67-348, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that it has obtained all the necessary State and local authorizations to assume the assets and service area previously certified to H.J.K. Gas Co. (H.J.K.), pursuant to the contract of acquisition. Respondent, Texas Eastern Transmission Corp., was directed in the aforementioned order to establish physical connection of its transmission facilities with the proposed facilities of H.J.K. and to sell and deliver to H.J.K. up to 96 Mcf in the third year for resale and distribution in the Community of Nolensville, Williamson County, Tenn. Applicant further states that it has completed the facilities proposed by H.J.K. and is now prepared to receive said deliveries and conduct operations in accordance with the original application.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions

to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14137; Filed, Nov. 28, 1969;
8:45 a.m.]

[Docket No. E-7511]

PACIFIC POWER & LIGHT CO.

Notice of Application

NOVEMBER 21, 1969.

Take notice that on November 18, 1969, Pacific Power & Light Co. (applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order (1) authorizing the issuance of not to exceed \$45 million in principal amount at any one time outstanding of unsecured promissory notes pursuant to a credit agreement with certain banks and (2) authorizing the issuance of not to exceed \$20 million in principal amount at any one time outstanding of unsecured promissory notes in the form of commercial paper.

The \$45 million in principal amount of unsecured promissory notes are to be executed and delivered under a credit agreement dated as of December 31, 1969 (credit agreement), between applicant and the 13 banks listed in section 1 thereof. Under the credit agreement applicant will have the right to make borrowings and reborrowings from each bank, and each bank will be obligated to lend to applicant from time to time during the period from December 31, 1969, to June 30, 1971, sums not to exceed \$45 million in aggregate principal amount at any one time outstanding.

Each note issued to evidence borrowings under the credit agreement is to be dated the date of the borrowing evidenced thereby, will mature 11 months after its date or on June 30, 1971, whichever shall be earlier, and bear interest at a rate per annum which shall be equivalent to the prime commercial rate of interest charged by the respective banks from time to time. In consideration of the commitment of the several banks to make loans under the credit agreement, applicant will pay to each bank on the last day of each quarter beginning with March 31, 1970, and ending with June 30, 1971, an amount computed at the rate of one-half of 1 percent per annum on the daily average unused amount which such bank was obligated to lend during the calendar quarter then ended. Applicant reserves the right to surrender all or any part of the credit extended by the banks and to prepay, without penalty, the whole or any part of such notes outstanding, any partial payments to be in an aggregate amount of not less than \$1 million.

Unsecured promissory notes in an aggregate principal amount of not to exceed \$20 million at any one time outstanding are to be issued and sold by applicant to one or more commercial paper dealers. Each note issued as commercial paper will be dated the date of issuance, will have a maturity of not more than 270 days from the date thereof and be discounted at the rate prevailing at the time of issuance for commercial paper of comparable quality and maturity.

Proceeds from the issuance of notes under the \$45 million credit agreement will be used to retire notes outstanding at December 31, 1969 (not expected to exceed \$13 million) under applicant's credit agreement dated as of October 1, 1963, as last amended on April 1, 1968, which credit agreement terminates and expires on December 31, 1969, and the remaining proceeds from the issuance of notes under the credit agreement and from the issuance of commercial paper will be used to temporarily finance a part of applicant's 1969-70 construction program, which calls for presently estimated expenditures of not to exceed \$67,500,000 in 1969 and \$123,156,000 in 1970.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 9, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14138; Filed, Nov. 28, 1969;
8:45 a.m.]

[Docket No. CP70-122]

TENNESSEE GAS PIPELINE CO. AND TRUNKLINE GAS CO.

Notice of Application

NOVEMBER 19, 1969.

Take notice that on November 10, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, Tex. 77001, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP70-122 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in

the application which is on file with the Commission and open to public inspection.

Applicants propose to exchange up to 65,000 Mcf of natural gas on any day that Tennessee requests such exchange gas during the months of November through March, and such volumes as may be requested by Tennessee and as agreed to by Trunkline during the months of April through October. On any day Tennessee receives exchange gas, it shall redeliver equivalent quantities of gas to Trunkline. The exchange gas will be delivered by Trunkline to Tennessee at an existing point of interconnection in Harris County, Tex., and the exchange gas will be redelivered at an existing point of interconnection in Jefferson Davis Parish, La.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14139; Filed, Nov. 28, 1969;
8:45 a.m.]

[Docket No. CP70-121]

TRANSWESTERN PIPELINE CO.

Notice of Application

NOVEMBER 19, 1969.

Take notice that on November 10, 1969, Transwestern Pipeline Co. (applicant),

Southern National Bank Building, Houston, Tex. 77002, filed in Docket No. CP70-121 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the calendar year 1970 and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of said application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The total estimated cost of the proposed facilities will not exceed \$3 million and no single project cost will exceed \$750,000. Applicant states no additional financing will be necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14140; Filed, Nov. 28, 1969; 8:45 a.m.]

[Docket No. E-7510]

WISCONSIN ELECTRIC POWER CO.

Notice of Application

NOVEMBER 20, 1969.

Take notice that on November 14, 1969, Wisconsin Electric Power Co. (applicant) filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue and sell up to \$50 million in unsecured short-term promissory notes.

Applicant is incorporated under the laws of the State of Wisconsin with its principal office at Milwaukee, Wis., and is engaged in the operation of an electric utility system in southeast Wisconsin.

According to the application, it is proposed that up to \$50 million of unsecured short-term promissory notes will be issued to various commercial banks in 1970 and 1971, and would mature in less than 12 months from date of issuance. The notes are prepayable in whole or in part at any time in amounts not less than \$50,000 per note. Some of the notes would be in the form of commercial paper issued to commercial paper dealers. Proceeds from sale of the notes would be used to meet expenditures for construction. Applicant represents that it requires funds to extend and improve its facilities to meet the increasing needs for its public utilities services.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 10, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14141; Filed, Nov. 28, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

ASSURANCES OF VOLUNTARY COMPLIANCE

Statement of Procedure and Standards; Opportunity To File Written Comments

The Commission issues this statement outlining the procedure used and standards considered in connection with the disposition of matters by means of assurances of voluntary compliance, pur-

suant to § 2.21 of Subpart B of Part 2 of Chapter I of Title 16, 16 CFR 2.21 (1969).

Interested persons are invited to submit written views or suggestions regarding the procedure and standards to the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., within 30 days after date of publication of this statement in the FEDERAL REGISTER. All comments thus submitted in writing will be available for examination at the Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., in Room 130, Washington, D.C. 20580.

The statement, the purpose of which is to acquaint the public more fully with this type of informal enforcement program, is as follows:

Under § 2.21 of Subpart B of Part 2 of Chapter I of Title 16, the Commission, when it has information indicating that a person or concern may be engaging in acts or practices which may violate one or more of the laws administered by it, may afford such person or concern the opportunity to have the matter disposed of on an informal nonadjudicatory basis if it deems the public interest will be fully safeguarded thereby. The Directors and the Assistant Directors, Bureau of Deceptive Practices, Restraint of Trade, Textiles and Furs, and Industry Guidance, have been delegated, without power of redelegation, limited authority to close investigations upon receipt of adequate assurances of voluntary compliance. This method of disposing of matters on an informal nonadjudicatory basis is one of several methods by which investigations are disposed of.

Assurances of voluntary compliance must be forwarded to the Commission by the responsible bureau within sixty (60) days after their receipt from the Commission's field offices or directly from the parties involved (in those cases wherein assurances are negotiated in the Commission's headquarters offices); *Provided*, That, for good cause shown, the respective Chiefs of Divisions may extend this time for a specific period or periods.

Subject to such exceptions in individual cases as the respective Bureau Directors or Assistant Bureau Directors may find appropriate, assurances of voluntary compliance must include a provision for filing reports of compliance within six (6) months after acceptance of the assurance. The reports are to contain a full and detailed account of compliance, showing the steps actually taken to carry out the assurances. Subsequent periodic reports may also be required as the circumstances of the particular matter may demand.

The use of the voluntary compliance procedure is flexible. No particular category of case is excluded. On the other hand, the voluntary compliance procedure does not sanction the disposition of any matter on an informal nonadjudicatory basis where there appears a likelihood that recurrence of unlawful conduct may be effectively prevented only by an order to cease and desist. The test

is whether the public interest will be fully safeguarded by informal nonadjudicatory disposition. In every case, sufficient information is developed so as to permit a comprehensive application of this test to the acts or practices involved. One of the basic factors considered in the application of the test is the extent of cooperation by the parties involved. The privilege of having a matter disposed of under this procedure is not accorded to a party who fails to cooperate by voluntarily furnishing such requested information and documents as he may possess concerning the acts or practices being considered.

The final determination in each matter as to the use of the procedure is made by the Commission or by the appropriate Bureau Director or the Assistant Bureau Director with delegated authority. But the initial determination is made by the staff attorney to whom the matter is assigned, with the express concurrence of his immediate supervisor. In matters handled in the field offices, the staff attorney who contacts the suspected offender, with the concurrence of the Attorney in Charge, makes the initial determination as to whether the opportunity should be afforded the party of having the matter disposed of on an informal nonadjudicatory basis by means of an assurance of voluntary compliance.

In making the initial determination, the staff has been instructed to ascertain whether the person or firm being investigated has been involved in a Commission matter in the past. Additionally, the staff is required to determine whether there are outstanding Trade Practice Rules, Guides or Trade Regulation Rules applicable to the industry or product, or to the practice involved, knowledge of which should properly be imputed to a person or firm for purposes of deciding whether a party's prior history is such as to warrant disposition of the matter as to warrant disposition of the matter on a nonadjudicatory basis. The past record of a person or firm has an important bearing upon the determination whether or not acceptance of an assurance of voluntary compliance is appropriate.

The primary objectives of the Commission's voluntary compliance program are twofold: (1) Immediate cessation of the acts or practices, with adequate safeguards against resumption, and (2) avoidance of the expense, both to the government and to the party involved, incident to continuation of a matter which may require extensive investigation and litigation. Therefore, very careful consideration is given to the applicability of the procedure in the early stages of an investigation. Except in unusual circumstances, the Commission will not accept an assurance of voluntary compliance after an investigation of a matter has been completed. And unless extraordinary circumstances are present, the procedure will not be considered after a proposed respondent has been notified of the Commission's determination to institute formal proceedings.

If, after being contacted by a representative of the Commission, the pro-

posed respondent discontinues the questioned acts or practices and resumption does not seem likely, and if the matter is not of such gravity as to require an order to cease and desist, the proposed respondent may be invited to furnish an assurance that the acts or practices have been discontinued and will not be resumed. If such acts or practices had been discontinued before the party was contacted, and if protection of the public nevertheless requires the filing of an assurance against their being resumed, the proposed respondent may also be invited to furnish an appropriate assurance.

Where an assurance of voluntary compliance is conditioned upon the acceptability of proposed changes in business methods to be made by the person or firm under investigation, and where doubt exists as to the adequacy of such changes as a basis for disposition under this informal procedure, the staff has been instructed to submit the matter for consideration by the Commission before the party is put to the trouble and expense of making the changes. In such a case, an assurance may be obtained contemplating changes to be effected at a future date, subject to approval of the proposed changes as a basis for disposition. If the proposed changes are approved, the matter is returned to the staff attorney having responsibility to have the assurance perfected.

Special consideration is given by the Commission to the possibility of utilizing the voluntary compliance procedure in dealing with acts or practices which are being engaged in by a number of competing firms, where competitive inequities might be created by proceeding separately on a case-by-case basis, and where the acts or practices are not otherwise of such gravity as to require orders to cease and desist. A staff report, with recommendations, is made to the Commission before any such projects are undertaken.

In determining whether the public interest will be fully safeguarded by an assurance of voluntary compliance, § 2.21 provides that consideration will be given to the nature and gravity of the alleged violation, the prior record and good faith of the party involved, and other factors shown by the circumstances to be relevant.

The standards for determining whether a particular matter is properly the subject for settlement by an assurance of voluntary compliance cannot be stated with precision. Certain guidelines, however, have been established by the Commission. Assurances may properly be accepted (1) where the act or practice does not constitute a grave or major violation, (2) where immediate cessation can be obtained, (3) where the prior history of the party involved is not such as to raise any question as to the adequacy of an assurance to prevent resumption, and (4) where nothing is present in the circumstances of the case, such as lack of cooperation or candor on the part of the person or firm, to raise a question of good faith. Past violations in the prior history of a party do not per se foreclose settlement by an assurance of voluntary

compliance. Other factors are also relevant such as the seriousness of the violations, their scope and duration, the circumstances surrounding their commission, and the cooperation of the person or firm in terminating them.

An assurance is not considered appropriate where there has been a substantial restraint of trade or discriminatory practice. And an assurance will not be considered where the public has been the victim of predation, fraud or serious deception. Likewise, where the party under investigation has acted in plain disregard of any rules or guides promulgated by the Commission, relating to specific practices common to a number of unrelated industries, a cease-and-desist order is the appropriate disposition. In cases of violations of guides aimed at specific industries which have been in effect for a period of time sufficiently long for the industry members to have become thoroughly familiar with them, assurances of voluntary compliance are also ordinarily inappropriate, although there may be instances in which such factors as the size of the alleged violator, the inadvertence of the violation, the size and structure of the industry involved, and the relative importance of the guide to the public, indicate that the public interest would best be served by the acceptance of an assurance.

No specific form is required to be used for assurances of voluntary compliance. However, any such assurance within the scope of this procedure must meet the criteria set forth in § 2.21 and further outlined and enlarged upon herein. The assurance must show that the person or firm executing it is aware that the furnishing of the assurance does not in any way bind or obligate the Commission as to its action in the matter. Incorrect factual assertions are not to be included in an assurance; and exculpatory and self-serving statements are strongly discouraged. The Commission may find extraneous material in an assurance to be impermissible and may reject an assurance containing it which otherwise would be acceptable.

Assurances normally include a statement that the assurance "is for settlement purposes only and does not constitute an admission that the questioned acts or practices were unlawful." If a party executing an assurance should insist on including an excessive amount of additional matter, contending that the questioned acts or practices were lawful, or that his practices did not violate any law, rule, or regulation, the assurance cannot be accepted. However, a bare denial of any illegality in addition to the standard permissible statement quoted above will not, by itself, necessarily preclude acceptance of an assurance. In the event a party should insist upon including a statement that the challenged acts or practices were never committed, an assurance will not be accepted. However, in a matter where mitigating factors are involved it may be permissible for an unelaborated statement of those circumstances to appear in an assurance.

Any assurance of voluntary compliance which contains incorrect assertions of

fact or any statement which would appear to compromise the Commission will not be accepted. Nor will any assurance be accepted if it contains any provision stating that the assurance may not be introduced into evidence in any proceeding, or if it contains any provision of similar import.

Any understanding with respect to an assurance which is based upon more than one letter, memorandum, affidavit or other communication, no one of which contains all of the terms of the assurance, must be incorporated in a single document meeting the necessary criteria, which has been read and signed by the person or persons furnishing it, before it will be considered as a basis for informal nonadjudicatory disposition.

All assurances of voluntary compliance which are to be submitted to the Commission shall be signed, in the case of a corporation, by either the president of the corporation or the chief executive officer. All shall contain an obligation on the part of the company to distribute copies of the assurance widely throughout the organization, and particularly among the operating divisions of the company.

The Commission's staff will determine initially the manner and form of compliance at the time an assurance of voluntary compliance is obtained. With respect to assurances of voluntary compliance in matters involving false, misleading or deceptive advertising and sales literature, the party executing the assurance will be required to furnish the Commission with copies of all future advertisements and sales promotional material covering designated periods of time where feasible.

Assurances of voluntary compliance accepted by the Commission pursuant to § 2.21 (excluding inspection matters handled by the Division of Regulation, Bureau of Textiles and Furs) will, except for good cause shown, be placed on the public record. Concerning this subject, § 4.9(f) of this chapter provides as follows:

(f) Reports of compliance which are approved by the Commission as evidencing compliance with its orders to cease and desist pursuant to the provisions of § 3.61 of this chapter, and written assurances of voluntary compliance which are accepted under § 2.21 of this chapter (excluding matters disposed of under § 1.34 of this chapter) are available at the principal office of the Commission for inspection and copying, unless at the time a report of compliance or an assurance of voluntary compliance was filed the party filing it requested that it be classified as confidential, showing justification therefor, and the Commission, with due regard to statutory restrictions, its rules, and the public interest, granted the request.

When the applicant or complaining party in a matter disposed of by the Commission's acceptance of an assurance of voluntary compliance, which is placed on the public record, is a Federal or State official or agency, or a Better Business Bureau, Chamber of Commerce, or similar nonprofit organization, a copy of the assurance is sent to the applicant with the closing letter prepared in such matter. Other applicants in matters dis-

posed of by the Commission's acceptance of a written assurance of voluntary compliance, which is placed on the public record, are advised that the assurance is a matter of public record and that a copy thereof may be obtained, without cost, upon request to the Secretary of the Commission.

The Directors of the respective operating Bureaus of the Commission are charged with the responsibility for requiring spot checks or inquiries to be made to determine whether assurances of voluntary compliance are being strictly adhered to. This is accomplished through use of field office personnel or other means as necessary. Additionally, the Directors are required to report the results of the spot checks or inquiries directly to the Commission for its consideration and such further action as may be warranted in the circumstances.

Generally, a party who has failed to comply with an assurance of voluntary compliance is not afforded the opportunity to have a second matter disposed of by the Commission's acceptance of an assurance of voluntary compliance. If, in a particular matter, exceptional or unusual facts or circumstances indicate that the public interest would require deviation from this policy, such facts or circumstances must be fully set forth in submitting the matter to the Commission for consideration.

Issued: November 14, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-14163; Filed, Nov. 28, 1969;
8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 89]

PORTION, NIKE BATTERY NY-30,
LIDO BEACH, N.Y.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, New York Regional Office, dated October 21, 1969, the property known as a portion of the Nike Battery NY-30, Lido Beach, N.Y., consisting of approximately 22.80 acres and improvements, and more particularly described in said letter, has been transferred to the Department of the Interior.

2. The above-described property was transferred for wildlife purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: November 24, 1969.

CURTIS A. ROOS,
Assistant Commissioner,
Office of Real Property Disposal.

[P.R. Doc. 69-14181; Filed, Nov. 28, 1969;
8:47 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 69-3]

ELBERT A. KING, JR.

Certification

In accordance with the authority contained in Title 18, U.S. Code, section 207, I hereby certify that in my judgment the national interest would be served by permitting Dr. Elbert A. King, Jr., a former employee of the Manned Spacecraft Center, Houston, Tex., to act as agent for the University of Houston, and to appear personally before NASA in connection with a contract now under consideration with the said university, notwithstanding the restrictions on the activities of former U.S. Government employees, as set forth in Title 18, U.S. Code, sections 207(a) and 207(b).

Effective date: November 21, 1969.

T. O. PAINE,
Administrator.

[P.R. Doc. 69-14154; Filed, Nov. 28, 1969;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2651]

HOME LIFE INSURANCE CO. AND
HOME LIFE SEPARATE ACCOUNT B

Notice of Application for Exemption

NOVEMBER 24, 1969.

Notice is hereby given that Home Life Insurance Co. ("Home Life"), 253 Broadway, New York, N.Y. 10007, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting Home Life and its Separate Account B ("Account") from Rule 22c-1 under the Act to the extent that said rule requires that the value of accumulation units be determined on the day payments are received under variable annuity contracts ("Contracts") offered by Home Life. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Home Life is a mutual life insurance company organized under the laws of the State of New York. Account was established on May 20, 1969, pursuant to authorization of the board of directors of Home Life and the provisions of section 227 of the Insurance Law of the State of New York, and Home Life expects to allocate to Account net purchase payments received under Contracts. On August 11, 1969, a notification of claim of exemption pursuant to Rule 6e-1 under the Act was filed with the Commission on behalf of Account and a registration statement has been filed under the Securities Act of 1933 with respect to Contracts.

Contracts are designed to provide retirement annuity benefits in connection with pension and profit-sharing plans qualified under sections 401 and 403(a) of the Internal Revenue Code consisting of qualified corporate plans and plans under the Self-Employed Individuals Tax Retirement Act of 1962, as amended ("H.R. 10 plans"). Substantially all of the plans will be noncontributory, and during the period of the requested exemption, no payments by employees under any contributory plan will be allocated to Account. The number of Contracts issued under each plan is expected to average about five. Home Life anticipates that purchase payments will normally be made on an annual basis and that a single check will be received from the corporate or H.R. 10 plan employer for the total amount of purchase payments under the plan.

Net purchase payments under Contracts are accounted for and expressed in terms of accumulation units, which are units used to measure the value of Contracts participating in the Account. The number of accumulation units credited with respect to a net purchase payment is determined by dividing the payment by the accumulation unit value next determined after receipt of the payment at the home office of Home Life.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily, as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 22c-1 as applied to Account might require a determination of the value of accumulation units for purposes of crediting net purchase payments under Contracts participating in Account each day any such payment is received.

Home Life requests an exemption to permit the value of accumulation units to be determined once a week as of the close of trading on the New York Exchange on each Friday the Exchange is open for trading or, if the Exchange is not so open, on the next day on which it is open, until such time as the weekly average number of purchase payments received by Home Life totals 15 or more during any consecutive 8-week period ending on a valuation date, or until the end of 1 year from the date of the order granting the exemption, whichever shall first occur. For purposes of the requested exemption, each check received by Home Life from a single plan employer will be considered the equivalent of a single purchase payment regardless of the number of individual Contracts issued under the plan.

Home Life states that the most efficient method of beginning operations is to follow a largely manual valuation procedure rather than to install computer procedures from the outset. A require-

ment of daily pricing during the initial period of operation would add substantially to the number of personnel required and to the costs of operation and would impose an excessive burden on Home Life. Home Life asserts that weekly pricing on the terms proposed will not prejudice participants under plans funded by Contracts. Contracts will be issued only in connection with tax-qualified plans designed to provide long-term retirement benefits. Further, since almost all plans will be noncontributory and predominantly on an annual payment basis, Home Life states that whether payments are credited on a daily or weekly basis will be relatively unimportant.

Notice is further given that any interested person may, not later than December 9, 1969, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Home Life at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-14179; Filed, Nov. 28, 1969;
8:47 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

NOVEMBER 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liberty Equities Corp., a District of Columbia corporation, and all other securities of Liberty Equities Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 25, 1969, through December 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-14180; Filed, Nov. 28, 1969;
8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

APPLICATIONS FOR DISASTER ASSISTANCE UNDER DISASTER RELIEF ACT OF 1969

1. (a) Notice is hereby given that the authorities conferred upon the President by sections 2, 3(d), 10, 12, and 14 of the Disaster Relief Act of 1969, hereinafter referred to as the Act, have been delegated to the Director of the Office of Emergency Preparedness by Executive Order No. 11495 of November 18, 1969. Those sections of the Act authorize certain Federal assistance to States and communities that suffered damage as a result of a disaster occurring after June 30, 1967, and before January 1, 1971, which the President determined or hereafter determines to be a major disaster within the meaning of the Act of September 30, 1950 (Public Law 875, 81st Congress).

(b) Assistance under the above-cited sections shall be provided in accordance with disaster assistance agreements entered into between the Federal Government and the Governors of the affected States. Pending the development and adoption of formal regulations, project applications may be submitted by State or local government entities through the Governor's Authorized Representative to regional offices of the Office of Emergency Preparedness, on the forms now in use for purposes of the Act of September 30, 1950 (Public Law 875, 81st Cong.; 64 Stat. 1109), subject to the specific guidance that follows.

2. (a) *Contribution toward the permanent repair and reconstruction of street, road, and highway facilities.* A request for assistance under this section must include a description of the permanent work proposed and a schedule of dates for various phases of the work including those for non-Federal funding, completion of design, invitation to bid, award of contract, and completion of work. Costs related to acquisition of rights-of-way will be ineligible. Section 2 of the Act reads as follows:

The President is authorized to allocate funds hereafter appropriated to carry out this section to those States affected by a major disaster for the permanent repair and reconstruction of those permanent street, road, and highway facilities not on any of

the Federal-aid systems which were destroyed or damaged as a result of such a major disaster. No funds shall be allocated under this section for repair or reconstruction of such a street, road, or highway facility unless the affected State agrees to pay not less than 50 per centum of all costs of such repair or reconstruction.

(b) *Grants for removing damaged timber from privately owned land.* Grants for the removal of disaster-damaged timber from privately owned lands may be approved only in those cases in which the Director of the Office of Emergency Preparedness determines that such grants are in the public interest. To justify such grants the State involved will need to submit a comprehensive action plan for the removal of the damaged timber including proposed practices, priorities, and costs. Section 3(d) of the Act reads as follows:

The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof, for the purpose of removing from privately owned lands timber damaged as a result of a major disaster and such State or political subdivision is authorized, upon application, to make payments to any person or reimbursement of expenses actually incurred by such person in the removal of damaged timber, but not to exceed the amount that such expenses exceed the salvage value of such timber.

(c) *Temporary dwelling accommodations for individuals and families.* Dwelling accommodations will be made available only to an individual who, or family which, as determined by the State, occupied a dwelling (as owner or tenant) destroyed or damaged to such an extent as to make it uninhabitable as a result of a major disaster. Rental or other charges to the tenants of temporary housing provided hereunder shall be determined by the Director of the Office of Emergency Preparedness based upon the particular circumstances involved. Section 10 of the Act reads as follows:

(a) The President is authorized to provide on a temporary basis, as prescribed in this section, dwelling accommodations for individuals and families displaced by a major disaster.

(b) The President is authorized to provide such accommodations by (1) using any unoccupied housing owned by the United States under any program of the Federal Government, (2) arranging with a local public housing agency for using unoccupied public housing units, (3) acquiring existing dwellings through leasing, or (4) acquiring mobile homes or other readily fabricated dwellings, through leasing, to be placed on sites furnished by the State or local government or by the owner-occupant displaced by the major disaster, with no site charge being made. Rentals shall be established for such accommodations under such rules and regulations as the President may prescribe and shall take into consideration the financial ability of the occupant. In cases of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed 12 months, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or dam-

aged in a major disaster) which is in excess of 25 per centum of the individual's or family's monthly income.

(c) *Dwelling accommodations may be made available under this section only to an individual who, or family which, as certified by such authority as may be designated by the President, had occupied a dwelling, as owner or tenant, that had been destroyed, or damaged to such an extent as to make it uninhabitable, as a result of such major disaster.*

(d) *Assistance to unemployed individuals.* Applications for assistance to individuals unemployed as a result of a major disaster shall be in writing, shall include the individuals name, address, and Social Security account number, shall identify the major disaster, state the period of unemployment, and indicate the relationship of the unemployment to the disaster. Section 12 of the Act reads as follows:

The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payments under the unemployment compensation program of the State in which the disaster occurred and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance available to such individual for such period of unemployment.

(e) *Grants to States for removing debris from private property.* Grants for the removal of debris from privately owned lands and waters may be approved only when the Director of the Office of Emergency Preparedness determines that such grants are in the public interest. For such grants the State will need to submit a comprehensive action plan for the removal of the debris including proposed practices, priorities, and costs. Section 14 of the Act reads as follows:

The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof for the purpose of removing debris deposited on privately owned lands and on or in privately owned waters as a result of a major disaster, and such State or political subdivision is authorized, upon application, to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of such debris but not to exceed the amount that such expenses exceed the salvage value of such debris.

3. *Grants or loans to States for the suppression of fires.* The Governor of a State may request assistance from the Director of the Office of Emergency Preparedness for the suppression of any fire on publicly or privately owned forest or grasslands which threatens such destruction as to constitute a major disaster. Applications for these benefits may be in the form of a communication to the Director which provides a detailed justification for a grant or loan for this purpose. Section 13 of the Act reads as follows:

The President is authorized to make grants and loans to any State to assist such State in the suppression of any fire on publicly or privately owned forest or grasslands which threatens such destruction as to constitute a major disaster.

4. The Director of the Office of Emergency Preparedness has also been delegated and assigned the authority conferred upon the President by subsections (a) and (b) of section 8 of the Act to provide assistance, including matching grants to States, in the development of plans and programs for assisting individuals suffering loss as the result of a major disaster. All States are covered by this section without regard to whether they receive Federal disaster assistance as a result of a major disaster declaration pursuant to Public Law 81-875. The State applying for planning assistance under this section must designate or create an agency which is qualified to plan and administer a disaster relief program for assistance to individuals suffering losses as a result of a major disaster. The State may then submit, not later than March 1, 1970, a letter application for assistance in developing the program. The proposed State program is required to be submitted for the consideration of the President by December 31, 1970.

5. The provisions of Part 1710 of Title 32 of the Code of Federal Regulations shall be applicable with respect to the provisions of the Disaster Relief Act of 1969 that are administered by the Director of the Office of Emergency Preparedness, except to the extent that they are inconsistent with that Act or the provisions of this notice.

This notice shall be effective upon its publication in the FEDERAL REGISTER.

Dated: November 28, 1969.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[F.R. Doc. 69-14296; Filed, Nov. 28, 1969;
12:40 p.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 25, 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

PSA No. 41810—Pepper in mixed carloads with salt, to points in the South. Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2962), for interested rail carriers. Rates on pepper, in packages, in mixed carloads with salt, as described in the application, from points in official territory, to points in southern territory.

Grounds for relief—Commodity relationship and motor competition.

FSA No. 41811—*Sand to New Carlisle, Ind.* Filed by Southwestern Freight Bureau, agent (No. B-102), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Klondike, Ludwig, and Pacific, Mo., to New Carlisle, Ind.

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

Tariff—Supplement 58 to Southwestern Freight Bureau, agent, tariff ICC 4797.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-14174; Filed, Nov. 28, 1969;
8:47 a.m.]

[S.O. 1002; Car Distribution Direction 68-A]

READING CO. ET AL.

Car Distribution

Reading Co., Western Maryland Railway Co., Baltimore and Ohio Railroad Co., and Illinois Central Railroad Co.

Upon further consideration of Car Distribution Direction No. 68, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 68 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 1 p.m., November 24, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 24, 1969.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[P.R. Doc. 69-14175; Filed, Nov. 28, 1969;
8:47 a.m.]

[Notice 452]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. 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-71640. By order of November 19, 1969, the Motor Carrier Board approved the transfer to Parks Transport, Inc., Ashland, Nebr., of Permits Nos. MC-126311 and MC-126311 (Sub-No. 2) issued January 24, 1969, and April 22, 1969, to Charles L. Parks, Ashland, Nebr., authorizing the transportation of dry fertilizers from Joplin and St. Joseph, Mo., Lawrence, Kans., and Council Bluff, Iowa, to points in Butler, Cass, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr. J. Max

Harding, and Charles J. Kimball, Post Office Box 2028, Lincoln, Nebr. 68501, attorneys for applicants.

No. MC-FC-71661. By order of November 18, 1969, the Motor Carrier Board approved the transfer to Bruce Cartage, Inc., Saginaw, Mich., of certificates Nos. MC-109475, MC-109475 (Sub-No. 3), and MC-109475 (Sub-No. 5) issued December 14, 1953, May 13, 1957, and August 1, 1967, respectively, to Charles D. Bruce, Jr., doing business as Bruce Cartage Co., Saginaw, Mich., authorizing the transportation of: General commodities, as restricted between Saginaw and Zilwaukee, Mich., between Saginaw and Bay City, Mich., between Saginaw and points in Michigan within 25 miles of Saginaw, and between Bad Axe, Mich., and points in Michigan within 25 miles of Bad Axe; and such merchandise as is dealt in by retail department stores, and advertising material moving in connection therewith, as restricted, between Saginaw and Bay City, Mich., on the one hand, and, on the other, points in Michigan. Karl L. Gotting, 117 West Allegan Street, Lansing, Mich. 48933, attorney for applicants.

No. MC-FC-71715. By order of November 18, 1969, the Motor Carrier Board approved the transfer to Jeffrey M. Reglin, Alma, Wis., of the certificate in No. MC-102903, issued September 25, 1942, to Milton W. Knabe, Nelson, Wis., authorizing the transportation of animal and poultry feed, seed, livestock and unprocessed agricultural commodities from named points in Minnesota to specified areas in Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

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