AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

VOLUME 34 • NUMBER 231

Wednesday, December 3, 1969 • Washington, D.C.

Pages 19121–19179

Agencies in this issue—

Detailed list of Contents appears inside.

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Now Available

LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Price: $6.75

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

(Continued on next page)

List of CFR Parts Affected

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

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

3 CFR

EXECUTIVE ORDER:
11498 19125

7 CFR

725 19127
910 19128
PROPOSED RULES:
1040 19142

9 CFR

76 (3 documents) 19128, 19129

13 CFR

121 19129

14 CFR

71 19130
91 19133
121 19133
127 19134
135 19134
385 19140
PROPOSED RULES:
37 19142

21 CFR

14 19140
121 19140
PROPOSED RULES:
18 19142

49 CFR

PROPOSED RULES:
1048 19144

50 CFR

33 (3 documents) 19141

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11498

DELEGATING TO THE SECRETARY OF DEFENSE THE AUTHORITY TO APPROVE REGULATIONS GOVERNING THE EARLY DISCHARGE OF ENLISTED MEMBERS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that the Secretary of Defense is hereby designated and empowered to approve regulations issued by the Secretaries concerned under section 1171 of title 10, United States Code, effective January 2, 1968, which relate to the early discharge of regular enlisted members of the armed forces.

Richard Nixon

THE WHITE HOUSE,
December 1, 1969.

[F.R. Doc. 69-14406; Filed, Dec. 1, 1969; 3:33 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Determination and Announcements With Respect to Marketing Quotas for the 1970–71 Marketing Year

§ 725.1 Basis and purpose.

Section 725.2 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the Act, to (1) determine and announce the reserve supply level for Flue-cured tobacco and (2) to determine and announce, for the marketing year beginning July 1, 1970, the amount of the national marketing quota on an acreage-poundage basis, the national average yield goal, the national acreage allotment, the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, the national acreage factor, and the national yield factor. The determinations by the Secretary contained in § 725.2 have been made on the basis of the latest available statistics of the Federal Government.

Due consideration has been given data, views, and recommendations received from Flue-cured tobacco producers and others pursuant to the notice (34 F.R. 17175) given in accordance with the provisions of 5 U.S.C. 553. Flue-cured tobacco farmers in referendum approved quotas on an acreage-poundage basis for the 3 marketing years begining July 1, 1968, July 1, 1969, and July 1, 1970 (32 F.R. 11413). Since Flue-cured tobacco farmers are making their plans for 1970 Flue-cured tobacco production and need to know the 1970 acreage allotments for their farms in order to complete such plans, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The 10-year average domestic consumption during the 10 marketing years preceding the 1969–70 marketing year was 746 million pounds, and the 10-year average exports during such period was 482 million pounds. After adjustment for trends, a normal year's domestic consumption at 720 million pounds and a normal year's exports of 510 million pounds appear reasonable, and result in a reserve supply level of 2,962.6 million pounds.

The official carryover stocks of Flue-cured tobacco in the hands of dealers and manufacturers on July 1, 1969 is estimated at 2,100 million pounds. The 1969 crop, based on the 1969 national acreage allotment of 607,928.80 acres and with an allowance for overmarketings and undermarketings, is estimated at 1,058 million pounds. The sum of these, 3,158 million pounds, represents the total supply of Flue-cured tobacco for the 1969–70 marketing year. Compared with present estimates for the 1968–69 marketing year of 673 million pounds for domestic utilization and 525 million pounds for export, it is estimated that 685 million pounds of Flue-cured tobacco will be utilized in the United States during the 1969–70 marketing year and 535 million pounds will be exported in such marketing year. The estimated carryover of Flue-cured tobacco at the beginning of the 1970–71 marketing is, therefore, estimated at 1,938 million pounds. If 1,181 million pounds of Flue-cured tobacco were produced in 1970, this would result in a total supply of Flue-cured tobacco for the 1970–71 marketing year of 3,119 million pounds or 156 million pounds above the reserve supply level.

It is determined that it is desirable to effect an orderly reduction of supplies to the reserve supply level, and, therefore, a downward adjustment in the national marketing quota of 149 million pounds should be made. Accordingly, the national marketing quota for Flue-cured tobacco for the marketing year beginning July 1, 1970 is determined to be 1,071 million pounds. This reduction is less than the maximum reduction of 15 per centum permitted by the Act, but no further reduction is deemed desirable because a greater reduction would not effect an orderly reduction to the reserve supply level.

It is determined that the national marketing quota of 1,071 million pounds in view of the anticipated carryover will insure an adequate supply of Flue-cured tobacco for the 1970–71 marketing year.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of Flue-cured tobacco and increase the net return per pound to the growers. In making this determination, consideration was given to research data of the Agricultural Research of the Department and one of the land-grant colleges in the Flue-cured tobacco area.

The community average yields have been determined for Flue-cured tobacco and published in the FEDERAL REGISTER, § 724.34u (30 F.R. 6207, 9875, 14487).

The national acreage allotment is 577,669.90 acres, determined in accordance with the provisions of the Act by dividing the national marketing quota of 1,071 million pounds by the national average yield goal of 1,854 pounds.

In accordance with the provisions of the Act a reserve from the national acreage allotment is established in the amount of 246.02 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is estimated that the reserve acreage will be adequate.

Consideration in the light of the latest available statistics of the Federal Government was given as to whether any of the types of Flue-cured tobacco should be treated as a kind of tobacco pursuant to the proviso in section 301(b)(15) of the Act at the time the national marketing quota for the 1965–66 marketing year for Flue-cured tobacco was determined (30 F.R. 6144), and it was determined that types 11, 12, 13, and 14 constitute one kind of tobacco for purposes of the Act for the 1965–66, 1966–67, and 1967–68 marketing years. This finding was affirmed by the Secretary in his determination of January 18, 1966 (31 F.R. 881), and that determination was sustained in the case of Brown et al, v. Freeman. This finding was made applicable for the 1968–69, 1969–70, and 1970–71 marketing years (32 F.R. 9817).

No action may be taken under section 313(i) of the Act unless a substantial difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts recited (30 F.R. 6144) in connection with the consideration of section 301(b)(15), it was determined that there is no substantial difference existing in the usage or marketing outlets for any one or more of the types of Flue-cured tobacco and, therefore, no action was taken for the 1965–66 marketing year (nor for subsequent marketing

years) under this section. The same conditions prevail with respect to usage or marketing outlets that prevailed at the time of the determination for the marketing quotas on an acreage-poundage basis for the 1965–66 and subsequent marketing years and, therefore, no action is being taken under section 313(i) of the Act for the 1970–71 marketing year. In addition, section 313(i) of the Act applied only to marketing quotas and acreage allotments established pursuant to section 313. It is, therefore, concluded that, notwithstanding section 317(4) of the Act, the better view is that section 313(i) of the Act should not be applied to acreage allotments and marketing quotas determined under section 317.

§ 725.2 Determinations and announcements.

(a) *Reserve supply level for Flue-cured tobacco.* The reserve supply level for Flure-cured tobacco is 2,962.6 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 720.0 million pounds and a normal year's exports of 510.0 million pounds.

(b) *National marketing quota for Flure-cured tobacco for the marketing year beginning July 1, 1970.* A national marketing quota for Flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1970 is hereby determined and announced in the amount of 1,071 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 685 million pounds and exports in such marketing year of 535 million pounds, with a downward adjustment which is determined to be desirable for the purpose of affecting an orderly reduction of supplies (3,119 million pounds estimated as of July 1, 1970) toward the reserve supply level.

(c) *National average yield goal.* The national average yield goal for Flue-cured tobacco for the marketing year beginning July 1, 1970 is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of Flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment for Flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1970 is determined and announced to be 577,669.90 acres. This allotment was determined by dividing the national marketing quota of 1,071 million pounds by the national average yield goal of 1,854 pounds.

(e) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 246.02 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities, and establishing allotments for new farms. Of the 246.02 acres, 65 acres are hereby set aside to be available for new farms. The remainder, 181.02 acres, is hereby made avilable for making corrections in farm acreage allotments and for adjusting inequities.

(f) *National acreage factor.* The national acreage factor for Flue-cured tobacco for the 1970–71 marketing year is determined and announced to be 0.95.

(g) *National yield factor.* The national yield factor for Flue-cured tobacco for the 1970–71 marketing year is determined and announced to be .9316.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1314c, 1375)

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

Signed at Washington, D.C., on December 1, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14405; Filed, Dec. 1, 1969; 12:30 p.m.]

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

[Lemon Reg. 402, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 910.702 (Lemon Reg. 402, 34 F.R. 18601) are hereby amended to read as follows:

§ 910.702 Lemon Regulation 402.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 21,390 cartons;

(ii) District 2: 53,940 cartons;

(iii) District 3: 157,170 cartons.

* * * * *

(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 Marketing Service.

[F.R. Doc. 69-14343; Filed, Dec. 2, 1969; 8:49 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 Maryland, Mississippi, New York, North Carolina, Rhode Island, Texas, and Virginia and the nature and extent of outbreaks of this disease, the following areas are hereby quarantined because of said disease:

(1) *Maryland.* Wicomico County.

(2) *Mississippi.* Calhoun, Grenada, and Tishomingo Counties.

(3) *New York.* Montgomery County.

(4) *North Carolina.* Cumberland, Duplin, and Wilson Counties.

(5) *Rhode Island.* The entire State.

(6) *Texas.* Upshur County.

(7) *Virginia.* Campbell, City of Virginia Beach, and Rockbridge Counties.

2. In § 76.2, paragraph (f) is amended by deleting the reference to "Maryland".

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

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

The amendment quarantines certain counties in the States of Maryland and Texas and two additional counties in the State of Virginia because of the existence of hog cholera, and deletes Maryland from the list of hog cholera eradication States in 9 CFR 76.2(f). 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 the quarantined areas designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its 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 amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of November 1969.

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

[F.R. Doc. 69-14300; Filed, Dec. 2, 1969; 8:46 a.m.]

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)(1) relating to Maryland is amended by adding thereto the name of Worcester County.

2. In § 76.2, paragraph (e)(2) relating to Mississippi is amended by adding thereto the name of Tallahatchie County.

3. In § 76.2, paragraph (e)(6) relating to Texas is amended by adding thereto the name of Houston County.

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

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

The amendment quarantines certain additional counties in the States of Maryland, Mississippi, and Texas 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 the quarantined areas designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its 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 amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of November 1969.

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

[F.R. Doc. 69-14299; Filed, Dec. 2, 1969; 8:46 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provision 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:

In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Missouri, and a new paragraph (e)(8) is added to read:

(8) *Missouri.* Worth County.

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

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

The amendment quarantines Worth County in the State of Missouri 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 county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its 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 amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of November 1969.

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

[F.R. Doc. 69-14298; Filed, Dec. 2, 1969; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 9, Amdt. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Concern for Purpose of Government Procurements for Food Services

On August 5, 1969, a hearing was held pursuant to notice published in the FEDERAL REGISTER on July 17, 1969 (34 F.R. 12019), on the definition of a small business for the purpose of bidding on Government procurements for food services. Interested parties were invited to testify at the hearing and to file written comments.

The issue was whether the definition should be increased from $3 million average annual sales and receipts for a concern's (and its affiliates) preceding 3 fiscal years, to a $5 million average.

Various points of view were offered at the hearing or in written comment filed in connection therewith. Proponents of an increase in the food service standard took the position that (1) there are about 15 concerns which compete nationwide for Government food services contracts, (2) these concerns are closely held and most of them do all of their business with the Federal Government, (3) 95 percent or more of Government food service procurements are set aside for award to small business concerns, (4) the size of food service contracts has greatly increased due to increases in labor costs and due to Vietnam War requirements, (5) as a result, the average annual receipts of several of the 15 concerns have increased to the point where some have lost their small business status under the currently effective standard and others soon will lose such status, (6) in general, smaller concerns are not competent to perform these increasingly large contracts, and (7) in view of the above, the size standard should be increased to $5 million in order to prevent

the demise of concerns which have or soon will lose their small business status. Opponents of an increase took the position that smaller local concerns including franchisees are competent to perform most of the contracts involved and that when concerns which operate on a national and even international basis grow to the point that they no longer meet the definition of a small business, they should no longer be permitted to compete with the eligible concerns, i.e., that the protective umbrella should not be enlarged to accommodate the growth of a few concerns.

After consideration of all views expressed in connection with the hearing the Small Business Administration has decided to increase the size standard in question to $4 million average annual sales and receipts rather than to the $5 million requested. Accordingly, the amendment set forth below is hereby adopted.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3–8(e)(7) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(e) *Services.* * * *

(7) Any concern bidding on a contract for food services is classified as small if its average annual sales or receipts for its preceding three fiscal years do not exceed $4 million.

* * * * *

Effective date. This amendment shall become effective thirty (30) days after publication in the FEDERAL REGISTER but shall apply only to procurements for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: November 26, 1969.

W. D. BREWER,
Acting Administrator.

[F.R. Doc. 69-14309; Filed, Dec. 2, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-110]

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

Alteration of Transition Area

On October 18, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16877), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Natchez, Miss., 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, Coast and Geodetic Survey refined the final approach radial of the VOR RWY–17 SIAP from 021° to 020°. It is necessary to alter the description to reflect this change. 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 § 71.181 (34 F.R. 4637), the Natchez, Miss., transition area is amended to read:

NATCHEZ, MISS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hardy-Anders Field (lat. 31°36'50" N., long. 91°17'55" W.); within 3 miles each side of Natchez VOR 020° radial, extending from the 7-mile radius area to 8.5 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west of Natchez VOR 020° radial, extending from the VOR to 18.5 miles north; excluding the portion within the State of Mississippi.

(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 24, 1969.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 69-14310; Filed, Dec. 2, 1969; 8:47 a.m.]

[Docket No. 8041; Amdts. 91-70, 121-54, 127-13, 135-12]

ADDITIONAL OPERATING RULES APPLICABLE TO OPERATIONS FOR COMPENSATION OR HIRE WITH SMALL AIRCRAFT

The purpose of these amendments to Parts 91, 121, 127, and 135 of the Federal Aviation Regulations is to establish certain additional operating requirements for air taxi and commercial operators conducting operations with small aircraft under Part 135, and to require that persons holding certificates issued under Parts 121 and 127 conducting operations with small airplanes conduct those operations in accordance with Part 135.

These amendments are based on a notice of proposed rule making issued as Notice 69–4 and published in the FEDERAL REGISTER on January 30, 1969 (34 F.R. 1443).

Interested persons have been afforded an opportunity to participate in the rule making through submission of written comments. Due consideration has been given to all relevant matter presented.

Numerous comments were received in response to the notice. Based upon these comments and upon review within the FAA, a number of changes have been made to the proposed rule. Many of these changes involve rewording and reorganization for clarity and consistency. The final amendments, pertinent comments, and the more significant changes from the notice are discussed in the order in which they were proposed in the notice.

Operation of small airplanes and helicopters by Parts 121 and 127 certificate holders. This amendment provides for temporary continued effectiveness of existing operations specifications authorizing persons holding certificates issued under Parts 121 and 127 to conduct operations in small aircraft under Part 135 until new operations specifications are issued. Specifically, it will be noted that operations specifications authority to operate small aircraft under Part 135 expires on May 31, 1970, unless the certificate holder applies before that date for new specifications authority.

The notice proposed to apply § 121.9 only to small airplanes, thereby removing small helicopters from its coverage. It is the intent of this amendment to require persons holding certificates issued under Part 121 or 127 to operate small helicopters in accordance with § 121.13 or Part 127, as appropriate, unless the Administrator finds that safety in air transportation and the public interest allow the operation of small helicopters under Part 135 in a particular case. Accordingly, § 121.13 has been changed by adding a new paragraph (d), that provides for operating small helicopters under Part 135, in accordance with appropriate operations specifications authority, if the Administrator finds that safety in air transportation and the public interest allow it.

Section 121.27 presently contains a provision for the issuance of deviations from the rules of Part 121 applicable to operations conducted by domestic air carriers in small airplanes. This amendment deletes that provision, since under the rules adopted herein, all domestic air carrier operations in small airplanes will be required to be conducted under the provisions of Part 135.

Applicability of Part 135. The notice proposed to broaden the applicability of Part 135 to accommodate certificate holders under Parts 121 and 127 operating small airplanes. However, such an amendment to the applicability provisions of Part 135 is unnecessary, since the applicability of the operating rules in Part 135 to Parts 121 and 127 certificate holders operating small aircraft is provided for in Part 121 by §§ 121.9 and 121.13, and in Part 127 by § 127.5, as amended herein.

Duration of ATCO certificate. Under this amendment, each ATCO certificate in effect immediately prior to the effective date of the amendment expires on May 31, 1970, unless the holder thereof applies for a new certificate and operations specifications before the expiration date. The amendment permits the certificate holder to continue operations, under the operations specifications and rules of Part 135 in effect immediately prior to the effective date of the amendment, until May 31, 1970, or if application for a new certificate is made, until a new certificate and operations specifications are issued or the application is denied.

Contents of operations specifications. The notice proposed to amend § 135.13 (b)(2) to broaden the contents of the operations specifications to include a list of the types of instrument approach procedures authorized and a list of aircraft required to be inspected in accordance with an approved aircraft inspection program. The proposed listing of instrument approach procedures has not been adopted. The FAA agrees with comments pointing out that the authorization of types of procedures is meaningful only if related to specific aircraft or pilots. It should be noted that § 135.131 requires a demonstration of those instrument approach procedures which the pilot is authorized to conduct.

The proposed listing of aircraft to be inspected in accordance with an approved aircraft inspection program is clarified by requiring those aircraft to be listed by registration number.

The proposed amendment to § 135.15 contained a statement that an air carrier or commercial operator holding a certificate under Part 121 or 127 is not eligible for a certificate under Part 135. Although an air carrier certificated under Part 121 or 127 may conduct operations in small airplanes in accordance with the rules of Part 135, it is excluded from the classification of air carriers designated as "air taxi operators" by the rules of the Civil Aeronautics Board (CAB) and, therefore, is not eligible to hold an ATCO certificate. In view of the fact that it is the rules of the CAB that make an air carrier ineligible for an ATCO certificate, the proposed statement of ineligibility with respect to persons holding air carrier certificates is considered unnecessary and is, therefore, not adopted in this amendment.

However, with respect to persons holding commercial operator operating certificates issued under Part 121, this amendment retains an eligibility requirement. In the past, the FAA has found that only on rare occasions or in special circumstances can an applicant show that his contract business conducted under Part 121 in large aircraft would not result directly or indirectly from his holding out as a common carrier in his air taxi operations. As amended, § 135.15 requires that a person holding a commercial operator operating certificate issued under Part 121 must, in order to obtain an ATCO certificate, show that his proposed operations will not result in common carriage operations conducted with large aircraft operated under Part 121. Of course, he may conduct commercial operations in small airplanes, as provided by § 121.9, by obtaining appropriate operations specifications authority.

Notification of establishment or change of location of business office or operations base. As amended, § 135.41 has been changed from the notice to allow operations from temporary operations bases without notifying the District Office. The notification requirement is not intended to apply to operators who establish a temporary operating base until a construction job is completed within operating range and then move on to another temporary operations base or return to their home base. However, such operators must give notification before changing the location of any business office.

Briefing of passengers. In response to numerous comments, the method of briefing passengers before flight has been changed from the oral briefing proposed in the notice to allow other kinds of briefing such as printed cards and to avoid unnecessary repetition of an oral briefing before each flight when the same passengers are carried on several flights in the same aircraft on the same day. As adopted § 135.81 requires the pilot to insure that each passenger is familiar with the briefing information before takeoff.

Limitations for operations in icing conditions. Section 135.85(d)(3) has been changed from the notice to include airplanes certificated in accordance with Special Federal Aviation Regulation No. 23 in the list of airplanes in paragraph (d) of that section.

Some comments contended that proposed paragraph (e) of § 135.85 would allow a pilot to ignore forecast icing conditions; other comments recommended deleting the prohibitions against flying into forecast icing conditions. The amendment is intended to allow for changing weather conditions that obsolete a forecast before the next forecast is issued. The proposal as adopted herein has been revised for purposes of clarification.

Pilot in command qualifications. The proposal that pilots operating VFR must have a minimum of 500 hours of flight experience and hold an instrument rating received the greatest number of comments in response to the notice. It appears that a substantial number of air taxi pilots do not hold instrument ratings and the adoption of the proposed instrument rating requirement would create an unnecessary burden on air taxi operators that is not supported by past operating experience. An examination of records of accidents involving aircraft operated by ATCO certificate holders reveals that of 11 fatal accidents involving VFR flights into instrument conditions during an 18-month period, nine of the pilots held instrument ratings and during that period no pilots with less than 500 hours had any fatal accidents in ATCO operations. On the basis of this review of the accident statistics, the FAA has determined to make no change in the present pilot qualification requirements for day or night VFR flight. As proposed in the notice and as adopted herein, these requirements apply to all flights regardless of whether or not passengers are carried.

Pilot in command qualifications: IFR flight. Section 135.125, as adopted herein, contains the pilot in command qualifications for IFR flight proposed in § 135.121(a) of the notice.

Deletion of § 135.129. Section 135.129 is deleted as proposed in the notice.

Manual requirements. Section No. 135.27 is assigned to Item 15 of the notice. Section 135.27 is changed to provide authority for granting a deviation from the manual requirement where the operation is so small that a manual is not a necessary management device for the orderly and safe conduct of operations. In addition to the single-pilot-owner operation, some organizations may have no need for all or part of the manual because of the limited size and kind of their operations.

Section 135.27(b)(13) requires that those certificate holders who have a manual and an approved inspection program include the program in the manual.

Recordkeeping and administrative controls. Section No. 135.43 is amended to include Item 16 of the notice. The load manifest requirement is changed from the notice to apply only to multiengine aircraft for which a crew of two pilots is required for all Part 135 operations. This would include aircraft with a passenger configuration for more than nine passengers and aircraft that are required to have a crew of two pilots by their operating limitations. Weight and balance procedures for aircraft other than those to which § 135.43(c) applies are covered in the manual, when a manual is required, and the training program.

The information required to be contained in the load manifest concerning the weight and balance of the loaded aircraft is changed from the notice to simplify the manifest and the retention period for the manifest is changed from the proposed 3 months to 30 days.

Training of employed certificated mechanics. Item 17 of the notice is not adopted. The purpose of the proposal in Item 17 was to insure that no certificate holder uses the services of any person for supervision or approval of maintenance of alterations who has not satisfactorily performed the work concerned at an earlier date. This limitation on the privileges of a certificated mechanic is currently contained in § 65.81 of Part 65 of the Federal Aviation Regulations and § 135.33 prohibits a certificate holder from using the services of any person as an airman, which includes a mechanic, unless that person is qualified under the Federal Aviation Regulations. Accordingly, adoption of proposed Item 17 is considered unnecessary.

Compliance with types of instrument approach procedures authorized. Item 18 of the notice is not adopted. As explained above, the proposal to require approval of types of instrument approach procedures in the operator's operations specifications has not been adopted. However, under § 135.138(b) as adopted herein each pilot will be required to demonstrate his ability to conduct each type of instrument approach procedure that he is authorized to use.

Flight locating requirements. Some comments suggested that flight locating requirements in Item 19 should not apply to contract operations in remote areas where flights are made from temporary bases. However, there is sufficient latitude in the provisions of paragraph (a)(3) of § 135.29 to permit compliance under those circumstances. Therefore, § 135.29, assigned to Item 19 of the notice

is adopted herein as proposed in the notice.

Aircraft proving tests. Section No. 135.32 is assigned to Item 20 of the notice. The proposal is changed: (1) To clarify what was meant by "type" in the notice; (2) to provide for deviations from the specific hours of testing required in special circumstances; (3) to make the proving test requirements inapplicable to aircraft presently operated by a certificate holder under Part 135; and (4) to explain the phrase "materially altered in design."

Landing and takeoff distance limitations. Section No. 135.113 is assigned to Item 21 of the notice and is adopted as proposed in the notice.

Alcoholic beverages. Section No. 135.115 is assigned to Item 22 of the notice. The rule as adopted herein contains the same language as that contained in Part 121 of the air carrier rules.

One comment requested that the requirement of § 91.7 that each required crewmember be at his station, with certain exceptions, be relaxed to permit the second in command to serve as a flight attendant during portions of the flight. When a two-pilot crew is required, it should function as a team, whether observing traffic in normal operations or handling emergencies. It is not in the interest of safety to have that team effort interrupted by cabin attendant duties that are not essential to the safety of the flight, such as serving food or beverages. Accordingly, § 91.7 will remain applicable to the second in command in operations under Part 135.

Carriage of cargo. Section No. 135.117 is assigned to Item 23 of the notice. Section 135.117 has been changed from the notice to allow the carriage of cargo behind passengers, but not directly above passengers. Many small airplanes have a "station wagon" configuration with no cargo bulkhead between a rear cargo area and the passenger seats. If the cargo is properly secured so as to eliminate the possibility of shifting under all normally anticipated flight and ground loads, the cargo may be carried behind the passengers. Other requirements for cargo location and security, as proposed in the notice, must also be met. These requirements apply to cargo carried aboard any aircraft, regardless of whether or not passengers are carried. The rule has been drafted to clarify the three basic ways cargo may be carried; that is, (1) in approved racks, bins, or compartments installed in the airplane; (2) in accordance with the location and security requirements specified in paragraph (c); or (3) as otherwise approved by the Administrator. The third method is intended to cover situations involving nets, bins, and other devices not installed in the airplane, but available for use in a manner approved by the Administrator.

Flight and duty time limitations. Section No. 135.136 is assigned to Item 24 of the notice. Due to the great diversity in the operations conducted under Part 135 and the attendant need for flight time limitations that will accommodate those different operations, the weekly, monthly, and annual flight time limitations proposed in the notice are not adopted by this amendment. Instead, the daily or 24-hour duty time limitations are changed to provide: (1) That a pilot of an aircraft requiring only one pilot may not be assigned for more than 8 hours of duty during flight time in any 24 consecutive hours; (2) that a pilot of an aircraft required to have two pilots may not be assigned for more than 10 hours of duty during flight time in any 24 consecutive hours; (3) that flight crewmembers must be given at least 10 consecutive hours free from all duties in connection with operations under Part 135 during any 24-hour period; and (4) that in the event a pilot exceeds 8 hours of assigned flight time during any 24 consecutive hours, because of circumstances beyond his control such as adverse weather conditions, he must have at least 16 hours free from all duty in operations under Part 135 before he can be assigned to another flight. We believe the foregoing daily limitations will provide adequate flight time limitations. However, we intend to keep this matter under study and will conduct periodic surveillance of the industry to determine whether there is a need for further limitations.

The term "duty during flight time" has been substituted for "duty aloft" used in the notice in response to requests to clarify the meaning of "duty aloft."

Since the certificate holder may not know the extent of a pilot's other commercial flying during any 24 consecutive hours, the pilot is responsible for not accepting an assignment that would exceed the flight time limitations.

Second in command for aircraft with more than 10 occupants. Sections Nos. 135.52 and 135.53 are assigned to Item 25 of the notice. The two-pilot requirement in the notice was intended to apply to any aircraft capable of carrying 10 or more passengers and to apply whether or not passengers are carried or the seats are installed, so as to include passenger-cargo versions of aircraft capable of carrying 10 or more passengers. However, the rule as drafted in the notice did not provide a clear identity of the aircraft to which the rule would apply, since it is not clear which aircraft are capable of carrying 10 or more passengers, except when the seats are installed. As adopted, the rule requires two pilots whether or not passengers are carried if more than nine passenger seats (excluding any pilot seat) are installed.

The FAA will continue to consider, as a future rule-making action, a two-pilot requirement for airplanes based on type certificated cargo and passenger-carrying capacity rather than the seating configuration. In the meantime, the two-pilot requirement is limited to that presently in the standard operations specifications held by some ATCO certificate holders. As drafted, the rule is intended to allow the operation of an 11-seat airplane with one pilot, provided only nine-passenger seats are installed and the co-pilot seat is not occupied by any person other than those persons authorized by the regulation.

As adopted, the two-pilot requirement applies only to airplanes and not to all aircraft as proposed. Comments pointed out correctly that insofar as the proposal applies to helicopters, it exceeds the crew requirements for scheduled air carrier helicopter operations under Part 127.

Flight attendant crewmember requirement. Section No. 135.54 is assigned to Item 26 of the notice. The proposed requirement for a flight attendant is changed in this amendment to apply to aircraft having a passenger seating capacity of 20 or more. This change is made in view of the requirement in Part 127 for a flight attendant in helicopters with a passenger capacity of more than 19 and in view of the second-in-command requirement.

Pilot and flight attendant crewmember training programs. Sections Nos. 135.55 and 135.137 are assigned to Item 27 of the notice. Section 135.55 is changed from the notice by transferring the substance of the provisions of proposed paragraphs (b), (c), and (d) to § 135.137 because they pertain, more appropriately, to pilot testing. Other changes have been made to avoid adopting redundant requirements and to clarify the contents of the training program.

The proposed requirement that the training program contain the minimum time to be spent in completion of the curriculums has not been adopted in view of the variations in air taxi operations, qualifications of pilots, and aircraft used. It is considered preferable to require only that the program be adequate to insure that each required pilot and flight attendant is adequately trained to meet the applicable knowledge and skill test requirements.

Initial and recurrent pilot testing requirements. Section No. 135.138 is assigned to Item 28 of the notice. Questions have arisen as to the standard of performance to be met in demonstrating competence in the flight tests required by § 135.138. A general standard of competence is expressed in § 61.23 of this chapter. That standard is flexible enough to apply to differences in the levels of competence expected between private and commercial pilots. In contrast to that standard, the standard in § 135.138 to be applied in the case of pilots will require the pilot to be the obvious master of the aircraft with the outcome of the maneuver never in doubt. The result is to require a higher standard of performance in testing pilots under § 135.138 than is required for the issuance of a private or commercial pilot certificate or an instrument rating under Part 61 of the chapter.

Initial and recurrent flight attendant crewmember testing requirements. Section No. 135.139 is assigned to Item 29 of the notice and is adopted as proposed.

Pilot-in-command qualifications for routes and airports. Section No. 135.122 is assigned to Item 30 of the notice. Paragraphs (a) and (b) of Item 30 are not adopted; since the substance of these paragraphs is adequately covered by the testing requirements in § 135.138.

The words "in operations under this part" have been added to paragraph (b) of § 135.122 to make it clear that the duties and responsibilities to be satisfactorily performed in the check are those of a pilot in command of an aircraft in operations under Part 135.

Emergency flotation means for overwater operation. It appears that the accident record does not support the proposed requirement in Item 31 of the notice which would involve retrofitting many of the 10,000 or more aircraft used in air taxi operations. Accordingly, the proposal is not adopted.

It will be noted that § 91.33(b)(11) applies to all operations under Part 135 and requires approved flotation gear readily available to each occupant if the aircraft is operated beyond power-off gliding distance from shore. If, for example, a takeoff is made over water, the aircraft must at all times be in a position from which it can glide to the shore, all power off, maneuvering as necessary, unless flotation means are available.

Reporting of mechanical irregularities. Section No. 135.119 is assigned to Item 32 of the notice and is adopted as proposed in the notice.

Empty weight and center of gravity. Section No. 135.167 is assigned to Item 33 of the notice. The rule proposed in Item 33 of the notice has been changed by the addition of two exceptions to the requirement in § 135.167(a) that current empty weight and center of gravity calculations be calculated from values established by actual weighing of the aircraft within the preceding 3 years. One exception is made for aircraft originally certificated for airworthiness within the preceding 3 years. The other exception is for aircraft operated under a weight and balance system approved in the operations specifications of the operator.

In addition, the compliance date for § 135.167(a) has been changed to require compliance 12 months after the effective date of this amendment and application of the rule is restricted to multiengine aircraft.

Approved aircraft inspection program. Section No. 135.60 has been assigned to Item 34 of the notice.

As adopted, a certificate holder may apply for an amendment to his operations specifications to allow him to have his aircraft inspected in accordance with an approved aircraft inspection program instead of the annual, 100-hour, or progressive inspection requirements of §§ 91.169 and 91.171. An inspection program may be submitted for approval by the Administrator for any make and model aircraft if the certificate holder has the exclusive use of at least one aircraft of that make and model. A separate inspection program must be submitted and approved for each different make and model aircraft that the certificate holder desires to have inspected in accordance with an approved aircraft inspection program. Each aircraft subject to an approved aircraft inspection program is listed in the certificate holder's operations specifications and may be operated by a certificate holder or any other person without an annual, progressive, or 100-hour inspection in any operation that would otherwise require those inspections, as long as it is inspected in accordance with the approved aircraft inspection program. Section 91.169 of Part 91 is amended to exclude from the annual and 100-hours inspection requirements small aircraft that are inspected in accordance with an approved inspection program.

Section 135.60 also sets out procedures whereby the Administrator may amend the certificate holder's operations specifications to require certain aircraft to be inspected in accordance with an approved aircraft inspection program. Such an amendment of the operations specifications is governed by § 135.19 and the certificate holder may submit written information, views, and arguments concerning the proposed amendment and may petition the Administrator for reconsideration of such an amendment. Section 135.60 also prescribes requirements for approval of an aircraft inspection program and procedures for changes in the program, including procedures for reconsideration of any change requested by the Administrator.

Inasmuch as all certificate holders are not required to have a manual, a provision has been added for an approved aircraft inspection program manual.

Mechanical reliability reports. Section No. 135.57 has been assigned to Item 35 of the notice. As adopted, § 135.57 is limited to multiengine aircraft. Provision has been made in paragraph (d) for delaying the submission of reports on aircraft operated in areas where mail is not collected.

Mechanical interruption summary report. Section No. 135.59 has been assigned to Item 36 of the notice. Section 135.59, as adopted, is limited to multiengine aircraft. This amendment does not adopt proposed paragraph (b) in Item 36, which pertained to the number of engines removed prematurely.

Check pilot authorization. Section 135.135 is amended to make it clear that a check pilot's authorizations will be specified in terms of the kinds of tests he is qualified to give.

Second in command qualification. The point has been raised by air carriers operating under Part 121 that under Part 121 a second in command is not required to hold a category, class, or type rating appropriate to the aircraft on which he serves. These carriers have suggested that category, class, and type ratings not be required of a second in command who is subject to an approved training program conducted under Part 121. This suggestion is not adopted in this amendment. The completion of an approved training program should enable the second in command to pass a test for a rating. The flight test for a type rating may be given in conjunction with the testing portion of the operator's training program to avoid the cost of an additional flight test.

Some operators use the services of a second in command pilot when they are not required to do so by the regulations. Accordingly, § 135.127 is amended to require category and class ratings only when a second in command is required.

Autopilot: minimum altitude for use. Section 135.79(b) is amended to make it conform to the new Terminal Instrument Procedures (TERPS) terminology.

Airworthiness check. Section 135.67 is amended to include inspections under the approved inspection program. It will be noted that under § 135.27 the certificate holder must develop procedures for ensuring that the pilot in command knows that required airworthiness inspections have been made and that the aircraft has been approved for return to service in compliance with applicable maintenance requirements.

In consideration of the foregoing, Parts 91, 121, 127, and 135 of the Federal Aviation Regulations are amended, effective April 1, 1970; as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.169 [Amended]

1. By revising § 91.169(c) by striking out the word "or" at the end of subparagraph (2), striking out the period at the end of subparagraph (3) and substituting "; or" in place thereof, and adding the following new subparagraph (4):

(4) Any small aircraft that is inspected in accordance with an approved aircraft inspection program under Part 135 of this chapter and is so identified, by registration number, in the operations specifications of the certificate holder having the approved inspection program.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

2. By amending § 121.9 to read as follows:

§ 121.9 Operation of small airplanes.

(a) No person may conduct operations with small airplanes unless he conducts those operations in accordance with the rules of Part 135 of this chapter, except §§ 135.9 and 135.19 of Subpart A and §§ 135.41, 135.45, 135.47, and 135.51 of Subpart B, and appropriate operations specifications in lieu of Subparts E through V of this Part 121. However, the holder of an air carrier operating certificate issued under this part may maintain its small airplanes in accordance with a continuous airworthiness maintenance program that meets the requirements in Subpart L of this part and operations specifications issued to it under this part. Operations specifications issued under this section contain such operating limitations and requirements as the Administrator finds necessary.

(b) Operations specifications issued as authority to operate small airplanes under Part 135 of this chapter and in effect on March 31, 1970, expire on May 31, 1970, and the certificate holder may conduct the operations authorized in accordance with those operations specifications and the rules of Part 135 of this

chapter effective on March 31, 1970, until the specifications expire. However, if the certificate holder applies before May 31, 1970, for new operations specifications authority to operate small airplanes under Part 135 of this chapter, he may continue those operations until new specifications are issued to him, or until the Administrator notifies him that his application is denied.

§ 121.13 [Amended]

3. By amending § 121.13 by striking out the reference to § 121.9 in paragraph (a) and adding a new paragraph (d) to read as follows:

(d) Upon application the Administrator may issue operations specifications to a certificate holder, authorizing it to conduct operations other than scheduled operations with small helicopters under Part 135 of this chapter if he finds that safety in air commerce and the public interest allow it. Operations specifications issued under this paragraph contain such operating limitations and requirements as the Administrator finds necessary.

§ 121.27 [Amended]

4. By amending § 121.27 by striking out the words "conducted under the rules of this part applicable to domestic air carriers in small airplanes, or" in the first sentence of paragraph (b).

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

5. By adding a new § 127.5 to Part 127 to read as follows:

§ 127.5 Operation of small airplanes.

(a) No person may conduct operations with small airplanes unless he conducts those operations in accordance with Part 135 of this chapter and appropriate operations specifications. However, the holder of an air carrier operating certificate issued under this part may maintain its small airplanes in accordance with a continuous airworthiness maintenance program that meets the requirements of Subpart I of this part and operations specifications issued to it under this part. Operations specifications issued under this section contain such operating limitations and requirements as the Administrator finds necessary.

(b) Operations specifications issued as authority to operate small airplanes under Part 135 of this chapter and in effect on March 31, 1970, expire on May 31, 1970, and the certificate holder may conduct the operations authorized in accordance with those operations specifications and the rules of Part 135 of this chapter in effect on March 31, 1970, until the specifications expire. However, if the certificate holder applies before May 31, 1970, for new operations specifications authority to operate small airplanes under Part 135 of this chapter, he may continue those operations until new specifications are issued to him, or until the Administrator notifies him that his application is denied.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

§ 135.1 [Amended]

6. By amending § 135.1 by striking out the word "and" at the end of subparagraph (2), striking out the period at the end of subparagraph (3) and substituting "; and" in place thereof, and adding the following new subparagraph (4):

(4) Each person who is on board an aircraft being operated under this part.

7. By amending § 135.9 to read as follows:

§ 135.9 Certificate and operations specifications required.

Except as provided in § 135.11(b), no person may operate an aircraft in operations to which this part applies without, or in violation of, an ATCO operating certificate and appropriate operations specifications issued under this part or, in the case of operations with large aircraft, operations specifications issued under Part 121 of this chapter.

8. By amending § 135.11 to read as follows:

§ 135.11 Duration of certificate.

(a) An ATCO certificate issued after March 31, 1970, is effective until surrendered, suspended, or revoked. The holder of an ATCO certificate that is suspended or revoked shall return it to the Administrator.

(b) An ATCO certificate in effect on March 31, 1970, expires on May 31, 1970, and the holder thereof may conduct operations in accordance with the rules of this part and operations specifications in effect on March 31, 1970, until the certificate expires. However, if the holder of the certificate applies before May 31, 1970, for a new ATCO certificate and operations specifications under this part, the certificate held continues in effect and he may continue those operations until a certificate and specifications are issued to him under this part, or until the Administrator notifies him that his application is denied.

9. By amending paragraph (b)(2) of § 135.13 to read as follows:

§ 135.13 Application and issue of certificate and operations specifications.

* * * * *

(b) * * *

(2) Separate operations specifications containing the type and area of operations authorized, the class and category of aircraft that he may use in those operations, registration numbers of aircraft that are inspected in accordance with an approved aircraft inspection program, any authorized deviations from this part, and such other items as the Administrator may require or allow to meet any particular situation.

10. By amending § 135.15 by adding a new flush paragraph following paragarph (c) to read as follows:

§ 135.15 Eligibility for certificate and operations specifications.

* * * * *

(c) * * *

However, no person holding a commercial operator operating certificate issued under Part 121 of this chapter is eligible for an ATCO certificate unless he shows to the satisfaction of the Administrator that his contract carriage business in large aircraft will not result directly or indirectly from his air taxi business.

11. By adding the following new section to Subpart B of Part 135:

§ 135.27 Manual requirements.

(a) Each certificate holder, other than one who uses only himself as a pilot, shall prepare and keep current a manual for the use and guidance of flight, ground operations, and maintenance personnel in conducting its operations. However, the Administrator may authorize a deviation from this paragraph if he finds that because of the limited size of the operation, all or part of the manual is not necessary for guidance of flight, ground, or maintenance personnel.

(b) Each manual shall be kept in a form that is easy to revise and shall have the date of the last revision on each revised page. The manual must include—

(1) The identity of each person in a management capacity who is authorized to act for the certificate holder in his assigned area of responsibility;

(2) Procedures for ensuring compliance with aircraft weight and balance limitations and in the case of multiengine airplanes for ascertaining compliance with the requirements of § 135.167;

(3) Copies of the certificate holder's operations specifications or appropriate extracted information, including area of operations authorized, category and class of aircraft authorized, crew complements, and types of operations authorized (such as VFR, IFR, day, night, passenger, cargo);

(4) Procedures for complying with accident notification requirements;

(5) Procedures for ensuring that the pilot in command knows that required airworthiness inspections have been made and that the aircraft has been approved for return to service in compliance with applicable maintenance requirements;

(6) Procedures for reporting of mechanical irregularities that come to the attention of the pilot in command during flight time or defects noted during preflight inspection;

(7) Procedures to be followed by the pilot in command for ascertaining that mechanical irregularities or defects reported for previous flights have been corrected or that correction has been deferred;

(8) Procedures to be followed by the pilot in command to obtain maintenance, preventive maintenance, and servicing of the aircraft at a place where prior arrangements have not been made by the operator, when the pilot is authorized to so act for the operator;

(9) Procedures for refueling aircraft, eliminating fuel contamination, protection from fire (including electrostatic protection), and supervising and protecting passengers during refueling;

(10) Flight locating procedures, when applicable;

(11) Procedures for ensuring compliance with emergency procedures;

(12) En route qualification procedures for pilots, when applicable;

(13) The approved aircraft inspection program, when applicable; and

(14) Other procedures and policy instructions pertinent to the certificate holder's operations, that are issued by the certificate holder.

(c) The manual must not be contrary to any applicable Federal regulation, foreign regulation applicable to the certificate holder's operations in foreign countries, or the certificate holder's operations specifications or operating certificate.

(d) A copy of the manual, or appropriate portions of the manual (and changes and additions thereto) shall be made available to maintenance personnel by the certificate holder and furnished to—

(1) Its ground operations personnel;

(2) Its crewmembers; and

(3) Representatives of the Administrator assigned to the certificate holder.

(e) Each person to whom a manual or appropriate portions of it are furnished under subparagraphs (1) and (2) of paragraph (d) of this section shall keep it up to date with the changes and additions furnished to him.

(f) Except as provided in paragraph (g) of this section, each certificate holder shall carry appropriate parts of the manual on each aircraft when away from the principal base. The appropriate parts must be available for use of ground or flight personnel.

(g) If a certificate holder is able to conduct inspections at specified stations where it keeps the approved aircraft inspection program part of the manual, or approved inspection program manual, it does not have to carry the manual aboard the aircraft en route to those stations.

12. By adding the following new section to Subpart B of Part 135:

§ 135.29 Flight locating requirements.

(a) Each certificate holder must have procedures established for locating each flight, for which an FAA flight plan is not filed, that—

(1) Provide the certificate holder with at least the information required to be included in a VFR flight plan;

(2) Establish a procedure for timely notification of an FAA facility or search and rescue facility, if an aircraft is overdue or missing; and

(3) Provide the certificate holder with the locations, date, and estimated time for reestablishing radio or telephone communications, if the flight will operate in an area where radio communications cannot be maintained.

(b) Flight locating information shall be retained at the certificate holder's principal place of business, or at such other places as may be designated by the certificate holder in the flight locating procedures, until the completion of the flight.

(c) Each certificate holder shall furnish the representative of the Administrator assigned to it with a copy of its flight locating procedures and any changes or additions thereto, unless those procedures are included in a manual required to be maintained under this part.

13. By adding the following new section to Subpart B of Part 135:

§ 135.32 Aircraft proving tests.

(a) No certificate holder may operate a turbojet airplane, or an aircraft for which two pilots are required by this chapter for operations under VFR, if it has not previously proved that aircraft or an aircraft of the same make and similar design in any operation to which this part applies unless, in addition to the aircraft certification tests, at least 25 hours of proving tests acceptable to the Administrator have been flown by that certificate holder including—

(1) Five hours of nighttime, if night flights are to be authorized;

(2) Five instrument approach procedures under stimulated or actual instrument weather conditions, if IFR flights are to be authorized; and

(3) Entry into a representative number of en route airports as determined by the Administrator.

(b) No certificate holder may carry passengers in an aircraft during proving tests, except those needed to make the tests and those designated by the Administrator to observe the tests. However, pilot flight training may be conducted during the proving tests.

(c) For the purposes of paragraph (a) of this section, an aircraft is considered to be materially altered in design if the alterations include—

(1) The installation of powerplants other than those of a type similar to those with which it is certificated; or

(2) Alterations to the aircraft or its components that materially affect flight characteristics.

(d) This section does not apply to an aircraft of the same make and similar design as an aircraft operated more than 25 hours under this part by the certificate holder before the date on which this section becomes effective with respect to his operation.

(e) The Administrator may authorize deviation from this section if he finds that special circumstances make full compliance with this section unnecessary.

14. By revising § 135.41 (a) and (b) and by adding a new paragraph (c) to read as follows:

§ 135.41 Business office and operations base.

(a) Each certificate holder shall maintain a principal business office.

(b) Each certificate holder shall, before establishing, or changing the location of any business office or operations base, except a temporary operations base, notify in writing the FAA District Office having jurisdiction over the area in which the certificate holder's principal business office is located.

(c) No certificate holder who establishes or changes the location of any business office or operations base, except a temporary operations base, may operate an aircraft in operations subject to this part unless he has complied with paragraph (b) of this section.

15. By revising § 135.43 to read as follows:

§ 135.43 Recordkeeping requirements.

(a) Each certificate holder shall keep at his principal business office and make available for inspection by the Administrator the following:

(1) His ATCO certificate;

(2) His operations specifications;

(3) A current list of the aircraft used or available for use by him in operations subject to this part and the operations for which each is equipped; and

(4) An individual record of each pilot used by him in operations subject to this part, including the following information:

(i) The full name of the pilot.

(ii) The pilot certificate (by type and number) and ratings that the pilot holds.

(iii) The pilot's aeronautical experience, in sufficient detail to determine his qualifications to pilot aircraft in operations subject to this part.

(iv) The pilot's current duties and the date of his assignment to those duties.

(v) The effective date and class of the medical certificate that the pilot holds.

(vi) The date and result of each of the initial and recurrent proficiency tests and instrument and route checks required by this part and the type of aircraft flown during that test or check.

(vii) The pilot's flight time in sufficient detail to determine compliance with the flight time limitations of this part.

(viii) The pilot's check pilot authorization, if any.

(ix) Any action taken concerning the pilot's release from employment or physical or professional disqualification.

(b) Each certificate holder shall keep each record required by paragraph (a) (3) or (4) of this section for at least 6 months after it is made.

(c) For multiengine aircraft for which two pilots are required by this chapter for operations under VFR, each certificate holder shall prepare or cause to be prepared a load manifest containing the following information concerning the loading of the aircraft at takeoff time—

(1) The number of passengers;

(2) The total weight of the loaded aircraft;

(3) The maximum allowable takeoff weight for that flight;

(4) The center of gravity of the loaded aircraft; and

(5) The center of gravity limits for the loaded aircraft.

(d) The pilot in command of an aircraft for which a load manifest is required to be prepared shall carry a copy

of the completed load manifest in the aircraft to its destination, and the certificate holder shall keep copies of completed load manifests for at least 30 days at its principal operations base, or at another location used by it and approved by the representative of the Administrator assigned to it.

16. By adding the following new section to Subpart B of Part 135:

§ 135.52 Composition of flight crew.

(a) No certificate holder may operate an aircraft with less than the minimum flight crew specified in the aircraft operating limitations or the Aircraft Flight Manual for that aircraft and required by this part for the kind of operation being conducted.

(b) No certificate holder may operate an airplane without a second in command if that airplane has a passenger seating configuration, excluding any pilot seat, of ten seats or more.

17. By adding the following new section to Subpart B of Part 135:

§ 135.53 Passenger occupancy of pilot seat.

No certificate holder may operate an aircraft that has a passenger seating configuration, excluding any pilot seat, for more than eight passengers if any person other than the pilot in command, a second in command, a company check airman, or an authorized representative of the Administrator, the National Transportation Safety Board, or the Post Office Department occupies a pilot seat.

18. By adding the following new section to Subpart B of Part 135:

§ 135.54 Flight attendant crewmember requirement.

No certificate holder may operate an aircraft that has a passenger seating capacity of more than 19 unless there is a flight attendant crewmember on board the aircraft.

19. By adding the following new section to Subpart B of Part 135:

§ 135.55 Pilot and flight attendant crewmember training programs.

(a) Each certificate holder, other than one who uses only himself as a pilot, shall establish and maintain a pilot training program, and each certificate holder who uses a flight attendant crewmember shall establish and maintain a flight attendant training program, that is appropriate to the operations to which each required pilot and flight attendant is to be assigned and will ensure that he is adequately trained to meet the applicable initial and recurrent knowledge and practical testing requirements of this part.

(b) Each certificate holder required to have a training program by paragraph (a) of this section shall include in that program ground and flight training curriculums for—

(1) Initial training;

(2) Additional training necessary to ensure qualification in new kinds of equipment, procedures, and techniques; and

(3) Recurrent training every 12 calendar months to ensure proficiency in procedures, techniques, and information essential to the sastifactory performance of each crewmember.

(c) Each certificate holder required to have a training program by paragraph (a) of this section shall provide current and appropriate study materials for use by each required pilot and flight attendant.

(d) The certificate holder shall furnish copies of the pilot and flight attendant crewmember training program, and all changes and additions thereto, to the representative of the Administrator assigned to it. If the certificate holder uses training facilities of other persons, a copy of training programs or appropriate portions used for those facilities shall also be furnished. Curriculums that follow FAA published curriculums may be cited by reference in the copy of the training program furnished to the representative of the Administrator and need not be furnished with the program.

(e) Whenever the Administrator finds that revisions to a training program are necessary for the continued adequacy of the program the operator shall, after notification by the Administrator, make any changes in the program found by the Administrator to be necessary. The operator may petition the Administrator to reconsider the notice to make a change in a program. The petition should be filed with the representative of the Administrator assigned to it within 30 days after the operator receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

20. By adding the following new section to Subpart B of Part 135:

§ 135.57 Mechanical reliability reports.

(a) Each certificate holder shall report the occurrence or detection of each failure, malfunction, or defect in a multiengine aircraft concerning—

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight not protected by a related fire-warning system;

(3) False fire warning during flight;

(4) An engine exhaust system that causes damage during flight to the engine, adjacent structure, equipment, or components;

(5) An aircraft component that causes accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or passenger cabin during flight;

(6) Engine shutdown during flight because of flameout;

(7) Engine shutdown during flight when external damage to the engine or aircraft structure occurs;

(8) Engine shutdown during flight due to foreign object ingestion or icing;

(9) Shutdown of more than one engine during flight;

(10) A propeller feathering system or ability of the system to control overspeed during flight;

(11) A fuel or fuel-dumping system that affects fuel flow or causes hazardous leakage during flight;

(12) A landing gear extension or retraction or opening or closing of landing gear doors during flight;

(13) Brake system components that results in loss of brake actuating force when the airplane is in motion on the ground;

(14) Aircraft structure that requires major repair;

(15) Cracks, permanent deformation, or corrosion of aircraft structures, if more than the maximum acceptable to the manufacturer or the FAA; and

(16) Aircraft components or systems that result in taking emergency actions during flight (except action to shut down an engine).

(b) For the purpose of this section "during flight" means the period from the moment the aircraft leaves the surface of the earth on takeoff until it touches down on landing.

(c) In addition to the reports required by paragraph (a) of this section, each certificate holder shall report any other failure, malfunction, or defect in an aircraft that occurs or is detected at any time if, in its opinion, that failure, malfunction, or defect has endangered or may endanger the safe operation of an aircraft used by it.

(d) Each certificate holder shall send each report required by this section, in writing, covering each 24-hour period beginning at 0900 hours local time of each day and ending at 0900 hours local time on the next day to the FAA District Office having jurisdiction over the area in which the certificate holder's principal business office is located. The report must be mailed or delivered to that office on the following day. However, a report that is due on Saturday or Sunday may be mailed or delivered on the following Monday and one that is due on a holiday may be mailed or delivered on the next work day. For aircraft operated in areas where mail is not collected, reports may be mailed or delivered within 24 hours after the aircraft returns to a point where mail is collected.

(e) The certificate holder shall transmit the reports required by this section on Form FAA 8330-2 "Malfunction or Defect Report," and shall include as much of the following as is available:

(1) Type and identification number of the aircraft.

(2) The name of the operator.

(3) The date.

(4) The nature of the failure, malfunction, or defect.

(5) Identification of the part and system involved, including available information pertaining to type designation of the major component and time since overhaul, if known.

(6) Apparent cause of the failure, malfunction, or defect (e.g., wear, crack, design deficiency, or personnel error).

(7) Other pertinent information necessary for more complete identification, determination of seriousness, or corrective action.

(f) Failures, malfunctions, or defects reported under the accident reporting provisions of Part 430 of the regulations

of the National Transportation Safety Board of this title need not be reported under this section.

(g) No person may withhold a report by this section even though all information required by this section is not available.

21. By adding the following new section to Subpart B of Part 135:

§ 135.59 Mechanical interruption summary report.

Each certificate holder shall mail or deliver, before the end of the 10th day of the following month, a summary report of the following occurrences in multiengine aircraft for each month to the FAA District Office having jurisdiction over the area in which the certificate holder's principal business office is located:

(a) Each interruption to a flight, unscheduled change of aircraft en route, or unscheduled stop or diversion from a route, caused by known or suspected mechanical difficulties or malfunctions that are not required to reported under § 135.57.

(b) The number of propeller featherings in flight, listed by type of propeller and engine and airplane on which it was installed. Propeller featherings for training, demonstration, or flight check purposes need not be reported.

22. By adding the following new section to Subpart B of Part 135:

§ 135.60 Approved aircraft inspection program.

(a) Whenever the Administrator finds that the aircraft inspections required or permitted under § 91.169 or § 91.171 of this chapter are not adequate to meet the requirements of this part, or upon application by a certificate holder, the Administrator may amend the certificate holder's operations specifications, in accordance with § 135.19, to require or allow an approved aircraft inspection program for any make and model aircraft of which the certificate holder has the exclusive use of at least one aircraft (as defined in § 135.31(b)).

(b) A certificate holder who applies for an amendment of his operations specifications to allow an approved aircraft inspection program must submit a program for approval by the Administrator with his application.

(c) Each certificate holder who is required by his operations specifications to have an approved aircraft inspection program shall submit a program for approval by the Administrator within 30 days of the amendment of his operations specifications or within such other period as the Administrator may prescribe in the operations specifications.

(d) The aircraft inspection program submitted for approval by the Administrator must contain the following:

(1) Instructions and procedures for the conduct of aircraft inspections (which must include necessary tests and checks), setting forth in detail the parts and areas of the airframe, engines, propellers, and appliances, including emergency equipment, that must be inspected.

(2) A schedule for the performance of the aircraft inspections under subparagraph (1) of this paragraph expressed in terms of the time in service, calendar time, number of system operations, or any combination of these.

(3) Instructions for recording defects found during inspections, including form and disposition of records.

(e) After approval, the certificate holder shall include the approved aircraft inspection program in the manual required by § 135.27.

(f) Whenever the Administrator finds that revisions to an approved aircraft inspection program are necessary for the continued adequacy of the program the certificate holder shall, after notification by the Administrator, make any changes in the program found by the Administrator to be necessary. The certificate holder may petition the Administrator to reconsider the notice to make any changes in a program. The petition should be filed with the representative of the Administrator assigned to it within 30 days after the certificate holder receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

(g) Each certificate holder who has an approved aircraft inspection program shall have each aircraft that is subject to the program inspected in accordance with the program.

(h) The registration number of each aircraft that is subject to an approved aircraft inspection program is included in the operations specifications of the certificate holder.

23. By revising § 135.67 to read as follows:

§ 135.67 Airworthiness check.

The pilot in command may not begin a flight unless he determines that the airworthiness inspections required by § 91.169 of this chapter or § 135.60, whichever is applicable, have been made.

24. By revising the first sentence of § 135.75 to read as follows:

§ 135.75 Exception to second in command requirements: limited IFR conditions.

Unless two pilots are required by this chapter for operations under VFR, the pilot in command of an airplane carrying passengers may—

* * * * *

25. By revising § 135.77(a) to read as follows:

§ 135.77 Exception to second in command requirement: approval of use of autopilot system.

(a) Unless two pilots are required by this chapter for operations under VFR, a person may operate an airplane without a second in command if it is equipped with an operative autopilot system and the use of that system is authorized by appropriate operations specifications.

* * * * *

26. By revising § 135.79(b) to read as follows:

§ 135.79 Autopilot: Minimum altitudes for use.

* * * * *

(b) If an approach coupler is used, a pilot may use an autopilot system during an approach to an airport under IFR while descending to the DH or MDA, but not below, unless the autopilot system is otherwise limited.

27. By amending § 135.81 to read as follows:

§ 135.81 Briefing of passengers before flight.

Before each takeoff each pilot in command shall ensure that all passengers are familiar with information on—

(a) Smoking;

(b) Use of seat belts;

(c) Location and means for opening the passenger entry door and emergency exits;

(d) Location of survival equipment;

(e) If the flight involves extended over-water operation, ditching procedures and the use of required flotation equipment; and

(f) If the flight involves operations above 10,000 feet MSL, the normal and emergency use of oxygen.

§ 135.85 [Amended]

28. By amending § 135.85(b)(2) by striking out the word "and" immediately following the words "functioning deicing" and inserting the word "or" in place thereof and by adding new paragraphs (d) and (e) to read as follows:

(d) Paragraphs (b) and (c) of this section do not apply—

(1) To reciprocating engine powered airplanes that have ice protection provisions that comply with § 25.1419 (a) through (c) of this chapter, in effect after March 31, 1970;

(2) To turbine engine powered airplanes that have ice protection provisions that comply with §§ 25.1093(b) and 25.1419 (a) through (c) of this chapter, in effect after March 31, 1970; or

(3) To airplanes certificated in accordance with section 34 of Appendix A of this part or section 34 of Special FAR No. 23 of this chapter.

(e) If current weather reports and briefing information relied upon by the pilot in command indicate that the forecast icing condition that would otherwise prohibit the flight will not be encountered during the flight because of changed weather conditions since the forecast, the restrictions in paragraphs (b) and (c) of this section based on forecast conditions do not apply.

29. By adding the following new section to Subpart C of Part 135:

§ 135.113 Landing and takeoff distance limitations.

Each pilot in command shall, before beginning a flight, familiarize himself with all available information concerning runway lengths at airports of intended use and the landing and takeoff distance

required for the aircraft. This information must include takeoff and landing distance data contained in the approved aircraft flight manual, or other reliable data appropriate to the aircraft relating to aircraft performance under expected values of airport elevation, wind, and temperature.

30. By adding the following new section to Subpart C of Part 135:

§ 135.115 Alcoholic beverages.

(a) No person may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage to him.

(b) No certificate holder may serve any alcoholic beverage to any person aboard its aircraft if that person appears to be intoxicated.

(c) No certificate holder may allow any person to board any of its aircraft if that person appears to be intoxicated.

(d) Each certificate holder shall, within 5 days after the incident, report to the Administrator the refusal of any person to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated aboard any of its aircraft.

31. By adding the following new section to Subpart C of Part 135:

§ 135.117 Carriage of cargo.

No person may carry cargo in any aircraft unless—

(a) It is carried in an approved cargo rack, bin, or compartment installed in the aircraft;

(b) It is secured by means approved by the Administrator; or

(c) It is carried in accordance with each of the following.

(1) It is properly secured by a safety belt or other tiedown having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions.

(2) It is packaged or covered to avoid possible injury to passengers.

(3) It does not impose any load on seats or on the floor structure that exceeds the load limitation for those components.

(4) It is not located in a position that restricts the access to or use of any required emergency or regular exit, or the use of the aisle between the crew and the passenger compartment.

(5) It is not carried directly above seated passengers.

32. By adding the following new section to Subpart C of Part 135:

§ 135.119 Reporting of mechanical irregularities.

The pilot in command shall report to the certificate holder each mechanical irregularity that comes to his attention during flight time and each defect noted by him during preflight inspection of the aircraft.

33. By revising the title of Subpart D to read "Crewmember Qualifications."

34. By revising § 135.121 to read as follows:

§ 135.121 Pilot-in-command qualifications: Night flight.

No person may act as pilot in command of an aircraft at night unless—

(a) He has had at least 500 hours of flight time as pilot, including at least 100 hours of cross-country flight time, at least 25 hours of which were at night; and

(b) In the case of an airplane, he holds an instrument rating or an airline transport pilot certificate with an airplane category rating.

35. By adding the following new section to Subpart D of Part 135:

§ 135.122 Pilot-in-command qualifications: Routes and airports.

(a) The certificate holder may not utilize a pilot, nor may any person serve, as pilot in command of a flight under IFR unless, since the beginning of the 12th calendar month before that service he has passed a flight check in one of the types of airplanes that he is to fly, given by an approved check pilot who is qualified in the aircraft, or by the Administrator, consisting of at least one flight over a representative airway or approved off-airway route, or portion thereof, over which he may be assigned to fly.

(b) The pilot who conducts the check shall determine whether the pilot being checked satisfactorily performs the duties and responsibilities of a pilot in command in operations under this part, and shall so certify in the pilot training record.

36. By amending § 135.123(a)(2) to read as follows:

§ 135.123 Pilot-in-command qualifications: VFR flight over-the-top.

(a) * * *

(2) An instrument rating or, in the case of helicopters, a helicopter instrument rating, or an airline transport pilot certificate with a category and class rating for that aircraft, not limited to VFR.

* * * * *

37. By revising § 135.125 to read as follows:

§ 135.125 Pilot-in-command qualifications: IFR flight.

No person may act as pilot in command of an aircraft under IFR unless he has had at least 1,200 hours of flight time as a pilot, including 500 hours of cross-country flight time, 100 hours of night flight time, including at least 10 night takeoffs and landings, and 75 hours of actual or simulated instrument flight time, at least 50 hours of which were in actual flight.

§ 135.127 [Amended]

38. By amending § 135.127 by inserting the words "and, when a second in command is required by this chapter," immediately following the words "commercial pilot certificate."

§ 135.129 [Deleted]

39. By deleting § 135.129.

40. By revising § 135.131 by revising paragraphs (a), (b), and (c) and adding a new paragraph (h) to read as follows:

§ 135.131 Pilot in command: Instrument check requirements.

(a) No certificate holder may use a pilot, nor may any person serve as a pilot in command of an aircraft under IFR unless, since the beginning of the sixth calendar month before that use, he has passed an instrument check and the Administrator or an authorized check pilot has so certified in a letter of competency.

(b) No pilot may use any type of instrument approach procedure under IFR unless, since the beginning of the sixth calendar month before that use, he has successfully demonstrated that procedure and the Administrator or an authorized check pilot has so certified in a letter of competency.

(c) The instrument check required by paragraph (a) of this section consists of an oral or written equipment test and a flight check under simulated instrument conditions. The equipment test includes questions on emergency procedures, engine operation, fuel and lubrication systems, power settings, stall speeds, best engine-out speed, propeller and supercharger operations, and hydraulic, mechanical, and electrical systems. The flight check includes navigation by instruments, recovery from simulated emergencies, and standard instrument approaches involving navigational facilities that he is to be authorized to use. Each person taking the instrument check must show that standard of competence required by paragraph (d) of § 135.138.

* * * * *

(h) The Administrator or authorized check pilot issues a letter of competency to each pilot, if he passes the instrument check, containing the types of instrument approach procedures authorized and the types of instrument approach procedures authorized using an autopilot, if any.

41. By amending § 135.135 to read as follows:

§ 135.135 Check pilot authorization: Application and issue.

Each certificate holder desiring FAA approval of a check pilot shall submit his request in writing to the FAA District Office having jurisdiction over the area in which the holder's principal business office is located. The Administrator may issue a letter of authority to each check pilot if he passes the appropriate oral and flight test. The letter of authority lists the tests in § 135.138 that the check pilot is qualified to give and the class and type aircraft, where appropriate, for which the check pilot is qualified.

42. By adding the following new section to Subpart D of Part 135:

§ 135.136 Flight and duty time limitations.

(a) No certificate holder may assign any flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time if the total flight time of that flight in addition to any other commercial flying by that

flight crewmember exceeds the following during any 24 consecutive hours:

(1) Eight hours for a flight crew consisting of one pilot.

(2) Ten hours for a flight crew consisting of two pilots required by this chapter.

(b) No certificate holder may assign a flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time unless that assignment provides for at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the assignment.

(c) A flight crewmember is not considered to be assigned for duty during flight time in excess of flight time limitations if the flights to which he is assigned would normally terminate within the limitations, but due to circumstances beyond the control of the certificate holder or the flight crewmember (such as adverse weather conditions) are not at the time of departure expected to reach their destination within the planned flight time.

(d) No certificate holder may assign a flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time if, because of circumstances beyond the control of the certificate holder or flight crewmember, the flight crewmember has been on duty during flight time for more than 8 hours during any 24 consecutive hours unless he has had 16 hours of rest since the completion of his last assigned flight.

(e) Time spent in transportation, not local in character, that the certificate holder requires of a flight crewmember and provides to transport the crewmember to the airport at which he is to serve on a flight as a flight crewmember, or from an airport at which he has completed an assigned flight to his home station, is not considered part of a rest period.

(f) No certificate holder may assign any flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time if he has been assigned to any duty with the certificate holder in connection with operations under this part during any required rest period.

43. By adding the following new section to Subpart D of Part 135:

§ 135.137 Initial and recurrent training requirements.

No certificate holder may use the services of, nor may any person serve as, a pilot or flight attendant crewmember in operations under this part unless that crewmember has completed the appropriate initial or recurrent training phase of the training program appropriate to the type of operation in which he is to serve since the beginning of the 12th calendar month before that service. This section does not apply to a certificate holder who uses only himself as a pilot.

44. By adding the following new section to Subpart D of Part 135:

§ 135.138 Initial and recurrent pilot testing requirements.

(a) No certificate holder may use the services of a pilot, nor may any person serve as a pilot, unless, since the beginning of the 12th calendar month before that service, he has passed a written or oral test, given to him by the Administrator or an authorized check pilot, on his knowledge in the following areas:

(1) The appropriate provisions of Parts 61, 91, and 135 of this chapter and the operations specifications and the manual of the certificate holder.

(2) For each type of aircraft to be flown by the pilot, the aircraft powerplant, major components and systems, major appliances, performance and limitations, standard and emergency operation procedures, and the contents of the approved aircraft flight manual or owner's handbook, as applicable;

(3) For each type of aircraft to be flown by the pilot, the method of determining compliance with weight and balance limitations for takeoff, landing, and en route operations;

(4) Navigation and use of air navigation aids appropriate to the operation or pilot authorization, including when applicable, instrument approach facilities and procedures;

(5) Air traffic control procedures, including IFR procedures when applicable;

(6) Meteorology, in general and as appropriate to the operations of the certificate holder;

(7) Procedures for avoiding operations in thunderstorms and hail, and for operating in turbulent air or in icing conditions; and

(8) New equipment, procedures, or techniques, as appropriate.

(b) No certificate holder may use the services of a pilot, nor may any person serve as a pilot, in any aircraft unless he has passed a flight check given to him by the Administrator or an authorized check pilot in that class of aircraft, if single-engine airplane other than turbojet, or that type of aircraft, if helicopter, multiengine, or turbojet, to determine the pilot's competence in practical skills and techniques in that aircraft or class of aircraft, including at least—

(1) Those maneuvers that are set forth in Part 61 of this chapter and related advisory circulars for pilot certification in the class of aircraft the pilot is to operate;

(2) Instrument demonstrations appropriate to the operations authorized for the pilot, including the types of instrument approach procedures authorized in his letter of authorization; and

(3) If a pilot is to be assigned to areas or routes that must be navigated by pilotage, a demonstration of his skill in navigation solely by pilotage.

(c) The 6-month instrument check required by § 135.131 may be substituted for the tests required by this section for the type of aircraft used in the check, if that check also includes takeoffs, landings, and ground handling maneuvers.

(d) For the purposes of this part, competent performance of a procedure or maneuver by a person to be used as pilot requires that he be the obvious master of the aircraft, with the successful outcome of the maneuver never in doubt.

(e) The Administrator or authorized check pilot certifies the competency of each pilot who passes the knowledge or flight check in the certificate holder's pilot records.

45. By adding the following new section to Subpart D of Part 135:

§ 135.139 Initial and recurrent flight attendant crewmember testing requirements.

Each certificate holder who uses a flight attendant crewmember shall determine by appropriate initial and recurrent testing that each flight attendant crewmember is knowledgeable and competent in the following areas as appropriate to assigned duties and responsibilities, before he is assigned to serve as a flight attendant crewmember—

(a) Authority of the pilot in command;

(b) Passenger handling, including procedures to be followed in the event of the presence of deranged persons or other persons whose conduct might jeopardize the safety of other passengers;

(c) Crewmember assignments, functions, and responsibilities during ditching and evacuation;

(d) Briefing of passengers;

(e) Location and operation of portable fire extinguishers;

(f) Proper use of cabin equipment and controls;

(g) Location and operation of passenger oxygen equipment; and

(h) Location and operation of all normal and emergency exits, including evacuation chutes and escape ropes.

46. By adding the following new section to Subpart E of Part 135:

§ 135.167 Empty weight and center of gravity: Current requirement.

(a) After April 1, 1971, no person may operate a multiengine aircraft in operations to which this part applies unless the current empty weight and center of gravity are calculated from values established by actual weighing of the aircraft within the preceding 3 years.

(b) Paragraph (a) of this section does not apply to—

(1) Aircraft originally certificated for airworthiness within the preceding 3 years; and

(2) Aircraft operated under a weight and balance system approved in the operations specifications of the certificate holder.

§§ 135.33, 135.35, 135.37, 135.39, 135.49, 135.101 [Amended]

47. By amending §§ 135.33, 135.35, 135.37, 135.39, 135.49, and 135.101 by striking out the words "person holding an ATCO certificate" or "holder of an ATCO certificate" wherever they appear

and inserting the words "certificate holder" in place thereof.

(Secs. 313(a), 601-610, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421-1430); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE: The recordkeeping and reporting requirements contained in Notice No. 69-4 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Since the recordkeeping and reporting requirements contained in the rules as adopted herein have been modified in response to comments submitted and are decreased from those proposed, approval by the Bureau of the Budget has not been obtained prior to their adoption.

Issued in Washington, D.C., on November 26, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-14327; Filed, Dec. 2, 1969; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-45; Amdt. 13]

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

Delegations of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of November 1969.

The Board has determined to grant to the Director, Bureau of Operating Rights, new delegations of authority (1) to approve short-term wet leases of aircraft where the lease arrangement is for a period of 60 days or less and is for the purpose of replacing (rather than expanding) lessee's capacity because of strikes, accidents or maintenance problems, and where there are no objections to the lease arrangement; and (2) to approve waivers of § 378.2(b)(2) of the Board's Special Regulations to permit, on air/sea inclusive tours, daytime stops by a cruise ship in lieu of overnight stops, where the daytime stop is of at least 12 hours' duration and is preceded or followed by a night at sea.

In addition, the delegation contained in § 385.13(v), which delegates authority to approve applications for Statements of Authorization for inclusive tours, is being rescinded since the Board no longer issues such Statements of Authorization.

Since the amendments contained in this revision are not substantive rules but rules of agency organization and procedure, notice and public procedure hereon are not required, and the amendments may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 (14 CFR Part 385), effective November 26, 1969, as follows:

Amend § 385.13 as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(r) With respect to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control:

* * * * *

(3) Approve short-term wet leases where:

(i) The lease arrangement is for 60 days or less;

(ii) The lease arrangement is for the purpose of replacing (rather than expanding) lessee's capacity because of strikes, accidents or maintenance problems; and

(iii) There are no objections to the lease arrangement.

* * * * *

(v) Approve waivers of § 378.2(b)(2) of the Board's Special Regulations of this chapter to permit, on air/sea inclusive tours, daytime stops by a cruise ship in lieu of overnight stops where:

(1) The daytime stop is of at least 12 hours' duration; and

(2) The daytime stop is preceded or followed by a night at sea.

* * * * *

(Secs. 202, 204, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 742 (as amended by 75 Stat. 785), 743, 788; 49 U.S.C. 1322, 1324, 1481)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14345; Filed, Dec. 2, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 14—CACAO PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COCOA WITH DIOCTYL SODIUM SULFOSUCCINATE FOR MANUFACTURING; ORDER STAYING EFFECTIVENESS OF IDENTITY STANDARD AND FOOD ADDITIVE REGULATIONS

In the matter of (1) establishing a standard of identity for cocoa with dioctyl sodium sulfosuccinate for manufacturing (§ 14.14), (2) amending the food additive regulation concerning dioctyl sodium sulfosuccinate (§ 121.1137(e)), and (3) establishing a food additive regulation for cocoa with dioctyl sodium sulfosuccinate for manufacturing (§ 121.1229):

In response to the orders in the above-identified matter published in the FEDERAL REGISTER of July 23, 1969 (34 F.R. 12177-78), the Chocolate Manufacturers Association of the United States of America, Washington, D.C. 20006, an adversely affected person, filed objections to such orders and requested a public hearing on such objections.

The Commissioner of Food and Drugs concludes that reasonable grounds have been stated for a hearing on the issue of whether dioctyl sodium sulfosuccinate in cocoa would accomplish its intended effect; that is, to rapidly disperse cocoa in dry beverage bases when such bases are being mixed with water or milk.

The Commissioner further concludes that additional objections by the Chocolate Manufacturers Association have not been supported by reasonable grounds; therefore, such objections, as follows, are not acceptable for filing with the reasons given:

1. In the event of a manufacturing-packaging error, the household consumer might receive a cocoa treated with dioctyl sodium sulfosuccinate. This objection is rejected because any manufacturer of any food must exercise care in maintaining the identity of raw materials, foods undergoing processing, and finished foods so as to preclude mixups in labeling and distribution.

2. Special equipment and flammable or explosive solvent mixtures are required in treating cocoas with dioctyl sodium sulfosuccinate, and employees might be subjected to eye injury from accidental exposure to dioctyl sodium sulfosuccinate. This objection is rejected because expense and necessary precautions against industrial safety hazards are inherent to varying degrees in any good manufacturing operation.

3. At the maximum levels of dioctyl sodium sulfosuccinate permitted in cocoa-flavored beverages, undesirable bitterness is encountered. This objection is rejected because bitterness is not always encountered and, when it is encountered under such conditions, it often appears to be attributable to the natural bitterness of cocoa as much as to bitterness which may result from the additive.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 409, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 72 Stat. 1785 et seq.; 21 U.S.C. 341, 348, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That the effective date of §§ 14.14, 121.1137(e), and 121.1229 be stayed pending resolution of the issue raised by the objection at a public hearing. An announcement scheduling the hearing will be published at a later date.

(Secs. 401, 409, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 72 Stat. 1785 et seq.; 21 U.S.C. 341, 348, 371)

Dated: November 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-14307; Filed, Dec. 2, 1969; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Crab Orchard National Wildlife Refuge, Ill.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuges.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 8,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1970, through December 31, 1970, in areas designated on map as I and III; and from March 15, 1970, through September 30, 1970, daylight hours only, in area designated on map as II; except bank fishing is permitted from the Wolf Creek Road and State Highway 148 causeways, during daylight hours, from January 1, 1970 through December 31, 1970.

(2) The use of boats and motors is permitted, except that use of a boat with a motor larger than ten (10) horsepower is prohibited on Devil's Kitchen Lake and on Little Grassy Lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

NOVEMBER 25, 1969.

[F.R. Doc. 69-14278; Filed, Dec. 2, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Kirwin National Wildlife Refuge, Kans.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Kirwin National Wildlife Refuge, Kans., is permitted from January 1 through December 31, 1970, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

NOVEMBER 20, 1969.

[F.R. Doc. 69-14279; Filed, Dec. 2, 1969; 8:45 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 15 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1970, through February 28, 1970, inclusive.

(2) Permit is required to take carp for sale.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 28, 1970.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

NOVEMBER 24, 1969.

[F.R. Doc. 69-14280; Filed, Dec. 2, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1040]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Southern Michigan marketing area is being considered. The proposed suspension would be made effective as soon as possible and would continue until such time as a review of this issue may be completed through the hearing procedure.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended in § 1040.12, which defines a "fluid milk product", is the word "yogurt". The suspension action would change the classification of yogurt from a Class I product to a Class III product.

The proposed suspension was requested by a proprietary handler and an operating cooperative association. The two Southern Michigan handlers are distributing yogurt in Michigan, Ohio, and Indiana. Federal orders applicable in Indiana and certain areas of Ohio classify yogurt in Class II (which is equivalent to Class III under the Southern Michigan order).

The handlers contend that because of the lower classification of yogurt under certain other orders, they are unable to compete for yogurt sales, either in other markets or in the Southern Michigan market, with handlers who pay the surplus price for milk going into yogurt. The proposed suspension, it is claimed, would place Southern Michigan handlers on a competitive cost basis with handlers operating under orders which classify yogurt in Class II.

The suspension requests are supported by cooperative associations, including the above-mentioned operating cooperative, representing over three-fourths of the producers on the Southern Michigan market.

Signed at Washington, D.C., on November 28, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-14344; Filed, Dec. 2, 1969; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

IMITATION MILKS

Extension of Time for Filing Comments on Proposed Standards of Identity and Quality

In the matter of establishing standards of identity and quality for imitation milks (§§ 18.550 and 18.551):

The notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of October 9, 1969 (34 F.R. 15657), provided for the filing of comments within 60 days following its publication date.

The Commissioner of Food and Drugs has received a request for extension of such time and, good reason therefor appearing, the time for filing comments in this matter is extended to January 22, 1970.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 25, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-14328; Filed, Dec. 2, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 9995; Notice 69-52]

AIRBORNE ILS GLIDE SLOPE AND LOCALIZER RECEIVING EQUIPMENT

Proposed Technical Standard Orders

The Federal Aviation Administration is considering amending §§ 37.160 and 37.161 of Part 37 of the Federal Aviation Regulations to update the minimum performance standards for airborne ILS glide slope and localizer receiving equipment.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 2, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposal would revise the current Technical Standard Orders (TSOs) to provide minimum performance standards appropriate to ILS glide slope and localizer equipment that is to be installed in airplanes operated in Category II operations. The proposal also includes performance standards needed for equipment that is to be operated on capture effect glide slope and wave guide localizer facilities employing twin carriers that are now being installed at various ground locations.

In connection with the foregoing, it is proposed to revise the present TSOs to provide new standards covering antenna efficiency and antenna polarization. The proposed revision would also require that the course centering accuracy requirement be met under all combinations of conditions which are normally expected to be encountered in flight.

The receiver selectivity requirements of the current TSOs would be revised to allow a closer spacing of frequency assignments now being made and to provide adequate rejection of adjacent channel signals.

A course deviation current linearity and course deviation current response standard is also proposed to cover electrical guidance information furnished to an autopilot coupler.

In consideration of the foregoing, it is proposed to amend §§ 37.160 and 37.161 of Part 37 of the Federal Aviation Regulations to read as follows:

1. By amending § 37.160 as follows:

§ 37.160 Airborne ILS glide slope receiving equipment, TSO–C34c.

(a) *Applicability.* (1) This technical standard order prescribes the minimum performance standards that airborne ILS glide slope receiving equipment must

meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after (the effective date of this section) must meet the requirements of Radio Technical Commission for Aeronautics Document No. DO-132 entitled "Minimum Performance Standards—Airborne ILS Glide Slope Receiving Equipment" dated March 15, 1966, and Radio Technical Commission for Aeronautics Document No. DO-138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968. RTCA Documents Nos. DO-132 and DO-138 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23, and are available as indicated in § 37.23. Additionally, RTCA Documents Nos. DO-132 and DO-138 may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from the RTCA Secretariate, Suite 302, NADA Building, 2000 K Street NW., Washington, D.C. 20006, at a cost of $2.50 per copy for Document No. DO-132 and $4 per copy for Document No. DO-138.

(2) Exceptions:

(i) RTCA Paper DO-138 lists environmental test conditions covering equipment subjected to water, hydraulic fluid, sand and dust, fungus and salt spray, for which there are no corresponding equipment performance requirements in RTCA Paper DO-132. Therefore, if the applicant wishes to certify compliance with any of the aforementioned environmental test conditions, the equipment performance requirements of paragraphs 2.1a, 2.7, and 2.16 of RTCA Paper DO-132 must be met.

(ii) RTCA Paper DO-108 referenced in RTCA Paper DO-132 has been superseded by RTCA Paper DO-138. Therefore, the environmental test conditions of RTCA Paper DO-138 are applicable to equipment under this Technical Standard Order.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment must be marked to indicate the environmental extremes over which it has been designed to operate. There are 12 environmental test procedures outlined in RTCA Paper DO-138 which have categories established. These must be identified on the nameplate by the words, "Environmental Categories" or, as abbreviated, "Env. Cat.", followed by 12 letters which identify the categories designated. Reading from left to right, the category designations must appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature—altitude category;
(ii) Humidity category;
(iii) Vibration category;
(iv) Audiofrequency magnetic field susceptibility category;
(v) Radiofrequency susceptibility category;
(vi) Emission of spurious radiofrequency energy category;
(vii) Explosion category;
(viii) Waterproofness category;
(ix) Hydraulic fluid category;
(x) Sand and dust category;
(xi) Fungus resistance category;
(xii) Salt spray category.

(2) The equipment must be marked to indicate the class of centering accuracy (Class A, B, C, or D) for which it has been designed to operate.

(3) Each separate component of equipment (antenna, receiver, indicator, etc.) must be identified with at least the name of the manufacturer, the TSO number, and the environmental categories over which the equipment component is designed to operate. Where an environmental test procedure is not applicable to that component and the test is not conducted, an X should be placed in the space assigned for that category.

(4) Where a manufacturer desires to substantiate his equipment in dual categories for a specific environmental test procedure, the nameplate must be marked with both categories in the space designated for that category, by placing one letter above the other. A typical nameplate identification would be as follows:

A
Env. Cat. AJAAAXWHDFS Class A
D

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(1) One copy of the operating instructions and equipment limitations of the manufacturer.

(2) One copy of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, and a listing of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. The procedures must show all limitations, restrictions, or other conditions pertinent to the installation.

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Airborne ILS glide slope receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

2. By amending § 37.161 as follows:

§ 37.161 Airborne ILS localizer receiving equipment, TSO-C36c.

(a) *Applicability.* (1) This technical standard order prescribes the minimum performance standards that airborne ILS localizer receiving equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after (the effective date of this section) must meet the requirements of Radio Technical Commission for Aeronautics Document No. DO-131 entitled "Minimum Performance Standards—Airborne ILS Localizer Receiving Equipment" dated December 15, 1965, and Radio Technical Commission for Aeronautics Document No. DO-138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968. RTCA Documents Nos. DO-131 and DO-138 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23, and are available as indicated in § 37.23. Additionally, RTCA Documents Nos. DO-131 and DO-138 may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division) and may be obtained from the RTCA Secretariat, Suite 302, NADA Building, 2000 K Street NW., Washington, D.C. 20006, at a cost of $2.50 per copy for Document No. DO-131 and $4 per copy for Document No. DO-138.

(2) Exceptions:

(i) RTCA Paper DO-138 lists environmental test conditions covering equipment subjected to water, hydraulic fluid, sand and dust, fungus and salt spray, for which there are no corresponding equipment performance requirements in RTCA Paper DO-131. Therefore, if the applicant wishes to certify compliance with any of the aforementioned environmental test conditions, the equipment performance requirements of paragraphs 2.1a, 2.7, and 2.20 of RTCA Paper DO-131 must be met.

(ii) RTCA Paper DO-108, referenced in RTCA Paper DO-131 has been superseded by RTCA Paper DO-138. Therefore, the environmental test conditions of RTCA Paper DO-138 are applicable to equipment under this Technical Standard Order.

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment must be marked to indicate the enviromental extremes over which it has been designed to operate. There are 12 environmental test procedures outlined in RTCA Paper DO-138 which have categories established. These must be identified on the nameplate by the words, "Environmental Categories" or, as abbreviated, "Env. Cat.", followed by 12 letters which identify the categories designated. Reading from left to right, the category designations must appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-altitude category;
(ii) Humidity category;
(iii) Vibration category;
(iv) Audiofrequency magnetic field susceptibility category;
(v) Radiofrequency susceptibility category;
(vi) Emission of spurious radiofrequency energy category;
(vii) Explosion category;
(viii) Waterproofness category;
(ix) Hydraulic fluid category;
(x) Sand and dust category;
(xi) Fungus resistance category;
(xii) Salt spray category.

(2) The equipment must be marked to indicate the class of centering accuracy

(Class A, B, C, or D) for which it has been designed to operate.

(3) Each separate component of equipment (antenna, receiver, indicator, etc.) must be identified with at least the name of the manufacturer, the TSO number, and the environmental categories over which the equipment component is designed to operate. Where an environmental test procedure is not applicable to that component and the test is not conducted, an X should be placed in the space assigned for that category.

(4) Where a manufacturer desires to substantiate his equipment in dual categories for a specific environmental test procedure, the nameplate must be marked with both categories in the space designated for that category, by placing one letter above the other. A typical nameplate identification would be as follows:

A
Env. Cat. AJAAAXWHDPS Class A
D

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(1) One copy of the operating instructions and equipment limitations of the manufacturer.

(2) One copy of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, and a listing of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. The procedures must show all limitations, restrictions, or other conditions pertinent to the installation.

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Airborne ILS localizer receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 26, 1969.

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

[F.R. Doc. 69-14311; Filed, Dec. 2, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte Nos. MC-37 (Sub-No. 9A), MC-37 (Sub-No. 9B)]

BALTIMORE, MD., COMMERCIAL ZONE

Redefinition of Limits

NOVEMBER 28, 1969.

Redefinition of the limits of the Baltimore, Md., commercial zone heretofore defined in Ex Parte No. MC-37 (Sub-No. 9); Baltimore, Md., commercial zone, 99 M.C.C. 572 at pages 576-577.

Petitioners in Ex Parte MC-37 (Sub-No. 9A): Howard County, Md.—Department of Industrial Relations, Chamber of Commerce of Metropolitan Baltimore, Inc., and the Howard Research and Development Corp. Petitioners in Ex Parte MC-37 (Sub-No. 9B): Anne Arundel County, Md., Parkway Industrial Center, Brass & Copper Supply Co., Inc. Petitioners' representatives in Ex Parte MC-37 (Sub-No. 9A): J. Cookman Boyd, Jr., 900 Aurora Federal Building, Baltimore, Md. 21201; Thomas E. Lloyd, Courthouse, Ellicott City, Md. 21043; William L. Marbury, Donald P. McPherson III, 900 First National Bank Building, Baltimore, Md. 21202; and David G. Macdonald, 100 16th Street NW., Washington, D.C. 20036. Petitioners' representatives in Ex Parte MC-37 (Sub-No. 9B): William L. Hudock, Anne Arundel County, Arundel Center, Annapolis, Md.; and J. Raymond Clark, 1411 K Street, Washington, D.C. 20005.

By petitions filed October 8, 1969, and November 17, 1969, respectively, the above-named petitioners request the Commission to reopen the above proceeding for the purpose of redefining the limits of the Baltimore, Md., commercial zone which were most recently defined on October 13, 1965, in Baltimore, Md., Commercial Zone, 99 M.C.C. 572, at pages 576-577 (49 CFR Part 1048) so as to include therein two areas southwest of the present southwestern limits of the zone.

As presently defined, the Baltimore, Md., commercial zone is bounded on the southwest, in part by a line drawn 5 miles beyond the corporate boundaries of Baltimore. Petitioners request the Commission to include within the zone two areas bounded by lines as follows:

In Ex Parte No. MC-37 (Sub-No. 9A), beginning at the intersection of the present limits of the Baltimore commercial zone, and the Howard County-Anne Arundel County line, thence southwesterly along the Howard County-Anne Arundel County line to its intersection with Maryland Highway 32, thence northwesterly along Maryland Highway 32 to its intersection with the right-of-way of Interstate Highway 95, thence southwesterly along the right-of-way of Interstate Highway 95 to its intersection with the Little Patuxent River, thence northwesterly along the Little Patuxent River to the intersection of its north fork and its east fork located approximately 1 mile north of the intersection of Maryland Highway 32 and Berger Road, thence easterly along the east fork of the Little Patuxent River to its intersection with Old Montgomery Road, thence easterly along Old Montgomery Road to its intersection with Maryland Highway 175, thence southerly along Old Montgomery Road to its intersection with Mayfield Avenue, thence southeasterly along Mayfield Avenue to its intersection with Maryland Highway 103, thence southeasterly along Maryland Highway 103 to its intersection with the right-of-way of Interstate Highway 95, thence northeasterly along the right-of-way of Interstate Highway 95 to its intersection with the present limits of the zone, and thence southeasterly along the limits of the zone to the point of beginning.

In Ex Parte No. MC-37 (Sub-No. 9B), beginning at the intersection of the present limits of the Baltimore commercial zone and the Howard County-Anne Arundel County line, thence southwesterly along the boundary line of Howard County-Anne Arundel County to its intersection with Maryland Highway 176, thence southeasterly along Maryland Highway 176 to its intersection with Temporary Interstate Highway 95, thence northeasterly along Temporary Interstate Highway 95 to its intersection with the present limits of the zone, thence northwesterly along the present limits of the zone to the point of beginning.

The areas sought to be included within the zone by these petitions are contiguous to one another, a common line between them being the Howard-Anne Arundel County line.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revisions of the limits of the Baltimore, Md., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before January 30, 1970. Each such statement should disclose the particular area to which the party's interest is directed, and include a statement of position with respect to the proposed revision, and a copy thereof should be served upon the respective petitioners' representatives.

Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14335; Filed, Dec. 2, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 1609]

CALIFORNIA

Opening of National Forest Lands

NOVEMBER 24, 1969.

1. In DA-1090-California, dated July 7, 1969, the Federal Power Commission vacated the withdrawals created pursuant to the filing of applications for Power Project No. 1258 and No. 2126 to the extent that the lands described below are withdrawn therein:

MOUNT DIABLO MERIDIAN

T. 25 N., R. 9 E.,
Sec. 22, S½NW¼NE¼ and N½N½SW¼NE¼.

The area described aggregates approximately 30 acres in Plumas County in the Plumas National Forest.

2. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to authority redelegated to me by the Acting Manager on November 18, 1965 (30 F.R. 14444), as amended, it is hereby ordered that the lands listed in paragraph 1 hereof are hereby open to such forms of disposal as may by law be made of national forest lands effective at 10 a.m. on December 12, 1969, subject to valid existing rights and the requirements of applicable laws and regulations.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-14321; Filed, Dec. 2, 1969; 8:47 a.m.]

[M 052199]

MONTANA

Revocation of Small Tract Classification and Order Opening Lands to Mining Laws

NOVEMBER 26, 1969.

1. Pursuant to the authority delegated to me by Bureau Order No. 701, dated July 23, 1964, as amended, I hereby revoke Small Tract Classification No. 516 appearing on page 6000 of the August 22, 1961, issue of the FEDERAL REGISTER (F.R. Doc. 61-8005) for the following described lands:

T. 2 N., R. 12 W., P.M., Montana,
Sec. 12, E½.

Containing 320 acres.

2. The public lands affected by this order are in an application for withdrawal by the Department of Agriculture for inclusion in the Beaverhead National Forest.

3. The lands have been opened to applications and offers under the mineral leasing laws. They will be open to location under the U.S. Mining Laws beginning at 10 a.m. on December 31, 1969. Locations made prior thereto shall be invalid.

4. Inquiries shall be addressed to the Manager, Land Office, 316 North 26th Street, Billings, Mont. 59101.

JAMES M. LINNE,
Acting State Director.

[FR. Doc. 69-14323; Filed, Dec. 2, 1969; 8:48 a.m.]

[M 14243(SD)]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 25, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application, M 14243(SD), for the withdrawal of national forest lands described below from appropriation under the mining laws but not from leasing under the mineral leasing laws.

The tract of land in Custer County is being used for a public airport and will be used by the U.S. Forest Service as a forest fire control facility site. The applicant desires to withdraw the roadside zone in Pennington County from the mining laws to prevent scarring and defacement of a narrow band of land adjacent to the highway. These public values will be protected by withdrawing the lands from the mining laws.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

BLACK HILLS MERIDIAN

BLACK HILLS NATIONAL FOREST

Custer County Airport

T. 4 S., R. 4 E.,
Sec. 2, lot 8;
Sec. 3, S½N½, excepting portions of H.E.S. 256, H.E.S. 329, and H.E.S. 469.

The above-described lands aggregate 144 acres located in Custer County, S. Dak.

SOUTH DAKOTA HIGHWAY 87—ROADSIDE ZONE

Government lands lying within 200 feet either side of the surveyed centerline of South Dakota Highway 87 through Government lands in the following legal subdivisions:

T. 2 S., R. 4 E.,
Sec. 12, lot 18.
T. 2 S., R. 5 E.,
Sec. 7, lots 1, 2, and 3, NE¼, and NE¼NW¼.

The above-described lands aggregate 65 acres located in Pennington County, S. Dak.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69-14322; Filed, Dec. 2, 1969; 8:48 a.m.]

Bureau of Mines

[Bureau of Mines Manual—Health and Safety Release No. 37]

ASSISTANT DIRECTORS ET AL.

Redelegation of Authority

Health and Safety redelegation of authority issued September 17, 1966 (31 F.R. 12413), is revised to read as follows:

PART 205—GENERAL DELEGATIONS

205.11.2 *Negotiated contracts.* The officials listed below are authorized to enter into open market purchases not to exceed $2,500 for any single transaction:

Assistant Directors.
District Managers.
Chief, Office of Education and Behavorial Science.
Director, Technical Support Center.

Provided, That the limitation shall not exceed $250:

Subdistrict Managers.
Chief, Denver Field Health Group.
Chief, Pittsburgh Field Health Group.

The authority delegated herein shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

This authority may not be redelegated without written approval of the Associate Director—Health and Safety.

HENRY P. WHEELER, JR.,
Acting Associate Director—Health and Safety.

[F.R. Doc. 69-14281; Filed, Dec. 2, 1969; 8:45 a.m.]

Office of the Secretary

G. EVERETT MILLICAN

Statement of Changes in Financial Interests

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

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 25, 1969.

Dated: November 12, 1969.

G. EVERETT MILLICAN.

[F.R. Doc. 69-14324; Filed, Dec. 2, 1969; 8:48 a.m.]

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

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

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 26, 1969.

Dated: November 19, 1969.

WILLIAM R. REMALIA.

[F.R. Doc. 69-14325; Filed, Dec. 2, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

December Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

1. The U.S. Department of Agriculture announced the minimum prices at which Commodity Credit Corporation (CCC) commodity holdings are available for sale, beginning at 3 p.m., e.s.t., November 28, 1969. These prices, subject to amendment, will continue until superseded by the January Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, soybeans, peanuts, tung oil, cottonseed oil, butter, and nonfat dry milk.

Added to the sales list for December is grain sorghum for export. Offerings of storable grain sorghum for unrestricted use have been deleted. Offerings of cottonseed meal have also been deleted.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list. For commodities stored at other locations, the information may be attained from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

2. In the following listing of Commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Interest rates per annum under the CCC Export Credit Sales Program (Regulations GSM-4) for December 1969 are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include barley, bulgur, cattle (beef and dairy breeding), corn, cornmeal, cotton (upland and extra long staple), cottonseed meal, cottonseed oil, dairy products, flaxseed, grain sorghum, lard, linseed oil, oats, raisins, rice (milled and brown), rye, soybean oil, tallow, tobacco, wheat, and wheat flour. These commodities are subject to certain area limitations. Commodities purchased from CCC may be financed for export from private stocks under the GSM-4 regulations.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of Assistant Sales Manager, Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

4. The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley (other than malting barley), oats, wheat, and wheat flour, and milled and brown rice, under Announcement PS-1, as amended; cottonseed oil and soybean oil under Announcement PS-2; tobacco under Announcement PS-3; upland and extra long staple cotton under Announcement PS-4; and inedible tallow and grease under Announcement PS-5; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter, Hard Red Spring, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

5. The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with re-

spect to all commodities or—for specified commodities—with the designated ASCS commodity office.

6. Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

7. On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated by the U.S. Department of Commerce. These restrictions also apply to any commodities purchased from the Commodity Credit Corporation whether sold for unrestricted or restricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Export Control Regulations. Additional information is available from the Bureau of International Commerce or from the offices of the Department of Commerce.

See footnotes at end of document.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate [2] for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store).* [3]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.11½	$0.09	Minneapolis—No. 1 DNS ($1.57) 115 percent +$0.09; $1.90. Portland—No. 1 SW ($1.45) 115 percent +$0.09; $1.76. Kansas City—No. 1 HRW ($1.45) 115 percent +$0.09; $1.76. Chicago—No. 1 RW ($1.46) 115 percent +$0.09; $1.77.

Export.

A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR-345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

SOYBEANS, BULK

Unrestricted use.

A. *Storable—Port positions (basis Grade 1 in-store).* Market price but not less than $2.63 per bushel at Great Lakes terminals; $2.69 gulf; and $2.70 east coast.

Interior positions (basis Grade 1 in-store). Market price but not less than the 1969 base loan rate where stored plus 32 cents per bushel.

Market discounts will be applied in determining the minimum price of lower grades.

B. *Nonstorable.* At not less than the market price as determined by CCC.

Available. Kansas City, Chicago, and Minneapolis ASCS Grain Offices.

CORN, BULK

Unrestricted use.

A. *Storable—Redemption of domestic payment-in-kind certificates.* Market price as determined by CCC, but not less than 115 percent of the applicable 1969 price-support loan rate [2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.07	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.09+$0.02½) 115 percent +$0.07; $1.36.

Available. Chicago, Kansas City, and Minneapolis, ASCS grain offices.

GRAIN SORGHUM, BULK

Unrestricted use.

Nonstorable. At not less than market price as determined by CCC.

Export: Export market price, as determined by CCC but not less than $2.35 per hundredweight in-store west coast ports Grade 2 or better, or $2.20 per hundredweight in-store gulf ports Grade 2 or better, or $2.41½ per hundredweight on track Texas border points Grade 2 or better. Sales will be made p rsuant to Announcement GR-212.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable—Redemption of domestic payment-in-kind certificates (basis in-store):* Market price, as determined by CCC, but not less than the 1969 price-support loan rate where stored for the class, grade, and quality of the barley plus 24 cents per bushel if received by truck or 21½ cents per bushel if received by rail or barge.

B. *Nonstorable.* At not less than market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

OATS, BULK

Unrestricted use.

A. *Storable (basis in-store).* Market price, as determined by CCC, but not less than the applicable 1969 price-support rate where stored for the class, grade, and quality of the oats plus 21 cents per bushel.

B. *Nonstorable.* At not less than the market price as determined by CCC.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent [2] of the applicable 1969 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.11½	$0.09	Agriculture Act of 1949: statutory minimums. Rolette County, N. Dak. ($0.86); 115 percent +$0.11½; $1.10½. Minneapolis, Minn. ($1.22) 115 percent +$0.09; $1.50.

C. *Nonstorable.* At not less than market price as determined by CCC.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1969 loan rate plus 5 percent, plus 26 cents per hundredweight, basis f.o.b. warehouse.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1969 price-support rate[2] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
$0.13½	$0.09¼	Minneapolis, Minn. ($3.01); 105 percent + $0.09¼; $3.25¼.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

COTTON, UPLAND

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–31 (Revised) (Disposition of Upland Cotton—In Liquidation of Rights in a Certificate Pool, Against the "Shortfall," and Under Barter Transactions). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC which will be based on 110 percent of the price-support loan rate for Middling 1-inch cotton at average location at the time of delivery, plus reasonable carrying charges for the month in which the sale is made. Carrying charges are 30 points per pound. In no event will the price for any cotton be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time of delivery.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31, as amended, at the prices described in the preceding paragraph.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2). Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made. Carrying charges are 30 points per pound.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

COTTONSEED OIL, REFINED (BULK)

Export.

Competitive offers under the terms and conditions of Announcement NO–CS–9. Sales will be made only for export to restricted destinations. Oil sold under NO–CS–9 may be exported only against dollar sales or under the CCC export credit sales program (GSM–4).

Available. New Orleans ASCS Commodity Office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Tex. 76454.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Oilseed and Special Crops Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–7120.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price, and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.
Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only). Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.
Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725–2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.
Idaho, Oregon, Utah, and Washington (domestic and export sales). California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725–3290.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

[1] See footnote at end of document.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264-8439, 8440, 8441.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725-7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587-4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.

North Dakota, Post Office Box 2017, 657 Second Avenue N., Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254-4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on November 26, 1969.

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

[F.R. Doc. 69-14301; Filed, Dec. 2, 1969; 8:46 a.m.]

Office of the Secretary

FOREIGN ECONOMIC DEVELOPMENT SERVICE

Implementation of Reorganization

Implementation of reorganization of the Department with respect to foreign economic development activities.

In accordance with Reorganization Plan No. 2 of 1953, the Department of Agriculture gave advance notice in the FEDERAL REGISTER of November 14, 1969 (34 F.R. 18319), concerning the proposed establishment of the Foreign Economic Development Service, and transfer of functions and delegations of authority from the Foreign Agricultural Service to the new agency.

Effective December 1, 1969:

1. There is established the Foreign Economic Development Service under the direction of Dr. Quentin M. West as Administrator who will report to the Secretary through the Director of Agricultural Economics.

2. There is transferred to the Foreign Economic Development Service all international agricultural development, technical assistance and training functions administered by the Foreign Agricultural Service.

3. Support activities such as accounting, budget, personnel and other administrative services as are required by the new agency will be provided by the Office of Management Services.

4. All previously effective rules, regulations, licenses, approvals, orders, forms, certificates, and other official documents relating to functions transferred shall continue to be effective until further notice, except that any delegations or authorizations inconsistent with the assignments made herein shall be construed to conform to the assignments made herein.

Done at Washington, D.C., this 26th day of November 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14302; Filed, Dec. 2, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-244]

CARRIAGE OF COMMERCIAL CARGOES AND PREFERENCE CARGOES

Notice of Fact-Finding Hearing

By petition to the Secretary of Commerce dated July 1, 1969, the American Maritime Association (AMA) applied, pursuant to § 201.61 of the rules of practice and procedure, U.S. Department of Commerce, Maritime Subsidy Board/Maritime Administration, for the issuance of the following three rules governing award of operating subsidy contracts:

RULE 1

The Secretary of Commerce interprets the statute as forbidding, and he will in no case award, operating-differential subsidy contracts in the absence of substantial foreign competition for the cargo the applicant carries or will carry. Services devoted primarily to preference cargo are specifically included within this rule and will not qualify for subsidy.

RULE 2

Hearings under section 605(c) Merchant Marine Act, 1936, will receive proof of the scope and impact of all classes of cargo, including military cargo, in the carriage of which American vessels are by law entitled to preference. Such proof will include the extent to which applicants for subsidy or for expansion of subsidy carried and may reasonably be expected to carry such preference cargo.

RULE 3

A. No operating-differential subsidy shall be paid to carriers holding contracts under the Merchant Marine Act, 1936, except with respect to commercial carryings. If the subsidized vessel earns any gross revenue from other than commercial carryings the subsidy payment for the entire voyage shall be reduced by an amount that bears the same ratio to the subsidy otherwise payable as such gross revenue bears to the gross revenue derived from the entire voyage. For the purposes of this computation, gross revenue shall be calculated net of cargo loading and discharging cost. As used herein, "commercial carryings" means carryings of private commercial cargo or passengers in foreign commerce in respect of which the contractor meets substantial foreign-flag competition. The determinations of the Secretary hereunder shall be final.

B. If a vessel for which a construction-differential subsidy has been paid is subject to an operating-differential subsidy contract, and such vessel carries cargoes other than commercial cargoes on liner terms, the owner shall pay annually to the Secretary that proportion of one twenty-fifth of such construction subsidy plus interest thereon at 6 percent per annum (computed on a level basis over 25 years) which the gross revenue derived from such cargoes bears to the gross revenue derived from the entire voyages of such vessel during such year, or if such vessel shall carry such cargoes on charter terms, the owner shall pay to the Secretary an amount which bears the same proportion to the construction subsidy plus interest thereon at 6 percent per annum (computed on a level basis over 25 years) as the duration of such charter bears to such period of 25 years. Gross revenue shall be calculated net of cargo loading and discharging cost.

Petitioner avers that the above proposed rules must be adopted to insure that only a service that encounters substantial foreign competition will be eligible for subsidy, a result claimed to comport with the purposes and policies of the Merchant Marine Act, 1936 and particularly sections 601(a)(1), 601(a)(4), 602, 603, 604, 605(a), and 605(c) thereof.

On July 25, 1969, a reply to the aforesaid petition was filed by the Liner Council, American Institute of Merchant Shipping (AIMS) which cites numerous factual, legal, and policy reasons allegedly justifying the denial of the petition.

AMA's August 11, 1969, answer to AIMS's reply controverts a series of statements and arguments made in the latter document.

Additionally, Matson Navigation Co., filed comments to AMA's petition and AIMS's reply thereto, which endorses

AMA's request that a rule making proceeding be instituted to resolve the issues therein raised.

The Secretary of Commerce has referred AMA's petition to the Maritime Subsidy Board.

In view of the nature of the issues raised and the desire of this Board to examine the matter and to resolve those issues on the basis of factual information, hereinafter identified, to be presented to the Board, and notwithstanding that section 4 of the Administrative Procedures Act, 5 U.S.C.A. 553, exempts subsidy programs from rule making, the Board, in the exercise of its discretion, will develop a fact record in a public hearing in order that it will be in a position to make a considered administrative review of the issues presented in the AMA petition.

Therefore, it is ordered, that the Chief Hearing Examiner (or his designee) act as representative of the Board and conduct a fact-finding hearing bearing on title VI of the Act and section 204 thereof on the following items:

1. The method or methods utilized by the Government and shippers for selection of the carriers of Government-sponsored or Government-impelled cargoes, which includes military cargoes (hereafter "preference cargoes").

2. Circumstances under which foreign flag lines may (and the extent to which they do) carry preference cargoes.

3. The manner, if any, in which a subsidized operator's ability to penetrate into and carry the pool of commercial cargo is adversely affected by the carriage of preference cargoes.

4. The extent of available useful free space aboard vessels which are carrying preference cargoes.

5. The ratio of movement of commercial cargoes to preference cargoes by both subsidized and nonsubsidized operators on a voyage basis.

6. Identification of all commercial cargoes regarding which there is an absence of substantial foreign-flag competition.

7. The financial impact on both subsidized and nonsubsidized American-flag operators resulting from the carriage of preference cargoes.

8. Identification of companies operating U.S.-flag and foreign-flag vessels on the same route and the extent to which they participate in the movement (and the ships on which moved) of commercial cargoes and preference cargoes.

9. Any other facts germane to the issues presented by the AMA petition.

It is further ordered, That upon the submission to the Board of the Examiner's findings of fact, copies of which shall be served on all interested parties, parties to the proceeding shall have 30 days in which to submit their views, comments, or arguments with respect thereto to the Board. Thereafter, the Board will review the findings of fact and the comments and arguments and will determine what, if any, proposed rules should be issued. All interested parties will be given an opportunity to comment on any of the proposed rules prior to their adoption.

It is further ordered, That notice of this order shall be published in the FEDERAL REGISTER.

Dated: December 1, 1969.

So ordered by the Maritime Subsidy Board/Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-14377; Filed, Dec. 2, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-133; NADA No. 12-957]

PITMAN-MOORE

Toldex Tablets; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing on the proposed withdrawal of approval of new animal drug application No. 12-957 pertaining to Toldex Tablets was published in the FEDERAL REGISTER of June 25, 1969 (34 F.R. 9820). The notice offered the holder of said application, Pitman-Moore, Division of the Dow Chemical Co., Zionsville, Ind. 46077, an opportunity for a hearing on the matter. The firm subsequently transferred all rights pertaining to said application to Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034. The latter firm elected not to avail themselves of an opportunity for a hearing and requested that approval of said application be withdrawn.

Based on the foregoing request and on the findings set forth in the notice of opportunity for a hearing, the Commissioner of Food and Drugs concludes that approval of new animal drug application No. 12-957 should be withdrawn.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 12-957, including all amendments and supplements pertaining thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: November 24, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-14308; Filed, Dec. 2, 1969; 8:47 a.m.]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 5-C, Delegations of Authority, as follows:

After the subparagraph numbered (6) of the paragraph entitled *Specific delegations*, add a new subparagraph reading:

(7) The functions vested in the Secretary under section 353 of the Public Health Service Act, 42 U.S.C. 263a, relating to clinical laboratories, except the approval and disapproval of national bodies for accreditation purposes pursuant to paragraph (2) of subsection (d).

Dated: November 24, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14329; Filed, Dec. 2, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION VI (SAN FRANCISCO)

Designation

Harvey N. Kroll, Deputy Assistant Regional Administrator for Program Coordination and Services, Region VI (San Francisco), is hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region VI (San Francisco), during the present vacancy in the position of Assistant Regional Administrator for Program Coordination and Services, Region VI, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services, Region VI.

(Secretary's delegation effective May 4, 1969)

Effective date. This designation is effective as of August 4, 1969.

LESTER P. CONDON,
Assistant Secretary for Administration.

[F.R. Doc. 69-14316; Filed, Dec. 2, 1969; 8:47 a.m.]

ACTING REGIONAL ADMINISTRATOR ET AL., REGION V (FORT WORTH)

Designations

A. The officers appointed to the following listed positions in Region V (Fort Worth) are hereby designated to serve as Acting Regional Administrator, Region V, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Program Coordination and Services.

B. The officers appointed to the following listed positions in Region V (Fort Worth) are hereby designated to serve as the specified Acting Assistant Regional Administrator during the absence of each respective Assistant Regional Administrator, with all of the powers, functions, and duties redelegated or assigned to each: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator unless all other officers whose titles precede his in the following respective designations are unable to act by reason of absence:

1. Acting Assistant Regional Administrator for Administration:
a. Director, Personnel Operations Division, Office of Administration.
b. Director, Management and Organization Division, Office of Administration.
2. Acting Assistant Regional Administrator for Equal Opportunity:
a. Deputy Assistant Regional Administrator for Equal Opportunity.
b. Director, Contract Compliance and Employment Opportunity Division, Equal Opportunity Office.
c. Director, Assisted Program Division, Equal Opportunity Office.
d. Director, Housing Opportunity Division, Equal Opportunity Office.
e. Chief, Program Management and Control Branch, Equal Opportunity Office.
3. Acting Assistant Regional Administrator for FHA:
a. Deputy Assistant Regional Administrator for FHA.
b. Director, Low Income Housing and Rent Supplement Division, Office of the Assistant Regional Administrator for FHA.
c. Director, Regional Advisory and Technical Services, Office of the Assistant Regional Administrator for FHA.
4. Acting Assistant Regional Administrator for Housing Assistance:
a. Deputy Assistant Regional Administrator for Housing Assistance.
b. Director, Production Division, Housing Assistance Office.
c. Director, Technical Service Division, Housing Assistance Office.
d. Director, Tenant and Operations Services Division, Housing Assistance Office.
5. Acting Assistant Regional Administrator for Metropolitan Development:
a. Deputy Assistant Regional Administrator for Metropolitan Development.
b. Chief, Finance Branch, Metropolitan Development Office.
c. Director, Program Field Service Division, Metropolitan Development Office.
6. Acting Assistant Regional Administrator for Model Cities:
a. Federal Agency Liaison Specialist, Office of the Assistant Regional Administrator for Model Cities.
b. Citizen Participation Adviser, Office of the Assistant Regional Administrator for Model Cities.
c. Manpower and Economic Development Adviser, Office of the Assistant Regional Administrator for Model Cities.
d. Social Services Adviser, Office of the Assistant Regional Administrator for Model Cities.
7. Acting Assistant Regional Administrator for Program Coordination and Services:
a. Director, Economic and Market Analysis Division, Program Coordination and Services Office.
b. Director, Planning Division, Program Coordination and Services Office.
c. Director, Community Services Division, Program Coordination and Services Office.
d. Director, Relocation Division, Program Coordination and Services Office.
8. Acting Assistant Regional Administrator for Renewal Assistance:
a. Deputy Assistant Regional Administrator for Renewal Assistance.
b. Director, Field Services Division, Renewal Assistance Office.
c. Chief, Processing Control and Reports Branch.

These designations supersede the designations effective December 10, 1968 (33 F.R. 18305, Dec. 10, 1968), as amended effective March 3, 1969 (34 F.R. 6708, Apr. 19, 1969), and effective May 8, 1969 (34 F.R. 12142, July 19, 1969).

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date. These designations shall be effective as of October 30, 1969.

LEONARD E. CHURCH,
Acting Regional Administrator, Region V (Fort Worth).

[F.R. Doc. 69-14317; Filed, Dec. 2, 1969; 8:47 a.m.]

ACTING REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region VI (San Francisco), during the absence of the Regional Administrator with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Renewal Assistance.
4. Assistant Regional Administrator for Federal Housing Administration.

This designation supersedes the designation effective September 17, 1969 (34 F.R. 15818-15819, Oct. 14, 1969).

(Delegation effective May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 1st day of November 1969.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 69-14318; Filed, Dec. 2, 1969; 8:47 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Administration, Region VI (San Francisco), during the present vacancy in the position of Assistant Regional Administrator for Administration, Region VI, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Administration: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Administration unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Director, Budget Division.
2. Director, Financial Review and Accounting Division.
3. Director, Personnel Operations Division.
4. Director, Management and Organization Division.
5. Director, General Services Division.

(Redelegation by Assistant Secretary for Administration to Regional Administrators effective May 4, 1969)

Effective as of the 1st day of November 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69-14319; Filed, Dec. 2, 1969; 8:47 a.m.]

ACTING DIRECTOR, NORTHWEST AREA OFFICE, SEATTLE, WASH., REGION VI

Designation

The officials named herein and appointed to the following listed positions in the Northwest Area Office, Seattle, Wash., Region VI, are hereby designated to serve as Acting Director, Northwest Area Office, Region VI, during the present vacancy in the position of Director, Northwest Area Office, with all the powers, functions, and duties redelegated or assigned to the Director: *Provided*, That no official is authorized to serve as Acting Director, Northwest Area Office, unless all other officials whose names and titles precede his in this designation are unable to act by reason of absence:

(1) M. Perry Hobbs, Deputy Director, Northwest Area Office.
(2) Nile B. Paull, Director, Renewal Assistance Division, Northwest Area Office.
(3) N. Baxter Jenkins, Area Counsel, Northwest Area Office.

This designation supersedes the designation effective March 1, 1969 (34 F.R. 7551, May 9, 1969).

(Redelegation by Assistant Secretary for Administration to Regional Administrators effective Jan. 10, 1967)

Effective as of the 1st day of November 1969.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 69-14320; Filed, Dec. 2, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION DISTRICT OFFICE AT CASPER, WYO.

Notice of Opening

Notice is hereby given that on or about December 1, 1969, the Federal Aviation Administration will open a General Aviation District Office at Casper, Wyo. Service to the general aviation public of Wyoming, currently provided by the Cheyenne GADO, will be transferred to and continued at the Casper General Aviation District Office. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, Calif., on November 20, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14312; Filed, Dec. 2, 1969; 8:47 a.m.]

GENERAL AVIATION DISTRICT OFFICE AT CHEYENNE, WYO.

Notice of Closing

Notice is hereby given that on or about January 9, 1970, the General Aviation District Office at Cheyenne, Wyo., will be closed. Service to the general aviation public of Wyoming, formerly provided by this office, will be provided by the General Aviation District Office in Casper, Wyo. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, Calif., on November 20, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14313; Filed, Dec. 2, 1969; 8:47 a.m.]

AREA OFFICE AT HONOLULU, HAWAII

Notice of Closing

Notice is hereby given that on November 30, 1969, the Federal Aviation Administration Area Office in Honolulu, Hawaii, will be closed. Operations and services provided the public by this area office will be absorbed by the parent FAA regional headquarters office currently located in Honolulu. Appropriate regional headquarters divisions will assume the functions previously performed by the area office. The major operating programs with which the public is concerned in this action are air traffic and airway facilities.

Field offices and facilities in the affected area will continue to serve as in the past. Submissions to, and contacts with, such field elements remain the same. Communications to the regional headquarters should be addressed as follows:

Director, FAA Pacific Region, Post Office Box 4009, Honolulu, Hawaii 96812.

This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Honolulu, Hawaii, on November 21, 1969.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 69-14314; Filed, Dec. 2, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20993, 20291; Order 69-11-123]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare and Rate Matters

Issued under delegated authority November 26, 1969.

By Order 69-11-27, dated November 7, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement raises from 5 to 10 the unit used in the rounding-off of passenger fares and cargo rates in Spain to reflect the removal of 5-cent coins from legal use in that country.

In deferring action on the agreement, 7 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69-11-27 will herein be made final.

Accordingly, It is ordered, That:

Agreement CAB 21382, R-1 and R-2, be, and hereby is, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14346; Filed, Dec. 2, 1969; 8:49 a.m.]

[Docket No. 21656; Order 69-11-137]

PIEDMONT AVIATION, INC.

Order of Investigation and Suspension Regarding Signature Freight Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of November 1969.

By tariff revision filed bearing the posting date of October 29, 1969, and marked to become effective December 13, 1969, Piedmont Aviation, Inc. (Piedmont), proposes to establish provisions for person-to-person signature service in connection with its freight operations. The foregoing service would provide that each employee or agent of the carrier will execute a signed receipt upon accepting custody of a shipment and obtain a signed receipt upon relinquishing custody of the shipment to another employee, agent or consignee. However, no receipt will be secured from the flight crew or attendants of carrier's aircraft on which shipments are being transported. The charge for this service would be $10.

Upon consideration of all relevant matters, the Board finds that the foregoing charge may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. Other direct carriers furnishing person-to-person signature service, including all domestic passenger/cargo and local service carriers, all-cargo carriers, both domestic and international/territorial, and most Alaskan carriers, charge $1 for the service. Piedmont does not adequately support its proposed $10 charge.

The carrier asserts, inter alia, that additional procedures, forms, and handling techniques above those required for regular shipments would be an integral part of the service; that separate procedures will be listed in operating manuals; that special forms and labels would be required in addition to all other applicable documents; that receipt, handling, loading, unloading, and delivery into the custody of the consignee would be accomplished by supervisory personnel; that shipments must be loaded in inaccessible aircraft cargo compartments; that special teletype messages must be sent from the originating station to intermediate and terminating stations; and that special security areas must be made available for holding or storage. Piedmont concludes that the foregoing additional costs justify the establishment of a charge higher than that currently in effect for other carriers offering this service.

The carrier, however, nowhere presents any dollars-and-cents figures indicating the extent to which the foregoing additional services for signature service result in additional costs. A description of the services rendered in connection with signature service indicates that an additional charge for such service is justified, but this description does not indicate what this additional charge should be. In view of the foregoing, the Board is not prepared to permit the proposed $10 charge to become effective without investigation, and the proposal will be suspended.

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

It is ordered, That:

1. An investigation is instituted to determine whether the charge and provisions described in Appendix A attached hereto,[1] and rules, regulations, or practices affecting such charge and provi-

[1] Filed as part of the original document.

sions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful charge and provisions, and rules, regulations, and practices affecting such charge and provisions;

2. Pending hearing and decision by the Board, the charge and provisions described in Appendix A attached hereto [1] are suspended and their use deferred to and including March 12, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Piedmont Aviation, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14347; Filed, Dec. 2, 1969; 8:49 a.m.]

[Docket No. 21136; Order 69-11-133]

RENO-PORTLAND/SEATTLE NONSTOP SERVICE INVESTIGATION

Order Granting and Denying Reconsideration and Granting Intervention

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of November 1969.

Within the time fixed in Order 69-6-164 a number of petitions for reconsideration and revision, and answers thereto, were filed as a result of which there is now presented for disposition: (1) A petition by United Air Lines, Inc., for reconsideration insofar as said order denied the request for expeditious treatment of the Air West-United proposal referred to therein; (2) a motion by Alaska Airlines, Inc., to extend the scope of the investigation to include Las Vegas-Portland/Seattle service; (3) a petition of Western Air Lines, Inc., to adopt a pretrial restriction prohibiting single-plane service between Las Vegas and Portland/Seattle; and (4) a petition on behalf of the city of Klamath Falls, Oreg., to include as part of the investigation consideration of the need of Klamath Falls for service to and from Reno. Petitions for leave to intervene have been filed on behalf of a number of civic and governmental units of the State of Washington, the State of Oregon and the cities of Portland, Seattle, Reno, and Las Vegas.

Upon consideration of the petitions, motions, and answers thereto, we have decided to deny the requests of United and Air West, to grant those of Alaska Airlines and Klamath Falls and to grant the petitions for leave to intervene.

The Air West-United proposal includes an agreement for the transfer of the latter's route authority at Elko and Ely, Nev., contingent upon approval of some other changes in the Air West system. It also includes a wet lease agreement under which Air West would operate for United a daily round trip over the latter's route between Salt Lake City and San Francisco via the intermediate points Ely, Elko, Reno, and Oakland. Order 69-6-164 denied a motion for expeditious consideration of the route transfer agreement and the contingent route revisions and also denied approval of the wet lease agreement and an accompanying exemption request. On October 20, 1969, United filed a "Notification of Partial Withdrawal" insofar as its petition seeks reconsideration of the disapproval of the wet lease agreement. While normally such action would render moot that part of the reconsideration petition, we will consider it as still before us in view of a controversy that apparently now exists between United and Air West concerning the agreement.[1]

In seeking reconsideration, United contends that service by it at Elko and Ely, Nev., is, in fact, an economic burden and that the request for expeditious treatment did not allege factual details because its purpose was to establish them at the expedited hearing by an appropriate evidentiary showing. It now estimates the loss from serving Elko and Ely with DC-6 aircraft at $300,000 per year and with jet aircraft at an additional $100,000 to $125,000 as depreciation expense, and it claims additional costs with a jet service will be incurred because of extreme airport limitations. It also contends that a feasible operation could be conducted by Air West and that it should have an opportunity to examine the analysis referred to in Order 69-6-164 upon which we base the statement that Air West's proposed east-west service to Ely and Elko would produce an operating loss and a subsidy need.

Even assuming an economic burden in the amounts now alleged by United, we are not convinced that we should order expedited consideration of the joint proposal or any of the piecemeal alternatives now suggested such as an east-west service by Air West, but without other route amendments, temporary approval of the wet lease agreement or an expedited hearing thereon, or a Board instituted investigation for the suspension of service by United at Elko and Ely. It is our judgment that orderly procedure under the existing circumstances requires consideration of additional service between Reno and Portland/Seattle independently of any proposal to permit United to suspend service at Elko and Ely, either with or without considering the authorization of a substituted service by Air West. As to the suggestion that the Board institute an investigation for the suspension by United, such a step would be inappropriate by the Board on the basis of the data available in the filings herein. More appropriately United might consider a reexamination of the various factors and if it deems such a step advisable to undertake it on its own initiative.

In support of its motion to add Las Vegas, Alaska contends that this city is in a status similar to that of Reno with respect to Portland and Seattle. While the Las Vegas traffic with Portland and Seattle is somewhat less than that produced by Reno, recent figures show that the former is growing at a greater rate so that the overall volumes may be reasonably comparable in the near future.[2] Added to this approaching comparability in the markets is the fact that United has unrestricted nonstop authority between Reno and Portland/Seattle while no carrier is authorized to operate nonstop in the Las Vegas-Portland/Seattle market. Under the circumstances it would appear to be appropriate to consider in this case the possibility of authorizing at least one nonstop carrier in the latter market.

Alaska Airlines would accomplish the Las Vegas expansion by consolidating its application in Docket 21202, in which it seeks a route segment between the coterminal points Seattle/Tacoma and Portland and the coterminal points Reno and Las Vegas. While it does not urge the Las Vegas expansion Western asks, in the event the Board agrees with Alaska Airlines, that a Western application in Docket 17926 be consolidated. This application seeks a new linear route segment between the terminal point Las Vegas, the intermediate point Reno and the coterminal points Portland and Seattle. If granted in the form in which the authority is requested either carrier could carry traffic between Las Vegas and Reno in competition with Air West. While this issue could be eliminated with a pretrial condition that a Las Vegas, Portland, Seattle/Tacoma service should be authorized as a separate segment, it appears to be more appropriate to reach a decision on this point after the completion of the evidentiary record. Accordingly, the issues will include whether the public convenience and necessity require the authorization of a Las Vegas-Portland, Seattle/Tacoma service either direct or via Reno.

Expansion of the scope of the proceeding to include Las Vegas makes it unnecessary to consider Western's request to insert a pretrial restriction against the

[1] On the same day that the "Notification" was filed, United and Frontier Airlines filed a joint application in Docket 21537 for approval of an agreement under which Frontier would provide a service for United similar to that which was contemplated by the Air West agreement. Air West has filed an answer in that docket objecting to approval of the Frontier agreement and contending that it considers its agreement with United to be an effective agreement, at least until the reconsideration petitions have been acted upon.

[2] 1967 figures show the Reno traffic about double that of Las Vegas. However, figures for the first quarter of 1968 show a Las Vegas-Seattle O&D total of 6,780, an increase of 75 percent over the same quarter of 1967 compared to a Reno-Seattle total of 7,790 and a 47 percent increase. The comparable Portland figures were Las Vegas 3,950 and a 56 percent increase and Reno 6,720 and a 19 percent increase.

operation of through-plane service between Las Vegas and Portland and Seattle/Tacoma via Reno.

While the Klamath Falls application in Docket 20497 seeking direct service to Reno and Portland and its motion to consolidate with the Air West-United proposal were pending when Order 69–6–164 was adopted, the request for inclusion was neither granted nor denied.[1] On reconsideration we now recognize that while Klamath Falls was seeking consolidation of its application with the proposal advanced by Air West and United it was interested only in the segment selected out of that package for separate consideration in this investigation. In view of its location, almost directly on line between Reno and Portland and approximately midway on this 445-mile segment, it appears that it can be considered for service without adding any complexity to the investigation.

The objection of Air West and the Bureau is based upon a conviction that the Klamath Falls traffic contribution will be very light and that the service it seeks would be more appropriately considered as a local service matter because of the subsidy implications and not as part of a segment as to which a nonsubsidy condition will apply. This difficulty can be met by including as an issue whether a service at Klamath Falls should be authorized with or without subsidy.

All of the petitions for leave to intervene referred to above recite facts which entitle the petitioners to be heard as formal parties to the case.

Accordingly, it is ordered:

1. That the petition of United Air Lines, Inc., for reconsideration be and it is hereby denied;

2. That the motion of Alaska Airlines, Inc., to modify the scope of the proceeding so as to include a consideration of Las Vegas-Portland/Seattle service be and it hereby is granted;

3. That the petition of Western Air Lines, Inc., for reconsideration and for the adoption of a pretrial restriction with respect to through-plane service for Las Vegas-Portland/Seattle be and it hereby is dismissed;

4. That the applications of Alaska Airlines, Inc., Docket 21202, Air West, Inc., Docket 21198, and Western Air Lines, Inc., Docket 17926 insofar as they request authority within the scope of this proceeding be and they are hereby consolidated;

5. That the application of Klamath Falls in Docket 20497 be and it hereby is consolidated for hearing and decision herein and the investigation will be expanded to consider whether the public convenience and necessity require the designation of Klamath Falls as an intermediate point between Reno and Portland as part of any service authorized herein;

6. That the petitions on behalf of the State of Washington Parties, the State of Oregon Parties and the cities of Portland, Seattle, Reno, and Las Vegas for leave to intervene be and they are hereby granted; and

7. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–14348; Filed, Dec. 2, 1969; 8:49 a.m.]

[Docket No. 21384; Order 69–11–136]

WESTERN AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of November 1969.

On September 4, 1969, Western Air Lines, Inc. (Western), filed an application, Docket 21384, for an amendment of its certificate of public convenience and necessity for route 35 so as to modify condition (4),[1] insofar as it precludes single-plane service between San Francisco/San Jose or Oakland and Minneapolis/St. Paul on a "less than nonstop basis", through the issuance of an order to show cause why Western's certificate should not be amended as requested, or in the alternative, that the Board issue an order pursuant to section 416 of the Act permanently exempting Western from the operation of condition (4) insofar as it would prevent single-plane service between San Francisco/San Jose or Oakland and Minneapolis/St. Paul on a "less than nonstop basis."

In conjunction with the setting down of the Twin Cities-California Service Investigation, Order E–24071, dated August 12, 1966, the Board granted Western an exemption from the terms and limitations of its certificate of public convenience and necessity for route 35 insofar as they would otherwise prevent Western from providing nonstop or through-plane service between Minneapolis/St. Paul, Minn., and San Francisco/San Jose or Oakland, Calif. This exemption authority was subject to automatic termination 90 days after final Board action in the Twin Cities-California Service Investigation.[2] By Order 69–8–14, dated August 5, 1969, the Board issued its decision in the Twin Cities-California Service Investigation. Accordingly, under the terms of Order E–24071 single-plane authority on route 35 expired automatically on November 3.[3]

Pursuant to exemption authority granted by Order E–24071, Western presently provides one daily passenger round trip between San Francisco and the Twin Cities via Denver. In addition, Western has recently inaugurated all-cargo service between these points. Western alleges that the present Twin Cities-San Francisco cargo market is in a developmental stage and is insufficient alone to support nonstop all-cargo service. Therefore, support from the intermediate point Denver is necessary to continue the full development of its new service.

No answers have been filed.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant Western's request for an order to show cause, and we tentatively find and conclude that the public convenience and necessity require the modification of condition (4) of the certificate of Western Air Lines, Inc., for route 35 in such a manner as to authorize single-plane service between San Francisco/San Jose or Oakland, Calif., and Minneapolis/St. Paul, Minn., via the intermediate point Denver, Colo. We further find that Western has recently been granted San Francisco-Twin Cities nonstop authority and in fact has provided such nonstop service pursuant to exemption authority granted August 12, 1966.

In support of our ultimate findings, we tentatively find and conclude as follows: That Western presently operates a limited service pattern between San Francisco and Twin Cities via the intermediate point, Denver; that the continuation of Western's San Francisco flights via Denver should provide appreciable benefits for the traveling public; that the modification of condition (4) of Western's route 35 should enable Western to further develop its present all-cargo services; and that grant of the authority in question will not adversely affect any air carrier.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedents or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Western Air Lines certificate of public convenience and necessity for route 35 by modifying condition (4) to read as follows:

[1] The Klamath Falls request was referred to in the order but it was found unnecessary to rule upon it since the action being taken with respect to the Air West-United proposal was simply to refuse expeditious treatment thereof.

[1] Condition (4) of Western's route 35 reads as follows: "The holder shall not operate through-plane service between Reno, Nev., and San Francisco-San Jose or Oakland, Calif., on the one hand, and points (other than Denver, Colo.) north or east of Salt Lake City, Utah, on its routes 19, 28, and 35, on the other hand."

[2] Multistop authority was not an issue in this investigation.

[3] On Nov. 3, 1969, an order was issued in Docket 16866 (Order 69–11–1) granting Western a temporary extension of its exemption authority for a period of 60 days, or until final Board decision on Western's application in this docket.

(4) The holder shall not operate single-plane service between Reno, Nev., and San Francisco-San Jose or Oakland, Calif., on the one hand, and points (other than Denver, Colo.) north or east of Salt Lake City, Utah, on its routes Nos. 19, 28, and 35 on the other hand: *Provided, however,* That the holder may operate single-plane service between San Francisco-San Jose or Oakland, Calif., and Minneapolis-St. Paul, Minn., via the intermediate point Denver, Colo.

2. That any interested person having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein, shall, within 20 days after service of this order, file with the Board and serve upon all persons upon whom this order is served, a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections;

3. That all motions and/or petitions for reconsideration shall be filed within the period for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. That except to the extent otherwise granted herein, Western's application in Docket 21384, be and it hereby is denied; and

6. That a copy of this order shall be served upon the cities of San Francisco, Oakland, and San Jose, Calif., Denver, Colo., and Minneapolis and St. Paul, Minn., and upon Air West, American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, The Flying Tiger Line, Frontier Airlines, Northwest Airlines, Ozark Air Lines, Pan American World Airways, Texas International Airlines, Trans World Airlines, United Air Lines, and Western Air Lines.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14349; Filed, Dec. 2, 1969; 8:49 a.m.]

[Docket No. 21430]

LESTER E. COX MEDICAL CENTER ET AL.

Notice of Postponement of Prehearing Conference

Petition of Lester E. Cox Medical Center, et al. for approval of distribution of stock of Ozark Air Lines, Inc.

Interested parties have previously been notified that a prehearing conference in the above-entitled proceeding will 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 the undersigned Examiner.

By letter dated November 24, 1969, Bureau Counsel submitted a proposed statement of issues, a request for evidence, proposed stipulations, and procedural dates. He requested that direct exhibits and testimony be submitted on December 12, 1969, and that the hearing be held on December 16, 1969.

On November 28, 1969, the Examiner was advised by the Lester E. Cox Medical Center that the dates suggested by Bureau Counsel were in conflict with other commitments of the Medical Center and a request was made for a revised schedule of procedural dates. The Examiner finds that the Medical Center's request is appropriate and directs the Medical Center to furnish the information requested by Bureau Counsel by December 19, 1969. The prehearing conference will be reassigned to January 22, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., November 28, 1969.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 69-14407; Filed, Dec. 2, 1969; 8:50 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, December 11, 1969. The hearing will take place in Room 1600, Municipal Services Building, 15th and J. F. Kennedy Boulevard in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include therein the following projects.

1. *Consolidated Utilities Corp.* A well water supply project to augment public water supplies in the Hemlock Farms community in Blooming Grove Township, Pike County, Pa. Two new wells designated as Nos. 49 and 80 are expected to yield approximately 500,000 gallons per day each.

2. *Bristol Township Authority.* A sewage treatment project to increase the capacity of the sewage treatment plant in Bristol Township, Bucks County, Pa. The increase will be from 1.8 to 2.25 million gallons per day.

3. *Bucks County Water and Sewer Authority.* A sewage treatment project to transfer 500,000 gallons per day of raw domestic sewage from the Township of Falls Authority treatment works on Neshaminy Creek to the Bristol Township Authority Treatment works located on the Delaware River in Bucks County, Pa. Existing pipelines will be used to effectuate the transfer.

Documents relating to the projects listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone (609) 883-9500.

W. BRINTON WHITALL,
Secretary.

NOVEMBER 21, 1969.

[F.R. Doc. 69-14267; Filed, Dec. 2, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on January 5, 1970, the applications for increase in daytime power of Class IV standard broadcast stations listed below will be considered as ready and available for processing.

The purpose of this notice is not to invite applications which may conflict with the listed applications, but to apprise any party in interest who desires to file pleadings concerning any of the applications pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: November 25, 1969.

Released: November 26, 1969.

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

Applications from the top of the processing line:

BP-18616	WEDC, Chicago, Ill. Foreign Language Broadcasters, Inc. Has: 1240 kc, 250 w, S.H.—WCRW, WSBC. Req: 1240 kc, 250 w, 1 kw-LS, S.H.—WCRW, WSBC.
BP-18656	WMBC, Columbus, Miss. J. W. Furr. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.
BP-18658	WNPS, New Orleans, La. Greater New Orleans Educational Television Foundation. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.
BP-18662	KAGT, Anacortes, Wash. Island Broadcasting Co. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.
BP-18664	KBPS, Portland, Oreg. Benson Polytechnic School. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

[F.R. Doc. 69-14268; Filed, Dec. 2, 1969; 8:45 a.m.]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on January 6, 1970, the following standard broadcast application will be considered as ready and available for processing:

BP-18290 New, Honolulu, Hawaii. Hagadone Capital Corp. Req: 1540 kc, 5 kw, Day.

Pursuant to § 1.227(b)(1), § 1.591(b) and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete and tendered for filing at the offices of the Commission by the close of business on January 5, 1969.

The attention of any party in interest desiring to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 25, 1969.

Released: November 28, 1969.

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

[F.R. Doc. 69-14269; Filed, Dec. 2, 1969; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

EAST COAST COLOMBIA CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. H. T. Schoonebeek, Vice Chairman, East Coast Colombia Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7590-17, among the parties to East Coast Colombia Conference amends Article 1 of the basic agreement to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 28, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14330; Filed, Dec. 2, 1969; 8:48 a.m.]

ITALY, SOUTH FRANCE, SOUTH SPAIN, PORTUGAL/U.S. GULF AND PUERTO RICO CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. G. Ravera, Secretary, Italy, South France, South Spain, Portugal/U.S. Gulf and Puerto Rico Conference, Vico San Luca 4, 16123 Genova, Italy.

Agreement No. 9522-13 between the member lines of the Italy, South France, South Spain, Portugal/U.S. Gulf and Puerto Rico Conference, amends Article 7 of the basic agreement to reduce the necessary quorum required to be present at Owners' Meetings from three-fourths to two-thirds of the membership.

Dated: November 28, 1969.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14331; Filed, Dec. 2, 1969; 8:48 a.m.]

[Docket No. 69-57; Agreement T-2336]

NEW YORK SHIPPING ASSOCIATION

Order of Investigation Regarding Cooperative Working Arrangement

An agreement between the members of the New York Shipping Association, Inc. (NYSA), has been filed for approval pursuant to section 15, Shipping Act, 1916. The agreement, designated T-2336, is a temporary assessment formula adopted by NYSA to meet its obligation provided for in collective bargaining agreements with the International Longshoreman's Association, AFL-CIO (ILA). The agreement between NYSA and the ILA requires that NYSA make contributions into the ILA pension fund and the welfare and clinic funds on the basis of not less than 40 million hours per year for each year of the labor contract. Agreement No. T-2336 sets forth reporting requirements and an assessment formula which would apply in the event the number of hours reported in any 13-week period falls short of 10 million hours.

NYSA advises that a permanent formula will be submitted to the Commission as soon as one is adopted by its membership.

Protests against approval of the agreement were filed by the National Association of Stevedores and the American Sugar Co., and its wholly owned subsidiary, American Sugar Refining Co. of New York. Comments concerning the permanent agreement to be adopted by the parties were submitted by United States Lines. The protests were directed towards the reporting requirements and assessment formula.

The Commission has considered the protests and comments regarding the agreement and is of the opinion that the agreement should be made the subject of a formal investigation to determine whether it should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916.

The proceeding instituted herein should be expedited.

Therefore, it is ordered, That the Commission institute a proceeding pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821), to determine whether Agreement No. T-2336 should

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

be approved, modified or disapproved pursuant to section 15 of said Act.

It is further ordered, That in the event any modification of this agreement or further agreement establishing a temporary or permanent assessment formula is filed with the Commission, such agreement shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15 of the Shipping Act, 1916.

It is further ordered, That the New York Shipping Association, Inc., and its members through Sieglinde Hart Taylor, as shown in Appendix A below, shall be respondents in this proceeding.

It is further ordered, That this matter be assigned for an expedited hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the presiding examiner.

It is further ordered, That notice of this order shall be published in the FEDERAL REGISTER and that a copy thereof shall be served upon respondents. Persons, other than the respondents, who desire to become parties to this proceeding and to participate herein, shall promptly file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Future notices issued by or on behalf of the Commission in the proceeding, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

Sieglinde Hart Taylor, Secretary, New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

[F.R. Doc. 69-14332; Filed, Dec. 2, 1969; 8:48 a.m.]

UNITED STATES ATLANTIC & GULF-JAMAICA CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. H. T. Schoonebeek, Vice Chairman, United States Atlantic & Gulf-Jamaica Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 4610-14, among the parties to the United States Atlantic and Gulf-Jamaica Conference amends the basic agreement by modifying the Preamble which presently provides that the trade area covered by the agreement shall be served by direct service or under through bills of lading with transshipment at Kingston, Jamaica, to provide that the trade area shall be served by direct service or transshipment.

Dated: November 28, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 69-14333; Filed, Dec. 2, 1969; 8:48 a.m.]

UNITED STATES ATLANTIC & GULF-VENEZUELA & NETHERLANDS ANTILLES CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. H. T. Schoonebeek, Vice Chairman, United States Atlantic & Gulf-Venezuela & Netherlands Antilles Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 6870-12 among the parties to U.S. Atlantic & Gulf-Venezuela & Netherlands Antilles Conference amends Article 3 of the basic agreement to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 28, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 69-14334; Filed, Dec. 2, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-506, etc.]

A. L. ABERCROMBIE ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 20, 1969.

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until

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

date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 8, 1970.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-506	A. L. Abercrombie (Operator) et al., 801 Union Center Bldg., Wichita, Kans. 67202.	1	2	Panhandle Eastern Pipe Line Co. (Cimarron County, Okla.), (Panhandle Area).	$480	10-27-69	[2] 1-1-70	6-1-70	17.0	[3 4] 18.0	
RI70-507	Rip C. Underwood, 213 First National Bank Bldg., Amarillo, Tex. 79101.	5	2	Northern Natural Gas Co. (Hansford Field, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	748	10-24-69	[2] 11-24-69	4-24-70	[5] 17.5	[3 6] 18.569	RI65-640.
	Rip C. Underwood	6	2	Transwestern Pipeline Co. (Mocane Laverne Gas Field, Beaver County, Okla.) (Panhandle Area).	13,000	10-24-69	[4] 11-24-69	4-24-70	[5] 19.5	[3 6] 26.0	RI66-141.
RI70-508	Bachus Oil Co. et al., 721 East Central, Wichita, Kans. 67202.	3	3	Cities Service Gas Co. (Aetna, Elwood, and Hardtner Fields, Barber County, Kans.).	2,427	10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3 6] 15.0	RI65-542.
RI70-509	do	4	4	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3 6] 15.0	RI65-543.
	do	5	3	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3 6] 15.0	RI65-543.
	do	6	5	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3 6] 15.0	RI65-543.
	do	7	5	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3 6] 15.0	RI67-97.
	do	8	4	do		10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3 6] 15.0	RI68-2.
RI70-510	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	366	3	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	15,000	10-27-69	[2] 11-27-69	4-27-70	[6] 17.0	[3 6] 19.5	
RI70-511	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840.	57	12	Cities Service Gas Co. (Rhodes Field, Barber and Kiowa Counties, Kans.).	3,370	10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3 6] 15.0	RI65-410.
	Marathon Oil Co. (Operator) et al.	58	4	Cities Service Gas Co. (Dietz Unit, Grant County, Okla.) (Oklahoma "Other" Area).	310	10-27-69	[2] 1-1-70	6-1-70	[6 7] 14.0	[2 6 7] 15.0	RI65-628.
RI70-512	Marathon Oil Co. et al.	59	8	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	2,500	10-27-69	[2] 12-23-69	5-23-70	[6] 14.0	[3 6] 15.0	RI65-410.
RI70-513	Union Texas Petroleum, a division of Allied Chemical Corp. et al. Post Office Box 2120, Houston, Tex. 77001.	72	3	Lone Star Gas Co. (E. Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).	3,191 3,517	10-27-69	[2] 11-27-69	4-27-70	16.0 [6] 15.0	[3 6] 17.01 [3 6] 17.01	RI63-461.
RI70-514	Lynn Drilling Co., 407 Mid-Continent Bldg., Tulsa, Okla. 74103.	3	6	Lone Star Gas Co. (Big Mineral Creek Field, Grayson County, Tex.) (RR. District No. 9).	359	10-23-69	[4] 11-23-69	4-23-70	14.49	[6 10] 16.60	
RI70-515	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	127	10	Cities Service Gas Co. (Hardtner and Sharon Fields, Barber County, Kans.).	7,350	10-28-69	[2] 12-23-69	5-23-70	[6] 14.0	[3 6] 15.0	RI68-90.

[2] The stated effective date is the effective date requested by respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] The stated effective date is the first day after expiration of the statutory notice.
[6] Subject to a downward B.t.u. adjustment.
[7] Buyer deducts 0.75 cent for compression and 1.5 cents for dehydrating gas.
[8] Includes 0.01-cent tax reimbursement.
[9] Applies to acreage added by Supplement No. 2 only. Filing from certificated rate to second periodic increase.
[10] 2-step periodic rate increase.

Rip C. Underwood (Underwood) requests that his proposed rate increases be permitted to become effective "immediately." Lynn Drilling Co. (Lynn) requests an effective date of October 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Underwood and Lynn's rate filings and such requests are denied.

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

[F.R. Doc. 69-14142; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. RI70-493, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 19, 1969.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before January 7, 1970.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-493..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	183	7	Natural Gas Pipeline Co. of America (Javelina, North Rincon Fields, Hidalgo and Starr Counties, Tex.) (RR. District No. 4).	$73,274	10-15-69	[2] 1-1-70	6-1-70	[3] 18.0675	[3] [4] 20.075	RI65-475.
	do	207	6	South Texas Natural Gas Gathering Co. (McAllen Ranch Field, Hidalgo County, Tex.) (RR. District No. 4).	201,583	10-15-69	[2] 1-1-70	6-1-70	[3] 17.0638	[3] [4] 18.0675	RI65-409.
	do	208	4	South Texas Natural Gas Gathering Co. (Schmidt Field, Hidalgo County, Tex.) (RR. District No. 4).	6,042	10-15-69	[2] 1-1-70	6-1-70	[3] 17.0638	[3] [4] 18.0675	RI65-409.
RI70-494..	American Petrofina Co. of Texas (Operator) et al., Post Office Box 2159, Dallas, Tex. 75221.	30	10	Trunkline Gas Co. (Hidalgo Field, Hidalgo County, Tex.) (RR. District No. 4).	10,102	10-17-69	[2] 1-1-70	6-1-70	[5] [7] 14.4369	[3] [4] 15.45025	
RI70-495..	F. A. Callery, Inc., et al., 1550 First City National Bank Bldg., Houston, Tex. 77002.	1	13	Texas Gas Pipe Line Corp. (West Big Hill Field, Jefferson County, Tex.) (RR. District No. 3).	10,340	10-20-69	[8] 11-20-69	4-20-70	[3] 15.0	[3] [4] 16.0	RI63-335.
RI70-496..	American Petrofina Co. of Texas.	27	3	South Texas Natural Gas Gathering Co. (Hidalgo County, Tex.) (RR. District No. 4).	24,703	10-20-69	[8] 11-20-69	4-20-70	[7] 14.0520	[4] [9] 16.06	
	do	28	3	South Texas Natural Gas Gathering Co. (Shepherd Field, Hidalgo County, Tex.) (RR. District No. 4).	24,537	10-20-69	[8] 11-20-69	4-20-70	[3] [10] 16.0	[3] [4] 18.06750	
	do	7	5	Texas Eastern Transmission Corp. (Bird Island Field, Kleberg County, Tex.) (RR. District No. 4).	351	10-21-69	[11] 11-21-69	4-21-70	[7] 14.86475	[4] [11] 16.87350	
	do	33	7	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex.) (RR. District No. 4).	6,795	10-21-69	[11] 11-21-69	4-21-70	[7] 15.66825	[4] 16.672625	
RI70-497..	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	21	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Piedre Lumbre Field, Duval County, Tex.) (RR. District No. 4).	32,052	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6585	[3] [4] 16.6623	RI70-284.
	Mobile Oil Corp. (Operator) et al.	28	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Fruka Field, Colorado County, Tex.) (RR. District No. 3).	3,459	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3] [4] 16.6623	RI67-273.
	do	49	23	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Chesterville and Lissie Fields, Colorado, Fort Bend and Wharton Counties, Tex.) (RR. District No. 3).	20,834	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3] [4] 16.6	RI67-273.
	do	123	13	Texas Eastern Transmission Corp. (San Manuel Field, Hidalgo County, Tex.) (RR. District No. 4).	4,237	10-20-69	[11] 11-20-69	4-20-70	16.2709	[4] 16.6729	RI70-284.
	do	275	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Louise Field, Wharton County, Tex.) (RR. District No. 3).	1,241	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3] [4] 16.6623	RI67-273.
	do	387	9	Texas Eastern Transmission Corp. (Chapman Ranch, Nueces County, Tex.) (RR. District No. 4).	38,177	10-20-69	[11] 11-20-69	4-20-70	15.6585	[4] [11] 16.6726	RI70-284.
RI70-498..	Mobil Oil Corp.	27	14	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Edinberg Field, Hidalgo County, Tex.) (RR. District No. 4).	17,453	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6576	[3] [4] 16.6726	RI70-284.
	do	45	16	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Government Wells Field, Duval County, Tex.) (RR. District No. 4).	1,156	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3] [4] 16.6623	RI70-284.
	do	47	21	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (San Salvador Field, Hidalgo County, Tex.) (RR. District No. 4).	9,772	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6585	[3] [4] 16.6623	RI70-284.
	do	57	18	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Hagist Ranch and North Government Wells Field, Duval County, Tex.) (RR. District No. 4).	6,565	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3] [4] 16.6623	RI67-273.
	do	96	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Heyser Field, Victoria and Calhoun Counties, Tex.) (RR. District No. 2).	5,611	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3] [4] 16.6623	RI67-272.
	do	420	4	Texas Eastern Transmission Corp. (Bird Island Field, Kleberg County, Tex.) (RR. District No. 4).	3,377	10-20-69	[11] 11-20-69	4-20-70	14.4	[4] [11] 16.8735	
	do	435	3	Transcontinental Gas Pipe Line Corp. (Dilworth Field, McMullen County, Tex.) (RR. District No. 1).	821	10-20-69	[11] 11-20-69	4-20-70	[3] 15.193	[3] [4] 16.206	RI69-314.
	do	87	6	Tennessee Gas Pipeline Co., a division of Teaneco Inc. (Sun Field, Starr County, Tex.) (RR. District No. 4).	2,882	10-20-69	[11] 11-20-69	4-20-70	[3] 15.6	[3] [4] 16.6	RI67-272.
	do	321	12	United Gas Pipe Line Co. (Burnell-North Pettus Field, Karnes, Bee and Goliad Counties, Tex.) (RR. District No. 2).	17,344	10-20-69	[11] 11-20-69	4-20-70	[3] 15.4850	[3] [4] 16.0600	RI67-272.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-499..	Mobil Oil Corp. (Operator).	417	13	Natural Gas Pipeline Co. of America (La Gloria Field, Brooks and Jim Wells Counties, Tex.) (RR. District No. 4).	$2,043	10-20-69	[11] 11-20-69	4-20-70	[3] 15.5133	[3] [4] 16.7338	RI69-313.
RI70-500..	Humble Oil & Refining Co. (Operator) et al.	352	6	Natural Gas Pipeline Co. of America (Sarita et al., Fields, Kenedy County, Tex.) (RR. District No. 4).	453,364	10-20-69	[3] 12- 1-69	5- 1-70	[3] 16.06	[3] [4] 17.0638	
RI70-501..	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	66	18	United Gas Pipe Line Co. (Pistol Ridge Field, Forrest Pearl River and Lamar Counties, Miss.).	12,000	10-24-69	[4] 11-24-69	4-24-70	22.0	[3] [4] 23.0	RI67-356.
RI70-502..	Phillips Petroleum Co., Bartlesville, Okla. 74003.	281	11	Texas Eastern Transmission Corp. (West George West Field, Live Oak County, Tex.) (RR. District No. 2).	135	10-27-69	[11] 11-27-69	4-27-70	[11] 14.8733	[3] [4] [15] 15.4377	RI63-320.
	...do.....	281	12	United Gas Pipe Line Co. (Burnell-North Pettus Fields, Karnes, Goliad, and Bee Counties, Tex.) (RR. District No. 2).	276	10-28-69	[11] 11-28-69	4-28-70	15.485	[3] [4] 16.0600	RI66-160.

[1] The stated effective date is the contractual effective date.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Includes 0.25-cent charge for dehydration.
[6] Includes the Texas tax which has been filed.
[7] The stated effective date is the effective date requested by respondent.
[8] 2-step periodic rate increase.
[10] Initial rate.
[11] The stated effective date is the first day after expiration of the statutory notice.
[12] 10-step periodic rate increase.
[13] 5-step periodic rate increase.
[14] 12-step periodic rate increase.
[15] Includes 0.5 cent for dehydration.

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

[F.R. Doc. 69-14148; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. RI69-362]

SKELLY OIL CO.

Order Accepting Increased Rate Filings Subject to Refund in Existing Rate Suspension Proceeding

NOVEMBER 18, 1969.

On November 29, 1968, and December 2, 1968, Skelly Oil Co. (Skelly) filed with the Commission four proposed rate increases, among others, which pertain to Skelly's jurisdictional sales of natural gas to El Paso Natural Gas Co. in the San Juan Basin Area and Colorado. The Commission by order issued December 27, 1968, suspended for 5 months Skelly's rate filings in Docket No. RI69-362 until June 1 and June 2, 1969, respectively, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On October 20 and 21, 1969, Skelly submitted three proposed rate increases, designated as Supplement No. 1 to Supplement Nos. 12, 5, and 9 to Skelly's FPC Gas Rate Schedule Nos. 90, 116, and 140, respectively, reflecting payment for the 1 cent minimum guarantee for liquids contained in the contracts, amending the supplements to the rate schedules previously submitted to provide for such reimbursement. Skelly requests waiver of the statutory notice requirement to permit its rate increases to become effective as of the date of filing. Skelly was advised in the Commission's order suspending its proposed rate increases that if it wanted to collect under the minimum guarantee provision of its contracts, it could do so provided it filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator), et al. The proposed increased rate filings are set forth in Appendix "A" hereof.

We conclude that Skelly's proposed rate increases should be accepted for filing, to become effective upon expiration of the statutory notice, subject to the existing rate suspension proceeding in Docket No. RI70-362. Skelly's request for waiver of the statutory notice requirement to permit an earlier effective date for its rate filings is denied.

On October 21, 1969, Skelly submitted a letter agreement dated October 6, 1967, designated as Supplement No. 6 to Skelly's FPC Gas Rate Schedule No. 157, which provides for a renegotiated rate decrease. Concurrently therewith Skelly submitted a rate decrease filing proposing to reduce its rate from 14.0593 cents to 13.0536 cents, designated as Supplement No. 7 to Skelly's FPC Gas Rate Schedule No. 157. These proposed rate filings are set forth in Appendix "A" hereof.

Since Skelly's proposed rate decrease still exceeds the area increased rate ceiling for the area involved, we believe that it should be accepted for filing subject to the existing rate proceeding in Docket No. RI69-362 to become effective as of November 21, 1969, the requested effective date. Skelly's proposed letter agreement is also accepted for filing and permitted to become effective as of November 21, 1969, the expiration date of the statutory notice, but not the rate contained therein which is being accepted subject to the rate suspension proceeding in Docket No. RI69-362.

The Commission finds:

(1) Good cause exists for accepting for filing Skelly's proposed rate increases and decreased rate filing, as set forth in Appendix "A" hereof, effective on the date shown in the "Effective Date" column of the aforementioned appendix, subject to refund in the existing rate suspension proceeding in Docket No. RI69-362.

(2) Good cause exists for accepting for filing Skelly's proposed letter agreement to become effective as of September 21, 1969, the expiration date of the statutory notice.

The Commission orders:

(A) The proposed rate increases and the decreased rate filing contained in Appendix "A" hereof, are accepted for filing and permitted to become effective on the date shown in the "Effective Date" column, subject to the existing rate suspension proceeding in Docket No. RI69-362.

(B) Skelly's proposed letter agreement designated as Supplement No. 6 to Skelly's FPC Gas Rate Schedule No. 157 is accepted for filing and permitted to become effective as of November 21, 1969, the expiration date of the statutory notice.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-362..	Skelly Oil Co. (Operator) et al., Post Office Box 1650 Tulsa, Oklahoma 74102	90	[1] 1 to 12	El Paso Natural Gas Co. (South Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$6,711	10-20-69	[2] 11-20-69	(Accepted, subject to refund.)	14.0593	[3] [4] 15.0593	RI69-362.
	....do....	116	[3] 1 to 5	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	572	10-20-69	[2] 11-20-69	....do....	14.0	[3] [4] 15.0	RI69-362.
	....do....	140	[4] 1 to 9	....do....	2,719	10-21-69	[2] 11-21-69	....do....	14.0	[3] [4] 15.0	RI69-362.
	Skelly Oil Co. (Operator) et al.[7]	157	[5] 6	El Paso Natural Gas Co. (Mexico Federal G No. 1 Well, Rio Arriba County, N. Mex.) (San Juan Basin Area).	Decrease	10-21-69	[2] 11-21-69	(Accepted)		Decrease	
		157	7		367	10-21-69	[2] 11-21-69	(Accepted, subject to refund.)	14.0593	[4] [10] 13.0536	RI69-362.

[1] For gas from formations below the Pictured Cliffs formation.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Increase reflecting 1-cent guarantee for liquids.
[4] Pressure base is 15.025 p.s.i.a.
[5] Mesa Verde formation only.
[6] Excludes acreage added by Supplement No. 8 for which the 1-cent minimum guarantee for liquids was waived.
[7] Suspended as Skelly Oil Co.
[8] Letter agreement dated Oct. 6, 1967, which provides for connection of Mexico Federal G Well to 250 pound gathering system (low pressure), a 1-cent reduction in rate and waives the 1-cent minimum guarantee for liquids.
[9] The stated effective date is the effective date requested by Respondent.
[10] Renegotiated rate decrease.

[F.R. Doc. 69-14149; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. RI70-474, etc.]

SUPERWELL DEVELOPMENT CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 19, 1969.

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

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 5, 1970.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-474..	Superwell Development Corp.	1	5	Transcontinental Gas Pipe Line Corp.			[1] 10-1-69	[2] 10-2-69	[7] 14.0	[3] [4] 14.0525	
RI70-475..	Cities Service Oil Co.	209	3	Texas Eastern Transmission Corp.			[1] 10-1-69	[2] 10-2-69	15.0	[3] [5] 15.0656	
	....do....	306	2	United Gas Pipe Line Co.			[1] 10-1-69	[2] 10-2-69	16.0	[3] [6] 16.06	
	....do....	308	1	....do....			[1] 10-1-69	[2] 10-2-69	16.0	[3] [6] 16.06	
RI70-476..	Perry R. Bass (Operator) et al.	2	3	Florida Gas Transmission Co.			[1] 10-1-69	[2] 10-2-69	17.5	[3] [6] 17.5766	
	....do....	3	3	....do....			[1] 10-1-69	[2] 10-2-69	17.0	[3] [4] 17.0744	
	....do....	4	3	....do....			[1] 10-1-69	[2] 10-2-69	17.5	[3] [6] 17.5766	
RI70-477..	Perry R. Bass Inc., agent for Bass Bros. Enterprises, Inc.	15	2	Banquete Gas Co., a division of Crestmont Oil & Gas Co.[8]			[1] 10-1-69	[2] 10-2-69	13.0	[3] [9] 13.0325	
RI70-478..	Union Carbide Petroleum Corp.	3	4	Trunkline Gas Co.			[1] 10-1-69	[2] 10-2-69	20.0	[3] [4] 20.075	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-479..	MPS Production Co. (Operator) et al.	3	2	Natural Gas Pipeline Co. of America			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.06	
	do	4	2	South Texas Natural Gas Gathering Co.			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.06	
	do	5	1	do			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.06	
RI70-480..	Killam & Hurd, Ltd.	1	6	Natural Gas Pipeline Co. of America			[2] 10-1-69	[4] 10-2-69	15.0	[3] [6] 15.056	
RI70-481..	Killam & Hurd, Ltd. (Operator) et al.	3	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.06	
RI70-482..	Highland Resources, Inc.	2	6	do			[2] 10-1-69	[4] 10-2-69	15.0	[3] [6] 15.056	
	do	6	10	Texas Eastern Transmission Corp.			[2] 10-1-69	[4] 10-2-69	15.6	[3] [6] 15.608	
RI70-483..	George R. Brown (Operator) et al.	6	1	Trunkline Gas Co.			[2] 10-1-69	[4] 10-2-69	15.0	[3] [6] 15.0563	
	do	22	1	Texas Eastern Transmission Corp.			[2] 10-1-69	[4] 10-2-69	15.0	[3] [6] 15.0656	
RI70-484..	George R. Brown	19	4	Florida Gas Transmission Co.			[2] 10-1-69	[4] 10-2-69	[5] 15.0	[3] [6] 15.0656	
RI70-485..	Getty Oil Co.	1	14	Iroquois Gas Corp.			[2] 10-1-69	[4] 10-2-69	16.6584	[3] [6] 16.7203	
	do	173	2	Natural Gas Pipeline Co. of America			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.06	
RI70-486..	Callery Properties, Inc., et al.	1	5	Florida Gas Transmission Co.			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.07	
	do	5	3	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.06	
RI70-487..	W. B. Osborn, Jr.	18	1	United Gas Pipe Line Co.			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.04	
RI70-488..	Murphy Oil Corp. (Operator) et al.	10	9	Natural Gas Pipeline Co. of America			[2] 10-1-69	[4] 10-2-69	14.0	[3] [6] 14.0525	
RI70-489..	Joseph P. Mueller	1	6	Florida Gas Transmission Co.			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.07	
RI70-490..	Continental Oil Co.	265	7	South Texas Natural Gas Gathering Co.			[2] 10-1-69	[4] 10-2-69	15.0	[3] [6] 15.05625	
	do	269	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[2] 10-1-69	[4] 10-2-69	15.0	[3] [6] 15.05625	
	do	328	1	Trunkline Gas Co.			[2] 10-1-69	[4] 10-2-69	16.0	[3] [6] 16.060	
	do	353	1	Natural Gas Pipeline Co. of America			[2] 10-1-69	[4] 10-2-69	17.0	[3] [7] 17.06375	
RI70-491..	Edwin L. Cox (Operator) et al.	65	2	Valley Gas Transmission, Inc.			[2] 10-1-69	[4] 10-2-69	15.0	[3] [6] 15.05625	
RI70-492..	Texas Pacific Oil Co., Inc. (Operator) et al.	26	5	Natural Gas Pipeline Co. of America			[2] 10-1-69	[4] 10-2-69	15.144	[3] [8] 15.2	

[2] The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Rate of 15.6 cents suspended in Docket No. RI69-512 but never placed into effect subject to refund.
[8] Resells subject gas under Banquete's FPC Gas Rate Schedule No. 5 to United Gas Pipe Line Co.
[9] Rate of 17 cents suspended in Docket No. RI62-511—was never placed into effect.

The proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective October 1, 1969. All of the proposed rates exceed the applicable area ceiling for the areas involved as set forth in the Commission's Statement of General Policy No. 61–1, as amended.

Respondents request waiver of the statutory notice to permit their proposed rate increases to become effective as of October 1, 1969. We believe that it would be in the public interest to waive the statutory notice requirement provided in section 4(d) of the Natural Gas Act. Accordingly, the proposed rate increases herein from underlying firm rates are suspended for 1 day from October 1, 1969.

[F.R. Doc. 69–14150; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP70–130]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 24, 1969.

Take notice that on November 17, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70–130 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that due to continuing declines of casing-head gas availability, it proposes to abandon, beyond previously approved abandonments, 5,400 additional compressor horsepower in the Aneth Field, Utah, and an additional 2,200 compressor horsepower in Bisti area of New Mexico.

Upon grant of the requested authorizations, applicant proposes to remove and salvage the facilities permitted to be abandoned at an estimated cost of $114,050.

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 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 permission and approval for the proposed abandonment 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. 69–14270; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CS70–24, etc]

FLETCHER F. FARRAR ET AL.

Notice of Applications for "Small Producer" Certificates [1]

NOVEMBER 25, 1969.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 19, 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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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.

Docket No.	Date filed	Name of applicant
C870-24..	10-29-69	Fletcher F. Farrar, c/o Ralph H. Viney, Agent, 326 Central Bldg., Midland, Tex. 79701.
C870-25..	11- 7-69	M. L. Melton, Post Office Box 4203, Midland, Tex. 79701.
C870-26..	11- 7-69	Walker P. Sandlin, Receiver, 722 Southwest 22d, Oklahoma City, Okla. 73109.
C870-27..	11-10-69	Estrella Oil Co., Post Office Box 147, Midland, Tex. 79701.
C870-28..	11-12-69	Avance Oil & Gas Co., Inc., 626 Vaughn Bldg., Midland, Tex. 79701.

[F.R. Doc. 69-14271; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP69-269, etc.]

FORAKER GAS CO. ET AL.

Order Denying Motion, Rescheduling Hearing, Setting Hearing Date and Prescribing Procedure

NOVEMBER 21, 1969.

Foraker Gas Co., Applicant, and Texas Eastern Transmission Corp., Respondent, CP69-269; United Cities Gas Co., Applicant, and Texas Eastern Transmission Corp., Respondent, CP69-237; Central Illinois Public Service Co., Applicant, and Texas Eastern Transmission Corp., Respondent, CP70-35.

By order issued July 14, 1969, the Federal Power Commission consolidated proceedings on the applications of Foraker Gas Co. (Foraker), and United Cities Gas Co. (United), ordered that a public hearing be held on the issues presented by the applications to commence on November 18, 1969, and prescribed procedure.

Both of the aforesaid applicants request orders from the Federal Power Commission pursuant to section 7(a) of the Natural Gas Act, directing Texas Eastern Transmission Corp. (Texas Eastern), to connect its natural gas transportation facilities with pipeline and distribution facilities to be constructed by the applicants and sell and deliver natural gas to them for resale.

On October 31, 1969, Foraker filed a motion to suspend further proceedings in Docket No. CP69-269 for an indefinite period or until Texas Eastern Transmission Corp., has obtained a supply of gas which would be available to Foraker. Statements in detail of the applications of Foraker and United were given in said order issued July 14, 1969, and a recapitulation here will suffice.

CP69-269. Clyde M. Foraker, Jr., as managing partner in an ordinary partnership transacting business in the State of Ohio under the name of Foraker Gas Co., New Lexington, Ohio 43764, filed on April 15, 1969, under Docket No. CP69-269, an application for an order directing Texas Eastern Transmission Corp., Houston, Tex. 77001, to connect its natural gas transportation facilities near Somerset, Perry County, Ohio, with pipeline facilities to be constructed by Foraker and sell and deliver to Foraker up to 456,250 Mcf annually and 1600 Mcf peak day of natural gas (at 14.73 p.s.i.a.) for resale in southwestern Perry County and in the village of Oreville in Hocking County, Ohio.

Texas Eastern filed an answer denying that service to Foraker will not impair its ability to render adequate service to its existing customers or subject it to any undue burden, and denying also that it is the only feasible source of gas supply for Foraker's proposed service area.

CP69-237. United Cities Gas Co., 404 James Robertson Parkway, Nashville, Tenn. 37219, filed on March 10, 1969, under Docket No. CP69-237, an application for an order directing Texas Eastern to connect its natural gas transportation facilities at a point about 4 miles north of the town of Eldorado in Saline County, Ill., with pipeline facilities to be constructed by United and sell and deliver to United its estimated 5th year requirement of 58,100 Mcf of natural gas annually (at 14.73 p.s.i.a.) and 450 Mcf peak day for resale in the village of Equality and in Gallatin and Saline Counties, Ill. United's application was supplemented by information filed on March 17, 21, 27, 1969.

Texas Eastern filed an answer stating its position that the sale and delivery by Texas Eastern of the small volume of gas requested by United is not economically feasible.

CP70-35. After the proceedings on the applications of Foraker and United were consolidated by an order issued July 14, 1969, and a public hearing on the issues presented by the applications was set to commence on November 18, 1969, Central Illinois Public Service Co. (Central Illinois), Illinois Building, Springfield, Ill. 62701, filed on August 14, 1969, under Docket No. CP70-35, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Texas Eastern to connect its natural gas transportation facilities with pipeline and distribution facilities to be constructed by the applicant and sell and deliver natural gas to the applicant for resale in the village of Broughton and environs in Hamilton County, Ill., and to construct and operate a line tap and metering and regulating facilities at the delivery point.

Texas Eastern filed an answer stating its position that the sale and delivery by Texas Eastern of the small volume of gas requested by Central Illinois is not economically feasible.

Broughton's natural gas requirements in the 4th year of operation are estimated at 14,886 Mcf annually and 224 Mcf maximum day at 15.025 psia.

Central Illinois proposes to construct and operate approximately 3 miles of 2-inch transmission main and a natural gas distribution system in Broughton at an estimated cost of $51,570 to be financed from internal funds.

Central Illinois alleged that it distributes natural gas in many cities and towns in Illinois and is authorized by the Illinois Commerce Commission to render the proposed service.

On November 12, 1969, the Commission ordered a hearing on Central Illinois' application to commence on February 17, 1970.

Notice of Central Illinois' application, setting September 15, 1969, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on August 28, 1969 (34 F.R. 13765). None was filed.

The applications of Foraker, United, and Central Illinois present issues in common. The public interest will be served by consolidating the proceedings on the application and setting a definite date on which to commence a public hearing on the issues in lieu of suspending further proceedings in Docket No. CP69-269 for an indefinite period as requested by Foraker. The deferment thus afforded will meet the apparent objective of Foraker's request by allowing time during which Texas Eastern's gas supply position might improve, while consolidation of proceedings will expedite disposition of the cases on a common record. Another reason for consolidating the proceedings in said cases is that United and Central Illinois request service from the same delivery point on Texas Eastern's transmission pipeline and that fact might have a bearing on the economic feasibility of their proposals.

Petitions to intervene in opposition to Foraker's application, notice of which was published in the FEDERAL REGISTER

on May 2, 1969 (34 F.R. 7261), were filed by:

Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215.
The Ohio Fuel Co., 99 North Front Street, Columbus, Ohio 43215.
National Gas & Oil Corp., 1500 Granville Road, Newark, Ohio 43055.

Although none of the petitions was filed on time, the Commission, nevertheless, permitted them to intervene in the consolidated proceedings provided that they would file and serve evidence as directed by the Commission. None of them complied with the Commission's directive, thereby failing to qualify for intervention. They will have further opportunity to qualify as interveners by filing and serving evidence in support of the allegations in their respective petitions as ordered hereinafter.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings on the applications under Dockets Nos. CP69–237, CP69–269, and CP70–35 be consolidated and that a public hearing be held on the issues presented by said applications as ordered hereinafter.

(2) Good cause exists to allow the petitioners named above to intervene in this proceeding subject to their compliance with the terms of this order in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The proceedings on the applications under Dockets Nos. CP69–237, CP69–269, and CP70–35 are hereby consolidated.

(B) The petitioners named above are permitted to intervene in this proceeding subject to the rules and regulations of the Commission and provided that they shall comply with the terms of this order and that their participation shall be limited to matters affecting rights and interests expressly asserted in their petitions to intervene; and provided further that permission to intervene shall not be construed as admission by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(C) A public hearing on the issues presented by the applications under Dockets Nos. CP69–237, CP69–269, and CP70–35 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., on February 17, 1970. The hearing heretofore scheduled for November 18, 1969, on the applications of Foraker and United under Dockets Nos. CP69–269, and CP69–237 is canceled.

(D) Each applicant and petitioner to intervene shall file with the Commission and serve on one another and the Commission's staff proposed evidence, including prepared testimony of witnesses and exhibits, as follows:

Central Illinois shall file and serve evidence comprising its case-in-chief on or before December 22, 1969;

Each petitioner to intervene shall file and serve evidence to support the allegations in its petition and its position on or before December 22, 1969;

Texas Eastern shall file and serve evidence comprising its case-in-chief on Central Illinois' application under Docket No. CP70–35 on or before January 19, 1970;

Texas Eastern shall file and serve on or before January 19, 1970, evidence to update as of December 31, 1969, or later its evidence previously filed under Dockets Nos. CP69–237 and CP69–269, including statements for 1970, 1971, 1972, and 1973 of the maximum total capability from all of its sources of gas supply, total annual requirements, and present unallocated transmission pipeline capacity. Also evidence showing whether or not it would be economically feasible to serve United and Central Illinois from the same delivery point.

Central Illinois, Foraker, and United shall file and serve rebuttal evidence, initial or supplemental, on or before February 2, 1970.

(E) Foraker's motion under Docket No. CP69–269 is denied.

By the Commission.

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

[F.R. Doc. 69-14272; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP70–129]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

NOVEMBER 24, 1969.

Take notice that on November 17, 1969, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP70–129 an application pursuant to section 7 of the Natural Gas Act, as implemented by § 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 certain natural gas facilities to enable applicant to take into its certificated pipeline system natural gas purchased from producers thereof; and facilities to enable applicant to transport such volumes for resale and distribution; and permission and approval to abandon certain natural gas direct sale facilities, 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 this budget-type 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 and transporting said gas for resale and distribution.

Applicant proposes to construct and operate gas purchase facilities at a total cost not to exceed $1,500,000, with no single project cost to exceed $375,000; certain gas sales or transportation facilities at a total cost not to exceed $100,000; and the abandonment of service and removal of direct sales measuring, regulating and minor facilities. Applicant states that the cost of the proposed facilities will be financed by current working capital or interim bank loans later funded by a security issue.

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 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 or permission and approval for the proposed abandonment 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. 69-14273; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP69–250]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

NOVEMBER 25, 1969.

Take notice that on November 19, 1969, Natural Gas Pipeline Company of America (Applicant) 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69–250 a petition to amend the order of the Commission issued on June 10, 1969, to delete the authorization to construct approximately 5.8 miles of 12-inch pipeline and to authorize the construction and operation of approximately 10 miles of 16-inch pipeline from the Buffalo Wallow Field to a proposed point of interconnection with Michigan Wisconsin Pipeline Co. (Mich-Wis), in Wheeler County, Tex., 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 an amended exchange agreement with Mich-Wis obviates the necessity for the prior authorization, but Applicant's petition to amend is specifically conditioned upon the Commission's granting of a joint petition of Mich-Wis and applicant to amend authorization in Docket No. CP69-251 in that should authorization of the modification of such exchange not be issued, it will be necessary for Applicant to construct the 5.83 miles of 12-inch pipeline as originally proposed and authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14304; Filed, Dec. 2, 1969; 8:46 a.m.]

[Docket No. CP70-131]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 24, 1969.

Take notice that on November 17, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70-131 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities in Moore County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its Sunray Station was severely damaged by an explosion and fire which completely destroyed two 2,000 horsepower compressor units, one of which has already been replaced. Applicant further states that the second is no longer necessary to maintain its operations and therefore proposes to abandon same.

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 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 permission and approval for the proposed abandonment 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. 69-14274; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP70-132]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 25, 1969.

Take notice that on November 17, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, operating as and through its Peoples Natural Gas Division, filed in Docket No. CP70-132 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to acquire by purchase and to operate all of the jurisdictional natural gas facilities of Plateau Natural Gas Co. (Plateau), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant will acquire substantially all of the properties of Plateau in exchange for 155,191 shares of its common stock and 11,150 shares of its preferred stock.

Upon consummation of the proposed acquisition, Plateau will be dissolved and applicant will continue to render through the facilities now owned by Plateau, all services now rendered or contemplated by Plateau. Plateau's principal service is the distribution of natural gas to several small communities in the States of Colorado and Kansas and to farmers for irrigation purposes in the above States as well as in New Mexico and Texas.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 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. 69-14275; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP68-41]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

NOVEMBER 25, 1969.

Take notice that on November 14, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-41 a petition to amend the order of the Commission issued on October 30, 1967, to authorize the sale and delivery of additional volumes of natural gas to an existing customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant is presently authorized by order issued October 30, 1967, in the subject docket, to sell and deliver to Trunkline 130 billion cubic feet of natural gas at 14.73 p.s.i.a. over a 3-year period beginning November 1, 1967, and ending November 1, 1970 at a point near Kinder, La.

The petition states that applicant and Trunkline have entered into an agreement dated October 14, 1969, amending the original contract between the parties to provide for the sale and delivery to Trunkline at the same delivery point, 125,000 Mcf of natural gas per day from November 1, 1969 to November 1, 1970

and 65,000 Mcf per day from November 1, 1970 to November 1, 1971.

Applicant states that Trunkline has advised that the purchase of natural gas as proposed herein is needed to supply its existing contracted markets and to supplement its supplies of gas pending the acquisition and authorization of long term supplies.

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. 69-14276; Filed, Dec. 2, 1969; 8:45 a.m.]

[Docket No. CP70-134]

TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 26, 1969.

Take notice that on November 20, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant) Tenneco Building, Houston, Tex. 77002, filed in Docket No. CP70-134 an application pursuant to section 7(c) of the Natural Gas Act and as implemented by § 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 main transmission system additional supplies of 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 this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $5 million, with no single offshore project to exceed $1 million, and no single onshore project cost to exceed $750,000. Applicant requests a waiver of the cost limitations contained in § 2.58(a)(2) of the Commission's rules of practice and procedure. Applicant states that increased costs of construction, particularly offshore, require the higher single project limitation.

The proposed facilities will be financed by general funds or revolving credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 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. 69-14305; Filed, Dec. 2, 1969; 8:46 a.m.]

[Docket No. CP68-246]

TRUNKLINE GAS CO.

Notice of Petition To Amend

NOVEMBER 25, 1969.

Take notice that on November 20, 1969, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP 68-246 a petition to amend the order of the Commission issued on May 24, 1968, to authorize the amendment of its Rate Schedule LT-1 whereby applicant transports gas for the account of Tennessee Gas Pipeline Co., a division of Tenneco Inc., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is currenlty authorized to transport natural gas from a point near Kinder, La., for delivery to Midwestern Gas Transmission Co. at a point near Potomac, Ill., up to 137,390 Mcf per day through October 31, 1970, and up to 69,204 Mcf per day through October 31, 1971. Applicant requests authority to extend its deliveries at rates of up to 137,390 Mcf per day through October 31, 1971, and up to 69,204 Mcf per day through October 31, 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 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. 69-14306; Filed, Dec. 2, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

NOVEMBER 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Commercial Finance Corporation of New Jersey (a New Jersey corporation), and all other securities of Commercial Finance Corporation of New Jersey being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 27, 1969, through December 6, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-14282; Filed, Dec. 2, 1969; 8:45 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 28, 1969, through December 8, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-14283; Filed, Dec. 2, 1969; 8:46 a.m.]

[70-4815]

EASTERN UTILITIES ASSOCIATES ET AL.

Notice of Proposed Issue and Sale of Notes by Holding Company and Subsidiary Companies to Banks and Open Account Advances by Holding Company to Subsidiary Companies

NOVEMBER 26, 1969.

In the matter of Eastern Utilities Associates, Post Office Box 2333, Boston, Mass. 02107; Blackstone Valley Electric Co., Post Office Box 1111, Lincoln, R.I. 02865; Brockton Edison Co., 36 Main Street, Brockton, Mass. 02403; Fall River Electric Light Co., 85 North Main Street, Fall River, Mass. 02772; Montaup Electric Co., Post Office Box 391, Fall River, Mass. 02772.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Co. ("Blackstone"), Brockton Edison Co. ("Brockton"), Fall River Electric Light Co. ("Fall River"), and Montaup Electric Co. ("Montaup"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(1), 7, 12(b), 12(c), and 12(f) of the Act and Rules 42(b)(2), 45(a) and 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA, Blackstone, Brocketon, Fall River, and Montaup propose to issue and sell short-term, unsecured, promissory notes to banks, and, in the cases of Blackstone and Brockton, to also receive open-account advances from EUA, from time to time during the period beginning December 19, 1969, and ending December 18, 1970, in the maximum aggregate amounts to be outstanding at any one time, as shown below:

	EUA	Blackstone	Brockton	Fall River	Montaup
			(*Thousands of dollars*)		
Industrial National Bank of Rhode Island, Providence, R.I.		$2,000			
Rhode Island Hospital Trust National Bank, Providence, R.I.		2,000			
The First National Bank of Boston, Boston, Mass.	$16,500		$1,900	$4,850	$15,700
State Street Bank and Trust Co., Boston, Mass.			1,900		
Plymouth Home National Bank, Brockton, Mass.			300		
First County National Bank, Brockton, Mass.			300		
B.M.C. Durfee Trust Co., Fall River, Mass.				650	
Fall River Trust Co., Fall River, Mass.				300	
Fall River National Bank, Fall River, Mass.				200	
Total from banks	16,500	4,000	4,400	6,000	15,700
EUA		12,000	5,300		
Total	16,500	16,000	9,700	6,000	15,700

The maximum aggregate amount of bank notes to be outstanding at any one time may be increased to an amount not in excess of twice the amount(s) shown opposite each bank, but at no time will the aggregate amount of such notes outstanding exceed the above total amounts of bank borrowings for each company.

The notes to banks will be dated as of the date of issuance, will bear interest at a rate not to exceed the prime rate on the date of issuance (presently 8½ percent per annum) and will be prepayable in whole or in part without penalty. Notes issued prior to April 1, 1970, will mature on that date, and each note issued during either of the two subsequent 3-month periods ending respectively on July 1 and October 1 will mature at the end of the 3-month period in which it is issued. Any note issued thereafter will mature on December 18, 1970. The advances by EUA to Blackstone and Brockton will be subordinated to the rights of the preferred stockholders of Blackstone and Brockton, respectively, to receive dividends and in liquidation if, and so long as, (a) preferred stock dividends are in arrears (or in the event of liquidation, the liquidation rights of preferred stockholders have not been satisfied) and (b) the sum of the advances from EAU, the notes payable to banks and all other securities representing unsecured debt, maturing in less than 10 years, exceeds 10 percent of the company's secured debt, capital stocks, premium and surplus. The advances will bear interest payable on April 1, July 1, October 1, and December 18, 1970, at the prime rate in effect at the First National Bank of Boston on those respective dates or the rate at which EUA is then borrowing from said Bank, whichever is lower.

Blackstone expects to have outstanding, at December 19, 1969, an estimated $6 million principal amount of short-term loans, including a $2,700,000 loan from EUA; Brockton, Fall River, and Montaup expect to have outstanding $4,300,000, $2,900,000 and $8 million of notes to banks, respectively. The proceeds from the proposed notes and advances will be used in part by the respective companies to meet cash requirements for construction (including investment in the case of Montaup), to make investment in permanent securities of Montaup in the case of Blacktone, Brockton, and Fall River, through December 18, 1970, and to pay short-term loans expected to be outstanding at that date of approximately $23,100,000. Aggregate construction expenditures, including investments in the case of Montaup, in 1970 for these companies are estimated at $23 million.

Blackstone or Brockton may prepay its notes to banks, in whole or in part, by the use of an advance from EUA, or may repay an advance from EUA with the proceeds of notes issued to banks. Any advance from EUA for such purpose will bear interest, for the unexpired term of the prepaid note, at the lower of the prime rate or the rate borne by the prepaid note. If the interest rate on a note issued to a bank for the purpose of obtaining funds to repay an advance from EUA shall exceed the rate on the advance being repaid, EUA shall reimburse or credit Blackstone or Brockton, as the case may be, for the added interest required for the term of the note so issued.

In the event of any permanent financing by any of the borrowing companies, the net cash proceeds therefrom will be applied to the payment of its short-term note indebtedness or advances from EUA then outstanding, and the maximum amount of short-term note indebtedness and advances to to be outstanding at any one time, as proposed herein, will be reduced by the amount of the proceeds of such permanent financing.

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than December 17, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should 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 applicants-declarants at the above-noted addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the

request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. 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] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-14284; Filed, Dec. 2, 1969; 8:46 a.m.]

LIQUID OPTICS CORP.

Order Suspending Trading

NOVEMBER 26, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp., a New York corporation, and all other securities of Liquid Optics 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 27, 1969, through December 6, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-14285; Filed, Dec. 2, 1969; 8:46 a.m.]

[70-4538]

MICHIGAN POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes to Bank by Subsidiary Company and Open Account Advances by Holding Company

NOVEMBER 26, 1969.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, and its public-utility subsidiary company, Michigan Power Co. ("MPC"), formerly known as Michigan Gas and Electric Co., have filed with this Commission, pursuant to sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder, a third posteffective amendment to the declaration in this matter. All interested persons are referred to the declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated October 16, 1967 (Holding Company Act Release No. 15872), this Commission authorized the issue and sale by MPC to National Bank of Detroit ("National") of up to $850,000 of notes outstanding at any one time and maturing on June 30, 1968. At the time of said order, there were also outstanding $2,750,000 of MPC's notes which were issued to National prior to AEP's acquisition of MPC. The Commission's order of October 16, 1967, also authorized AEP to make open account advances to MPC of up to $4,500,000 outstanding at any one time. By a first supplemental order dated May 2, 1968 (Holding Company Act Release No. 16051), MPC was authorized to reissue, from time to time prior to June 30, 1969, its notes to National outstanding in the amount of $2,950,000 and to issue and reissue, from time to time prior to June 30, 1969, additional notes to National in an aggregate amount not to exceed $650,000 outstanding at any one time. The notes were to mature on or prior to June 30, 1969. The first supplemental order also authorized AEP to make open account advances to MPC, from time to time during the same period, not to exceed $7,500,000 outstanding at any one time. Such advances were to be repaid on or before June 30, 1969, except that, unless otherwise authorized by the Commission, such repayment was not to be made before the outstanding preferred stock of MPC was retired. By a second supplemental order dated May 26, 1969 (Holding Company Act Release No. 16383), the Commission granted authorization for an extension from June 30, 1969, to December 31, 1969, of the time in which MPC could issue and sell its notes to National and of the time for repayment of the open account advances from AEP, provided that the advances were not to be repaid before the preferred stock of MPC was retired. The notes to National were to mature on or prior to December 31, 1969.

The third posteffective amendment requests authorization for an extension from December 31, 1969, to December 31, 1970, of the time in which MPC may issue and sell its notes to National and of the time for repayment of the open account advances from AEP, provided that the advances will not be repaid before the preferred stock of MPC has been retired. The notes to National will mature on or prior to December 31, 1970. It is also requested that the authorization of the amount of the open account advances from AEP to MPC be increased from $7,500,000 to $8,500,000.

The proceeds from the proposed issue and sale of notes and from the proposed open account advances will be used by MPC in connection with its construction program, which in 1970 is expected to amount to approximately $3,889,000, to repay bank loans the proceeds of which were used in connection with past expenditures in connection with MPC's construction program, and for other corporate purposes. It is proposed that the open-account advances will be repaid with a portion of the proceeds to be realized by MPC in connection with the divestment by MPC of its gas assets and that the bank loans will be repaid from internal cash sources or the issuance of such securities by MPC as the Commission may authorize. It is stated that the authorization now requested is required because of the termination of the proposed sale of MPC's gas assets to a new subsidiary company of Michigan Gas Utilities Co. ("MGU"), a nonassociated gas utility company. Such sale was terminated as MGU, primarily due to existing market conditions, was not in a position to consummate the purchase in accordance with the agreement in the reasonably forseeable future.

Notice is further given that any interested person may, not later than December 15, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-14286; Filed, Dec. 2, 1969; 8:46 a.m.]

[812-2615]

NEWTON FUND, INC.

Notice of Filing of Application for Order Exempting Proposed Exchange of Shares

NOVEMBER 26, 1969.

Notice is hereby given that Newton Fund, Inc. ("Applicant"), 330 East Mason Street, Milwaukee, Wis. 53202, a

Maryland corporation registered under the Investment Company Act of 1940 ("Act"), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of sections 22(c) and 22(d) of the Act and Rule 22c–1 thereunder a proposed transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all the assets of O-P-R-A Corp. ("Corporation"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below:

Applicant represents that all of the stock of Corporation, a Wisconsin corporation which is a personal holding company as defined in the Internal Revenue Code, is owned by two individuals. Corporation has engaged in the business of investing and reinvesting its funds since January 3, 1967, and Applicant represents that Corporation is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof.

Pursuant to an Agreement and Plan of Reorganization ("Agreement") among Applicant, Corporation, and stockholders of Corporation dated July 25, 1969, substantially all of Corporation's assets, consisting of portfolio securities with a market value at July 25, 1969, of approximately $176,415 and approximately $35,000 in cash and U.S. Treasury bills, will be transferred to Applicant in exchange for shares of stock of Applicant. The number of shares to be issued to Corporation is to be determined by dividing the aggregate market value of the assets of Corporation to be transferred to Applicant by Applicant's then net asset value per share subject to a certain adjustment which would reduce the number of Applicant's shares Corporation would receive if Corporation's ratio of unrealized net capital gains to assets is greater than Applicant's. If the transaction had been closed on July 25, 1969, the adjustment would have been zero, and Corporation would have received approximately 14,888 shares of Applicant.

Applicant's shares are offered to the public on a continuous basis at net asset value plus varying sales charges, dependent on the amount purchased. Under the terms of the Agreement no sales charge will be added to the net asset value of Applicant in determining the number of Applicant's shares to be issued. Therefore, Applicant may be considered as selling its stock for a price other than the public offering price described in the prospectus which lists a sales load of 3 percent for sales of from $100,000 to $250,000.

The net asset value of Applicant's shares and the value of Corporation's portfolio will be determined on the day preceding the closing. Therefore, Applicant may be considered to be selling its redeemable securities at other than a price based on the current net asset value of such security which is next computed after receipt of an order to purchase the security.

Applicant has been advised that Corporation's stockholders have consented to the transfer of Corporation's assets and have agreed to acquire the shares of Applicant for investment and not for distribution to the public. Applicant represents that the terms of the entire transaction, including the adjustment referred to above, were arrived at through arm's length bargaining between the officers of Applicant and Corporation. Applicant further represents that there is no affiliation or relationship of any kind between the officers and directors of Applicant and officers, directors and stockholders of Corporation. Newton and Co., the investment adviser of Applicant has, however, acted as investment adviser to Corporation since August 1, 1969.

Section 22(c) of the Act and Rule 22c–1 thereunder inter alia prohibit registered investment companies from issuing their redeemable securities except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase the security. Section 22(d) of the Act provides that registered investment companies may sell their shares only at the current public offering price described in the prospectus.

Section 6(c) permits the Commission, upon application, to exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 15, 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69–14287; Filed, Dec. 2, 1969; 8:46 a.m.]

[812–2624]

UNITED FUNDS, INC., AND CWR CORP.

Notice of Filing of Application for Exemption

NOVEMBER 26, 1969.

Notice is hereby given that United Funds, Inc. ("Fund"), a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company and CWR Corp. ("CWR"), 20 West 9th Street, Kansas City, Mo., a Massachusetts corporation which is a wholly owned subsidiary of Continental Investment Corp. (hereinafter referred to collectively as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of exemption from sections 15(a) and 15(c) of the Act to the extent necessary to permit CWR to act as investment adviser to Fund pursuant to an investment advisory contract between Fund and CWR, which has not been approved by shareholders for the period beginning December 31, 1969, the date proposed for commencement of service by CWR, and ending July 2, 1970, the date of the annual meeting of shareholders of Fund. All interested persons are referred to the application filed with the Commission for a statement of the representations contained therein which are summarized below.

CWR owns all of the voting common stock and over 99 percent of the nonvoting common stock of Waddell & Reed, Inc. ("Waddell & Reed"), a New York corporation which is presently the investment adviser to and principal underwriter for Fund. It is proposed that effective December 31, 1969 Waddell & Reed be merged into CWR and that the name of CWR as the surviving corporation be changed to "Waddell & Reed, Inc." The directors, officers, and employees of Waddell & Reed will become directors, officers, and employees of the new Waddell & Reed, Inc., and no change in the functions and activities of Waddell & Reed will result from the merger.

Applicants represent that the merger is designed to simplify the corporate structure, eliminate the present minority holdings of nonvoting common stock of Waddell & Reed, and permit a more realistic valuation for tax purposes of the assets of Waddell & Reed.

The shareholders of Fund approved the terms of the present contract at the postponed annual meeting held June 3, 1969. The proposed, new contract will be substantially identical (except for the

initial date, the language as to the continuance of the contract, and the reference to Waddell & Reed as a New York corporation) with the present contract.

Applicants state that the proposed exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Shareholder approval of the proposed new contract would require a special meeting of shareholders of Fund which applicants represent is unnecessary under the circumstances. No change of control is involved in the merger, but as a result of the merger, Continental Investment Corp. would own the new Waddell & Reed directly rather than owning Waddell & Reed through a wholly owned subsidiary.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company.

Section 15(c) provides, among other things, that it is unlawful for any registered investment company having a board of directors to enter into, renew, or perform any investment advisory or underwriting contract unless the terms of the contract and any renewal thereof are approved by a majority of the directors who are not parties to such contracts or affiliated persons of any such party or by the vote of a majority of the outstanding voting securities of such company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 15, 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request.

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

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-14288; Filed, Dec. 2, 1969; 8:46 a.m.]

[812-2649]

VIRGINIA CAPITAL CORP. ET AL.

Notice of Filing of Application for Order

NOVEMBER 26, 1969.

In the matter of Virginia Capital Corp., Arthur S. Brinkley, Jr., Robert H. Pratt, Eugene B. Sydnor, Jr., and H. Dunlop Dawbarn, Directors, 808W United Virginia Bank Building, Richmond, Va. 23219; Pandick Press, Inc., 345 Hudson Street, New York, N.Y. 10014.

Notice is hereby given that Virginia Capital Corp. ("Virginia Capital"), Pandick Press, Inc. ("Pandick"), and Arthur S. Brinkley, Jr., Robert H. Pratt, Eugene B. Sydnor, Jr., and H. Dunlop Dawbarn, each of whom is a director of Virginia Capital ("Directors"), hereinafter referred to collectively as "Applicants", have filed an application pursuant to section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder, for an order permitting Virginia Capital to sell 33,000 presently outstanding shares of common stock of Pandick and Directors to sell an aggregate of 22,200 presently outstanding shares of Pandick at the same time that Pandick itself sells 100,000 shares of its authorized but unissued shares and certain other registered investment companies, affiliates of Pandick, sell presently outstanding shares of Pandick owned by them. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Virginia Capital is registered as a closed-end, nondiversified management investment company under the Act and is a federal licensee under the Small Business Investment Act of 1948. Pandick, a New York corporation which renders printing services to the financial community, has outstanding 1,334,000 shares of common stock. There is no public market for Pandick's common stock at present since to date there has been no public offering of Pandick stock. Virginia Capital owns 326,934 shares of common stock of Pandick, or approximately 25 percent of Pandick's outstanding voting securities. Directors own an aggregate of 37,880 shares of Pandick common stock. Virginia Capital and Directors acquired their shares of Pandick stock in transactions which were the subject of Investment Company Act Releases Nos. 3154, 3167, 4116, and 4140.

Section 2(a)(3) includes within the definition of "affiliated person" any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person, any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person, and any director of such other person. Virginia Capital and Pandick are, therefore, affiliated persons of each other and Directors are affiliated persons of Virginia Capital.

On October 22, 1969, Pandick filed a registration statement with the Commission under the Securities Act of 1933, with respect to the proposed public offering of 371,709 shares of Pandick common stock through a group of underwriters. The various underwriters, acting through Dean Witter & Co., Incorporated as their representative, propose to purchase 100,000 shares from Pandick; 33,000 shares from Virginia Capital; 22,200 shares from Directors and the balance from other shareholders of Pandick, and to offer them to the public at an initial public offering price to be determined by agreement between the underwriters and the proposed sellers. Some of the other selling shareholders, registered investment companies who own more than 5 per centum of the outstanding voting securities of Pandick, are affiliated persons of affiliated persons of Virginia Capital. Their applications for orders pursuant to section 17(d) and Rule 17d-1 thereunder to permit participation in the public offering will be the subject of separate Investment Company Act releases. Each of the selling shareholders and Pandick will sell the shares to the underwriters on the same basis and for the same price per share. All expenses except underwriting discounts, fees of counsel employed by the selling shareholders and stock transfer taxes will be paid by Pandick. Pandick has agreed to hold the selling shareholders harmless on account of any indemnification by them of the underwriters and to defend any actions brought against selling shareholders in that connection. Further, Pandick proposes to indemnify the selling shareholders, the underwriters and the controlling persons of each against all claims, losses, damages, liabilities, and expenses arising out of or based upon any information contained in documents incidental to the registration.

Applicants represent that the number of shares included in the proposed public offering was determined by the underwriters after Pandick and each of Pandick's shareholders were given unrestricted opportunity to offer stock. In addition, the participation of Pandick or any of its shareholders is not contingent upon that of any one or more of them.

Under the circumstances, the participation of Virginia Capital was not required in the public offering, nor has the extent of its participation been restricted because of shares offered by affiliated persons of Virginia Capital.

Applicants represent that Virginia Capital is not participating in the offering on a basis different from or less advantageous to it than to Pandick or to any of the other selling shareholders.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, among other things, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement, as used in Rule 17d-1 is defined as a written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such person or principal underwriter, have a joint or a joint and several participation in, or share in the profits of, such enterprise or undertaking.

The application states that the proposed transactions are consistent with the provisions, policies and purposes of the Act, that the price to be received by the selling shareholders and Pandick are the same and that the manner of sharing expenses is fair.

Notice is further given that any interested person may, not later than December 12, 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 reasons 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 should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses 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 thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advise as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14289; Filed, Dec. 2, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Archer Avenue Big Store, Inc., department store; 4181-93 Archer Avenue, Chicago, Ill.; 9-7-69 to 9-6-70.

Auerbach's, department store; 2457 Washington Boulevard, Ogden, Utah; 9-3-69 to 9-2-70.

The Baby Shop, Inc., apparel store; 404 Main, Evansville, Ind.; 9-3-69 to 9-2-70.

Ball Stores, Inc., department store; 400 South Walnut Street, Muncie, Ind.; 9-3-69 to 9-2-70.

Big Apple Supermarket, foodstores from 9-3-69 to 9-2-70: Nos. 2 and 3, Reidsville, N.C.

Boulevard Food Store, foodstore; 1021 Nebraska Street, Sioux City, Iowa; 9-3-69 to 9-2-70.

Buehler Markets, foodstore; 2315 N Street, Omaha, Nebr.; 9-3-69 to 9-2-70.

Buy Rite, Inc., foodstore; Paola, Kans.; 9-9-69 to 9-8-70.

Byck Bros. & Co., apparel store; 532 South 4th Street, Louisville, Ky.; 9-1-69 to 8-31-70.

Cannata's Super Market, Inc., foodstore; Morgan City, La.; 9-3-69 to 8-2-70.

Capin's El Paso Store, department store; 125-129 Morley Avenue, Nogales, Ariz.; 9-3-69 to 9-2-70.

Carrollton Foods, Inc., foodstore; 905 South Main, Carrollton, Mo.; 9-3-69 to 9-2-70.

Cat & Fiddle Super Markets Inc., foodstores from 9-3-69 to 9-2-70: 714 South Main Street, Danville, Va.; Riverside Drive, Danville, Va.

Charlies Market, foodstore; George, Iowa; 9-10-69 to 9-9-70.

Cooke's Food Store, Inc., foodstore; Cleveland, Tenn.; 9-1-69 to 8-31-70.

Cooper & Ratcliff, Inc., foodstores from 9-1-69 to 8-31-70: Bassett, Va.; Collinsville, Va.; Martinsville, Va.

Cowan Grocery, foodstore; 232 Trade Street, Tryon, N.C.; 9-5-69 to 9-4-70.

Crest Stores Co., variety store; Wytheville, Va.; 9-1-69 to 8-31-70.

Dan's, Inc., foodstore; 2266 East 33d South, Salt Lake City, Utah; 9-10-69 to 9-9-70.

The Dixie Store, department store; 415-17 Chickasha Avenue, Chickasha, Okla.; 8-23-69 to 8-22-70.

Eagle Stores Co., Inc., variety stores: 116 Main Street, Lincolnton, N.C., 9-10-69 to 9-9-70; 1-11 West Main Street, Martinsville, Va., 9-3-69 to 9-2-70.

Edward's Inc., variety stores from 9-8-69 to 9-7-70: 917 Bay Street, Beaufort, S.C.; 517 King Street, Charleston, S.C.; St. Andrews Shopping Center, Charleston, S.C.; Pinehaven Shopping Center, Charleston Heights, S.C.; 2018 Reynolds Avenue, Charleston Heights, S.C.; 324-6 Laurel Street, Conway, S.C.; 929 Front Street, Georgetown, S.C.; 819 Kings Highway, Myrtle Beach, S.C.; 10-18 North Main Street, Sumter, S.C.; 201 Wichman Street, Walterboro, S.C.

Experiment Farm, agriculture; Wilson, Ark.; 9-1-69 to 8-31-70.

The First Street Store, Ltd., department store; 3640 East 1st Street, Los Angeles, Calif.; 9-3-69 to 9-2-70.

Garrison Memorial Hospital, hospital; Garrison, N. Dak.; 9-4-69 to 9-3-70.

Goldblatt Brothers Inc., department store; 5206 Hohman Avenue, Hammond, Ind.; 8-22-69 to 8-21-70.

W. T. Grant Co., variety-department stores: No. 555, Phoenixville, Pa., 9-10-69 to 9-9-70; No. 240, Williamsport, Pa., 9-8-69 to 9-7-70.

R. Guinan & Co., department store; 117 South Oak Street, Mt. Carmel, Pa.; 9-3-69 to 9-2-70.

H. E. B. Food Store, foodstores from 9-3-69 to 9-2-70: No. 27, Alice, Tex.; No. 73, Aransas Pass, Tex.; Nos. 30, 31, 32, 33, 34, 45, 51, and 79, Austin, Tex.; No. 10, Beeville, Tex.; Nos. 1, 14, and 15, Brownsville, Tex.; Nos. 17, 18, 19, 21, 23, 35, 37, 46, and 65, Corpus Christi, Tex.; No. 80, Cuero, Tex.; No. 9, Donna Tex.; No. 75, Eagle Pass, Tex.; No. 6, Edinburg, Tex.; No. 78, El Campo, Tex.; Nos. 3, 55, and 77, Harlingen, Tex.; No. 89, Kerrville, Tex.; No. 26, Kingsville, Tex.; Nos. 8 and 16, Laredo, Tex.; No. 7, McAllen, Tex.; No. 4, Mercedes, Tex.; No. 13, Mission, Tex.; No. 62, New Braunfels, Tex.; No. 12, Pharr, Tex.; No. 11, Raymondville, Tex.; No. 24, Refugio, Tex.; No. 22, Robstown, Tex.; Nos. 40, 41, 42, 43, 44, 47, 48, 49, 52, 53, 57, 58, 60, 61, 66, 68, and 69, San Antonio, Tex.; No. 2, San Benito, Tex.; No. 63, San Marcos, Tex.; No. 29, Taft, Tex.; No. 74, Uvalde, Tex.; Nos. 25 and 28, Victoria, Tex.; No. 5, Weslaco, Tex.; No. 81, Yoakum, Tex.

Harts Super Market, foodstores; Branson, Mo.; 9-3-69 to 9-2-70.

Herberger's, department store; 225 South Broadway, Albert Lea, Minn.; 9-3-69 to 9-2-70.

Highland Farm, agriculture; Wilson, Ark.; 8-26-69 to 8-25-70.

Hoffman's, Inc., apparel store; 200 Union Street, Lynn, Mass.; 9-3-69 to 9-2-70.

Joab Lake Farm, agriculture; Wilson, Ark.; 8-16-69 to 8-15-70.

K. C. Super Market, foodstore; 8th and Ohio Avenue, Etowah, Tenn.; 9-1-69 to 8-31-70.

Ken & Bea's Food Market, foodstore; 334 West Broadway, Muskegon Heights, Mich.; 8-29-69 to 8-28-70.

Thomas Kilpatrick and Co., department stores from 9-3-69 to 9-2-70: 15th and Douglas Street, Omaha, Nebr.; 42d and Center Street, Omaha, Nebr.

S. S. Kresge Co., variety-department stores from 9-8-69 to 9-7-70 except as otherwise indicated: No. 691, Rockville, Md.; No. 409, Dorchester, Mass. (9-9-69 to 9-8-70); No. 166, Detroit, Mich.; No. 241, Detroit, Mich. (9-9-69 to 9-8-70); No. 403, Iron Mountain, Mich.; No. 535, Mt. Clemens, Mich. (9-7-69 to 9-6-70); No. 326, Omaha, Nebr. (9-8-69 to 9-2-70); No. 646, Toledo, Ohio; No. 460, Harrisburg, Pa. (9-10-69 to 9-9-70); No. 182, Pittsburgh, Pa. (9-9-69 to 9-8-70); No. 282, Pittston, Pa.; No. 18, Reading, Pa. (9-10-69 to 9-9-70).

La Ville De Paris Department Store, department store; 101-105 Morley Avenue, Nogales, Ariz.; 9-3-69 to 9-2-70.

Landry Stores, Inc., department store; Corner Main and Pere Megret Streets, Abbeville, La.; 9-8-69 to 8-7-70.

The Mart, Inc., apparel store; 180 Main Street, Paterson, N.J.; 9-1-69 to 8-31-70.

Mary V. Farm, agriculture; Wilson, Ark.; 8-15-69 to 8-14-70.

McCrory-McLellan-Green Stores, variety-department stores, from 9-5-69 to 9-4-70 except as otherwise indicated: No. 649, Westport, Conn. (9-6-69 to 9-5-70); No. 114, Wilmington, Del.; No. 259, Leesburg, Fla. (9-8-69 to 9-7-70); No. 81, Palatka, Fla. (9-4-69 to 9-2-70); No. 171, St. Petersburg, Fla. (9-8-69 to 9-7-70); No. 69, Sanford, Fla. (9-8-69 to 9-2-70); No. 1219, Columbus, Ga.; No. 111, Baltimore, Md.; No. 664, Lynn, Mass. (9-4-69 to 9-3-70); No. 302, Gulfport, Miss. (9-6-69 to 8-2-70); No. 410, Wilson, N.C.; No. 185, Youngstown, Ohio; No. 151, Barnesboro, Pa. (9-9-69 to 9-8-70); No. 1116, Chester, Pa.; No. 147, Ebensburg, Pa. (9-10-69 to 9-9-70); No. 1122, Hollidaysburg, Pa.; No. 1046, Lebanon, Pa.; No. 1029, McKeesport, Pa.; Nos. 1012 and 1052, Philadelphia, Pa.; No. 53, Pittsburgh, Pa.; No. 1037, Pottsville, Pa.; No. 1120, Memphis, Tenn. (9-8-69 to 9-7-70); No. 214, Clarksburg, W. Va. (9-4-69 to 9-3-70); No. 454, Marshfield, Wis. (9-8-69 to 9-7-70).

McTyre's Supermarket, foodstore; Dallas, Ga.; 8-4-69 to 8-3-70.

Meyer Brothers, department store; 181 Main Street, Paterson, N.J.; 9-1-69 to 8-31-70.

A. C. Milliken Hospital, hospital; East Norwegian and Tremont Streets, Pottsville, Pa.; 9-4-69 to 9-3-70.

Minimax, foodstore; 1552 Palm Boulevard, Brownsville, Tex.; 9-5-69 to 9-4-70.

Model Food Market, foodstore; North Hills Shopping Center, North Little Rock, Ark.; 8-23-69 to 8-22-70.

Moreland Drug, Inc., drugstore; 110 Shelby Street, Falmouth, Ky.; 8-25-69 to 8-24-70.

The New York Store, variety store; 238-244 High Street, Pottstown, Pa.; 9-3-69 to 9-2-70.

J. J. Newberry Co., variety-department stores from 9-8-69 to 9-7-70 except as otherwise indicated: No. 238, Rockland, Maine; No. 71, Tiffin, Ohio (9-10-69 to 9-9-70); No. 95, West Warwick, R.I.; No. 202, El Paso, Tex.; No. 91, Barre, Vt. (9-5-69 to 9-4-70).

Norby's, Inc., department store; 402 Demers Avenue, Grand Forks, N. Dak.; 9-3-69 to 9-2-70.

Olson Supermarket, foodstores from 9-3-69 to 9-2-70: 1406 West Main Street, Chanute, Kans.; 525 West State Street, Erie, Kans.; 3209 Main Street, Parsons, Kans.

The Outlet Co., department store; 176 Weybosset Street, Providence, R.I.; 9-3-69 to 9-2-70.

People's Grocery, foodstore; 315 Church, Tiptonville, Tenn.; 8-22-69 to 8-21-70.

Piggly Wiggly, foodstores from 9-3-69 to 9-2-70: 836 West 11th Street, Panama City, Fla.; Nos. 1 and 2, Columbus, Ga.; 704 North First, Lamesa, Tex.; 710 North Fourth Street, Lamesa, Tex.

Public Drug Store, drugstore; Tusca Shopping Plaza, Beaver, Pa.; 8-20-69 to 7-31-70.

Randle's IGA, foodstore; Eureka, Utah; 9-10-69 to 9-9-70.

Raylass Department Store, variety-department stores from 9-1-69 to 8-31-70 except as otherwise indicated: 619-621 State Street, Bristol, Va.; 335 Main Street, Danville, Va. (9-3-69 to 9-2-70); 312-320 East Broad Street, Richmond, Va.; 307 Main Street, South Boston, Va. (9-3-69 to 9-2-70).

Red & White Food Basket, foodstore; Curry Street, Pelham, Ga.; 8-13-69 to 8-12-70.

Red & White Food Market, foodstore; Nashville, N.C.; 7-18-69 to 7-17-70.

Ridgeland Farm, agriculture; Wilson, Ark.; 8-15-69 to 8-14-70.

Rodenberg's Inc., foodstores from 8-24-69 to 8-23-70: Nos. 1 and 4, Charleston, S.C.; No. 3, Charleston Heights, S.C.; No. 2, North Charleston, S.C.

Rose's Stores, Inc., variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 80, Milledgeville, Ga. (9-5-69 to 9-4-70); No. 102, Warner Robins, Ga.; No. 135, Somerset, Ky.; No. 71, Ahoskie, N.C. (9-5-69 to 9-4-70); No. 145, Asheville, N.C.; No. 61, Burlington, N.C. (9-5-69 to 9-4-70); No. 98, Chapel Hill, N.C.; No. 121, Charlotte, N.C. (9-5-69 to 9-4-70); No. 43, Clinton, N.C.; No. 26, Dunn, N.C. (9-5-69 to 9-4-70); No. 24, Edenton, N.C.; No. 108, Elkin, N.C.; No. 72, Fayetteville, N.C. (9-5-69 to 9-4-70); No. 1, Henderson, N.C.; No. 134, Jacksonville, N.C. (9-5-69 to 9-4-70); No. 50, Kinston, N.C.; No. 8, Lenoir, N.C.; No. 45, Lumberton, N.C.; No. 60, Marion, N.C.; No. 59, Morehead City, N.C.; No. 51, Morganton, N.C.; No. 29, North Wilkesboro, N.C. (9-5-69 to 9-4-70); No. 130, Raleigh, N.C. (9-5-69 to 9-4-70); No. 21, Roanoke Rapids, N.C.; No. 4, Roxboro, N.C.; No. 32, Sanford, N.C.; No. 22, Smithfield, N.C.; No. 149, Tarboro, N.C.; No. 30, Thomasville, N.C. (9-5-69 to 9-4-70); No. 52, Whiteville, N.C. (9-5-69 to 9-4-70); No. 143, Wilson, N.C.; No. 133, Winston-Salem, N.C. (9-8-69 to 9-7-70); No. 76, Camden, S.C.; No. 148, Columbia, S.C.; No. 36, Georgetown, S.C. (9-5-69 to 9-4-70); No. 48, Newberry, S.C.; No. 49, Union, S.C.; No. 62, Greeneville, Tenn.; No. 79, Charlottesville, Va. (9-5-69 to 9-4-70); No. 57, Christiansburg, Va.; No. 31, Farmville, Va.; No. 7, Franklin, Va.; No. 15, Galax, Va. (9-5-69 to 9-4-70); No. 70, Marion, Va.; Nos. 123, 129, and 142, Norfolk, Va.; Nos. 20 and 109, Portsmouth, Va. (9-5-69 to 9-4-70); No. 144, Richmond, Va.; No. 146, Roanoke, Va. (9-5-69 to 9-4-70); No. 40, South Boston, Va.; No. 17, Suffolk, Va.; Nos. 107 and 137, Virginia Beach, Va.; No. 56, Waynesboro, Va. (9-5-69 to 9-4-70); No. 65, Williamsburg, Va.

Rusty's Food Centers, Inc., foodstore; Ninth and Iowa, Lawrence, Kans.; 9-3-69 to 9-2-70.

Thomas Grocery, foodstore; Mounted Route, Grand Haven, Mich.; 8-27-69 to 8-26-70.

Tuten's Red & White, foodstore; Estill, S.C.; 8-12-69 to 8-11-70.

Weeks, Inc., foodstore; 505 South Santa Fe, Salina, Kans.; 9-3-69 to 9-2-70.

Younker Brothers, Inc., department stores from 9-3-69 to 9-2-70: 323 Main Street, Ames, Iowa; Seventh and Walnut Street, Des Moines, Iowa; 503 Merle Hay Plaza, Des Moines, Iowa; 217-239 South 25th Street, Fort Dodge, Iowa; 111 East Washington, Iowa City, Iowa; 22-24 Main Street, Marshalltown, Iowa; 101 South Federal, Mason City, Iowa; 118 High Street West, Oskaloosa, Iowa; 129 East Main Street, Ottumwa, Iowa; Fourth and Pierce, Sioux City, Iowa.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

The Baby Shop, Inc., apparel store; 1120 Washington Square Mall, Evansville, Ind.; salesclerk, marker, detail clerk, stock clerk; 1 to 11 percent; 9-3-69 to 9-2-70.

Branson Heights Supermarket, Inc., foodstore; Branson, Mo.; stock clerk, bagger, cleanup; 10 to 34 percent; 9-3-69 to 9-2-70.

Dan's, Inc., foodstores for the occupations of courtesy clerk, bagger, bottle clerk; 24 to 37 percent, 9-10-69 to 9-9-70: 3735 South Ninth East, Salt Lake City, Utah; 2085 East 21st South, Salt Lake City, Utah; 1326 South 21st East, Salt Lake City, Utah.

Dickinson Service Drug, Inc., drugstore; Dickinson, N. Dak.; clerk, restaurant helper, janitorial; 10 to 73 percent; 9-10-69 to 9-9-70.

Don's Model Market, foodstore; Levy Shopping Center, North Little Rock, Ark.; sacker, carryout, stock clerk; 15 percent; 8-23-69 to 8-22-70.

Eagle Stores Co., Inc., variety store; No. 27, Collinsville, Va.; salesclerk, stock clerk; 12 to 50 percent; 9-3-69 to 9-2-70.

Edward's, Inc., variety stores for the occupations of salesclerk, stock clerk, checker, marker, layaway clerk, 9 to 16 percent except as otherwise indicated, 9-8-69 to 9-7-70: Mitchell Shopping Center, Aiken, S.C. (4 to 18 percent); Hampton Place Shopping Center, Greenwood, S.C.; 159 Broughton Street, NW., Orangeburg, S.C.

Food Giant Super Markets, Inc., foodstore; No. 11, Tucson, Ariz.; carryout; 16 to 24 percent; 8-22-69 to 8-21-70.

Good Samaritan Center, nursing home; Scribner, Nebr.; kitchen helper, dining room helper, serving helper, nurses aide; 2 to 9 percent; 9-10-69 to 9-9-70.

W. T. Grant Co., variety-department stores for the occupations of salesclerk, stock clerk: No. 1071, Southampton, Pa., 0 to 9 percent, 9-8-69 to 9-7-70; No. 902, Barre, Vt., 4 to 33 percent, 9-5-69 to 9-4-70.

H.E.B. Food Stores, foodstores for the occupations of bottle clerk, sacker, package clerk, 10 percent, 9-3-69 to 9-2-70: No. 36, Austin, Tex.; No. 82, Bay City, Tex.; Nos. 92, 101, 102, 103, 107, and 108, Corpus Christi, Tex.; No. 85, Falfurrias, Tex.; No. 112, Hondo, Tex.; No. 100, Laredo, Tex.; No. 84, McAllen, Tex.; No. 20, Port Lavaca, Tex.; No. 96, Rockport, Tex.; Nos. 59, 83, and 90, San Antonio, Tex.; No. 97, Seguin, Tex.; No. 56, Taylor, Tex.; No. 91, Wharton, Tex.

Haan's Super Market, Inc., foodstore; 919 36th Street, Wyoming, Mich.; stock clerk, checker, package clerk; 21 to 35 percent; 9-2-69 to 9-1-70.

King Mart, foodstore; 1301 East Levee Street, Brownsville, Tex.; stock clerk, checker,

carryout, janitorial; 9 to 11 percent; 9-6-69 to 9-5-70.

S. S. Kresge Co., variety-department stores: No. 504, Alpena, Mich., stock clerk, maintenance, office clerk, food preparation, salesclerk, checker-cashier, customer service, 10 percent, 9-7-69 to 9-6-70; No. 771, Billings, Mont., salesclerk, stock clerk, office clerk, checker-cashier, 18 to 30 percent, 9-8-69 to 9-2-70; No. 4045, Butler, Pa., bagger, salesclerk, checker-cashier, 6 to 10 percent, 9-6-69 to 9-5-70; No. 746, San Antonio, Tex., salesclerk, 7 to 27 percent, 9-5-69 to 9-4-70.

Magic Mart, Inc., department store; Highway 84 and Locust Street, Caruthersville, Mo.; salesclerk, stock clerk, janitorial; 6 to 31 percent; 8-23-69 to 8-22-70.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 9-5-69 to 9-4-70 except as otherwise indicated: No. 375, Phoenix, Ariz., 9 to 20 percent (9-6-69 to 9-5-70); No. 1138, Silver Spring, Md., 0 to 11 percent; No. 343, Hadley, Mass., 7 to 15 percent (9-8-69 to 9-7-70); No. 362, Fairborn, Ohio, 6 to 20 percent.

Dick Millett's Market, foodstore; Provo, Utah; stock clerk, cashier; 26 to 33 percent; 9-10-69 to 9-9-70.

Minimax, foodstores for the occupations of bagger, carryout, checker, janitorial: 1001 South Broadway, LaPorte, Tex., 8 to 10 percent, 8-26-69 to 8-25-70; 200 North 10th, McAllen, Tex., 9 to 11 percent, 9-6-69 to 9-5-70.

G. C. Murphy Co., variety-department store; No. 173, Austin, Tex.; janitorial, salesclerk, office clerk, stock clerk; 11 to 28 percent; 9-5-69 to 9-4-70.

Parisian Mercantile Corp., department store; Nogales, Ariz.; salesclerk, marker, gift wrapper, stock clerk; 1 to 10 percent; 9-3-69 to 9-2-70.

Park View Manor, nursing home; Park Avenue, Sac City, Iowa; nurses aide; 4 to 10 percent; 9-3-69 to 9-2-70.

Piggly Wiggly, foodstores: No. 11, Phenix City, Ala.; sacker, bottle clerk, carryout, janitorial; 10 to 12 percent, 9-1-69 to 8-31-70; Candor, N.C.; bagger, checker, stock clerk; 20 percent; 8-21-69 to 8-18-70.

Pruett's Food Town, Inc., foodstore; No. 58, Chattanooga, Tenn.; bagger; 10 percent; 8-26-69 to 8-25-70.

Raylass Department Store, variety-department store; 908-12 Main Street, Lynchburg, Va.; office clerk, salesclerk, stock clerk, marker, cleanup; 13 to 34 percent; 9-1-69 to 8-31-70.

Rodenberg's Inc., foodstores for the occupations of bagger, carryout; 10 percent, 8-24-69 to 8-23-70: No. 7, Charleston, S.C.; No. 8, Mount Pleasant, S.C.

Rogers Department Store, Inc., department store; 959 28th Street SW., Wyoming, Mich.; salesclerk, stock clerk, marker; 8 percent; 9-2-69 to 9-1-70.

Rose's Stores, Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker except as otherwise indicated, 9-5-69 to 9-4-70 except as otherwise indicated: No. 140, Columbus, Ga., 0-3 to 33 percent; No. 77, Gainesville, Ga., 11 to 32 percent (stock clerk, salesclerk, checker, window trimmer, marker, order writer); No. 164, Valdosta, Ga., 13 to 32 percent (stock clerk, salesclerk, checker, window trimmer, order writer, marker); Nos. 6 and 115, Louisville, Ky., 3 to 16 percent (salesclerk); No. 35, Asheboro, N.C., 13 to 28 percent (salesclerk, stock clerk); No. 38, Beaufort, N.C., 16 to 26 percent; No. 154, Burlington, N.C., 13 to 28 percent (9-3-69 to 9-2-70); No. 62, Charlotte, N.C., 11 to 27 percent (salesclerk, checker); No. 147, Durham, N.C., 6 to 12 percent; No. 155, Gastonia, N.C., 11 to 27 percent (9-3-69 to 9-2-70); No. 132, Greensboro, N.C., 11 to 28 percent; No. 152, Greensboro, N.C., 6 to 12 percent (salesclerk); No. 162, Greenville, N.C., 2 to 25 percent (salesclerk); No. 96, High Point, N.C., 13 to 28 percent (9-3-69 to 9-2-70); No. 122, Kannapolis, N.C., 4 to 23 percent (salesclerk, checker); No. 111, Lincolnton, N.C., 9 to 18 percent (salesclerk); No. 68, Mount Airy, N.C., 13 to 28 percent; No. 90, Mount Olive, N.C., 21 to 41 percent (salesclerk); No. 81, Plymouth, N.C., 2 to 25 percent (salesclerk); No. 18, Reidsville, N.C., 13 to 28 percent (salesclerk, stock clerk); No. 78, Rocky Mount, N.C., 4 to 20 percent (9-3-69 to 9-2-70); No. 169, Salisbury, N.C., 11 to 27 percent (salesclerk, checker); No. 153, Shelby, N.C., 11 to 27 percent (9-3-69 to 9-2-70); No. 131, West Jefferson, N.C., 0.4 to 28 percent; No. 39, Williamston, N.C., 5 to 29 percent (salesclerk, stock clerk); No 159, Wilson, N.C., 4 to 20 percent; No. 160, Winston-Salem, N.C., 19 to 31 percent; No. 150, Columbia, S.C., 6 to 21 percent (salesclerk, stock clerk, 9-8-69 to 9-7-70); No. 161, Florence, S.C., 6 to 21 percent (salesclerk, stock clerk); No. 166, Greenwood, S.C., 3 to 16 percent (salesclerk); No. 67, North Augusta, S.C., 6 to 21 percent (9-3-69 to 9-2-70); No. 101, Spartanburg, S.C., 11 to 27 percent; No. 156, Kingsport, Tenn., 2 to 8 percent; No. 165, Murfreesboro, Tenn., 3 to 16 percent (salesclerk); No. 44, Newport, Tenn., 1 to 8 percent (9-3-69 to 9-2-70); No. 66, Blacksburg, Va., 6 to 16 percent; No. 89, Charlottesville, Va., 3 to 16 percent (salesclerk); No. 54, Danville, Va., 5 to 9 percent (9-3-69 to 9-2-70); No. 167, Hampton, Va., 11 to 39 percent (salesclerk, stock clerk); No. 168, Hopewell, Va., 3 to 16 percent (salesclerk); No. 84, Lexington, Va., 3 to 16 percent (salesclerk); No. 158, Martinsville, Va., 5 to 9 percent (salesclerk, checker); No. 141, Newport News, Va., 13 to 31 percent (salesclerk); No. 128, Norfolk, Va., 13 to 27 percent (salesclerk, 9-10-69 to 9-9-70); No. 58, Pulaski, Va., 6 to 24 percent; No. 151, Roanoke, Va., 0 to 5 percent; No. 113, Virginia Beach, Va., 13 to 31 percent (salesclerk).

Rusty's Food Centers, Inc., foodstore; 620 North Second Street, Lawrence, Kans.; sacker, courtesy clerk, carry out; 12 to 20 percent; 9-3-69 to 9-2-70.

Sterling Stores Co., Inc., variety store; 519 Waldron, Corinth, Miss.; salesclerk, stock clerk, janitorial; 12 to 43 percent; 9-6-69 to 8-5-70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 2 to 17 percent except as otherwise indicated, 9-5-69 to 8-4-70 except as otherwise indicated: No. 784, Russellville, Ala.; No. 705, Monroe, La. (3 to 16 percent); No. 770, Laurel, Miss.; No. 829, Gainesville, Tex. (30 percent, 9-9-69 to 9-8-70).

Terry Farris, variety-department store; No. 5430, San Antonio, Tex.; salesclerk, stock clerk, office clerk, janitorial; 11 to 28 percent; 9-5-69 to 9-4-70.

Variety Food Store, Inc., foodstore; 3226 Wrightsboro Road, Augusta, Ga.; package clerk; 13 to 15 percent; 8-22-69 to 8-21-70.

Warshaw's Giant Foods, foodstores for the occupations of bagger, carryout, 26 to 33 percent, 9-10-69 to 9-9-70; 850 South Ninth East, Salt Lake City, Utah; 5520 Van Winkle Expressway, Salt Lake City, Utah.

Younker Brothers, Inc., department stores for the occupations of salesclerk, stock clerk, wrapper, messenger, delivery clerk, porter, marker, office clerk, cleanup except as otherwise indicated, 9-3-69 to 9-2-70: Middle & Kimberley Roads, Bettendorf, Iowa, 9 to 16 percent; 4444 First Avenue NE., Cedar Rapids, Iowa, 2 to 9 percent; 1550 East Douglas, Des Moines, Iowa, 5 to 10 percent (stock clerk, wrapper, messenger, porter, marker, cleanup, office clerk, delivery clerk); 1501 First Avenue East, Newton, Iowa, 0.6 to 8 percent; 1950 Grand Avenue North, Spencer, Iowa, 0 to 8 percent.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within thirty days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 25th day of November 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-14326; Filed, Dec. 2, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 30, Amdt. 3]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 30 (Chicago, Rock Island and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 30 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 30, 1969, and that this order 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 25, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-14336; Filed, Dec. 2, 1969; 8:48 a.m.]

[Notice 578]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 28, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 113), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed November 14, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Hattiesburg, Miss., over U.S. Highway 98 to McComb, Miss., thence over Mississippi Highway 48 to Liberty, Miss., thence over Mississippi Highway 569 to the Mississippi-Louisiana State line, thence over Louisiana Highway 67 to Baton Rouge, La., and (2) from Hattiesburg, Miss., over U.S. Highway 98 to McComb, Miss., thence over Mississippi Highway 48 to Centerville, Miss., thence over Mississippi Highway 33 to the Mississippi-Louisiana State line, thence over Louisiana Highway 19 to Baton Rouge, La., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Hattiesburg, Miss., over U.S. Highway 11 to junction Mississippi Highway 26, thence over Mississippi Highway 26 to the Mississippi-Louisiana State line, thence over Louisiana Highway 10 to Bogalusa, La., thence over Louisiana Highway 21 to Covington, La., thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route.

No. MC 59680 (Deviation No. 80), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed November 19, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From junction Interstate Highway 80 and the Ohio Turnpike at Exit No. 15, over Interstate Highway 80 to junction U.S. Highway 220 at Milesburg, Pa., thence over U.S. Highway 220 to junction U.S. Highway 322 at Martha Furnace, Pa., thence over U.S. Highway 322 to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to Exit No. 16 of the Pennsylvania Turnpike at or near Carlisle, Pa. (also over the described route to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to junction Interstate Highway 81 at or near Marysville, Pa., thence over Interstate Highway 81 to Exit No. 16 of the Pennsylvania Turnpike, at or near Carlisle, Pa., and (2) from junction Interstate Highway 80 and the Ohio Turnpike at Exit No. 15 over Interstate Highway 80 to junction U.S. Highway 322 at or near Clearfield, Pa., thence over U.S. Highway 322 to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to Exit No. 16 of the Pennsylvania Turnpike, at or near Carlisle, Pa. (also over the described route to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to junction Interstate Highway 81 at or near Marysville, Pa., thence over Interstate Highway 81 to Exit No. 16 of the Pennsylvania Turnpike, at or near Carlisle, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Exit No. 15 of the Ohio Turnpike over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Exit No. 16 at or near Carlisle, Pa., and return over the same route.

No. MC 87109 (Deviation No. 1), TIDEWATER INLAND EXPRESS, INC., doing business as T.I.E., Rehoboth Boulevard, Milford, Del. 19963, filed November 17, 1969. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Syracuse, N.Y., over Interstate Highway 81 to junction with the Northeast Extension of the Pennsylvania Turnpike at or near Scranton, Pa., thence over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 78, thence over Interstate Highway 78 to Harrisburg, Pa., (2) from Syracuse, N.Y., over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to Harrisburg, Pa., and (3) from Syracuse, N.Y., over Interstate Highway 81 to junction with the Northeast Extension of the Pennsylvania Turnpike at or near Scranton, Pa., thence over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 76 at or near Norristown, Pa., thence over Interstate Highway 76 to Philadelphia, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Syracuse, N.Y., over U.S. Highway 11 to Nicholson, Pa., thence over Pennsylvania Highway 92 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., and (2) from Harrisburg, Pa., over U.S. Highway 230 to junction U.S. Highway 30 at Lancaster, Pa., thence over U.S. Highway 30 to junction Pennsylvania Highway 41, thence over Pennsylvania Highway 41 to the Pennsylvania-Delaware State line, thence over Delaware Highway 41 to Wilmington, Del., thence over U.S. Highway 13 to Philadelphia, Pa., and return over the same routes.

No. MC 109026 (Deviation No. 1), MANNING MOTOR EXPRESS, INC., 1112 West Main Street, Glasgow, Ky. 42141, filed November 20, 1969. Carrier's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation route as follows: From Westmoreland, Tenn., over U.S. Highway 31-E to Scottsville, Ky., thence over Kentucky Highway 100 to Gamaliel, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Nashville, Tenn., over U.S. Highway 31-E to Westmoreland, Tenn., thence over Tennessee Highway 52 to Celina, Tenn., and (2) from Red Boiling Springs, Tenn., over Tennessee Highway 56 to the Tennessee-Kentucky State line, thence over Kentucky Highway 63 to Tompkinsville, Ky., thence over Kentucky Highway 163 to the Kentucky-Tennessee State line, thence over Tennessee Highway 51 to junction Tennessee Highway 52, and return over the same routes.

No. MC 127321 (Deviation No. 1), RITEWAY TRUCKING CO., INC., 1650 The Grant Street Building, Denver, Colo. 80203, filed November 13, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Mo., and Des Moines, Iowa, over Interstate Highway 35, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Kansas City, Mo., and Des Moines, Iowa, over U.S. Highway 69.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 537) (Cancels Deviation No. 419), GREYHOUND LINES, INC. (Eastern Division), 1400 West 3d Street, Cleveland, Ohio 44113, filed November 18, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 25-W and Interstate Highway 40 approximately 3 miles west of Dandridge, Tenn., thence over Interstate Highway 40 to

junction U.S. Highway 276, at Cove Creek, N.C., thence over U.S. Highway 276 to junction U.S. Highway 19 at Dellwood, N.C., thence over U.S. Highway 19 to junction access road, near Clyde, N.C., thence over access road to junction Interstate Highway 40, thence over Interstate Highway 40 to junction access road, thence over access road to junction U.S. Highway 19 near Luther, N.C., thence over U.S. Highway 19 to Asheville, N.C., (2) from Dandridge, Tenn., over U.S. Highway 25-W to junction Tennessee Highway 92, thence over Tennessee Highway 92 to junction Interstate Highway 40, (3) from Dandridge, Tenn., over U.S. Highway 25-W to junction Tennessee Highway 113, thence over Tennessee Highway 113 to junction Interstate Highway 40, and (4) from Newport, Tenn., over Tennessee Highway 32 to junction Interstate Highway 40, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: from Knoxville, Tenn., over U.S. Highway 25-W to Newport, Tenn., thence over U.S. Highway 25 to Asheville, N.C., and return over the same route.

No. MC 1515 (Deviation No. 538), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Columbia, N.J., over Interstate Highway 80 to junction Interstate Highway 81E, thence over Interstate Highway 81E to junction Pennsylvania Highway 307, (2) from Stroudsburg, Pa., over U.S. Highway 611 to junction Interstate Highway 80, (3) from Tobyhanna, Pa., over Pennsylvania Highway 423 to junction Interstate Highway 81E, and (4) from junction U.S. Highway 611 and Pennsylvania Highway 507 over Pennsylvania Highway 507 to junction Interstate Highway 81E, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Scranton, Pa., over Pennsylvania Highway 307 to junction U.S. Highway 611 at Dalesville Junction, Pa., thence over U.S. Highway 611 (including relocation of U.S. Highway 611 between Ells Corner and Tobyhanna, Pa.) via Mount Pocono and Stroudsburg, Pa., to junction U.S. Highway 46, thence over U.S. Highway 46 via Buttzville, N.J., to Pine Brook, N.J., thence over Bloonfield Avenue to Newark, N.J., thence through the Holland Tunnel to New York, N.Y., and return over the same route.

No. MC 45626 (Deviation No. 30), VERMONT TRANSIT CO., INC., Burlington, Vt. 05401, filed November 19, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Sharon, Vt., and Bethel, Vt., over Interstate Highway 89, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Burlington, Vt. over U.S. Highway 2 to junction Vermont Highway 12, thence over Vermont Highway 12 to junction Vermont Highway 107, thence over Vermont Highway 107 to junction Vermont Highway 14, thence over Vermont Highway 14, to junction U.S. Highway 5, thence over U.S. Highway 5 to Ascutney, Vt., and return over the same route.

No. MC 124935 (Deviation No. 2), ALMEIDA BUS LINES, INC., Box A–954, New Bedford, Mass. 02740, filed November 13, 1969. Carrier's representative: Mary E. Kelly, 11 Riverside Avenue, Medford, Mass. 02155. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Junction Rhode Island Highways 138 and 114 in Portsmouth, R.I., over Rhode Island Highway 114 to junction Rhode Island Highway 138 in Middletown, R.I., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: between Portsmouth, R.I., and Middletown, R.I., over Rhode Island Highway 138.

By the Commission.

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

[F.R. Doc. 69–14337; Filed, Dec. 2, 1969; 8:48 a.m.]

[Notice 1355]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 28, 1969.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 72231 (Sub-No. 4) (Republication), filed June 11, 1969, published in the FEDERAL REGISTER issue of July 10, 1969, and republished this issue. Applicant: THE J. W. JONES & SON COMPANY, a corporation, Post Office Box 148, Youngstown, Ohio 44501. Applicant's representative: John R. Sims, Jr., 711 14th Street NW., Washington, D.C. 20005. By application filed June 11, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of fresh meats, packinghouse products, and dairy products from and to the points indicated below, restricted to distribution service from pool cars or pool trucks, having a prior movement by rail, motor or rail piggyback. An order of the Commission, Operating Rights Board, dated October 31, 1969, and served November 12, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Youngstown, Ohio, to points in Belmont and Jefferson Counties, Ohio; Brooke, Hancock, Marshall, and Ohio Counties, W. Va., and points in Allegheny, Greene, Washington, Fayette, Westmoreland, Armstrong, Cambria, and Indiana Counties, Pa., restricted to a pool-cars or pool-trucks distribution service; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that to the extent that the authority granted herein duplicates authority now held by applicant, it will be construed as conferring but a single grant of authority. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 87909 (Sub-No. 10) (Republication), filed December 13, 1968, published in the FEDERAL REGISTER issue of January 9, 1969, and republished this issue. Applicant: ARROW MOTOR FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. The joint board recommended the issuance of a certificate to applicant to operate as a *common carrier*, by motor vehicle, in interstate or

foreign commerce, over irregular routes, of *flour*, in bags, from Hastings, Minn., to Waterloo, Iowa, restricted to traffic originating at the facilities of Peavy Flour Mills in Hastings and destined to the facilities of ITT Continental Baking Co., in Waterloo, Iowa, Chicago, Ill., and Gary, Ind. The joint board found that the recommended grant be published in the FEDERAL REGISTER and that the issuance of a certificate be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief. Although the joint board recommended that the authority granted be restricted "to traffic originating at the facilities of Peavy Flour Mills in Hastings and destined to the facilities of ITT Continental Baking Co., in Waterloo, Iowa, Chicago, Ill., and Gary, Ind.," such a restriction prohibits both tacking and interlining at the origin and destination points without sufficient evidence by the protestants that they would be materially adversely affected absent such restriction. See *Eldon Miller, Inc., Extension—Liquid Chemicals*, 73 M.C.C. 538. Such recommendation is premised on the erroneous conclusion of the joint board that the grant of authority involved tacking the authority herein with existing authority for the applicant to provide a through service, whereas involved is an interline arrangement. A decision and order of the Commission, Review Board Number 2, dated November 4, 1969, and served November 7, 1969, finds that the restriction recommended by the joint board should be, and it is hereby, eliminated; that in all other respects the evidence does not warrant a result different from that reached by the joint board, except to the extent noted above, and that the statement of facts, the conclusions, and the findings of the joint board, as modified herein, being proper and correct in all material respects, should be, and they are hereby, affirmed and adopted as our own.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10667. Authority sought for control by ERDNER BROS., INC., Fow and Leahy Avenues, Swedesboro, N.J. 08085, of ANTONIO J. LIEGGI, doing business as SHOEMAKER'S EXPRESS, Swedesboro, N.J. 08085, and for acquisition by E. LARRY ERDNER of Swedesboro, N.J., of control of ANTONIO J. LIEGGI, doing business as SHOEMAKER'S EXPRESS, through the acquisition by ERDNER BROS. INC. Applicants' representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Operating rights sought to be controlled: *General commodities*, excepting among others, Classes A and B explosives, household goods and commodities, as a *common carrier* over regular routes, between Swedesboro, N.J., and Philadelphia, Pa., serving all intermediate points, and certain off-route points in New Jersey. ERDNER BROS. INC., is authorized to operate as a *contract carrier* in Maryland, New Jersey, Virginia, Delaware, Pennsylvania, and South Carolina. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 69-14338; Filed, Dec. 2, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 28, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 3893-A,3 filed November 10, 1969. Applicant: WALTER JENNINGS, 398 North Smart Street, Greenwood, Ind. Applicant's representative: Leslie Duvall, 1126 Fidelity Building, Indianapolis, Ind. 46204. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, accept commodities in bulk; livestock; commodities, which, because of their size and/or weight require special equipment or special handling; household goods; dangerous explosives; commodities of unusual value and those commodities injurious or contaminating to other lading, to and from all points and places in Clark, Scott, Jackson, Bartholomew, Johnson, and Marion Counties, Ind. Both intrastate and interstate authority sought.

HEARING: Tuesday, December 9, 1969 at 9:30 a.m., e.s.t. at State Office Building, Room 909, Indianapolis, Indiana. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Indiana Public Service Commission, 901 State Office Building, Indianapolis, Ind. 46204, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 69-14341; Filed, Dec. 2, 1969; 8:49 a.m.]

[Notice 949]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 28, 1969.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 183 TA), filed November 19, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Pennsylvana on and east of U.S. Highway 11 from the Maryland-Pennsylvania State line to its junction with Interstate Highway 83 at or near Harrisburg, Pa., and on and west of Interstate Highway 83 from Harrisburg, Pa., to the Maryland-Pennsylvania State line, as off-route points in connection with applicant's regular-route authority between Charlotte, N.C., and New York, N.Y. The present regular route authority is restricted to traffic moving from, to or through North Carolina or South Carolina and the authority sought here, if granted, will also be so restricted, for 180 days. NOTE: Applicant intends to tack this authority with that presently held. Supporting shippers: There are approximately 17 statements of support attached to the application,

which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 29120 (Sub-No. 110 TA), filed November 20, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501, Raymond C. Burke, Vice President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 29990 (Sub-No. 7 TA), filed November 21, 1969. Applicant: BADGER LINES, INC., 3109 West Lisbon Avenue, Milwaukee, Wis. 53208. Applicant's representative: Philip H. Porter, 110 East Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Sheboygan and La Crosse, Wis., to points in Cook, Kane, Lake, McHenry, and Will Counties, Ill., with *empty containers and rejected shipments*, on return, for 150 days. Supporting shippers: Blue Ribbon Products Co., 2410 McDonough Street, Joliet, Ill. 60436 (James Londergon, President); Geneva Bottling Works, Inc., 302–324 North River Lane, Geneva, Ill. 60134 (C. Goggrano, Vice President); Kapella Distributing Co., Ingleside, Ill. (Leo E. Guscheau, Owner); Rezich & Rezich, 2938 East 95th Street, Chicago, Ill. 60617 (Dorothy Rezich, Partner); and Santi Distributing Blatz Beer, 11407 Wentworth Avenue, Chicago, Ill. 60628. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 48635 (Sub-No. 3 TA) (Correction), filed November 7, 1969, published in the FEDERAL REGISTER, issue of November 21, 1969, and republished in part, this issue. Applicant: CLOQUET TRANSFER COMPANY, 107 Avenue C, Cloquet, Minn. 55720. Applicant's representative: Arnold Atwood (same address as above). NOTE: The purpose of this partial republication is to show regular routes, in lieu of irregular. The rest of the application remains as published.

No. MC 100623 (Sub-No. 16 TA), filed November 19, 1969. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and pharmaceutical products*, from the facilities of the Upjohn Co. at or near Washington, D.C., to points in Delaware, Maryland, Virginia, and Chester, Delaware, Montgomery, Bucks, Berks, Philadelphia, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, York, Schuylkill, Carbon, Monroe, Luzerne, Lackawanna, Adams, Perry, Cumberland, and Franklin Counties, Pa.; subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 500 pounds from the consignee at one location on any one day, for 180 days. Supporting shipper: The Upjohn Co., 6130 North Capitol Street, Washington, D.C. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 119767 (Sub-No. 229 TA), filed November 21, 1969. Applicant: BEAVER TRANSPORT CO., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from Munster, Ind., to Cincinnati, Ohio, for 180 days. Supporting shipper: Pepsi-Cola General Bottlers, Inc., 1745 North Kolmar Avenue, Chicago, Ill. 60639, (A. J. Croce, Purchasing Agent and Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123233 (Sub-No. 22 TA) (Correction), filed November 6, 1969, published in the FEDERAL REGISTER, issue of November 19, 1969, and republished as corrected this issue. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville D'Anjou 436, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, and cement in bags, from ports of entry on the United States-Canada boundary line at or near Trout River, N.Y., Champlain, N.Y., Highgate Springs, Derby Line, and Norton, Vt., and Jackman, Maine, to points in Vermont and New Hampshire, and to points in Aroostook, Franklin, Oxford, Penobscot, Piscataquis, and Somerset Counties, Maine, and points in Clinton, Essex, Franklin, Jefferson, Lewis, Onondaga, Oswego, and St. Lawrence Counties, Maine; Restricted to traffic originating in Quebec, Canada, for 150 days. NOTE: The purpose of this republication is to correct an error made in the destination points, and also include the restriction which was inadvertently omitted in previous publication. Supporting shipper: Miron Co., Ltd., 2201 Jarry Street East, Montreal 455, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 127832 (Sub-No. 8 TA), filed November 21, 1969. Applicant: C & S TRANSFER INC., Post Office Box 5249, Macon, Ga. 31208. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, supplies, and equipment used in the operation of cafeterias and restaurants*, between the storage facilities of State Wholesale Food, Inc., at or near Macon, Ga., and Ahoskie, Charlotte, Kinston, Lexington, Roanoke Rapids, Rocky Mount, Siler City, Washington, and Windsor, N.C., for 180 days. Supporting shipper: State Wholesale Food, Inc., Post Office Box 4827, 507 Fifth Street, Macon, Ga. 31208. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 128117 (Sub-No. 8 TA), filed November 21, 1969. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 477, Old Fort, N.C. 28762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, native wood, white and dimension lumber, and wood furniture parts* in the white, from Dumas, Ark., to points in Henry County, Va., and points in Iredell and Davidson Counties, N.C., for 180 days. Supporting shippers: Bassett Furniture Industries, Bassett, Va. 24055; Puryear Wood Products Co., Inc., Dumas, Ark. 71639. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 134000 (Sub-No. 1 TA), filed November 21, 1969. Applicant: ROBERT E. BAILEY, 1424 Northeast Dekum Street, Portland, Oreg. 97211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, machinery, and boats*, between Portland, Oreg., and points in the continental United States limited to service under a continuing contract or contracts with the Albina Corp., Portland, Oreg., for 180 days. Supporting shipper: The Albina Corp., 3810 North

Mississippi Avenue, Portland, Oreg. 97227. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 134129 (Sub-No. 1 TA) (Amendment), filed October 29, 1969, published FEDERAL REGISTER, issue of November 5, 1969, and republished as amended this issue. Applicant: WILLIAM A. LONG, Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Culvert pipe, culvert sectional plate, and couplings and coatings for culvert pipe and sections*, from Cessna, Pa., to Bealeton, Va.; (2) *culvert banding and coupling materials, coatings and steel plates* used in the manufacture of culvert pipe and couplings, from Bealeton, Va., to Cessna, Pa.; and (3) *steel coil*, from the plantsite of Bethlehem Steel Corp., at Sparrows Point, Md., to Cessna, Pa., for 180 days. NOTE: The purpose of this republication is to show that application has been amended to read Cessna, Pa., in lieu of Bedford, Pa. Supporting shipper: Lane Juniata, Inc., Post Office Box 164, Bedford, Pa. 15522. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 2210, Washington, D.C. 20423. NOTE: The above service is to be performed under continuing contracts with Lane Juniata, Inc., of Bedford, Pa., and its affiliate, Lane Penn Carva, Inc., of Bealeton, Va.

MOTOR CARRIER OF PASSENGERS

No. MC 129768 (Sub-No. 5 TA), filed November 21, 1969. Applicant: EDWARD S. JOHNSON, doing business as JOHNSON'S LIMOUSINE SERVICE, Post Office Box 215, Frederica, Del. 19946. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, transporting not more than 11 passengers in any one vehicle, in special operations, between points in Kent County, Del., and Philadelphia, Pa.; Philadelphia International Airport, Philadelphia, Pa.; New York, N.Y.; John F. Kennedy Airport, New York, N.Y.; Baltimore, Md.; Friendship Airport, Baltimore, Md.; District of Columbia; Washington National Airport, Washington, D.C., for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

By the Commission.

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

[F.R. Doc. 69-14339; Filed, Dec. 2, 1969; 8:49 a.m.]

[Notice 453]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 28, 1969.

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

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

No. MC-FC-71699. By order of November 20, 1969, the Motor Carrier Board approved the transfer to Terminal Warehouse & Transfer Co., a corporation, 815 North Randolph, Champaign, Ill. 61820, of certificate of registration No. MC-120857 (Sub-No. 1) issued December 9, 1963, to Austin D. Roberts, doing business as Terminal Warehouse & Transfer Co., 815 North Randolph, Champaign, Ill. 61820, evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. 6434 MC dated January 17, 1956, issued by the Illinois Commerce Commission.

No. MC-FC-71702. By order of November 20, 1969, the Motor Carrier Board approved the transfer to Geraldine Seifert, doing business as Seifert Trucking, Fairbury, Nebr., of Certificates Nos. MC-96441 and MC-96441 (Sub-No. 2) issued October 23, 1957 and July 23, 1958, respectively, to Ben Seifert, Fairbury, Nebr., authorizing the transportation of various building materials, i.e., brick, tile, cement, etc., lubricating oils, agricultural implements, farm machinery, and parts, emigrant movables, and other specified commodities, serving various points and areas in Nebraska, Kansas, Missouri, and Iowa. C. E. Danley, Box 362, Beatrice, Nebr. 68310, attorney for applicants.

No. MC-FC-71710. By order of November 20, 1969, the Motor Carrier Board approved the transfer to Robert Kringen, doing business as Kringen Truck Line, Grand Forks, N. Dak. of permit No. MC-116822 issued April 15, 1969, to Leonard Jenkins, doing business as Jenkins Truck Line, Grand Forks, N. Dak., authorizing the transportation of manufactured dry fertilizer, in bulk or in bags, and insecticides, from Grand Forks, N. Dak., to points in Kittson, Marshall, Polk, Norman Clay, Roseau, Pennington, Red Lake, Mahnomen, Becker, Clearwater, Beltrami, Lake of the Woods, and Wilkin Counties, Minn. E. J. Hanson, Post Office Box 1177, Grand Forks, N. Dak. 58201, registered practitioner for applicants.

No. MC-FC-71717. By order of November 20, 1969, the Motor Carrier Board authorized Tours & Trips, Inc., Indianapolis, Ind., to acquire control of Gausepohl Travel Services, Inc., Indianapolis, Ind., which latter corporation, pursuant to license No. MC-12621 issued October 10, 1955, holds authority to engage in operations as a broker in connection with the transportation of passengers and their baggage, in round-trip tours, beginning and ending at points in Indiana within 25 miles of Indianapolis, including Indianapolis, and extending to all points in the United States. Donald W. Smith, Smith and Minton, 900 Circle Tower Building, Indianapolis, Ind. 46204, attorney for applicants.

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

[F.R. Doc. 69-14340; Filed, Dec. 2, 1969; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR

Page

Ch. I 19106

3 CFR

EXECUTIVE ORDER:

11498 19125

7 CFR

101 19060
102 19060
103 19060
104 19060
105 19060
106 19060
107 19060
108 19060
111 19060
301 19061
718 19063
725 19127
728 19063
777 19063
827 19063
871 19064
905 19067
907 19068
910 19128
945 19068

PROPOSED RULES:

905 19078
1001 19078
1002 19078
1003 19078
1004 19078
1005 19078
1006 19078
1007 19078
1011 19078
1012 19078
1013 19078
1015 19078
1016 19078
1030 19078
1032 19078
1033 19078
1034 19078
1035 19078
1036 19078
1040 ..... 19078, 19142
1041 19078
1043 19078
1044 19078

7 CFR—Continued

Page

PROPOSED RULES—Continued

1046 19078
1049 19078
1050 19078
1060 19078
1061 19078
1062 19078
1063 19078
1064 19078
1065 19078
1068 19078
1069 19078
1070 19078
1071 19078
1073 19078
1075 19078
1076 19078
1078 19078
1079 19078
1090 19078
1094 19078
1096 19078
1097 19078
1098 19078
1099 19078
1101 19078
1102 19078
1103 19078
1104 19078
1106 19078
1108 19078
1120 19078
1121 19078
1124 19078
1125 19078
1126 19078
1127 19078
1128 19078
1129 19078
1130 19078
1131 19078
1132 19078
1133 19078
1134 19078
1136 19078
1137 19078
1138 19078

9 CFR

76 ..... 19128, 19129

13 CFR

121 19129

14 CFR

Page

71 ..... 19073, 19130
91 19133
121 19133
127 19134
135 19134
385 19140

PROPOSED RULES:

37 19142
71 19080

16 CFR

13 19068–19071
15 19072

21 CFR

14 19140
121 ..... 19073, 19140

PROPOSED RULES:

18 19142

24 CFR

200 19074

29 CFR

50 19074

41 CFR

1–1 19075
101–39 19075
101–43 19075

46 CFR

6 19076
154 19076

47 CFR

PROPOSED RULES:

1 19080
61 19080

49 CFR

1033 19077

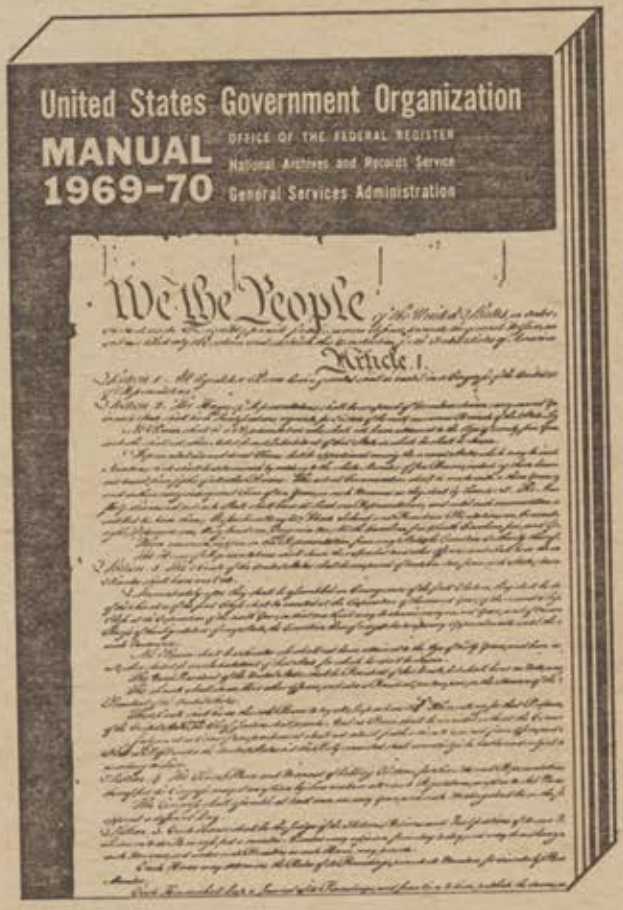
PROPOSED RULES:

1048 19144

50 CFR

12 19077
33 19141

United States Government Organization MANUAL 1969-70



know your government

Presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

$3.00 per copy. Paperbound, with charts

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.