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Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

[DESI 9-320]

PART 148e—ERYTHROMYCIN

Confirmation of Effective Date of Order Repealing Provision for Certification of Erythromycin-Polymyxin B Combination Products for Otic Administration

An order was published in the FEDERAL REGISTER of September 26, 1969 (34 F.R. 14821), amending the antibiotic drug regulations to repeal provision for certification of erythromycin gluceptate-polymyxin B sulfate-benzocaine for otic solution and erythromycin sulfate-polymyxin B sulfate-pramoxine hydrochloride otic solution. The order repealed §§ 148e.20 and 148e.21 and revoked all antibiotic certificates issued thereunder.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective November 5, 1969.

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

Dated: December 4, 1969.

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

[F.R. Doc. 69-14733; Filed, Dec. 11, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 68-WE-12-AD; Amdt. 39-891]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series Aircraft

Amendment 39-640 (33 F.R. 11976), AD 68-17-8, as amended by Amendment 39-670 (33 F.R. 15411), as amended by Amendment 39-852 (34 F.R. 15290), requires inspection for cracks, and repairs as necessary, of the lower wing skin, inboard of the inboard nacelle at the front spar on the Boeing 707 and 720 series aircraft.

The Air Transport Association has advised that the use of the dye penetrant method, as an alternative method of AD compliance for performance of the first inspection required in accordance with Boeing Service Bulletin 1995 (Revision 7), or later FAA-approved revisions, will provide an adequate level of safety. Information now available, based on operators' experience, establishes that the use of the dye penetrant method is acceptable as an initial inspection. The AD is being amended to provide for a one time initial inspection by means of either the eddy current or the dye penetrant technique; compliance times are not being altered.

Since this amendment provides for an alternative means of compliance and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-690 as amended by Amendments 39-670 and 39-852, is further amended as follows:

(c) Inspect the lower wing skin for cracks emanating from the attachments of the front spar support fitting as noted in Figure 1 of Boeing Service Bulletin 1995 (Revision 7) dated August 20, 1969, or later FAA-approved revisions, at the times specified in (h), (i), (j), or (k) as appropriate, and, if cracks are found, repair prior to further flights per (g). The initial inspection must be accomplished either by means of a dye penetrant technique or in accordance with the eddy current inspection technique described by S.B. 1995 (Revision 7) or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. The eddy current inspection technique described by S.B. 1995 (Revision 7) or later FAA-approved revision, or an equivalent FAA-approved inspection technique, must be used for all inspections thereafter.

(d) On those aircraft which have not had the drag fitting trimmed and the fairing attach angle modified in accordance with Boeing Service Bulletin 1995 (Revision 7) or later FAA-approved revisions, within the next 400 hours (for 720 Series) or 600 hours (for 707 Series) time in service after the effective date of this AD and thereafter at intervals not to exceed 800 hours (for 720 Series) or 1,200 hours (for 707 Series) time in service, inspect for cracks in the lower wing skin, emanating from the forward fastener for the drag fitting and from the fasteners for the fairing attach angle as noted in Figure 1 of Boeing Service Bulletin 1995 (Revision 7) or later FAA-approved revisions, at the threshold times as specified in (h), (i), (j), or (k) as appropriate. The initial inspection must be accomplished either by means of a dye penetrant technique or by use of eddy current inspection techniques described in S.B. 1995 (Revision 7), or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. The eddy current inspection technique described by S.B. 1995 (Revision 7) or later FAA-approved revision, must be used for all inspections thereafter. If cracks are found emanating forward from the drag fitting fastener, rework the drag fittings, doubler and skin, prior to further flight in accordance with Boeing Service Bulletin 1995 (Revision 7) or later FAA-approved revision, or in accordance with an equivalent rework or modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment is effective December 16, 1969.

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

Issued in Los Angeles, Calif., on December 4, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-14738; Filed, Dec. 11, 1969; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69-SW-42]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

On September 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14227) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 52 from Greater Southwest, Tex., to Denver, Colo.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

In § 75.100 (34 F.R. 4856) the caption of Jet Route No. 52 is amended by deleting "Greater Southwest, Texas" and substituting "Denver, Colo.," therefor; and in the text, Jet Route No. 52 "From Greater Southwest, Texas, via" is deleted and "From Denver, Colo., via Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Ardmore, Okla., 309° radials; Ardmore; Greater Southwest, Texas;" is substituted therefor.

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

Issued in Washington, D.C., on December 8, 1969.

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

[F.R. Doc. 69-14739; Filed, Dec. 11, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10000; Amdt. 679]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Allegheny VOR	McKeesport RBn	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-27	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
Newton Int	McKeesport RBn	Direct	3000	The following minimums apply if AGC OM is received:			
				C-dn	500-1	500-1	500-1½
				S-dn-27	400-1	400-1	400-1

ASR.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, MKP RBn to airport, 275°—6.3 miles; OM to Airport, 275°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing McKeesport RBn, climb to 3000' proceeding to AGC RBn. Hold W, right turns, 1 minute, 082° Inbnd.
MSA within 25 miles of facility: 075°–165°—4000'; 165°–075°—3100'.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1252'; Fac. Class., MIIW; Ident., MKP; Procedure No. NDB (ADF)-1, Amdt. 14; Eff. date, 1 Jan 70; Sup. Amdt. No. ADF 1, Amdt. 13; Dated, 29 May 65

2. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mission Int/DME Fix	Irvington Int/DME Fix	Direct	3500	T-dn%	300-1	300-1	#200-½
Sunol Int/DME Fix	Irvington Int/DME Fix	Direct	4000	C-dn**	500-1	500-1	500-1½
Irvington Int/DME Fix	Center Int	Direct	3500	S-dn-29##	200-½	200-½	200-½
Center Int	Russell LOM (Final)	Direct	1600	A-dn$	600-2	600-2	600-2

Radar available.
†Procedure turn not authorized. Aircraft must: (1) Proceed via an approved transition or, (2) descend in the Irvington Int holding pattern 229° Inbnd, 1-minute pattern, right turns, minimum altitude 4000' or, (3) be radar vectored to final approach crs.
Final approach crs, Inbnd 293°.
Minimum altitude at glide slope interception Inbnd, 3500'.
Altitude of glide slope and distance to approach end of runway from Center Int, 3854'—13 miles; Russell LOM, 1368'$—4.6 miles; MM, 213'—0.5 mile; IM, 109'—1090'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 300', then turn right and intercept the OAK VOR R 313°, climbing to 3000' to Richmond Int.
In vicinity of LOM, heavy VFR traffic in Hayward Airport traffic pattern.
%RVR 1800' authorized Runway 29. IFR departures must comply with published Oakland SID's, or be radar vectored.
##RVR 2000', 4-engine turbojet: RVR 1800' other aircraft. Descent below 200' not authorized unless approach lights are visible.
#300–1 required for takeoff on Runways 33 and 15.
*400–¾ required if glide slope not utilized. 400–½ authorized with operative ALS, except for 4-engine turbojets.
$Upon intercepting the glide slope, aircraft may continue descent on the glide slope to cross the OM at 1368'. If glide slope not utilized, aircraft must cross the OSI VOR R 025° at 2000' and the OM at 1600'.
**Circling N of Runways 9/27 below 700' not authorized due to 362' tank 1.6 miles N of airport.
MSA within 25 miles of LOM: 000°–090°—5100'; 090°–180°—5400'; 180°–270°—3000'; 270°–360°—4900'.

City, Oakland; State, Calif.; Airport name, Oakland International; Elev., 6'; Fac. Class., ILS; Ident., I-INB; Procedure No. ILS Runway 29, Amdt. 10; Eff. date, 1 Jan. 70; Sup. Amdt. No. 9; Dated, 23 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Allegheny VOR	McKeesport RBn	Direct	3000	T-dn*	300-1	300-1	200-½
McKeesport RBn	Jeannette Int	Direct	3000	C-dn	500-1	500-1	500-1½
Jeannette Int	McKeesport RBn (final)	Direct	3000	S-dn-27**	300-1¼	300-1¼	300-1½
Newton Int	McKeesport RBn	Direct	3000	A-dn	600-2	600-2	600-2
				When glide slope not utilized:			
				S-dn-27***	400-1¼	400-1¼	400-1¼

ASR.
Procedure turn S side of crs, 060° Outbnd, 276° Inbnd, 3000' within 10 miles of MKP RBn.
Minimum altitude at glide slope, Int Inbnd, 3000'. Glide slope intercepted between MKP RBn and the ILS OM. Distance McKeesport RBn to airport, 6.3 miles.
Altitude of glide slope and distance to approach end of runway at OM, 2615—4.2 miles; at MM, 1480—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000', proceeding to AGC RBn. Hold W right turns, 1 minute, 082° Inbnd.
NOTE: Back crs unusable.
Supplementary charting information: LOC crs crosses runway centerline extended 2740' prior to runway threshold.
*RVR 2400' authorized Runway 27.
**RVR 2400'. Descent below 1552' not authorized unless approach lights are visible.
***400-1¼ authorized with operative ALS except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 075°-165°—4000'; 165°-075°—3100'.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1252'; Fac. Class., ILS; Ident., I-AGC; Procedure No. ILS Runway 27, Amdt. 18; Eff. date, 1 Jan. 70; Sup. Amdt. No. 17; Dated, 28 Aug. 69

3. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing Folsom Int.
Bridgeton Int	MIV VORTAC (NOPT)	Direct	2000	Climbing right turn to 2000' direct to MIV VOR and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 061° Inbnd.

Procedure turn not authorized.
One-minute holding pattern SW of MIV VORTAC 061° Inbnd, right turns, 2000'.
FAF, Folsom Int. Final approach crs, 061°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over MIV VORTAC, 2000'; over Folsom Int/6.7-mile DME Fix, 1700'.
MSA: 090°-270°—1600'; 270°-090°—2100'.
NOTES: (1) Radar vectoring. (2) Use Atlantic City altimeter setting.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	600	1	531	600	1	531	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Hammonton; State, N.J.; Airport name, Hammonton Municipal; Elev., 69'; Facility, MIV; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 1 Jan. 70

4. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.4 miles after passing JAX VOR TAC.
R 174°, JAX VORTAC CCW	R 104°, JAX VORTAC (NOPT)	8-mile DME Arc	2000	Climb to 1600' on R 284° within 15 miles of JAX VORTAC.
R 010°, JAX VORTAC CW	R 104°, JAX VORTAC (NOPT)	8-mile DME Arc	2000	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. ALS Runway 7, HIRL Runways 7/25. Runway 31, TDZ elevation, 25'.

Procedure turn N side of crs, 104° Outbnd, 284° Inbnd, 2000' within 10 miles of JAX VORTAC.
FAF, JAX VORTAC. Final approach crs, R 284°. Distance FAF to MAP, 6.4 miles.
Minimum altitude over JAX VORTAC, 2000'.
MSA: 000°-090°—1400'; 090°-270°—2100'; 270°-360°—1400'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	460	1	435	460	1	435	460	1	435	460	1	435
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	471	500	1	471	500	1¼	471	580	2	551
A	Standard.		T 2-eng. or less—RVR 24', Runway 7; Standard all other runways.				T over 2-eng.—RVR 24', Runway 7; Standard all other runways.					

City, Jacksonville; State, Fla.; Airport name, Jacksonville International; Elev., 29'; Facility, JAX; Procedure No. VOR Runway 31, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 6 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MIE VOR.
OKK VORTAC	MIE VOR	Direct	2500	Climb to 2500' on MIE R 140° within 10 miles, make left turn and return to VOR.
MZZ VOR	MIE VOR	Direct	2500	Runway 14, TDZ elevation, 936'.
MZZ VOR	Matthews Int	Direct	2400	
Matthews Int	Gaston Int (NOPT)	Direct	1600	

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2400' within 10 miles of MIE VOR.
Final approach crs, 140°.
Minimum altitude over Gaston Int, 1360'.* (*1600' from Matthews Int.)
MSA: 000°-360°—2500'.
CAUTION: Unlighted 1043' powerline ½ mile NW of Runway 14.
NOTE: Use Grissom AFB altimeter setting when control zone not effective; circling and straight-in MDA increased 200' except for operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-14	1360	1	424	1360	1	424	1360	1	424	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1500	1	563	1500	1	563	1500	1¼	563	NA
	VOR/NDB Minimus:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-14	1300	1	364	1300	1	364	1300	1	364	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1500	1	563	1500	1	563	1500	1¼	563	NA
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Muncie; State, Ind.; Airport name, Delaware County/Johnson Field; Elev., 937'; Facility, MIE; Procedure No. VOR Runway 14, Amdt. 3; Eff. date, 1 Jan. 70; Sup. Amdt. No. 2; Dated, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: HVN VOR.
BDR VOR	Pond Point Int	Direct	2000	Climbing right turn to 2000' direct to MAD VOR and hold.
Intersection V-16/BDR R 099°	Pond Point Int	Direct	2000	
MAD VOR	Pond Point Int	Direct	1600	Supplementary charting information:
RVH VORTAC	Pond Point Int	RVH R 004° and HVN R 205°.	2000	Hold SW, 1 minute, right turns, 047° Inbnd. Stack 297', 1.1 miles NNW of airport. Trees 259', 0.7 mile N of airport. Runway 2, TDZ elevation, 6'.

Procedure turn not authorized.
One-minute holding pattern S of Pond Point Int. 025° Inbnd, right turns, 1600'.
FAF, Pond Point Int. Final approach crs, 025°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over Pond Point Int, 1600'.
MSA: 000°-090°—2600'; 090°-180°—1600'; 180°-270°—1700'; 270°-360°—2000'.

NOTES: (1) Use Bridgeport altimeter setting when control zone not effective. (2) Inoperative components table does not apply to REIL's.
*Circling and straight-in MDA increased 40' and alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2*	380	1	374	380	1	374	380	1	374	380	1	374
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	600	1	586	600	1	586	600	1¼	586	600	2	586
A	Standard.*		T 2-eng. or less—300-1, Runways 2, 32; Standard all others.				T over 2-eng.—300-1, Runways 2, 32; Standard all others.					

City, New Haven; State, Conn.; Airport name, Tweed-New Haven; Elev., 14'; Facility, HVN; Procedure No. VOR Runway 2, Amdt. 8; Eff. date, 1 Jan. 70; Sup. Amdt. No. 7; Dated, 3 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: TWF VOR.
BYI VORTAC	BYI 19-mile DME (NOPT)	BYI, R 236°	5700	Climbing right turn to 6000' TWF VOR,
Rock Creek Int	TWF VOR	Direct	8000	R 293° within 10 miles; or, when directed
Wooden Shoe Int	TWF VOR	Direct	8000	by ATC, climbing right turn to 6000'
19-mile DME BYI, R 236°	TWF VOR (NOPT)	Direct	4620	TWF VOR, R 060° within 10 miles. Supplementary charting information: LRCO, 122.1, 123.6. Runway 25, TDZ elevation, 4148'.

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 5700' within 10 miles of TWF VOR.
Final approach crs, 248°.
MSA: 000°-090°—7600'; 090°-180°—9100'; 180°-270°—8400'; 270°-360°—6000'.

NOTE: Sliding scale not authorized.
*Use Burley, Idaho, altimeter setting when control zone not effective. Circling and straight-in MDA increased 140' and alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
%IFR departure procedures: Climb on R 060° TWF VOR within 10 miles to cross TWF VOR southeast bound on V-253 at or above 5000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25*	4620	1	472	4620	1	472	4620	1	472	4620	1	472
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	4680	1	532	4680	1	532	4680	1¼	532	4740	2	592
A	Standard.*		T 2-eng. or less— Standard.%				T over 2-eng.—Standard.%					

City, Twin Falls; State, Idaho; Airport name, Twin Falls City-County (Joslin Field); Elev., 4148'; Facility, TWF; Procedure No. VOR Runway 25, Amdt. 9; Eff. date, 1 Jan. 70; Sup. Amdt. No. 8; Dated, 10 Apr. 69

5. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing JA LOM.
JAX VORTAC	JA LOM	Direct	2000	Climb to 1600' on crs 070° within 15 miles.
St. Andrews Int	JA LOM	Direct	2000	Supplementary charting information:
Chester Int	JA LOM	Direct	2000	ALS Runway 7, HIRL Runway 7/25.
Bryceville Int	JA LOM (NOPT)	Direct	1600	Runway 7, TDZ elevation, 29'.

Procedure turn N side of crs, 250° Outbnd, 070° Inbnd, 2000' within 10 miles of JA LOM.
FAF, JA LOM. Final approach crs, 070°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over JA LOM, 1600'.
MSA: 000°-090°—1400'; 090°-180°—2100'; 180°-270°—1700'; 270°-360°—1500'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	500	RVR 40	471	500	RVR 40	471	500	RVR 40	471	500	RVR 50	471
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	471	500	1	471	500	1¾	471	580	2	551
A	Standard.		T 2-eng. or less—RVR 24', Runway 7; Standard all other runways.				T over 2-eng.—RVR 24', Runway 7; Standard all other runways.					

City, Jacksonville; State, Fla.; Airport name, Jacksonville International; Elev., 29'; Facility, JAX; Procedure No. NDB (ADF) Runway 7, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 6 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PLD NDB.
Redkey Int	PLD NDB	Direct	2600	Climb on crs to 2600'; return to PLD NDB.
Berne Int	PLD NDB	Direct	2600	Supplementary charting information:
Bonnie Int	PLD NDB	Direct	2600	Final approach crs intercepts runway centerline 1408' from runway threshold. Radio tower 1.3 miles SW of airport, 1115'. Tower 1340' 2.3 miles S of airport. Runway 27, TDZ elevation, 923'.

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2600' within 10 miles of PLD NDB.
Final approach crs, 280°.
MSA: 090°-270°—2500'; 270°-090°—2200'.
NOTE: Use Fort Wayne altimeter setting.
%IFR departures Runway 27 maintain runway heading, climb to 1700' MSL before turning left.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-27	1560	1	637	1560	1	637	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1560	1	637	1560	1	637	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%	

City, Portland; State, Ind.; Airport name, Steed; Elev., 923'; Facility, PLD; Procedure No. NDB (ADF) Runway 27, Amdt. 2; Eff. date, 1 Jan. 70; Sup. Amdt. No. 1; Dated, 20 Nov. 69

6. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitude (feet)	MAP: ILS DH 229'; LOC 5.6 miles after passing JA LOM.
JAX VORTAC	JA LOM	Direct	2000	Climb to 1600' on LOC (BC) 070° within 15 miles.
St. Andrews Int	JA LOM	Direct	2000	
Chester Int	JA LOM	Direct	2000	Supplementary charting information:
Bryceville Int	JA LOM (NOPT)	Direct	1600	ALS Runway 7, HIRL Runways 7/25. Runway 7, TDZ elevation, 29'.

Procedure turn N side of crs, 250° Outbnd, 070° Inbnd, 2000' within 10 miles of JA LOM.
FAF, JA LOM. Final approach crs, 070°. Distance FAF to MAP, 5.6 miles.
Minimum glide slope intercept altitude, 1600'. Glide slope altitude at OM, 1588'; at MM, 234'.
Distance to runway threshold at OM, 5.6 miles; at MM, 0.6 mile.
MSA: 000°–090°—1400'; 090°–180°—2100'; 180°–270°—1700'; 270°–360°—1500'.
NOTE: ASR.
*Inoperative table does not apply to HIRL Runway 7.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7	229	RVR 24	200	229	RVR 24	200	229	RVR 24	200	229	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7*	460	RVR 40	431	460	RVR 40	431	460	RVR 40	431	460	RVR 40	431
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	471	500	1	471	500	1½	471	580	2	551
A	Standard.		T 2-eng. or less—RVR 24', Runway 7; Standard all other runways.				T over 2-eng.—RVR 24', Runway 7; Standard all other runways.					

City, Jacksonville; State, Fla.; Airport name, Jacksonville International; Elev., 29'; Facility, I-Jax; Procedure No. ILS Runway 7, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 6 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Runway 7L DH Categories A, B, C, 325'; Category D, 375'; LOC 4.7 miles after passing Turtle Int.
Westlake Int	Steamer Int	Direct	3000	Climb to 3000' direct to Downey NDB/FM/Int.
LAX VOR	Turtle Int	Direct	2000	Supplementary charting information:
Steamer Int	Turtle Int (NOPT)	Direct	1500	Chart DME distance at MAP (1.8-mile DME). Chart MALS RAIL Runway 7L. Runway 7L, TDZ elevation, 125'. Runway 7R, TDZ elevation, 124'.

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 2000' within 10 miles of Turtle Int.
FAF, Turtle Int. Final approach crs, 068°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Turtle Int, 1500'.
Minimum glide slope intercept altitude, 1500'. Glide slope altitude at Turtle Int, 1494'; at MM, 320'.
Distance to runway threshold at Turtle Int, 4.7 miles; at MM, 0.5 mile.
MSA: Not authorized.
NOTES: (1) ASR/PAR. (2) DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point. (3) Inoperative table does not apply to REIL or HIRL Runway 7L/R.
%IFR departure procedures: Northbound (280° through 060°) published SID's must be used or be radar vectored.
#Runways 6 L/R, 7R, RVR 50'; Runways 24 L/R, RVR 40'; Runways 25 L/R, 7L, RVR 24'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-7L	325	RVR 24	200	325	RVR 24	200	325	RVR 24	200	375	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L	460	RVR 24	335	460	RVR 24	335	460	RVR 24	335	460	RVR 50	335
S-7R	640	RVR 50	516	640	RVR 50	516	640	RVR 50	516	680	RVR 60	556
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1½	514	680	2	554
A	Standard.		T 2-eng. or less—Runway 8/26, Standard.%#				T over 2-eng.—Runway 8/26, Standard, all other Runways RVR 24'.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-IAS; Procedure No. ILS Runway 7L, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 30 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM/Int.
				Initiate immediate climb on LOC crs to 500', turn right, continue climb to 4000' via 265° heading and LAX R 276° to Topanga Int.
				Supplementary charting information: Depict Runway 25L localizer crs in plan view.
				Parallel procedures Parallel ILS Runway 24 L/R and Parallel ILS Runway 25L to be issued on adjoining plates.
				Runways 24 L/R, TDZ elevation, 120'.

Procedure turn not authorized. Approach crs (Profile) starts at Romeo LOM/Int.
FAF, Romeo LOM/Int. Final approach crs, 248°, Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM/Int, 2200': over Arbor Int, 620'.
Minimum glide slope intereception altitude, 2500'. Glide slope altitude at OM, 2196'; at MM, 317'.
Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile.
MSA: Not authorized.
NOTES:
(1) ASR/PAR.
(2) Radar required. (a) This procedure mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC (or ADF) and localizer receivers are operating simultaneously. (b) Notify approach control immediately if any required airborne receiver in note (a) is malfunctioning or parallel approach is not desired.
(3) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
(4) Inoperative table does not apply to HIRL or SALS Runways 24 L/R.
%IFR departures: Northbound (280° CW through 060°) published SID's must be used or be radar vectored.
#Runways 6 L/R, 7R, RVR 50'; Runways 24 L/R, RVR 40'; Runways 25 L/R, 7L, RVR 24'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-24 L/R	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24 L/R	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500
	LOC/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24 L/R	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360
A	Standard.			T 2-eng. or less—Runways 8/26, Standard.%#			T over 2-eng.— Runways 8/26, Standard; all other runways RVR 24'.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-OSS; Procedure No. Parallel ILS Runway 24 L/R, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 30 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 370'; LOC 6.3 miles after passing Romeo LOM/Int.
				Initiate immediate climb on LOC crs to 500', turn right, continue climb to 4000' via 265° heading and LAX R 270° to Topanga Int.
				Supplementary charting information:
				Depict Runways 25 L/R localizer crs in plan view.
				Parallel procedures, Parallel ILS Runway 24R and Parallel ILS Runways 25 L/R to be printed on adjoining plates.
				Runway 24R, TDZ elevation, 120'.

Procedure turn not authorized. Approach crs (Profile) starts at Romeo LOM/Int.
FAF, Romeo LOM/Int. Final approach crs, 248°. Distance FAF to MAP, 6.3 miles.
Minimum altitude over Romeo LOM/Int., 2200'; over Arbor Int., 620'.
Minimum glide slope interception altitude, 2500'. Glide slope altitude at OM, 2190'; at MM, 317'.
Distance to runway threshold at OM, 6.3 miles; at MM, 0.5 mile.
MSA: Not authorized.
NOTES:
(1) ASR/PAR.
(2) Radar required. (a) This procedure mandatory when conducting a parallel ILS approach and is authorized only when airborne 75MC (or ADF) and localizer receivers are operating simultaneously. (b) Notify approach control immediately if any required airborne receiver in Note (a) is malfunctioning or parallel approach is not desired.
(3) DME should not be used to determine aircraft position over MM, runway threshold, or runway touchdown point.
(4) Inoperative table does not apply to HIRL or SALS Runway 24R.
%IFR Departures: Northbound (280° through 060°) published SID's must be used or be radar vectored.
#Runways 6 L/R, 7R, RVR 50'; Runways 24 L/R, RVR 40'; Runways 25 L/R, 7L, RVR 24'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-24R	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250	370	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24R	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500	620	RVR 50	500
	LOC/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24R	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360	480	RVR 50	360
A	Standard.		T 2-eng. or less—Runways 8/26, Standard. %#				T over 2-eng.—Runways 8/26, Standard; all other Runways RVR 24.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Facility, I-OSS; Procedure No. Parallel ILS Runway 24R, Amdt. 1; Eff. date, 1 Jan. 70; Sup. Amdt. No. Orig.; Dated, 30 Oct. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on December 1, 1969.

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

[F.R. Doc. 69-14524; Filed, Dec. 11, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

[Reg. ER-595]

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Processing of Applications of Long-Haul Motor Carriers of General Commodities for Authority as Air Freight Forwarders or International Air Freight Forwarders

Correction

In F.R. Doc. 69-14538, appearing at page 19340 in the issue of Saturday, December 6, 1969, following the fourth introductory paragraph the following material was inadvertently omitted:

Amend the table of contents by adding §§ 244.19a, 244.19b, 244.19c, and 244.19d entitled as follows:

Sec.

* * * * *

244.19a Originating air station data (Schedule T-4).
244.19b Supplemental operating statistics—long-haul motor carriers/air freight forwarders (Schedule T-5).
244.19c Analysis of traffic by weight breaks (Schedule T-6).
244.19d Report of location of air freight forwarding stations and surface transport terminals.

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1970 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Florida Citrus Crop Insurance Regulations for the 1967 and Succeeding Crop Years which shall remain in full force and effect for the 1969 crop year, are hereby superseded for the 1970

and succeeding crop years by the regulations set forth below. The provisions of this subpart shall apply, until amended or superseded to all continuous Florida citrus crop insurance contracts as they relate to the 1970 and succeeding crop years.

Secs.
410.1 Availability of Florida citrus crop insurance.
410.2 Premium rates and amounts of insurance.
410.3 Application for insurance.
410.4 Public notice of indemnities paid.
410.5 Creditors.
410.6 The application and the policy.

AUTHORITY: The provisions of this subpart issued under Secs. 506, 516, 52 Stat. 73, as amended; 77, as amended; 7 U.S.C. 1506, 1516.

§ 410.1 Availability of Florida citrus crop insurance.

Citrus crop insurance shall be offered for the 1970 and succeeding crop years under the provisions of § 410.1 through § 410.6 in counties in Florida within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for citrus crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 410.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 410.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 410.3 Application for insurance.

Application for insurance may be submitted, as provided in § 410.6 at the office for the county for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive or limit the amount of insurance prior to the closing date for the filing of applications. Such closing date shall be August 15 of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 410.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 410.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Application and Policy set forth in § 410.6.

§ 410.6 The application and the policy.

The provisions of the Application and Policy for Florida Citrus Crop Insurance for the 1970 and Succeeding Crop Years are as follows:

Application and Policy

Form FCI-812-Florida Citrus

UNITED STATES DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

APPLICATION AND POLICY FOR FLORIDA CITRUS CROP INSURANCE

(For 197_ and Succeeding Crop Years)

(Name of insured)

(Policy number)

(Address of insured) (Zip Code)

(County)

1. The undersigned applicant (herein also called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest as a producer in citrus crops of the insurable types designated below (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The applicant applies for the amount of insurance for the applicable type shown below which shall be an amount shown on the county actuarial table (hereinafter called the "actuarial table"). The amounts of insurance available each crop year and prescribed premium rates for each crop year are shown by types on the actuarial table from year to year. The insured may with the consent of the Corporation change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the office for the county in writing prior to the date insurance attaches for the crop year for which the change is to become effective. The amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose but the amount of insurance shall not exceed the maximum dollar amount per acre shown on the actuarial table for such crop year. The insured hereby elects the respective amounts of insurance entered below for the type of citrus on which insurance is applied for:

(Type)	(Crop(s))	(Amount per acre)
		Dollars
I	Early and midseason oranges	
II	Late oranges	
III	Grapefruit	
IV	Navel oranges, tangelos and tangerines [1]	
V	Murcott honey oranges and Temple oranges	

[1] I hereby elect to exclude from insurance Robinson tangerines by checking this box. ☐

This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership or other entity.

2. *Causes of loss insured against.* The insurance provided is against unavoidable loss resulting from freeze, hail, hurricane, or tornado occurring within the insurance period. No insurance is provided against loss or damage to blossoms or trees.

3. *Insured crop.* (a) Application for insurance may be made with respect to all types of citrus or with respect to any one or more types of citrus, as defined in section 22 hereof, produced by the insured on trees that have reached at least the sixth growing season after being set out, except that the insured may, subject to approval of the Corporation, elect to insure or exclude from insurance for any crop year any definitely described and designated insurable acreage having a potential of less than 100 standard field boxes per acre. Acreage so excluded with approval of the Corporation shall be disregarded for all purposes of this contract for the crop year involved. If the insured fails to report, elect and designate any defined acreage, the Corporation will disregard such acreage if the minimum potential is not produced thereon. However, if the production meets the minimum, the Corporation shall determine the percent of damage on all of the insurable acreage for the insurance unit (hereinafter called "unit") but will not permit the percent of damage for the unit to be increased by reason of the use of such undesignated acreage. The potential to be used to determine the percent of damage for a unit under section 14 shall never be less than 100 standard field boxes per acre. Except as otherwise provided herein, the insured acreage for each crop year shall be all that acreage in the county of the type(s) of citrus for which the insured has applied for insurance, which is shown as insurable on the actuarial table and not excluded otherwise because of risk, and in which the insured has an interest on the date insurance attaches.

(b) Insurance for each crop year of the contract shall cover only citrus fruit which can be expected to mature in the normal maturity period for the variety for such crop year.

4. *Responsibility of the insured to report acreage and interest.* The insured at the time of filing his application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of citrus which is uninsurable or any acreage not insured under the provisions of the preceding section. This report shall be revised for any crop year before insurance attaches if the acreage to be insured, or interest therein, has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation, whichever the Corporation may elect.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the actuarial table for each crop year shall constitute the contract for citrus insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance attaches on the first May 1 of the crop year, unless the application is accepted by the Corporation after that date in which event insurance shall attach in the first crop year on the date of acceptance, but in no event earlier than the 10th day after the date the application is submitted to the office for the county, and as to any portion of the citrus crop shall cease upon harvest but in no event shall the insurance remain in effect later than June 30 (January 31 for tangerines and navel oranges) of the calendar year following the calendar year in which the insurance period begins.

7. *Annual premium.* (a) The annual premium shall be considered as earned on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage on the unit by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The total annual premium for the contract shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive years with no loss*
5 percent after	1 year.
5 percent after	2 years.
10 percent after	3 years.
10 percent after	4 years.
15 percent after	5 years.
20 percent after	6 years.
25 percent after	7 years or more.

If any insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that as to any amount thereof not paid by the April 30 of the crop year in which earned, it shall be increased by 10 percent. It is further agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

(Witness to signature)

(Signature of applicant)

----------, 197-- Code ----------

(Date)

9. Recommended for acceptance by:

---------- ----------, 197--

(Grove Inspector) (Date)

10.

Address of office for county phone:	Location of headquarters phone:

11. *Life of contract.* The contract is noncancelable for the first crop year and shall continue in effect for each succeeding crop year until either the insured or Corporation cancels the contract by giving written notice to the other by the April 30 immediately preceding the beginning of the crop year for which the cancellation is to become effective. If, however, the Corporation limits the amount of insurance, or any acreage is excluded from insurance under the contract by the Corporation because of the risk involved, after the April 15 immediately preceding the beginning of the crop year for which such limitation or exclusion is to become effective, the insured shall have the right to cancel the contract within 15 days after notice thereof is mailed to the insured by the Corporation. If the premium is not paid by the April 30 of the crop year in which the premium was earned, the contract shall terminate for nonpayment of premium effective beginning with the next crop year.

12. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Any such amendment or change shall be mailed to the insured or made available at the office for the county by the April 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of such amendment or change will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 11 hereof.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any unit hereunder that the insured report in writing each damage to the insured crop from an insured cause to the office for the county immediately after such damage becomes apparent, giving the date of such damage. If not so reported within 7 days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) If damage occurs within the 7-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, written notice shall be given immediately to the office for the county.

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation. The Corporation reserves the right to delay the determination of the amount of loss until the end of the insurance period.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of citrus on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the average percent of damage (determined in accordance with subsections (c), (d), and (e) of this section) in excess of 10 percent (i.e., average damage 45% — 10% = 35% payable) and (3) multiplying the result by the insured interest.

(c) Subject to the provisions of subsections (d) and (e) of this section, the average percent of damage to the insured crop on any unit shall be the ratio of the number of standard field boxes of the crop lost from an insured cause to the total number of standard field boxes which would have been produced (herein called the "potential"). The potential for the unit shall not be less than the product of 100 standard field boxes multiplied by the number of acres in the unit and shall include citrus which (1) was picked before the insured damage occurred, (2) remained on the trees after the damage ocurred, (3) was lost from an insured cause, and (4) any other citrus covered by insurance not included in items (1) through (3), including citrus lost from causes not insured against other than normal dropping but not including citrus lost before insurance attached or any tangerines the Corporation determines normally would not meet the 246 pack size under U.S. Standards (2 2/16 inches minimum diameter) by the end of the insurance period for tangerines.

(d) As determined by the Corporation, citrus lost from an insured cause shall include any citrus which is unmarketable either as fresh fruit or for juice due to an insured cause, and any citrus which is partially damaged by freeze as provided in subsection (e).

If any portion of the insured crop on any unit is seriously damaged by freeze as determined under the applicable provisions of the Florida Citrus Code and could not be marketed as fresh fruit within the prescribed tolerance for freeze damage (including adulteration) such portion of the crop shall be deemed to be unmarketable as fresh fruit.

If any portion of the insured crop on any unit is damaged by any insured cause to the extent that it could not be marketed either as fresh fruit or for juice because it is immature, unwholesome, decomposed, adulterated, or otherwise unfit for human consumption, that portion of the crop shall be deemed to be unmarketable as fresh fruit or for juice.

Any portion of the insured crop harvested prior to inspection by the Corporation or which is or could be marketed as fresh fruit shall be considered undamaged.

Any citrus harvested within 7 days after a freeze will not be considered damaged by freeze.

Any fruit on the ground as a result of an insured cause of loss which is not picked up and marketed shall be deemed to be 90 percent lost if due to freeze and totally lost if due to an insured cause other than freeze.

If unmarketable as fresh fruit due to insured causes, pink and red grapefruit of

citrus Type III shall be deemed to have 70 percent damage and citrus Types IV and V shall be deemed to have 60 percent damage unless the Corporation determines by a fresh fruit cut that the actual percent of damaged fruit is greater.

(e) If any portion of the insured citrus crop of Types I, II, and III (excluding pink and red grapefruit) is unmarketable as fresh fruit due to freeze but may be processed by the canning or concentrating plants, it shall be considered as marketable for juice and the extent of damage, whether partial or total, shall be determined as follows subject to the applicable provisions of the preceding section:

(1) From the 8th through the 30th day after the freeze, any portion of the insured crop which has a sufficient number of freeze damaged fruits therein to make it unmarketable as fresh fruit under the provisions of the Florida Citrus Code shall, if marketed for juice, be considered damaged the smaller of 30 percent or the actual percent of freeze damaged fruit as determined by the Corporation by sampling representative fruits by a fresh fruit cut method. (In the event there are successive freezes, the 30-day period shall be considered to have its beginning from the date of the freeze that results in the citrus becoming unmarketable as fresh fruit as determined by the Corporation.)

(2) Beginning with the 31st day after the freeze, citrus lost from freeze shall include any citrus which is unmarketable, either as fresh fruit or for juice due to freeze and any citrus which is partially damaged by freeze.

(3) Citrus shall be considered as having been partially damaged from an insured cause only if the cause of such damage is freeze and then only if the citrus is not harvested within 30 days after the partial damage, and if before harvest the citrus has dried to the extent that the amount of damage can be determined. Partial damage by freeze will be determined by the Corporation by a weight method under which the percent of damage will be determined by weighing representative samples of damaged and undamaged fruit unless the Corporation determines that there is an insufficient number of undamaged fruit in which case the cut method described in 4 below will be used.

(4) The percent of damage due to freeze in an individual fruit sampled by a cut method shall be determined by the Corporation as follows: (a) If the Corporation determines that there is less than 16 percent juice loss, the fruit shall be considered undamaged, (b) if the Corporation determines that as much as 16 percent, but less than 50 percent of the juice has been lost due to freeze, the fruit shall be considered as 40 percent damaged, or (c) if the Corporation determines that 50 percent but less than 75 percent of the juice has been lost due to freeze, the fruit shall be considered as 70 percent damaged.

If the Corporation determines by either the cut or weight method that 75 percent or more of the juice has been lost due to freeze, the fruit shall be considered as totally lost.

(f) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within 1 year after the date notice of denial of the claim is mailed to and received by the insured.

15. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) For the purposes of subsection (b) hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the parties shall terminate the contract.

16. *Insured interest.* For the purpose of determining the amount of indemnity, the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

17. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which any such act or omission occurred.

19. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

22. *Meaning of terms.* For purposes of insurance on citrus the terms:

(a) "County actuarial table" means the actuarial forms and related material (including the crop insurance maps where applicable) which are approved by the Corporation, which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information with respect to citrus crop insurance for the crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on the actuarial table which may include insurable acreage located in a local producing area bordering on the county.

(d) "Crop year" means the period beginning May 1 and extending through June 30 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(e) "Harvest" means any severance of citrus fruit from the tree either by pulling or picking, or picking the marketable fruit from the ground.

(f) "Insurance unit" means all insurable acreage in the county of any one of the five citrus types (see (g) below) (1) in which type of citrus the insured has 100 percent interest on the date insurance attaches for the crop year and which is located on contiguous land under the same ownership, or (2) in which type of citrus two or more persons have 100 percent interest on the date insurance attaches for the crop year and which type is located on contiguous land under the same ownership, excluding any other acreage of such type of citrus in which such persons do not have 100 percent interest in such citrus on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

(g) "Types of citrus" means any of the five types of fruit as follows: Type (I), Early and midseason oranges; Type (II), Late oranges; Type (III), Grapefruit; Type (IV), Navel oranges, tangelos, and tangerines, and Type (V), Murcott honey oranges and temple oranges. Oranges commonly known as "sour oranges" and "clementines" shall not be deemed to be included in any of the insurable types of citrus.

(h) "Standard field box" means a standard citrus field box as prescribed in the Florida Citrus Code.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on December 5, 1969.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: December 9, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-14767; Filed, Dec. 11, 1969; 8:48 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 817, Amdt. 3]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

APPLICATIONS BY IMPORTER

Basis and purpose and bases and considerations. This amendment is issued pursuant to authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the

"Act", and for the purpose of amending § 817.4(a)(4) to permit, upon written request by an importer, the issuance of an authorization to release raw sugar to an importer prior to naming the ultimate refiner who will receive such sugar. This amendment is necessary because occasionally, near the end of the year, conditions may arise in the sugar market which would jeopardize the opportunity of a country or area to complete the filling of its quota simply because of difficulties in arranging a sale to a refiner. In such circumstances, the amendment will facilitate the entry of the sugar in question and hence the filling of the quota.

By virtue of the authority vested in the Secretary of Agriculture, by the Act, Part 817 of this chapter (32 F.R. 14363, 33 F.R. 3423, 34 F.R. 378) is hereby amended by amending subparagraph (4) of paragraph (a) of § 817.4 to read as follows:

§ 817.4 Applications by importer.

(a) * * *

(4) Name and address of the person to whom delivery is to be made from the importing carrier. If not known when an application is submitted, this information must be supplied before a Collector will be authorized to release the sugar: *Provided*, That upon written request submitted within the last 2 weeks of the year by the importer to the Secretary the Collector may be authorized to release raw sugar to the importer named on the Sugar Quota Clearance Record (Form SU-3) with the importer having the privilege of subsequently naming, prior to a date specified in each case by the Secretary, the refiner who will receive such sugar.

* * * * *

(Sec. 403; 61 Stat. 932; 7 U.S.C. 1153; sec. 202; 61 Stat. 924, as amended; 7 U.S.C. 1112)

Effective date. Due to the nearness of the end of the calendar year when sugar quotas terminate and in view of the fact that circumstances may exist which could jeopardize the opportunity of a country or area to fill its quota it is imperative that this amendment be made effective at the earliest possible date. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 8, 1969.

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

[F.R. Doc. 69-14728; Filed, Dec. 11, 1969; 8:45 a.m.]

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

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Rules and Regulations

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 69-13637 appearing at page 18223 in the issue of Friday, November 14, 1969, in the eighth line of § 907.102(a)(2), the reference to "§ 907.22(c) should read "§ 907.22(e)".

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—REGULATIONS PERTAINING TO MILITARY JUSTICE

PART 150—COURTS OF MILITARY REVIEW RULES OF PRACTICE AND PROCEDURE

Subchapter C of Chapter I of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
150.00 Purpose.
150.01 Name and seal.
150.02 Jurisdiction
150.03 Scope of review.
150.04 Quorum.
150.05 Place for filing papers.
150.06 Signing of papers.
150.07 Computation of time.
150.08 Qualification of counsel.
150.09 Conduct of counsel.
150.10 Request for appellate defense counsel.
150.11 Retention of civilian counsel.
150.12 Failure to request or give notice of appellate counsel.
150.13 Mandatory assignment of appellate defense counsel.
150.14 Notice of appearance of counsel.
150.15 Availability of records of trial to civilian counsel.
150.16 Assignment of errors; briefs.
150.17 Oral arguments.
150.18 Decisions of the court.
150.19 Reconsideration.
150.20 Petition for new trial.
150.21 Motions.
150.22 Continuances and interlocutory matters.
150.23 Form for direction for review.
150.24 Form for assignment of errors (§ 150.16).
150.25 Form for assignment of errors and brief on behalf of accused (§ 150.16).

AUTHORITY: The provisions of this Part 150 issued under sec. 866, 70A Stat. 59; 10 U.S.C. 866.

SOURCE: Joint Publication: AFM 111-4;[1] AR 27-13;[1] NAVSO P-2319;[1] CG 241A,[1] Aug. 1, 1969.

[1] Filed as part of the original document.

§ 150.01 Name and seal.

(a) The titles of the Courts of Military Review of the respective services are:

(1) "United States Army Court of Military Review."

(2) "United States Navy Court of Military Review."

(3) "United States Air Force Court of Military Review."

(4) "United States Coast Guard Court of Military Review."

(b) Each court is authorized a seal in the discretion of The Judge Advocate General concerned. The design of such seal shall include the title of the court.

§ 150.02 Jurisdiction.

The court shall review the record in the following cases.

(a) *Review under Article 66.* All cases of trial by court-martial in which the sentence, as approved, affects a general or flag officer or extends to death, dismissal of a commissioned officer, cadet or midshipman, dishonorable discharge or bad conduct discharge, or confinement at hard labor for 1 year or more.

(b) *Review upon direction of The Judge Advocate General under Article 69.* All cases of trial by general court-martial in which there has been a finding of guilty and a sentence, the appellate review of which is not otherwise provided for by Article 66, and which The Judge Advocate General forwards by direction for review to the court (§ 150.23).

§ 150.03 Scope of review.

(a) The court may act only with respect to the findings and sentence as approved by the convening authority.

(b) The court may act on a petition for new trial only in a case pending before the court.

(c) The court may review such other matters as it may determine to be proper under substantive law.

§ 150.04 Quorum.

(a) *In panel.* A majority of the judges when sitting in panel constitutes a quorum for the purpose of hearing and determining any matter referred to the panel. The determination of any matter referred to the panel shall be according to the opinion of a majority of the judges participating in the decision. In the absence of a quorum, any judge present for duty may make all necessary orders touching any proceedings pending in panel preparatory to hearing or decision thereof.

(b) *En banc.* When sitting as a whole, a majority of the judges of the court constitutes a quorum for the purpose of hearing and determining any matter before the court. The determination of any matter before the court shall be according to the opinion of a majority of the judges participating in the decision. In the absence of a quorum, any judge present for duty may make all necessary orders touching any proceedings pending in the court preparatory to hearing or decision thereof.

§ 150.05 Place for filing papers.

When the filing of a notice of appearance, brief, or other paper in the office of a Judge Advocate General is required by this part, such papers shall be filed in the office of The Judge Advocate General of the appropriate armed force. If transmitted by mail or other means, they are not filed until received in such office.

§ 150.06 Signing of papers.

All formal papers shall be signed and shall show, typewritten or printed, the name and address of the person signing same, together with his military rank, if any, and the capacity in which he signs the paper. Such signature constitutes a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the paper, and that the paper is filed in good faith and not for purposes of unnecessary delay.

§ 150.07 Computation of time.

In computing any period of time prescribed or allowed by this part, by order of the court, or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

§ 150.08 Qualification of counsel.

(a) In any proceeding before the court, the accused may be represented by civilian counsel provided by him or by assigned appellate defense counsel. Civilian counsel shall be a member of the bar of a Federal court or of the highest court of a State, and may be required to file a certificate setting forth such qualifications. Assigned appellate defense and Government counsel shall be qualified in accordance with Articles 70(a) and 27(b)(1).

(b) Civilian counsel may not act as counsel before the court if he has been suspended by The Judge Advocate General of the service concerned and such suspension has not been revoked (MCM, 1969 (Rev.), par. 43).

§ 150.09 Conduct of counsel.

(a) The conduct of counsel appearing before the court shall be in accordance with the rules of conduct prescribed in the Manual for Courts-Martial, 1969 (Revised Edition), paragraph 42b.

(b) The court may exercise its inherent right to remove, on an ad hoc basis, counsel misbehaving before or in relation to their appearance before the court. When a counsel has been so removed and the court considers that his conduct was such as probably to warrant suspension, either temporarily or indefinitely, the court shall report the misconduct to The Judge Advocate General of the service concerned and make such recommendations as deemed appropriate.

§ 150.10 Request for appellate defense counsel.

A request for representation by appellate defense counsel shall be forwarded to the convening or reviewing authority for attachment to the record or dispatched to the office of The Judge Advocate General within 10 days from the date of notice of the action of the convening or reviewing authority, whichever is later. In cases directed for review under Article 69, the accused shall have 5 days from the time he receives notice of such direction to forward a request for appellate defense counsel to the Office of The Judge Advocate General. Any request for appellate defense counsel may be accompanied by a statement as to the errors or other matters urged as grounds for relief. If trial defense counsel files a brief as provided in Article 38(c), the brief may be submitted in lieu of this statement.

§ 150.11 Retention of civilian counsel.

(a) Notice that an accused has retained or has taken action to retain civilian counsel to represent him before the court shall be forwarded to the convening or reviewing authority for attachment to the record or dispatched to The Judge Advocate General within 15 days from the date of notice of the action of the convening or reviewing authority, whichever is later. In cases directed for review under Article 69, the accused shall forward such notice within 10 days after receipt of notice by him of such direction. The notice of retention of civilian counsel shall be signed by the accused or his representative and shall state the name and address of such civilian counsel. When the accused has forwarded a timely notice of intention to retain counsel, a notice of retainer stating the name and address of such counsel must be received in the office of The Judge Advocate General within 10 days of receipt of the notice of intention. Civilian counsel will thereafter be notified of the receipt of the record of trial in the office of The Judge Advocate General, the number of the case, and the arrangements made, or to be made, for a hearing before the panel or court sitting as a whole.

(b) If the accused has forwarded a timely notice of intention to retain civilian counsel, appellate defense counsel shall be assigned to represent the interests of the accused pending appearance of civilian counsel.

§ 150.12 Failure to request or give notice of appellate counsel.

Failure of an accused to request appellate defense counsel or to give notice of retainer of civilian counsel or of intention to retain civilian counsel within the times prescribed may be regarded as a waiver of such right and the court may take final action in the case.

§ 150.13 Mandatory assignment of appellate defense counsel.

In all cases in which the United States is represented by counsel before the court, the accused shall be assigned appellate defense counsel.

§ 150.14 Notice of appearance of counsel.

(a) *In writing.* Military and civilian appellate counsel shall file a written notice of appearance in the office of The Judge Advocate General.

(b) *Filing of pleading and other paper.* The filing of any pleading or other paper relative to a case in the office of The Judge Advocate General which contains the signature of counsel constitutes notice of appearance for such counsel.

§ 150.15 Availability of records of trial to civilian counsel.

Ordinarily, the accused is expected to make his copy of the record of trial available to civilian counsel. If civilian counsel does not have access to the accused's personal copy of the record, arrangements may be made with appellate defense counsel to permit examination of a copy of the record in the office of The Judge Advocate General and to make a copy of the whole or any part thereof without expense to the Government.

§ 150.16 Assignment of errors; briefs.

(a) *General provisions.* Within 30 days after notification of the receipt of the record in the office of The Judge Advocate General, appellate counsel for the accused shall file an assignment of errors setting forth separately and particularly each error asserted and intended to be urged (§ 150.24). The assignment of errors may be included in, or filed in lieu of, a brief for the accused (§ 150.25). An original and five clear copies of all assignments of errors and briefs shall be submitted. Briefs and assignments of errors shall be typewritten, double-spaced on 8" by 12½" (legal cap) white paper, securely fastened at the top. All references to matters contained in the record shall show record page numbers and any exhibit designations. A brief on behalf of the Government shall be of like character as that prescribed for the accused.

(b) *Number of briefs.* Appellate counsel shall be limited to the filing of one brief for each side unless the court otherwise permits or directs.

(c) *Time for filing.* Any brief for an accused shall be filed within 30 days after his appellate counsel has been notified of the receipt of the record in the office of The Judge Advocate General. If The Judge Advocate General has directed appellate Government counsel to represent the United States, such counsel may file a brief on behalf of the Government within 30 days after any brief or an assignment of errors has been filed on behalf of an accused. If no brief is filed on behalf of an accused, a brief on behalf of the Government may be filed within

30 days after expiration of the time allowed for the filing of a brief on behalf of the accused.

(d) The time for filing briefs relating to issues specified by the court shall be as directed by the court.

(e) A brief of an amicus curiae may be filed only by permission of the court.

§ 150.17 Oral arguments.

(a) *When heard; waiver.* Oral arguments shall be heard after briefs have been filed in accordance with § 150.16 of this part. A case may be submitted without oral arguments with permission of the court.

(b) *Notice of setting of arguments.* The court shall give appellate counsel at least 10 days' notice of the time and place of oral arguments.

(c) *Time limits.* No more than 30 minutes on each side shall be allowed for oral argument unless the time is extended by leave of court.

(d) *Number of counsel; opening and closing.* The court in its discretion may limit the number of counsel making an oral argument. The defense has the right to make opening and closing arguments.

(e) *Failure to appear.* Failure of appellate counsel to appear at the time and place set for oral argument may be regarded as a waiver thereof and the court may proceed to act on the case as submitted without argument, or, in its discretion, may continue the case for argument at a later date, giving due notice thereof.

(f) *Presence of accused.* The accused does not have a right to be present at the hearing before the court.

§ 150.18 Decisions of the court.

(a) *When hearing En Banc will be ordered.* On their own motion, a majority of all the judges present for duty may order that a hearing or rehearing be referred to the court sitting as a whole. Such a hearing or rehearing ordinarily will not be ordered, except (1) when consideration of the full court is necessary to secure or maintain uniformity of its decisions, or (2) when the proceeding involves a question of exceptional importance, or (3) when the sentence, as approved by the convening authority, affects a general or flag officer or extends to death.

(b) *Hearing En Banc at suggestion of a party.* A party may suggest the appropriateness of a hearing or rehearing by the court sitting as a whole. The suggestion shall be filed with the court within 5 days after appellate Government counsel files its reply to the assignment of errors. Upon receipt of such suggestion, all the judges present for duty shall be polled, and a majority vote on the suggestion is final.

(c) *Notice of decisions.* Notice of the decision of the court shall be accomplished as prescribed in the Manual for Courts-Martial, 1969 (Revised edition), paragraph 100, and when rendered shall be immediately served on appellate defense and Government counsel and The Judge Advocate General.

(d) *Copies of decisions.* A copy of the decision of the court shall be furnished appellate counsel for the accused.

§ 150.19 Reconsideration.

(a) The court may, in its discretion and on its own motion, enter an order in any case not later than 30 days after service of its decision on the accused to reconsider such decision, provided a petition for grant of review or certificate for review has not been filed with the U.S. Court of Military Appeals, or a record of trial for review under Article 67(b) has not been received by that court. Copies of such order will be served on appellate defense counsel and appellate Government counsel. No briefs or arguments shall be received unless the order so directs.

(b) The court may, in its discretion, reconsider its decision in any case upon motion filed by either appellate defense counsel within 10 days from the time an accused is notified of the decision of the court or upon motion of appellate Government counsel within 10 days after receipt of its decision, provided a petition for grant of review or certificate for review has not been filed with the U.S. Court of Military Appeals, or a record of trial for review under Article 67(b) has not been received by that court.

(c) A motion for reconsideration shall briefly and directly state the grounds for reconsideration including a statement of facts showing jurisdiction in the court. A reply to the motion for reconsideration will be received by the court only if filed within 5 days of receipt of a copy of the motion. Oral arguments shall not be heard on a motion for reconsideration unless ordered by the court. The original of the motion filed with the court shall indicate the date of receipt of a copy of the same by opposing counsel.

(d) The time limitations prescribed by this section shall not be extended under the authority of § 150.22 beyond the expiration of the time for filing a petition or review by the U.S. Court of Military Appeals, except that the time for filing briefs by either party may be extended for good cause.

§ 150.20 Petition for new trial.

(a) *General provisions.* The court shall, as soon as practicable after receipt from The Judge Advocate General of a petition for a new trial in a case pending before the court, notify appellate counsel for the accused of such receipt.

(b) *Additional investigation.* The court on considering a petition for a new trial may, when it deems appropriate, refer the matter to The Judge Advocate General who shall cause further investigation to be made and to report the results thereof to the court.

(c) *Answer.* Appellate Government counsel shall file an answer to a petition for new trial within 10 days after being notified of the receipt thereof by the Court.

(d) *Briefs.* Any brief in support of a petition for new trial shall be filed within 10 days of appellate Government counsel's answer. If appellate Government counsel fails to file an answer, accused may file a brief within 10 days after the expiration of the time allowed for the filing of appellate Government counsel's answer. Appellate Government counsel's brief shall be filed within 10 days of the filing of accused's brief. If accused fails to file a brief, appellate Government counsel may file a brief within 10 days after the expiration of the time allowed for filing of accused's brief.

(e) *Oral argument.* Except when ordered by the court, oral argument shall not be permitted on a petition for a new trial.

§ 150.21 Motions.

(a) *Content.* All motions, unless made during the course of a hearing, shall state with particularity the relief sought and the grounds therefor. Motions, pleadings, and other papers desired to be filed with the court may be combined in the same document, with the heading indicating, for example, "Motion To File (Supplemental Assignment of Errors) (Certificate of Correction) (Supplemental Pleading)," or "Assignment of Errors and Motion To File Attached Report of Medical Board".

(b) *Opposition.* Any opposition to a motion shall be filed within 5 days after receipt by the opposing party of service of the motion.

(c) *Leave to file.* Any pleading not required by this part shall be accompanied by a motion for leave to file such pleading.

(d) *Oral argument.* Except when ordered by the court, oral argument shall not be permitted on motions.

§ 150.22 Continuances and interlocutory matters.

Except as otherwise provided in § 150.19(d), the court, in its discretion, may dispose of any interlocutory or other appropriate matter not specifically covered by this part, in such manner as may appear to be required for a full, fair, and expeditious consideration of the case. (See § 150.04.)

§ 150.23 Form for direction for review.

IN THE U.S. ARMY[1] COURT OF MILITARY REVIEW

UNITED STATES v. Private (E–1) JOHN RICHARD DOE, RA 00 000 000, (SSAN: 000–00–0000), U.S. Army, 300th Administration Company, 300th Infantry Division, APO New York 09000.	DIRECTION FOR REVIEW: Case No. _____. Tried at _____, on _____ before a G.C.M. appointed by _____.

TO THE HONORABLE, THE JUDGES OF THE U.S. ARMY[1] COURT OF MILITARY REVIEW

1. Pursuant to the Uniform Code of Military Justice, Article 69, and the Rules of Practice and Procedure for Courts of Military Review, Rule 2b, the record of trial in the above-entitled case is forwarded for review pursuant to the Uniform Code of Military Justice, Article 66.

[1] Use Navy, Air Force, or Coast Guard as the case may be.

2. The accused was found guilty of a violation of the Uniform Code of Military Justice, Article(s) ------, was sentenced to ------ on ---------- at ---------- by ---------- ---------- The convening authority (approved the sentence) (approved only so much of the sentence as provided for ----------) and the case was received in the U.S. Army Judiciary on ----------

3. In review pursuant to Uniform Code of Military Justice, Article 66, it is requested that attention be given to the following issues:

a. Whether the specification of charge I fails to state an offense under the Uniform Code of Military Justice in that it does not allege that accused's absence was without authority.

b. Whether the Law Officer failed to tailor his instructions on sentence to the matters presented in extenuation and mitigation.

JOHN H. BROWN,
MG, U.S. Army,
The Judge Advocate General.

Received a copy of the foregoing Direction for Review this ------ day of ---------- 19--.

ROBERT JONES,
Colonel, JAGC,
Chief, Government Appellate Division.

HARRY ARNOLD,
Colonel, JAGC,
Chief, Defense Appellate Division.

JOHN C. SMITH, Esq.,
1 Ace Street,
Union, N.J. 07083.

§ 150.24 Form for assignment of errors (§ 150.16).

IN THE U.S. ARMY[1] COURT OF MILITARY REVIEW

UNITED STATES
v.
Private (E-1) JOHN RICHARD DOE, RA 00 000 000, (SSAN: 000-00-0000), U.S. Army, Replacement Detachment, 300th Administration Company, 300th Infantry Division, Fort Gordon, Ga. 31093.

ASSIGNMENT OF ERRORS:
Case No. ------
Tried at ----------, on ----------, before a G.C.M., appointed by ----------

TO THE HONORABLE, THE JUDGES OF THE U.S. ARMY[1] COURT OF MILITARY REVIEW

SUMMARY OF PROCEEDINGS

On ----------, the accused was tried by general court-martial. The charges and specifications upon which he was arraigned, his pleas, and the court-martial's findings were as follows:

Chg.	Art. U.C.M.J.	Specs.	Summary of offenses	Pleas	Findings
I	86	1	AWOL (Jan. 28, ----Feb. 28, ----)	G	G
		2	AWOL (Mar. 3, ----Apr. 3, ----)	G	G
II	121		Larceny of $100, property of U.S. Government.	NG	G

He was sentenced to dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for 2 years and reduction to the lowest enlisted grade. The convening authority approved only so much of the sentence as provides for bad conduct discharge, forfeiture of $50 pay per month for 6 months, confinement at hard labor for 6 months and reduction to the lowest enlisted grade.

ERRORS

I. Specification 1 of charge I fails to state an offense under the uniform code of military justice in that it does not allege that accused's absence was without authority. United States v. Schultz, 16 USCMA 488, 37 CMR 108 (1967).

Wherefore, the findings as to Specification 1 of Charge I should be set aside and the sentence reassessed on the basis of the remaining charges and specifications.

II. The law officer failed to tailor his instructions on sentence to the matters presented in mitigation and extenuation. United States v. Wheeler, 17 USCMA 274, 38 CMR 72 (1967).

Wherefore, the sentence should be set aside and a rehearing authorized thereon.

SENTENCE APPROPRIATENESS

Accused is an 18-year-old first time offender (Posttrial Review, p. 3) and has sincerely urged his restoration to duty (R. 100). His immediate superiors have expressed their willingness to have accused return to his organization (R. 110).

Wherefore, only so much of the sentence as provided for forfeiture of $50 pay per month for 6 months, confinement at hard labor for 6 months and reduction to the lowest enlisted grade should be approved by this Honorable Court.

Date ----------

JOHN C. SMITH, Esq.,
1 Ace Street,
Union, N.J. 07083.

MURRAY JONES,
Colonel, JAGC,
Appellate Defense Counsel.

HARRY ARNOLD,
Colonel, JAGC,
Appellate Defense Counsel.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed or delivered to appellate Government counsel on the ------ day of ---------- 19--.

Name

Address

§ 150.25 Form for assignment of errors and brief on behalf of accused (§ 150.16).

IN THE U.S. ARMY[1] COURT OF MILITARY REVIEW

UNITED STATES
v.
Private (E-1) JOHN RICHARD DOE, RA 00 000 000 (SSAN: 000-00-0000), U.S. Army, Replacement Detachment, 300th Administration Company, 300th Infantry Division, Fort Gordon, Ga. 31093.

ASSIGNMENT OF ERRORS AND BRIEF ON BEHALF OF ACCUSED:
Case No. ------
Tried at ----------, on ----------, before a G.C.M., appointed by ----------

TO THE HONORABLE, THE JUDGES OF THE U.S. ARMY[1] COURT OF MILITARY REVIEW

SUMMARY OF PROCEEDINGS

On ----------, the accused was tried by general court-martial. The charges and specifications upon which he was arraigned, his pleas, and the court-martial's findings were as follows:

Chg.	Art. U.C.M.J.	Specs.	Summary of offenses	Pleas	Findings
I	86	1	AWOL (Jan. 28, ----Feb. 28, ----)	G	G
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He was sentenced to dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for 2 years and reduction to the lowest enlisted grade. The convening authority approved only so much of the sentence as provides for bad conduct discharge, forfeiture of $50 pay per month for 6 months and reduction to the lowest enlisted grade.

[1] Use Navy, Air Force, or Coast Guard as the case may be.

[1] Use Navy, Air Force, or Coast Guard as the case may be.

STATEMENTS OF FACTS

Those facts necessary to a disposition of the assigned errors are set forth in the argument, infra.[1]

ERRORS AND ARGUMENT

I. Specification 1 of Charge I fails to state an offense under the Uniform Code of Military Justice.

The allegation of absence in Specification 1 of Charge I fails to indicate that the absence was "without proper authority". The U.S. Court of Military Appeals has held that such an omission is fatal to the legal sufficiency of the specification. United States v. Schultz, 16 USCMA 488, 37 CMR 108 (1967); United States v. Fout, 3 USCMA 565, 13 CMR 121 (1953).

Wherefore, the findings as to Specification 1 of Charge I should be set aside and the sentence reassessed on the basis of the remaining charges and specifications.

II. The law officer failed to tailor his instructions on sentence to the matters presented in mitigation and extenuation.

There was extensive evidence presented on behalf of accused to establish his prior exemplary conduct in civilian and military life (R. 108–133). The law officer limited his instructions on sentence to the maximum authorized punishment and the voting procedure.

In United States v. Wheeler, 17 USCMA 274, 38 CMR 72 (1967), the failure of the law officer to tailor the instructions on sentence to the evidence presented in mitigation and extenuation was held to require a rehearing on sentence.

Wherefore, the sentence should be set aside and a rehearing authorized thereon.

SENTENCE APPROPRIATENESS

Accused is an 18-year-old first time offender (Posttrial Review, p. 3) and has sincerely urged his restoration to duty (R. 100). His immediate superiors have expressed their willingness to have accused return to his organization (R. 110).

Wherefore, only so much of the sentence as provides for forfeiture of $50 pay per month for 6 months, confinement at hard labor for 6 months and reduction to the lowest enlisted grade should be approved by this Honorable Court.

Date _____

JOHN C. SMITH, Esq.,
1 Ace Street,
Union, N.J. 07083.

ALBERT JONES,
Captain JAGC,
Appellate Defense Counsel.

HARRY ARNOLD,
Colonel, JAGC,
Appellate Defense Counsel.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed or delivered to appellate Government counsel on the _____ day of _____ 19__.

_____
Name

_____
Address

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-14745; Filed, Dec. 11, 1969; 8:46 a.m.]

[1] Where a statement of facts generally applies to all of the assigned errors, it may be set forth here.

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 69-33; Notice 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A of Standard No. 109 and to Appendix A of Standard No. 110. These guildelines provided an abbreviated rule making procedure for adding tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR Part 353) will be followed.

The Rubber Manufacturers Association has petitioned for the addition of the new L84–15 tire size designation to Table I–A of Appendix A of Standard No. 109 and the appropriate test and alternative rim sizes to Table I of Appendix A of Standard No. 110.

Predicated on the fact that tire size designations are being converted to the alpha-numerical system, the Acting Director of the Motor Vehicle Safety Performance Service has determined that sufficient justification exists to list the L84–15 tire in Table I–A of Appendix A of Standard No. 109.

On the basis of the data submitted by the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standard No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, Table I–A of Appendix A of Standard No. 109 is being amended and Table I of Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, § 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 11421) are being amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation from Secretary of Transportation contained in § 1.4(c) of Regulations of Office of the Secretary, 49 CFR 1.4(c); delegation from Federal Highway Administration of Oct. 5, 1968 (33 F.R. 14964))

G. C. NIELD,
For Acting Director, Motor Vehicle Safety Performance Service.

DECEMBER 3, 1969.

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

1. The existing Table I–A is deleted and in its place the following revised Table I–A is inserted:

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-A

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES

Tire size [1] designation	Maximum tire load (pounds) at various cold inflation pressure (p.s.i.)												Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
6.00-13			770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140	4	29.37	6.00
6.50-13			890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.75	6.60
7.00-13			980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.88	7.10
6.00-14			840	900	930	980	1,020	1,060	1,100	1,130	1,170	1,210	1,240	4	30.64	6.10
6.45-14			860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270	4½	30.92	6.60
6.50-14			930	990	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370	4½	31.73	6.60
6.95-14			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	31.96	7.00
7.00-14			1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,520	5	32.88	7.10
7.35-14			1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	32.92	7.30
7.50-14			1,150	1,230	1,280	1,340	1,390	1,450	1,500	1,550	1,600	1,650	1,700	5½	34.19	7.65
7.75-14			1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5½	34.09	7.75
8.00-14			1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.17	8.10
8.25-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.11	8.20
8.50-14			1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960	6	35.91	8.35
8.55-14			1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.06	8.50
8.85-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.82	8.95
8.55-15	1,220	1,290	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.57	8.45
8.85-15			1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	2,980	2,040	2,100	6½	37.29	8.80
8.90-15			1,700	1,810	1,880	1,970	2,050	2,130	2,210	2,290	2,360	2,430	2,500	6½	39.54	9.30
9.00-15			1,460	1,540	1,620	1,690	1,760	1,830	1,900	1,970	2,030	2,100	2,160	6	37.45	8.50
9.15-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6½	37.92	9.05
6.00-16			1,075	1,135	1,195	1,250	1,300	1,350	1,400	1,450	1,500			4	34.17	6.25
6.50-16	1,090	1,150	1,215	1,280	1,345	1,405	1,465	1,525	1,580	1,635	1,690	1,740	1,790	4½	35.59	6.80
6.70-16		1,185	1,240	1,300	1,355	1,410	1,465	1,525	1,580	1,635	1,690	1,740	1,795	4½	35.69	7.40
7.00-16			1,365	1,440	1,515	1,585	1,650	1,715	1,780	1,840	1,900			5	37.92	7.35
7.50-16			1,565	1,650	1,735	1,810	1,890	1,960	2,035	2,105	2,175			5½	38.78	8.00
6.50-17		1,215	1,275	1,330	1,390	1,450	1,500	1,560	1,620	1,680	1,740	1,795	1,850	5	37.90	7.60
9.00-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.91	8.80
9.50-14			1,540	1,640	1,700	1,780	1,850	1,930	2,000	2,060	2,130	2,200	2,260	6½	37.74	9.05
6.00-15			890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4	31.64	6.10
6.50-15			980	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,360	1,400	1,440	4½	32.75	6.60
6.70-15			1,110	1,190	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,590	1,640	4½	33.95	7.00
6.85-15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5	32.48	6.90
7.00-15	1,170	1,240	1,310	1,380	1,450	1,515	1,580	1,640	1,700	1,760	1,820	1,870	1,930	5	36.02	7.35
7.10-15			1,190	1,270	1,320	1,380	1,440	1,500	1,550	1,600	1,660	1,710	1,760	5	34.89	7.40
7.35-15			1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570	5½	33.86	7.50
7.60-15			1,310	1,400	1,450	1,520	1,580	1,640	1,710	1,760	1,820	1,880	1,930	5½	36.05	7.90
7.75-15			1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690	5½	34.53	7.65
8.00-15			1,380	1,470	1,530	1,600	1,670	1,730	1,800	1,860	1,920	1,980	2,040	6	36.84	8.30
8.15-15			1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820	6	35.50	8.15
8.20-15			1,470	1,570	1,630	1,710	1,780	1,850	1,920	1,980	2,050	2,110	2,170	6	37.50	8.50
8.25-15	1,030	1,100	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	37.57	8.20
8.45-15			1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970	6	36.37	8.35
L84-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6	37.88	8.65

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

MOTOR VEHICLE SAFETY STANDARD NO. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

1. Delete Table I of Appendix A and insert the following new Table I of Appendix A:

FMVSS No. 110

APPENDIX A—TABLE I

(Alternative Rims)

Tire size	*Rim* [1]
4.80-10	*3.50D.*
6.40-15	*4-JJ, 4½-JJ, 4½-K, 4.50E,* 5.00E, 5-JJ, 5-K, 5½-JJ.
7.00-15	*5.00F, 5-K.*
8.25-15	5½-JJ, *6-JJ, 6-K, 6-L.*
8.55-15	5½-JJ, *6-JJ, 6-K, 6-L.*
8.90-15	6-JJ, *6½-L,* 7-L.
9.15-15	5½-JJ.
L84-15	5½-JJ, *6-JJ,* 6½-JJ, 7-JJ.
E50C-16	*3½.*
F50C-16	*3½.*
H50C-17	*3½.*
E60-15	*6-JJ,* 7-JJ.
F60-15	6½-JJ, *7-JJ.*
G60-15	*7-JJ.*
D70-13	*5½-JJ, 5½-K.*
E70-14	7-JJ.
F70-14	7-JJ.
G70-14	7-JJ.
C70-15	*5½-JJ.*
E70-15	7-JJ.
F70-15	8-JJ.
G70-15	7-JJ.

[1] Italicized designations denote Test Rims.

Tire size	*Rim* [1]
165/70 R 13	*4½-JJ,* 5-JJ.
175/70 R 13	*5-JJ,* 5½-JJ.
185/70 R 13	4½-JJ, *5-JJ,* 5½-JJ.
155/70 R 14	*4-JJ.*
175/70 R 15	*5-JJ.*
5.0-15	3.50B, 3.50D, 3½-JJ, *4-JJ, 4.00C.*
5.5-15	3.50D, 3½-JJ, *4-JJ,* 4½-JJ.
145-10	3.50B.
145-13	3½-JJ, 4½-JJ.
165-13	*4½-JJ.*
185-15	4½-JJ.
5.20-13	4½-JJ.
5.60-13	3½-JJ, 4-JJ.
6.00-13	*4-JJ.*
5.60-15	5-K.
135 R 13	4½-JJ.
150 R 13	3½-JJ, *4.00B,* 4½-JJ, 5-JJ.
155 R 13	5-JJ.
160 R 13	4.00B, *4½-JJ,* 5-JJ, 5½-JJ.
170 R 13	4½-JJ, *5-JJ,* 5½-JJ, 6-JJ.
165 R 15	5-K.
155-13/6.15-13	5-JJ.
C78-13	*5½-JJ.*
B78-14	*4½-JJ, 4½-K,* 5-JJ, 5-K.
C78-14	4½-JJ, *5-JJ, 5-K,* 5½-JJ, 6-JJ.
D78-14	4½-JJ, *5-JJ, 5-K,* 5½-JJ, 6-JJ.
E78-14	4½-JJ, 5-JJ, 5-K, *5½-JJ, 5½-K,* 6-JJ, 6½-JJ.
F78-14	5-JJ, 5-K, *5½-JJ, 5½-K,* 6-JJ, 6-K, 6½-JJ.
G78-14	5-JJ, 5½-JJ, 5½-K, *6-JJ, 6-K,* 7-JJ.

Tire size	*Rim* [1]
H78-14	5½-JJ, *6-JJ, 6-K,* 6½-JJ, 6½-K.
J78-14	*6-JJ, 6-K,* 6½-JJ.
C78-15	4½-JJ, 4½-K, *5-JJ, 5-K.*
D78-15	*5-JJ, 5-K.*
E78-15	4½-K, *5-JJ, 5-K,* 5½-JJ, 5½-K, 6-JJ.
F78-15	4½-K, 5-JJ, 5-K, *5½-JJ,* 5½-K, 6-JJ.
G78-15	5-JJ, 5-K, *5½-JJ, 5½-K,* 6-JJ, 6-K, 6-L, 7-JJ.
H78-15	5½-JJ, 5½-K, *6-JJ, 6-K, 6-L,* 6½-K.
J78-15	*6-JJ, 6-K, 6-L,* 6½-JJ.
L78-15	*6-JJ, 6-K, 6-L,* 6½-JJ.
BR78-13	*4½-JJ.*
CR78-14	*5-JJ.*
DR78-14	*5-JJ.*
ER78-14	*5-JJ.*
FR78-14	*5½-JJ.*
GR78-14	*6-JJ.*
HR78-14	*6-JJ.*
JR78-14	*6½-JJ.*
ER78-15	*5½-JJ.*
FR78-15	*5½-JJ.*
GR78-15	*6-JJ.*
HR78-15	*6-JJ.*
JR78-15	*6½-JJ.*
LR78-15	*6½-JJ.*

NOTE: Where JJ rims are specified in the above table, J and JK rim contours are permissible.

[F.R. Doc. 69-14708; Filed, Dec. 11, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards: Cryoprecipitated Antihemophilic Factor (Human)

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity, and potency for Cryoprecipitated Antihemophilic Factor (Human).

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

1. Amend the table of contents by adding the following in numerical sequence:

ADDITIONAL STANDARDS: CRYOPRECIPITATED ANTIHEMOPHILIC FACTOR (HUMAN)

73.310 The product.
73.311 Processing.
73.312 General requirements.

§ 73.38 [Amended]

2. Amend § 73.38 by inserting immediately after the words "Antihemophilic Plasma (Human)," the following "Cryoprecipitated Antihemophilic Factor (Human),".

§ 73.40 [Amended]

3. Amend § 73.40 by inserting immediately above the listing "Whole Blood (Human). Between 1° and 10° C" the following: "Cryoprecipitated Antihemophilic Factor (Human) —18° C. or colder."

§ 73.73 [Amended]

4. Amend § 73.73(f)(4) by inserting immediately after the words "Whole Blood (Human)," the following "Cryoprecipitated Antihemophilic Factor (Human),".

§ 73.74 [Amended]

5. Amend § 73.74(b) by inserting immediately after the words "Products containing formed blood elements;" the following "Cryoprecipitated Antihemophilic Factor (Human);".

§ 73.86 [Amended]

6. Amend § 73.86 by inserting immediately after the listing "Collagenase—Eighteen months, provided labeling recommends storage at no warmer than 25° C. § 73.84 does not apply." the following:

Cryoprecipitated Antihemophilic Factor (Human).	12 months from date of collection of source blood, provided labeling recommends storage at not above —18° C. § 73.84 does not apply.

7. Amend Part 73 by adding the following in numerical sequence:

ADDITIONAL STANDARDS: CRYOPRECIPITATED ANTIHEMOPHILIC FACTOR (HUMAN)

§ 73.310 The product.

(a) *Proper name and definition.* The proper name of this product shall be Cryoprecipitated Antihemophilic Factor (Human) which shall consist of a preparation containing the antihemophilic factor obtained from a single unit of human blood.

(b) *Source.* Cryoprecipitated Antihemophilic Factor (Human) shal be prepared from human blood meeting the following criteria:

(1) *Suitability of the donor.* Blood for Cryoprecipitated Antihemophilic Factor (Human) shall be obtained only from a donor who meets the criteria for suitability prescribed in § 73.301.

(2) *Collection of the Blood.* Blood for Cryoprecipitated Antihemophilic Factor (Human) shall be collected as prescribed in § 73.302 except that paragraphs (d)(2), (g), and (h) shall not apply.

(3) *Testing the blood.* Blood for Cryoprecipitated Antihemophilic Factor (Human) shall be tested as prescribed in § 73.303 (a), (b), and (c).

§ 73.311 Processing.

(a) *Separation of plasma.* The plasma shall be separated from the red blood cells by a closed sterile system within 4 hours after collection.

(b) *Freezing the plasma.* The plasma shall be frozen within 2 hours after separation. A combination of dry ice and organic solvent may be used for freezing provided the procedure has been shown not to cause the solvent to penetrate the container or leach plasticizers from the container into the frozen plasma.

(c) *Separation of Cryoprecipitated Antihemophilic Factor (Human).* The Cryoprecipitated Antihemophilic Factor (Human) shall be separated from the plasma in a closed system by a procedure that precludes contamination and has been shown to produce a product that demonstrates potency in patients having a factor VIII deficiency.

(d) *Final container.* Final containers used for Cryoprecipitated Antihemophilic Factor (Human) shall be uncolored and transparent to permit visual inspection of the contents and any closure shall be such as will maintain an hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity and potency of the product. At the time of filling, the final container shall be marked or identified by number or other symbol so as to relate it to the donor.

§ 73.312 General requirements.

(a) *Diluent.* No diluent shall be added to the product by the manufacturer.

(b) *Storage.* Immediately after processing the product shall be placed in storage and maintained at —18° C. or colder.

(c) *Labeling.* In addition to the items required by other provisions of this part, the package label shall bear the following:

(1) Designation of blood group and type of the source blood.

(2) A warning against using the product if there is evidence of thawing during storage.

(3) Instructions to thaw Cryoprecipitated Antihemophilic Factor (Human) in a water bath maintained at not warmer than 37° C.

(4) Instructions to store the product at room temperature after thawing and to use the product within 6 hours after thawing or within 1 hour of entering the container.

(5) Instructions to use a filter in the administration equipment.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216, sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: October 31, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: December 8, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14765; Filed, Dec. 11, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-375]

NATURAL GAS SALES

Budget-Type Certificate Authority To Make Direct Sales

DECEMBER 8, 1969.

1. Notice is given, pursuant to section 553 of title 5 of the United States Code

and sections 4, 5, 7, and 16 of the Natural Gas Act (15 U.S.C. 717c, 717d, 717f, 717o), that the Commission proposes to amend § 157.7(c)(1)(ii) of the regulations under the Natural Gas Act (18 CFR 157.7(c)(1)(ii)) in order to confine the operability of the aforementioned provision of its regulations to transactions relating to proposed sales and deliveries of natural gas to interruptible direct consumers.

2. It has recently been brought to our attention that in several budget applications in which authorization was sought to make direct deliveries to ultimate consumers that it was not specified whether such transactions were of a firm or interruptible nature. In addition several budget-type applications filed with the Commission have requested authorization to make both firm and interruptible deliveries.

3. It appears that the scope of the aforementioned provision, i.e., § 157.7(c)(1)(ii) of the regulations in its present form may not be clear. That section presently provides as follows:

(ii) Direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor.

The aforementioned language does not specify whether the sales contemplated by this provision should be confined to those which are interruptible in nature.

4. Firm resale volumes cannot be attached under our regulations through the utilization of a budget-type application. Hence, it appears that the aforementioned provision in its present form could be discriminatory to customers who purchase gas solely in a resale category.

5. The rendition of blanket authorization to make firm direct sales under budget-type applications could divest the Commission of control that it should properly exercise over existing unallocated capacity in those pipelines that are subject to its jurisdiction.

6. In order to eliminate confusion and clarify the meaning of the aforementioned provision of its regulations, the Commission proposes to amend § 157.7(c)(1)(ii), in Part 157, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations, so that as revised, § 157.7(c)(1)(ii) would read as follows:

§ 157.7 Abbreviated applications.

* * * * *

(c) *Gas-sales or transportation facilities—budget-type application.* * * *

(i) * * *

(ii) Direct interruptible sales of natural gas to consumers located in areas outside the franchise area of any local distributor.

(Secs. 4, 5, 7, 16, of the Natural Gas Act, 52 Stat. 822, 823, 824, 825, 830, 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c; 717d, 717f, 717o)

7. This amendment to the Commission's regulations under the Natural Gas Act is proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o).

8. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before January 20, 1970, data, views, and comments in writing concerning the amendment proposed herein. An original and fourteen (14) copies of any such submittals shall be filed with the Secretary of the Commission. The Commission will consider all such submittals before acting on the proposed amendment.

9. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14759; Filed, Dec. 11, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Delegation Order 13]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.

(2) Thomas G. DeShazo, Deputy Comptroller of the Currency.

(3) David C. Motter, Deputy Comptroller of the Currency.

(4) John D. Gwin, Deputy Comptroller of the Currency.

(5) William A. Howland, Jr., Administrative Assistant to the Comptroller of the Currency.

(6) Frank H. Ellis, Chief National Bank Examiner.

(7) Dean E. Miller, Deputy Comptroller of the Currency.

(8) Richard J. Blanchard, Deputy Comptroller of the Currency.

(9) Albert J. Faulstich, Deputy Comptroller of the Currency.

(10) Regional Administrator of National Banks at Richmond, Va.

(11) Regional Administrator of National Banks at Philadelphia, Pa.

(12) Regional Administrator of National Banks at New York City, N.Y.

(13) Regional Administrator of National Banks at Cleveland, Ohio.

(14) Regional Administrator of National Banks at Atlanta, Ga.

(15) Regional Administrator of National Banks at Boston, Mass.

(16) Regional Administrator of National Banks at Chicago, Ill.

(17) Regional Administrator of National Banks at Memphis, Tenn.

(18) Regional Administrator of National Banks at Kansas City, Mo.

(19) Regional Administrator of National Banks at Minneapolis, Minn.

(20) Regional Administrator of National Banks at Dallas, Tex.

(21) Regional Administrator of National Banks at Denver, Colo.

(22) Regional Administrator of National Banks at San Francisco, Calif.

(23) Regional Administrator of National Banks at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 12 is hereby repealed.

Dated: December 9, 1969.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 69-14763; Filed, Dec. 11, 1969; 8:47 a.m.]

Internal Revenue Service

ISAAC GOLDSTEIN

Notice of Granting of Relief

Notice is hereby given that Isaac Goldstein, 7507 Northaven Road, Dallas, Tex. 75230, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 17, 1955, by the Criminal District Court in Dallas County, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Isaac Goldstein because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Isaac Goldstein to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Isaac Goldstein's application and:

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

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

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

Signed at Washington, D.C., this 5th day of December, 1969.

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

[F.R. Doc. 69-14764; Filed, Dec. 11, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK, N.C.-TENN.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Great Smoky Mountains National Park, proposes to issue a concession permit to the Cherokee Boys Club Inc. authorizing it to provide firewood at Balsam Mountain campground and Heintooga picnic area within Great Smoky Mountains National Park, for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: October 15, 1969.

KEITH NEILSON,
Superintendent.

[F.R. Doc. 69-14747; Filed, Dec. 11, 1969; 8:46 a.m.]

GREAT SMOKY MOUNTAINS NATIONAL PARK, N.C.-TENN.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Great Smoky Mountains National Park proposes to issue a concession permit to Mr. Mell Myers, Sr., authorizing him to provide firewood and newspapers for the public at Elkmont campground, for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed his obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: October 15, 1969.

KEITH NEILSON,
Superintendent.

[F.R. Doc. 69-14748; Filed, Dec. 11, 1969; 8:46 a.m.]

MAMMOTH CAVE NATIONAL PARK, KY.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Mammoth Cave National Park, proposes to issue a concession permit to Robert McDaniel and M. E. Nash, authorizing them to provide sightseeing boat services on the Green River for the public for a period of five (5) years, from January 1, 1970 through December 31, 1974.

The foregoing concessioners have performed their obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, are entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposals to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Mammoth Cave National Park, Mammoth Cave, Ky. 42259, for information as to the requirements of the proposed permit.

Dated: September 22, 1969.

ROBERT H. BENDT,
Superintendent,
Mammoth Cave National Park.

[F.R. Doc. 69-14749; Filed, Dec. 11, 1969; 8:46 a.m.]

Office of the Secretary

FRANKLIN STUART FEHR

Statement of Changes in Financial Interests

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

(1) No change.

(2) Metropolitan Edison Co.—3.8 percent, preferred, 3 shares; First National Bank of Bernville, common, 4 shares; N.Y. State Electric & Gas Corp., common, 8 shares; General Public Utilities Corp., common, 98 shares; [1] General Mills (for David Crystal), common, 5 shares; [2] Halls Motor Transport, common, 25 shares; A.T. & T., common, 10 shares; North American Rockwell Corp., common, 35 shares; Philadelphia Electric Co., common, 55 shares; [3] Tenneco, common, 30 shares.

(3) No change.

(4) No change.

This statement is made as of November 10, 1969.

Dated: November 10, 1969.

F. STEWART FEHR.

[F.R. Doc. 69-14750; Filed, Dec. 11, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AIR REDUCTION CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP OB2481) has been filed by Air Reduction Co., Inc., 150 East 42d Street, New York, N.Y. 10017, proposing that § 121.2521 *Vinyl chloride-propylene copolymers* (21 CFR 121.2521) be amended to provide for additional safe use of the subject vinyl chloride-propylene copolymers in contact with food at temperatures above 150° F. by deleting the present limitation restricting such copolymers to contact with food only under conditions of use D, E, F, or G described in table 2 of § 121.2526(c).

Dated: December 4, 1969.

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

[F.R. Doc. 69-14734; Filed, Dec. 11, 1969; 8:45 a.m.]

[1] Purchased 5 additional shares October 1, 1969.

[2] Stock transfer (General Mills acquired David Crystal).

[3] Purchased 5 additional shares October 31, 1969.

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP OB2471) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of 4,5-dihydroxy-2-imidazolidinone and 2-imidazolidinone as components of food-packaging adhesives.

Dated: December 4, 1969.

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

[F.R. Doc. 69-14735; Filed, Dec. 11, 1969; 8:45 a.m.]

C. J. PATTERSON CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, has withdrawn its petition (FAP OA2448), notice of which was published in the FEDERAL REGISTER of August 27, 1969 (34 F.R. 13708), proposing that § 121.1211 *Sodium stearoyl-2-lactylate* (21 CFR 121.1211) be amended to provide for the safe use of sodium stearoyl-2-lactylate as a stabilizer, texturizing agent, viscosity-controlling agent, or processing aid in starch-thickened or flour-thickened foods, processed cereals, and prepared mixes thereof.

Dated: December 4, 1969.

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

[F.R. Doc. 69-14736; Filed, Dec. 11, 1969; 8:45 a.m.]

PENNSYLVANIA INDUSTRIAL CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OB2479) has been filed by Pennsylvania Industrial Chemical Corp., 120 State Street, Clairton, Pa. 15025, proposing that § 121.2507 *Cellophane* (21 CFR 121.2507) be amended to provide for the safe use of α-methylstyrene-vinyltoluene copolymer resins as components of food-contact coatings for cellophane.

Dated: December 4, 1969.

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

[F.R. Doc. 69-14737; Filed, Dec. 11, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-45]

CANRAD PRECISION INDUSTRIES, INC.

Notice of Filing of Petition for Rule Making

Notice is hereby given that Canrad Precision Industries, Inc., 630 Fifth Avenue, New York, N.Y., by letter dated November 17, 1969, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulations pertaining to aircraft luminous safety devices generally licensed under § 31.7 of 10 CFR Part 31.

The petitioner requests that the maximum quantity of tritium permitted in any single aircraft luminous safety device generally licensed under § 31.7 of 10 CFR Part 31 be increased from 10 curies to 15 curies.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 8th day of December 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 69-14729; Filed, Dec. 11, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21041; Order 69-12-41]

EMERY AIR FREIGHT CORP.

Order for Hearing Regarding Certain Control Relationships

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of December 1969.

By application filed May 23, 1969, Emery Air Freight Corp. (Emery), a domestic and international air freight forwarder, requests a disclaimer of Board jurisdiction, or alternatively approval without hearing, under section 408 of the Federal Aviation Act of 1958 as amended (the Act), of Emery's control of Cargo Facilities, Inc. (Facilities), and for such other relief, if any, as may be required in order to authorize the transaction thereby contemplated.

The applicant submits that Emery, sole stockholder of Facilities,[1] proposes to reactivate Facilities in order that Facilities may engage in various noncommon carrier activities, including the following: (1) Warehousing and providing inventory control of stored goods; (2) packaging and containerization of goods; (3) operating as a customs house broker and agent; (4) providing break-bulk services; (5) providing local drayage services related to its warehouse business; (6) acting as an agent of shippers and consignees in these and other noncommon carrier services; and (7) operating freight terminals. It is contemplated that Facilities would operate in a number of key distribution centers so located throughout the United States that they would collectively provide good regional coverage of all areas.

The applicant states that Facilities would perform all warehouse and associated functions under arrangements with and pursuant to the instructions of its customers, comprised of manufacturers, shippers, importers, and the like; and that such services would be supplied pursuant to a schedule of charges compensatory to Facilities. Emery represents that it would not be a party to these arrangements, nor would Facilities' services be offered only for freight which had prior or subsequent linehaul movement in Emery's services. It is contended that the services would not be those of a common carrier, but of warehousing and related services involved in the handling of goods on the ground. The applicant also submits that in the initial stages of Facilities' operations it would be necessary to lease some warehouse and office space from Emery in the latter's existing buildings.

To support its request for disclaimer of jurisdiction, applicant submits that Facilities would itself not act as the carrier, but would act as agent for the shipper in arranging for carriage by a surface carrier or air carrier as instructed by the shipper; that its operations will consist of warehousing and related or similar services involving the handling of goods on the ground; and that the Board in a number of instances has held that companies engaged in activities of this kind were not "a person engaged in a phase of aeronautics" and, therefore, that approval by the Board of the affiliation with an air carrier was not required by section 408 of the Act.[2]

Alternatively, if the Board does not disclaim jurisdiction, the applicant requests that the Board, without hearing, find that Emery's control of Facilities would not be inconsistent with the public interest and therefore grant approval. In this respect the applicant points out that the control relationship is substantially similar to others involving air freight forwarders which heretofore have been approved by the Board as not being inconsistent with the public interest, and where such approval has permitted forwarder affiliates to engage in the kind of activities which are contemplated for Facilities.[3]

No comments or requests for a hearing have been received.

The Board has concluded that it should deny Emery's request for action without a hearing. The transaction involving Emery's activation of a subsidiary to engage in activities of the type described herein may be subject to the provisions of section 408, and in the light of prior holdings, it would be inappropriate to disclaim jurisdiction at this time.[4] Moreover, the transaction poses complex questions of fact and policy with respect to Facilities' proposed operations which would best be resolved in an evidentiary hearing. This is especially true in view of the broad range of activities contemplated by Facilities, which differentiate the instant application from the various cases cited by Emery.

Accordingly, it is ordered, That:

1. The application of Emery for approval of the transaction without a hearing be and it hereby is denied;

2. Emery's requests for a disclaimer of jurisdiction over or approval of the transaction be and they hereby are set for hearing before an examiner of the Board at a time and place to be hereafter designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14763; Filed, Dec. 11, 1969; 8:48 a.m.]

[1] By Order E-17744, November 20, 1961, the Board approved certain control and interlocking relationships involving Emery and Facilities relating to Facilities' development, construction and operation of cargo terminals for the common use of air carriers at airports where adequate cargo terminal buildings were not available. In August 1965, Facilities transferred its assets to Emery and became inactive, retaining only its status as a corporation wholly owned by Emery.

[2] See, for example, Set Air Freight, Inc., et al., Order 68-10-110, Oct. 21, 1968, involving E. T. Warehousing, Inc.; Jet Air Freight et al., Order 68-12-18, Dec. 4, 1968, involving Copeland Importing Services; WTC Air Freight et al., Order 69-2-74, Feb. 14, 1969, involving Western Terminal Co., and Air Barr et al., Order 68-11-42, Nov. 8, 1968, involving Frontier-Barr.

[3] See, for example, City Airfreight et al., Order 68-7-70, July 16, 1968; Air Barr Shipping, Order 68-11-42, Nov. 8, 1968; Novo Industrial Corp., Order 68-11-61, Nov. 4, 1968; and Jet Air Freight et al., Order 68-12-18, Dec. 4, 1968.

[4] Air Freight Forwarder Case, 9 CAB 473, 504 (1948); Trans Caribbean Airways, Order E-18893, Oct. 9, 1962; Overseas National Airways, Order 69-9-133, Sept. 24, 1969. Also see Transcontinental and W. A. Ethiopian Agreement 9 CAB 713 (1948).

[Docket No. 20291; Order 69-12-40]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority December 8, 1969.

By Order 69-11-114, dated November 25, 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 agreements (1) establish proportional fares to be used in the construction of through fares to/from Manizales, Pereira, and Armenia, Colombia, and (2) amend the construction of through fares to/from Curitiba, Brazil, which, for the most part, result in slight reductions.

In deferring action on the agreement, 10 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 69-11-114 will herein be made final.

Accordingly, it is ordered, That:

Agreements CAB 21348, R-1, and CAB 21358 be, and hereby are, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14769; Filed, Dec. 11, 1969; 8:48 a.m.]

[Docket No. 21609; Order 69-12-38]

MACKEY INTERNATIONAL, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of December 1969.

By Order 69-10-94, October 20, 1969, in Docket 21445, Mackey International, Inc. (Mackey), was granted exemption authority to transport mail between Miami, Fla., and both Bimini and Andros Island, Bahama Islands. No service mail rates are currently in effect for this service by Mackey.

By petition filed November 13, 1969, Mackey has requested that the Board establish final service mail rates for this transportation of mail. Mackey requests that the following rates be established:

1. The final mail rate as established for Latin American Service for the period on and after June 1, 1969, by Order 69-10-149 adopted in Docket 20415, October 30, 1969;

2. The final mail rate fixed for space available mail by Order E-25654, issued September 8, 1967, in Docket 17909, as amended by Order E-26713, issued April 25, 1968, in Docket 17909; and

3. The final mail rate as fixed for military ordinary mail by Order 68-9-8, issued September 4, 1968, in Docket 18078.

The Postmaster General filed a reply on November 18, 1969, in support of Mackey's petition. He states that he is in agreement with Mackey that the petitioned rates are fair and reasonable for the services described, provided that Mackey will be subject to any and all applicable conditions of said orders.

The Board proposes to issue an order establishing rates for mail service under that exemption and including the following findings and conclusions:

1. On and after October 20, 1969, the fair and reasonable final service mail rates to be paid to Mackey International, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Miami, Fla., and both Bimini and Andros Island, Bahama Islands shall be as fixed:

a. For Latin American Service in Docket 20415, by Order 69-10-149, October 30, 1969;

b. For space available mail in Docket 17909, by Order E-25654, September 8, 1967, as amended by Order E-26713, April 25, 1968; and

c. For military ordinary mail in Docket 18078, by Order 68-9-8, September 4, 1968, and amended by Order 69-9-152, September 30, 1969.

2. The service mail rates here fixed shall be subject to the applicable conditions of said orders.

3. The service mail rates here fixed are to be paid entirely by the Postmaster General.

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

It is ordered, That:

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

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

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

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Mackey International, Inc., the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14770; Filed, Dec. 11, 1969; 8:48 a.m.]

[Docket No. 13196; Order 69-12-36]

MEMBERS OF THE NATIONAL AIR TRANSPORTATION CONFERENCES, INC.

Order Approving Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of December 1969.

By order E-19008, adopted November 14, 1962, the Board approved pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act) agreements among members of the National Air Taxi Conference, Inc. now known as the National Air Transportation Conferences, Inc. (NATC), identified as Agreements CAB 13700 and 13700-A1, which set forth the bylaws of NATC and the Code of Operating Practices by which the NATC members have agreed to be bound.

The foregoing action was made subject to various conditions including one which provides that NATC shall not accept "associate members" into its organization except upon prior approval of the Board.[1] In deciding to impose this condition on its approval the Board noted that at that time NATC had no associate members and had had none in the past.

Subsequently, the Board approved, subject to certain conditions, applications of NATC requesting permission for the acceptance into the organization as associate members various classes of establishments engaged in pursuits related to aeronautical activities.[2]

On September 4, 1969, NATC filed an application requesting that the Board

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[1] According to the currently effective bylaws of NATC, as amended Dec. 11, 1968 (Agreement CAB 13700-A4), approved by Order 69-2-94, Feb. 19, 1969, associate members consist of "persons (other than air carriers eligible to become regular members) engaged in pursuits related directly or indirectly to aeronautical pursuits which might reasonably expect to benefit by the successful growth and development of the operations of regular members."

[2] Order E-26412, Feb. 28, 1968 (airframe manufacturers of certain light aircraft); Order 68-11-115, Nov. 26, 1968 (aviation supply and service organizations, engine and system manufacturers, maintenance and overhaul activities, publications, and aviation oriented research and insurance companies).

permit a further broadening of the eligible classes of nonvoting associate membership so as to include, in addition to the presently approved class of airframe manufacturers and other specified allied aeronautical activities, air carriers certificated pursuant to section 401(d) (1) and (2) of the Act. The application was supplemented by letter of October 9, 1969, and also by letter of October 30, 1969, which enclosed copies of resolutions from individual named members of the association[3] authorizing NATC to file the application in accordance with the action of its board of directors and to represent each of the said carriers individually in this proceeding.[4]

To support its application, NATC submits, inter alia, that the growth and development of Part 298 air carriers (air taxi operators) have been accompanied by increasingly close relationships with the certificated scheduled air carriers; that a number of such air carriers have evidenced active interest in becoming associate members of NATC; that many such carriers have been participating actively with NATC on industry problems in the course of its regular annual and periodic membership and conference meetings, dealing with matters of mutual interest and concern; that such carriers have participated in seminars and annual membership and other meetings held and sponsored by NATC, are on NATC's mailing list, and have cooperated with NATC in general exchange of views on industry problems of mutual concern.[5] Further, NATC states that the admission of certificated air carriers as associate members on a nonvoting basis will tend to regularize, through associate membership, the formal interplay and mutual exchange of views which are now being accomplished on an ad hoc basis; and that public interest considerations, similar to those in the Board's approval of associate membership for airframe manufacturers (Order E-26412) are present here, i.e. exchange of information and views on projects of common interest. In addition, NATC states that associate membership dues for all classes of associate members is $250 annually for each member; that the same will be applied to certificated air carrier associate members; that such dues will be no more and no less for certificated air carrier associate members than the dues applicable to all other classes of associate members; and that in the event of any change in dues structure applicable to associate membership, NATC intends to continue to apply such changes to all classes and members included in the associate membership of the association.

On September 26, 1969, and October 2, 1969, Frontier Airlines, Inc. and Allegheny Airlines, Inc. (Allegheny), respectively, filed responses in support of NATC's application.[6] No comments in opposition to approval of the application have been filed.

On the basis of the facts before us, the admittance to associate membership in NATC of certificated scheduled air carriers would not appear to be adverse to the public interest or in violation of the Act. It appears that the admittance of such carriers as non-voting associate members could enhance the use of NATC as a conduit and forum for the exchange of technical and operating information between air taxi operators and the certificated air carriers. In turn, this could benefit not only NATC members but the certificated air carriers and the public at large through improved efficiency in their respective operations.

NATC's application poses the issue of whether the class of air carriers eligible for associate member should be extended to include air carriers other than scheduled certificated air carriers. Allegheny's response appears to request that associate membership be open to all certificated air carriers upon the same terms and conditions. The application presents no basis, nor are we aware of any reason, for excluding any persons that come within the class of certificated air carriers whether they conduct scheduled or supplemental operations.

The application also presents the issue of having different types of air carriers associated in a single trade association. Despite the fact that all certificated air carriers could be admitted only as nonvoting associate members, rather than regular members, they would nevertheless be eligible under NATC's bylaws to participate in all affairs of the association and of each conference.[7] Since certificated air carriers are members or eligible for membership in various trade associations representing their respective types of operations,[8] admission to NATC, even if restricted to associate membership, would nevertheless provide the certificated air carriers with a further opportunity for joint participation in the affairs of an additional trade association and its conferences. Moreover, NATC members, both regular and associate, enjoy relief from the antitrust laws, as do air carrier members of other trade associations, by virtue and to the extent of the Board's action approving NATC's bylaws under section 412 of the Act. In these circumstances we believe that various conditions which the Board has heretofore imposed upon its approvals of the articles of incorporation and bylaws of the respective trade associations in which these classes of air carriers are regular members should also be imposed upon the approval of NATC's application. This could further the Board's intent to treat all trade associations subject to its jurisdiction on an equal basis.[9]

With respect to dues payable by associate members, NATC represents that air carrier associate members will not be required to contribute more than members of any other class of associate members. However, the association's bylaw (Article XI, section 3) provides that dues payable by associate members shall not be less than the annual dues for regular members. Despite the fact that the NATC bylaws provide for no financial support by associate members other than annual dues,[10] no showing has been made that this dues provision is fair and reasonable as applied to certificated air carriers which are eligible only for associate membership. In these circumstances we believe an appropriate condition should be imposed to safeguard certificated air carrier associate members from possible obligations to contribute disproportionately to an association formed primarily for the benefit of its regular members. Also, we believe a condition should be imposed to provide for Board surveillance over any future changes in the present level of dues between, on the one hand, regular members and, on the other hand, associate members, as well as among various classes of associate members, to the extent that contributions by certificated air carriers may be affected.

On the basis of the foregoing the Board had decided tentatively to approve the application, subject to the conditions that:

1. Associate membership in NATC shall be open upon the same terms and conditions to all certificated air carriers who are not eligible to become regular members;

2. Dues or contributions required by NATC shall be the same for all certificated air carrier associate members, and in no event greater than those required of regular members, or any other class or group of persons accepted into associate membership;

3. All NATC resolutions pertaining to changes in fees, dues and contributions applicable to regular and associate members shall be filed with the Board pursuant to section 412 of the Act;

[3] The regular members of NATC which executed resolutions are as follows: Sedalia-Marshall-Boonville Stage Lines, Inc., Wiggins Airways, Inc., Tilford Flying Service; Air Wisconsin; and Catlin Aviation.

[4] Since Article XVIII of NATC's bylaws relating to the association's participation in Board proceedings was approved by order E-19008, and NATC has complied with this bylaw, the Board, pursuant to Part 263 of the Board's economic regulations, will permit the filing of NATC's present application. However, it is noted that Article XVIII has not been incorporated in NATC's published bylaws. The Board expects that NATC will by appropriate action forthwith incorporate this provision into its published bylaws.

[5] There is in effect between NATC and its members, on the one hand, and members of the Air Traffic Conference of America, on the other hand, an "Air Taxi Service Agreement" (Agreements CAB 8308, 8308-A1 and A2) providing for interline and ticketing of passengers using the services of participating carriers.

[6] Both responses are late filings under the Board's rules of practice. However, since no objections to their receipt have been filed, and, in view of our action herein, we shall accept both responses.

[7] Article III, section 1A provides for three conferences: the Commuter Air Carrier Conference, the Cargo and Mail Conference, and the Air Taxi Conference.

[8] Air Transport Association of America, National Air Carrier Association, and the Association of Local Transport Airlines.

[9] See Orders E-18818, Sept. 21, 1962; E-19008, E-20409, Jan. 29, 1964; E-20960, June 22, 1964; and E-20983, June 24, 1964.

[10] For example, application fees are required to be paid only by regular members (Article XI, section 1).

4. NATC shall advise the Board within 30 days after acceptance thereof of the name, business activity, and address of any person becoming an associate member of NATC;

5. NATC shall file with the Board, within thirty (30) days of preparation, copies of written opinions and reports or actions of its board of directors, or decisions of arbitrators which result in the expulsion of a member, or other disciplinary action. The names of the carrier parties to the proceeding which are the subject of such opinion, reports and decisions may be deleted therefrom for the purpose of this paragraph;

6. NATC shall maintain full and complete minutes of meetings of its board of directors and of its general membership; [11]

7. NATC shall file the agenda for such meetings and the minutes thereof with the Board within thirty (30) days after the meeting; [12]

8. NATC shall so conduct its affairs as to preclude it, its officers or employees from engaging in the practice of law, in such manner as to create a claim of privilege against disclosure to the Board of information or documents based upon an alleged attorney-client relationship between it, its officers or employees, on the one hand, and its members, on the other.[13] Nothing in this condition, however, shall prevent attorneys employed or retained by NATC from rendering confidential legal advice to, and accepting confidential communications in connection therewith from, officers or employees of NATC or its instrumentalities, or individual members of its various committees, etc., with respect to the activities of NATC or its instrumentalities or of such committees, etc., or shall prevent NATC from asserting attorney-client privilege with respect to any such communication: *Provided*, That the procedures hereinafter called for have been followed. NATC shall promptly establish standard procedures for the handling of written documents and communications as to which NATC desires to preserve its asserted right to claim attorney-client privilege, and shall report such procedures and all subsequent revisions thereof to the Board. Such procedures shall provide for at least the following:

(1) Any document which is claimed to be confidential by reason of an asserted attorney-client privilege shall be promptly identified, so marked, and segregated. As to documents hereafter created, this shall be done within 60 days of the creation of such document or its receipt by NATC, as the case may be. As to documents heretofore created, it shall be done within 90 days after imposition of this condition.

(2) All such documents which NATC elects to keep in its possession or control shall be kept in a separate file or files in the charge of an appropriate principal officer of NATC or of its legal staff.

(3) NATC shall quarterly report to the Board how many documents have been segregated in the above-described confidential files.

(4) Upon request of the Board, NATC shall furnish the Board with a list of all documents so segregated, such list to give the date, author, and addressee of each document or communication, and as detailed a description of its content as preservation of confidentiality will permit.

9. NATC and its air carrier members agree that the Board and its authorized agents shall have access to and authority to inspect all accounts, records, and memoranda, including all documents, papers, and correspondence belonging to or in possession of NATC other than documents, papers, and correspondence segregated in accordance with the procedures specifies by paragraph 8 of this order; *Provided, however,* That the Board shall have access to and authority to inspect all such segregated materials except those which are in fact legally privileged against disclosure by reason of an attorney-client privilege which NATC (or, as to documents heretofore created, a member of NATC) is entitled to assert.

10. The action of the Board herein shall not be construed as an approval or disapproval of any contract, agreement, or resolution entered into or any action taken pursuant to the instant agreements, as currently or hereafter constituted; and

11. Within fifteen (15) days after issuance of this order, NATC on behalf of its members, shall submit to the Board a written statement indicating acceptance of the foregoing conditions.

Accordingly, it is ordered, That:

1. The application herein be approved tentatively, subject to the conditions noted;

2. Final action on Agreement CAB 13700–A4 (Docket 13196), be and it hereby is deferred for a period of thirty (30) days after issuance of this order to permit the filing of comments by interested persons [14] relative to the Board's tentative decision herein;

3. A copy of this order be served on all certificated air carriers and NATC; and

4. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14771; Filed, Dec. 11, 1969; 8:48 a.m.]

[11] Such minutes shall contain, inter alia, a summary of the discussion identifying each participant on each matter, regardless of the action, or lack of action taken thereon.

[12] The filing of minutes will not relieve NATC from the requirement for filing separately contracts and agreements subject to section 412 of the Act.

[13] Such restriction is not intended to prohibit the participation of NATC in a Board proceeding pursuant to the provisions of Part 263 of the Board's economic regulations.

[14] Such comments shall conform with the general requirements of the Board's rules of practice in economic proceedings. Further, since an opportunity to file comments is provided, petitions for reconsideration of this order will not be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Report 469]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 8, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

2904-C2-P-70—Wayne C. Andrews, doing business as Around-The-Clock Answering Service (New), C.P. for a new 2-way station to be located at 500 South Curry Pike, Bloomington, Ind., to operate on frequency 152.06 MHz.

2905-C2-P-70—James T. Whitaker (KIM899), C.P. for an additional channel to operate on frequency 152.12 MHz at station located at 778 North Ferdon Boulevard, Crestview, Fla.

2906-C2-P-70—General Telephone Co. of Illinois (New), C.P. for a new 1-way station to be located at 303 Broadway, Lincoln, Ill., to operate on frequency 158.10 MHz.

2907-C2-P-70—Instant Communications, Inc. (KQA338), C.P. to replace the antenna systems for the VHF channels operating on base frequencies 152.03, 152.06, and 152.15 MHz at station located at 424 Book Building, 1249 Washington Boulevard, Detroit, Mich.

2912-C2-AL-(2)-70—Certified Telephone Answering Service (KAD925) (KAF240), Consent to assignment of license from: Certified Telephone Answering Service, Assignor to: Mobilfone-Telephone Answering Service, Inc., Assignee.

3283-C2-AL-70—John E. Taylor, doing business as Selective Page (KEK276), Consent to assignment of license from: John E. Taylor, doing business as Selective Page, Assignor to: Selective Paging Corp., Assignee.

3284-C2-MP-(2)-70—Peninsula Radio Secretarial Service, Inc. (KQZ718), Modification of C.P. to change antenna location to: 50 feet west of intersection of Lincoln Avenue and Newlands Avenue, San Mateo, Calif., for frequencies 152.24, 158.70 MHz; replace transmitter and change antenna system for same.

3285-C2-P-(3)-70—Frank L. Yates, Jr., doing business as Gulf Mobilphone (New), C.P. for a new 2-way station. Location No. 1: 12 miles southwest of Jackson, Miss. Frequency: 454.20 MHz (Base). Location No. 2: 1300 Cherry Street, Vicksburg, Miss. Frequency: 454.325 MHz (Control). Location No. 3: 127 South Rosch Street, Jackson, Miss. Frequency: 454.325 MHz (Control).

3286-C2-P-70—Reservation Telephone Cooperative (New), C.P. for a new 1-way station to be located 6 miles east and 1.5 miles south of Roseglen, N. Dak., to operate on frequency 152.60 MHz.

3287-C2/C1-AL-(6)-70—Arkansas State Telephone Co. (KLB691), Consent to assignment of license from: Arkansas State Telephone Co., Assignor to: Western Arkansas Telephone Co., Assignee.

3289-C2-P-70—National Communications System, Inc. (KMM705), C.P. for an additional channel to operate on frequency 454.025 MHz at station located at 1805 Harbor Road, Stockton, Calif.

3290-C2-P-(4)-70—Robert S. Ditton (KOE516), C.P. to relocate base station to: Chandler Butte, 9.5 miles east of Prosser, Wash., operating on base frequency 152.18 MHz; add repeater frequency 459.300 at same location. Also install new control stations to be located at North Avenue one-fourth west of Sunnyside, Wash., and 611 West Columbia Street, Pasco, Wash., to operate on frequency 454.300 MHz.

3293-C2-AL-70—Harrisonburg Telephone Co. (KIY580), Consent to assignment of license from: Harrisonburg Telephone Co., Assignor to: Continental Telephone Company of Harrisonburg, Assignee.

3294-C2-P-70—Otis L. Hale, doing business as Mobilfone Communications (KQZ752), C.P. to change antenna location to: 200 West Capitol Street, Little Rock, Ark., operating on frequency 152.24 MHz. Change transmission line for same.

3306-C2-TC-70—Radiopaging, Inc. (KIE367), Consent to transfer of control from: Pan American Bank of Miami, Executor, Transferor to: Benjamin Cutler and Murray Gordon, Transferee.

3307-C2-MP-(2)-70—Industrial Communications Systems, Inc. (KMD990), Modification of C.P. to replace transmitter operating on frequency 454.175 MHz at location No. 1: End of Silverado Canyon Road, Santiago Peak, Calif., and location No. 3: Verdugo Peak, Calif.

Corrections

2534-C2-P-(2)-70—Charles F. Read, doing business as Mobilfone of Baton Rouge (KKX707). Correct frequencies to read: 152.15 and 152.18 MHz. All other particulars remain as reported in public notice dated Nov. 17, 1969, No. 466.

2885-C2-P-(6)-70—South Central Bell Telephone Co. (KIA960), Correct to read: C.P. to add fifth and sixth channels to operate on frequencies of 152.60 and 152.72 MHz; change antenna system for existing facilities operating on frequencies 152.63, 152.66, 152.75, 152.78 MHz. All other particulars same as reported on public notice dated Dec. 1, 1969, No. 468.

Major Amendment

3831-C2-P-69—Marshall Telephone Co. (New), Change base frequency to 454.475 MHz and mobile frequencies to 459.375, 459.400, 459.425, 459.450, 459.500, 459.525, 459.650 MHz. Also, change transmitter. All other particulars to remain as reported on public notice dated Jan. 6, 1969.

RURAL RADIO SERVICE

2908-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPN91), C.P. to replace transmitter operating on frequency 459.40 MHz at station located at 50.1 miles northwest of Casper, Wyo.

2909-C1-P/ML-70—The Mountain States Telephone & Telegraph Co. (KPL20), C.P. and modify license to replace transmitter operating on frequency 157.77 MHz at station located at 66.6 miles northwest of Casper, Wyo.

2910-C1-P/ML-70—General Telephone Co. of the Southwest (KLH27), C.P. and modify license to change authorization from temporary fixed location to fixed location: 5 miles south of Stead on Highway No. 18, Stead, N. Mex., operating on frequency 158.04 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2913-C1-MP-70—American Telephone & Telegraph Co. (KKP86), Modification of C.P. to change frequencies to 6034.2 and 6152.8 MHz toward Los Lunas, N. Mex. Location: Albuquerque Junction, 11 miles west-southwest of Albuquerque, N. Mex.

2914-C1-MP-70—American Telephone & Telegraph Co. (KKW32), Modification of C.P. to change frequencies to 6286.2 and 6404.8 MHz toward Albuquerque Junction, N. Mex. Location: 4.8 miles west of Los Lunas, N. Mex.

2919-C1-MP-70—American Telephone & Telegraph Co. (WAD41), Modification of C.P. to change point of communication to Miami, Ariz. on frequencies 6034.2, 6152.8, and 4198 MHz and change the antenna system. Location: 7 miles southwest of Seneca, Ariz.

2920-C1-MP-70—American Telephone & Telegraph Co. (WAD42), Modification of C.P. to change point of communication to Florence, Ariz.; change the antenna system and relocate station to 7 miles south-southeast of Miami, Ariz. Frequencies 6286.2, 6404.8, and 4190 MHz.

2921-C1-MP-70—American Telephone & Telegraph Co. (WAD43), Modification of C.P. to change point of communication to Miami, Ariz., change the antenna system and relocate station to 6 miles southwest of Florence, Ariz. Frequencies 6034.2, 6152.8 and 4198 MHz.

2922-C1-MP-70—American Telephone & Telegraph Co. (WAD44), Modification of C.P. to change point of communication to Florence, Ariz., and change the antenna system. Frequencies 6286.2, 6404. 8, and 4190 MHz. Location: 4 miles west of Casa Grande, Ariz.

2923-C1-MP-70—American Telephone & Telegraph Co. (WAD46), Modification of C.P. to change the antenna system and relocate station to 6.5 miles southwest of Guadalupe, Ariz. Frequencies 6034.2 and 6152.8 MHz.

New York-Penn Microwave Corp., Sixty-Seven (67) C.P. applications proposes to provide interstate microwave "channels" between transmitters in Chicago, Ill.; Detroit, Mich.; Philadelphia, Pa.; and New York City and intermediate stations, as follows:

3216-C1-P-70—New York-Penn Microwave Corp. (New), Frequencies 6212.0 and 6330.7 MHz toward Gary, Ind. Location: Dickenson Warehouse, 35th and California, Chicago, Ill.

3217-C1-P-70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Chicago, Ill., and 5989.7 and 6108.3 MHz toward Pinola, Ind. Location: Gary National Bank Building, 504 Broadway Street, Gary, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3218–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Gary, Ind., and 6212.0 and 6330.7 MHz toward Mishawaka, Ind. Location: 2.3 miles northwest of Pinola, Ind.

3219–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Pinola, Ind., and 5989.7 and 6108.3 MHz toward Sturgis, Mich. Location: 2 miles south-southwest of Mishawaka, Ind.

3220–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Mishawaka, Ind., and 6271.4 and 6390.0 MHz toward Hillsdale, Mich. Location: 1.5 miles south-southeast of Sturgis, Mich.

3221–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Sturgis, Mich., and 5989.7 and 6108.3 MHz toward Adrian, Mich. Location: 2 miles south of Hillsdale, Mich.

3222–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Hillsdale, Mich., and 6212.0 and 6330.7 MHz toward Toledo, Ohio. Location: 2 miles north-northwest of Adrian, Mich.

3223–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Adrian, Mich., and 5989.7 and 6108.3 MHz toward Hessville, Ohio; 6019.3 and 6137.9 MHz toward North Shore, Mich. Location: Galbreath Building, Jefferson and St. Claire Streets, Toledo, Ohio.

3224–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Toledo, Ohio, and 6241.7 and 6360.3 MHz toward Detroit, Mich. Location: Southwest edge of North Shores, Monroe, Mich.

3225–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5989.7 and 6108.3 MHz toward North Shores, Mich. Location: Book Building, 1249 Washington Boulevard, Detroit, Mich.

3226–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Toledo, Ohio, and 6271.4 and 6390.0 MHz toward Bogart, Ohio. Location: 2 miles south-southeast of Hessville, Ohio.

3227–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Hessville, Ohio, and 5989.7 and 6108.3 MHz toward Penfield Junction, Ohio. Location: 3.5 miles west of Bogart, Ohio.

3228–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Bogart, Ohio, and 6212.0 and 6330.7 MHz toward Cleveland, Ohio. Location: 1.3 miles south of Penfield Junction, Ohio.

3229–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Penfield, Ohio; 5989.7 and 6108.3 MHz toward Painesville, Ohio, and 6019.3 and 6137.9 MHz toward Mantua Corners, Ohio. Location: Terminal Tower Building, Cleveland, Ohio.

3230–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Cleveland, Ohio, and 6212.0 and 6330.7 MHz toward Ashtabula, Ohio. Location: 4.8 miles east-southeast of Painesville, Ohio.

3231–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Painesville, Ohio, and 5989.7 and 6108.3 MHz toward Godard, Pa. Location: 3.8 miles south of Ashtabula, Ohio.

3232–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Ashtabula, Ohio; 6212.0 and 6330.7 MHz toward Sherman, N.Y., and 6271.4 and 6390.0 MHz toward Erie, Pa. Location: 2.4 miles west of Godard, Pa.

3233–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6019.3 and 6137.9 MHz toward Godard, Pa. Location: Tenth Street Building Corp., 1001 State Street, Erie Pa.

3234–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Godard, Pa., and 5989.7 and 6108.3 MHz toward New Albion, N.Y. Location: 3.6 miles east-southeast of Sherman, N.Y.

3235–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6301.0 and 6360.3 MHz toward Sherman, N.Y., and 6212.0 and 6330.7 MHz toward Angola, N.Y. Location: 2.3 miles west-southwest of New Albion, N.Y.

3236–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward New Albion, N.Y., and 5989.7 and 6108.3 MHz toward Buffalo, N.Y. Location: 0.8 mile east of Angola, N.Y.

3237–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Angola, N.Y., and 6212.0 and 6330.7 MHz toward Dysinger, N.Y. Location: 14 Lafayette Street, Buffalo, N.Y.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3238–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Buffalo, N.Y., and 5989.7 and 6108.3 MHz toward Clarendon, N.Y. Location: 0.6 mile east of Dysinger, N.Y.

3239–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Dysinger, N.Y., and 6271.4 and 6390.0 MHz toward Rochester, N.Y. Location: 3.5 miles west-northwest of Clarendon, N.Y.

3240–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Clarendon, N.Y., and 5989.7 and 6108.3 MHz toward Fairville, N.Y. Location: Sibley Towers Building, 250 Main Street East, Rochester, N.Y.

3241–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Rochester, N.Y., and 6212.0 and 6330.7 MHz toward Lysander, N.Y. Location: 2.2 miles north-northeast of Fairville, N.Y.

3242–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Fairville, N.Y., and 5989.7 and 6108.3 MHz toward Mycenae, N.Y. Location: 2.3 miles northwest of Lysander, N.Y.

3243–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Lysander, N.Y.; 6271.4 and 6390.0 MHz toward Syracuse, N.Y., and 6212.0 and 6330.7 MHz toward Trenton, N.Y. Location: 0.9 mile west of Mycenae, N.Y.

3244–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5989.7 and 6108.3 MHz toward Mycenae, N.Y. Location: Jefferson Towers, Syracuse, N.Y.

3245–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Mycenae, N.Y.; 5989.7 and 6108.3 MHz toward Oak Mountain, N.Y., and 6019.3 and 6137.9 MHz toward Stittville, N.Y. Location: 5.3 miles west of Trenton, N.Y.

3246–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Trenton, N.Y., and 6212.0 and 6330.7 MHz toward Utica, N.Y. Location: 3.4 miles southeast of Stittville, N.Y.

3247–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Stittville, N.Y. Location: 102 Lafayette Street, Utica, N.Y.

3248–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Trenton, N.Y., and 6212.0 and 6330.7 MHz toward Scotchbush, N.Y. Location: Oak Mountain, 2.45 miles north-northwest of Stratford, N.Y.

3249–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Oak Mountain, N.Y.; 5989.7 and 6108.3 MHz toward Albany, N.Y., and 5989.7 and 6108.3 MHz toward East Windham, N.Y. Location: 3.8 miles south of Scotchbush, N.Y.

3250–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6212.0 and 6330.7 MHz toward Scotchbush, N.Y., and 6241.7 and 6360.3 MHz toward Schenectady, N.Y. Location: 397 State Street, Albany, N.Y.

3251–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Albany, N.Y. Location: 780–790 State Street, Schenectady, N.Y.

3252–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Scotchbush, N.Y., and 6212.0 and 6330.7 MHz toward Millerton, N.Y. Location: 1.7 miles south-southeast of East Windham, N.Y.

3252–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward East Windham, N.Y., and 5989.7 and 6108.3 MHz toward Ardonia, N.Y. Location: 3.6 miles southwest of Millerton, N.Y.

3254–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Millerton, N.Y., and 6212.0 and 6330.7 MHz toward Quarryville, N.J. Location: 3.3 miles east-northeast of Ardonia, N.Y.

3255–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Ardonia, N.Y., and 5989.7 and 6108.3 MHz toward Woodport, N.J. Location: 3.5 miles east-northeast of Quarryville, N.J.

3256–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Quarryville, N.J.; 6212.0 and 6330.7 MHz toward Roxburg, N.J., and 5960.0 and 6078.6 MHz toward New York, N.Y. Location: 0.9 mile northwest of Woodport, N.J.

3257–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Woodport, N.J. Location: 350 Fifth Avenue, New York City, N.Y.

3258–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz to Woodport, N.J., and Gardenville, Pa., and 5989.7 and 6108.3 MHz toward Bauer Rock, Pa. Location: 1.8 miles southeast of Roxburg, N.J.

3259–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6330.7 MHz toward Roxburg, N.J. Location: 4 miles southeast of Allentown, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3260–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Roxburg, N.J.; 6212.0 and 6330.7 MHz toward Boyertown, Pa., and 6271.4 and 6390.0 MHz toward Jenkintown, Pa. Location: 0.4 mile northeast of Gardenville, Pa.

3261–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6019.3 and 6137.9 MHz toward Gardenville, Pa., and 5989.7 and 6108.3 MHz toward Philadelphia, Pa. Location: 6300 Old York Road, Jenkintown, Pa.

3262–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6212.0 and 6330.7 MHz toward Jenkintown, Pa. Location: 1700 Market Street, Philadelphia, Pa.

3263–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Gardenville, Pa., and 5989.7 and 6108.3 MHz toward Womelsdorf, Pa. Location: 3.6 miles west-southwest of Boyertown, Pa.

3264–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Boyertown, Pa.; 6212.0 and 6330.7 MHz toward Harrisburg, Pa.; 6271.4 and 6390.0 MHz toward Lancaster, Pa., and 6301.0 and 6390.0 MHz toward Reading, Pa. Location: 2 miles south of Womelsdorf, Pa.

3265–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6049.0 and 6137.9 MHz toward Womelsdorf, Pa. Location: Abraham Lincoln Hotel, Fifth Street, Reading, Pa.

3266–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6019.3 and 6137.9 MHz toward Womelsdorf, Pa., and 5960.0 and 6078.6 MHz toward York, Pa. Location: Corner of Queen and Chestnut Streets, Lancaster, Pa.

3267–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Lancaster, Pa. Location: 3 miles northeast of York, Pa.

3268–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Womelsdorf, Pa., and 5989.7 and 6108.3 MHz toward Newburg, Pa. Location: 6900 Chamers Hill Road, Harrisburg, Pa.

3269–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Harrisburg, Pa., and 6212.0 and 6330.7 MHz toward Wells Tannery, Pa. Location: 4.2 miles northwest of Newburg, Pa.

3270–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Newburg, Pa.; 5989.7 and 6108.3 MHz toward Reels Corner, Pa., and 6019.3 and 6137.9 MHz toward Greenwood, Pa. Location: 2.7 miles northwest of Wells Tannery, Pa.

3271–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Wells Tannery, Pa., and 6212.0 and 6330.7 MHz toward Altoona, Pa. Location: 1.7 miles southeast of Greenwood, Pa.

3272–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Greenwood, Pa. Location: Corner of 12th Street and 13th Avenue, Altoona, Pa.

3273–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Wells Tannery, Pa.; 6212.0 and 6330.7 MHz toward Ligonier, Pa., and 6271.4 and 6390.0 MHz toward Johnstown, Pa. Location: 3.8 miles east of Reels Corner, Pa.

3274–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6019.3 and 6137.9 MHz toward Reels Corners, Pa. Location: 1.3 miles east of Johnstown, Pa.

3275–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Reels Corners, Pa., and 5989.7 and 6108.3 MHz toward Delmont, Pa. Location: 7.7 miles southeast of Ligonier, Pa.

3276–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Ligonier, Pa., and 6212.0 and 6330.7 MHz toward Imperial, Pa. Location: 1.6 miles south-southeast of Delmont, Pa.

3277–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6078.6 MHz toward Delmont, Pa.; 5989.7 and 6108.3 MHz toward Ohioville, Pa., and 6049.0 and 6137.9 MHz toward Pittsburgh, Pa. Location: 3.3 miles south-southeast of Imperial, Pa.

3278–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Imperial, Pa. Location: One Oliver Plaza, Pittsburgh, Pa.

3279–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Imperial, Pa., and 6212.0 and 6330.7 MHz toward Austintown, Ohio. Location: 3.5 miles northeast of Chioville, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3280–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 5960.0 and 6108.3 MHz toward Ohioville, Pa.; 6019.3 and 6137.9 MHz toward Mantua Corners, Ohio, and 5960.0 and 6078.6 MHz toward Youngstown, Ohio. Location: 0.7 mile north-northwest of Austintown, Ohio.

3281–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6271.4 and 6390.0 MHz toward Austintown, Ohio. Location: 34 West Federal Street, Youngstown, Ohio.

3282–C1–P–70—New York-Penn Microwave Corp. (New), Frequencies 6241.7 and 6360.3 MHz toward Austintown, Ohio, and 6271.4 and 6390.0 MHz toward Cleveland, Ohio. Location: 0.4 mile southwest of Mantua Corners, Ohio.

3288–C1–P–70—Pacific Northwest Bell Telephone Co. (KON65), C.P. to add frequency 2121.6 MHz toward Prairie Peak, Oreg. Location: 112 10th Avenue East, Eugene, Oreg.

3287–C1–AL–(5)–70—Arkansas State Telephone Co., Consent to assignment of license from Arkansas State Telephone Co., Transferor, to: Western Arkansas Telephone Co., Assignee Stations: KVD54, Charleston, Ark.; KVD55, Cecil, Ark.; KVD56, Alma, Ark.; KVD57, Greenwood, Ark.; KVD58, Waldron, Ark.

3291–C1–MP–70—Hawaiian Telephone Co. (KCG66), Modification of C.P. to replace transmitters operating on 2125.2 MHz and relocate facilities to 1.5 miles south of Hana, Maui, Hawaii.

3292–C1–MP–70—Hawaiian Telephone Co. (KUS21), Modification of C.P. to replace transmitters operating on 2175.2 MHz. Location: 2.5 miles east of Huehue, Hawaii.

3295–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (New), C.P. for a new fixed station to be located at 306 North Royal Avenue, Front Royal, Va. Frequencies 6108.3 and 11,245 MHz toward Paris, Va.

3296–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (New), C.P. for a new fixed station to be located at approximately 2.5 miles north-northeast of Paris, Va. Frequencies 6390.0, 10,795 MHz toward Front Royal, Va., and 6360.3 and 11,075 MHz toward Leesburg, Va.

3297–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (New), C.P. for a new fixed station to be located at 145 East Market Street, Leesburg, Va. Frequencies 6137.9 and 11,525 MHz toward Paris, Va., and 11,325 and 11,565 MHz toward Aldie, Va.

3298–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ28), C.P. to add frequencies 6412.2 and 10,755 MHz toward Nokesville, Va., and 10,875 and 11,115 MHz toward Leesburg, Va. Location: 5.3 miles northeast of Aldie, Va.

3299–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ29), C.P. to add frequencies 6160.2 and 11,685 MHz toward Aldie, Va., and 6115.7 and 11,405 MHz toward Morrisville, Va. Location: 2.4 miles north of Nokesville, Va.

3300–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ30), C.P. to add frequencies 6367.7 and 10,955 MHz toward Nokesville, Va., and 10,995 and 11,155 MHz toward Berea, Va. Location: 3.4 miles southwest of Morrisville, Va.

3301–C1–P–70—The Chespeake & Potomac Telephone of Va. (KJJ31), C.P. to add frequencies 11,445 and 11,605 MHz toward Morrisville, Va., and 11,385 and 11,545 MHz toward Bowling Green, Va. Location: 0.3 mile southwest of Berea, Va.

3302–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ32), C.P. to add frequencies 10,775 and 10,935 MHz toward Cauthornville, Va., and 10,975 and 11,135 MHz toward Berea, Va. Location: 2.2 miles north of Bowling Green, Va.

3303–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KJJ33), C.P. to add frequencies 11,325 and 11,565 MHz toward Aylett, Va., and 11,345 and 11,665 MHz toward Bowling Green, Va. Location: On State Route No. 619, 1 mile south-southeast of Cauthornville, Va.

3304–C1–P–70—The Chesapeake & Potomac Telephone Co. of Va. (KYS82), C.P. to add frequencies 11,115 and 10,875 MHz toward Cauthornville, Va. Location: 4 miles west of Aylett, Va.

[F.R. Doc. 69–14755; Filed, Dec. 11, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-772]

PAUL F. BARNHART

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 5, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rate and charge 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 a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its 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, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its 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 supplement to the rate schedule filed by Respondent 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 Respondent shall 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 a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding 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(c)) on or before January 19, 1970.

By the Commission.

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

[1] 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 date 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/14.65 p.s.i.a. Rate in effect	Cents per Mcf/14.65 p.s.i.a. Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-772	Paul F. Barnhart	(1)	(1)	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (Permian Basin Area).	$775	11-5-69	11-5-69	11-6-69	16.5	16.562	

[1] No rate schedule is on file. Respondent, as individual and as a trustee, is operating under a small producer certificate in Dockets Nos. CS66-77 and CS67-52, and the filing covers Respondent's sales under two contracts dated Nov. 21, 1967, with Northern.

The proposed rate increased herein reflects 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 as of October 1, 1969. Respondent, holder of small producer certificates in Dockets Nos. CS66-77 and CS67-52, requests waiver of § 157.40(d) of the Commission's regulations which prohibits the collection of any rate in excess of the applicable area base ceiling rate determined in Opinion No. 468 so that he may file a rate increase from 16.5 cents to 16.562 cents per Mcf, relating to reimbursement for this recently enacted tax increase. Respondent also requests waiver of the statutory notice requirement to permit the rate change to become effective following a suspension of 1 day from the date of filing.

In support of his request, Respondent points out that large producers have been permitted to collect, subject to refund, their applicable tax reimbursement above the applicable area ceiling levels and requests equal treatment. The Commission has recognized the inequity of treatment involved here, and, in an effort to solve this problem, issued on November 4, 1969, a notice of proposed rulemaking in Docket No. R-374 proposing to permit small producers to file above ceiling rate increases without requiring the filing of rate schedules or obtaining new certificate authorizations. However, since the proposed increase involved here relates solely to reimbursement for the increase in the state production tax, we believe that the equities here call for the requested waivers of the statutory notice requirement and of § 157.40(d). In these circumstances, we shall suspend the said increased rate for 1 day from the date of filing.

[F.R. Doc. 69-14740; Filed, Dec. 11, 1969; 8:46 a.m.]

[Docket No. CP70-142]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 8, 1969.

Take notice that on December 1, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-142 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, the acquisition from Arizona Public Service Co. (Public Service) and operation of certain facilities to be constructed by Public Service and the sale and delivery of natural gas to Public Service for resale and distribution in the Yuma-Mesa irrigation area of Yuma County, Ariz., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a meter station to be located adjacent to its existing Yuma lateral; acquire approximately 9.7 miles of the 10.3 miles of 6⅝-inch O.D. transmission line to be constructed by Public Service, which will extend from the outlet of Applicant's proposed meter station southward to a point of connection with Public Service's recently installed irrigation distribution system; and sell and deliver natural gas to Public Service for resale and distribution to consumers for irrigation use.

The estimated total third year peak day and annual natural gas deliveries by applicant to Public Service are 2,558 Mcf and 426,000 Mcf, respectively.

The total estimated cost of the proposed meter station and the facilities to be acquired from Public Service is $284,000, to be financed by working funds supplemented by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 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. 69-14757; Filed, Dec. 11, 1969; 8:47 a.m.]

[Docket No. RP69-6 etc.]

EL PASO NATURAL GAS CO. ET AL.

Order Vacating Examiner's Ruling for Production of Data, Prescribing Procedure and Setting Date of Prehearing Conference, Directing Designation of Presiding Examiner, Filing of Application and Granting Petition to Intervene

DECEMBER 5, 1969.

El Paso Natural Gas Company, Docket No. RP69-6;[1] William G. Webb, Docket No. G-6887; J. Glenn Turner, Docket No. G-6907; Frank A. Schultz, Docket No. G-10037, William G. Webb, Docket No. G-15692; J. Glenn Turner, Docket No. G-15693; William G. Webb, Docket No. G-19109; Benson-Montin-Greer Drilling Corp., Docket No. G-19110; J. Glenn Turner, Docket No. G-19145; Frank A. Schultz, et al., Docket No. G-20018; Benson-Montin-Greer Drilling Corp., Docket No. CI61-156; La Plata Gathering System, Inc., Docket No. CI61-812; Frank A. Schultz, Docket No. CI61-817; Jack London, Jr., Docket No. CI62-1147; Ralph E. Davis, Docket No. CI62-1175; J. Glenn Turner and William G. Webb, Docket No. CI62-1177; J. Glenn Turner and William G. Webb, Docket No. CI62-1211; C. W. Murchison, Docket No. CI63-65; Frank A. Schultz et al., CI63-318; El Paso Natural Gas Co., Docket No. CP70-146.

On October 22, 1969, in Docket No. RP69-6 (Phase II), Presiding Examiner Max L. Kane transmitted to the Commission the appeal of El Paso Natural Gas Co. from the Examiner's ruling directing El Paso to provide data requested by the Commission Staff relating to the costs incurred by El Paso in operating, as company-owned production, the properties from which natural gas was formerly produced by independent producers, William G. Webb et al., Docket No. G-6887 et al. (See order issued Dec. 1, 1964.)

El Paso's application to increase its jurisdictional rates was filed on September 6, 1968, in Docket No. RP69-6. El Paso's cost of service is based on its operations for the 12-month period ended May 31, 1968, as adjusted. In its cost of service, El Paso presented the overall costs applicable to its own production for the test period and did not separate or identify the portions of such costs that were attributable to production under the particular acreage or wells of El Paso. It appears, therefore, that no evidence presently exists in the record in Docket No. RP69-6 to identify that portion of El Paso's overall claimed production costs associated with production of gas under the William G. Webb, et al. contracts. On October 3, 1969, during the course of the rate case hearings, Commission Staff requested El Paso to present testimony concerning the cost El Paso was claiming in the test year in Docket No. RP69-6 with respect to production from the acreage covered by the contracts identified in the Commission's order issued December 1, 1964, William G. Webb et al., Docket No. G-6887 et al.

Subsequent to the request of Commission Staff, counsel for El Paso argued that the issue raised by staff is more appropriately an issue in the Webb proceeding and proposed that it would agree to adjust its rates, as determined in Docket No. RP69-6, and make appropriate refunds back to the date that its rate increase was put into effect, March 7, 1969, depending on the outcome of the proceedings in the producer cases previously set for hearing in Docket No. G-6887 et al.

El Paso contends that full protection of the public interest can be achieved without delaying resolution of El Paso's rate proceeding by reserving this issue to the Webb proceeding.

By order issued December 1, 1964, the Commission set for hearing the 18 producer applications in lead docket William G. Webb, Docket No. G-6887. On May 27, 1965, the Commission directed El Paso to prepare and submit cost of service evidence concerning the total recoverable reserves to be transferred by applicants. It appears to be more expeditious to obtain a determination of the issues raised in the Webb proceedings concurrently with rather than subsequent to the resolution of the similar question raised in the rate increase proceeding.[2]

Presiding Examiner Kane in transmitting the appeal also transmitted a condition proposed by El Paso whereby El Paso would adjust its rates and make refunds retroactive to March 7, 1969, to be determined by application of a final determination in Docket No. G-6887 et al.: *Provided*, That (1) the Commission determine that the proposed abandonments there involved would result in an unwarranted increase in El Paso's jurisdictional unit cost of service and (2) the Commission denied the proposed abandonment. Since we do not here reach the merits of the proceedings in Docket No. G-6887 et al., nor the form of the final resolution therein, El Paso's proposed condition would unnecessarily restrict final resolution of the Webb proceedings.

Section 7(c) of the Natural Gas Act requires that no natural gas company shall acquire or operate any facility subject to Commission jurisdiction unless there is in force an appropriate certificate of public convenience and necessity authorizing such acts and operations. El Paso's acquisition and operation of the facilities of the above listed producers, and the producers' applications, may involve common questions for Commission decision. Accordingly, to avoid a subsequent proceeding for El Paso's acquisition and operation of such facilities, El Paso will be directed to file, as hereinafter ordered, an appropriate application which will be consolidated for hearing and decision with the producers' applications.

The Commission finds:

(1) The late petition of Pacific Gas and Electric Co. will not delay the proceedings. It is appropriate in carrying out the provisions of the Natural Gas Act that Pacific Gas and Electric be permitted to intervene in Docket No. G-6887 et al.

(2) The proceedings in Docket No. G-6887 et al. will be expedited by providing for a prehearing conference pursuant to the rules of the Commission.

The Commission orders:

(A) The appeal by El Paso Natural Gas Co. from the ruling of the presiding examiner in Docket No. RP69-6 directing El Paso to supply the data request of the staff concerning the costs associated with the production of natural gas from the producing properties identified in the Commission's order of December 1, 1964, in William G. Webb et al., Docket No. G-6887 et al. is granted and the ruling vacated.

(B) A prehearing conference in William G. Webb et al., Docket No. G-6887 et al., pursuant to § 1.18(b) of the Commission's rules of practice and procedure will be held on January 6, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.s.t.

(C) The Chief Examiner is directed to designate an examiner to preside at the prehearing conference scheduled by paragraph (B) above. The designated presiding examiner is directed to determine the status of the proceedings in Docket No. G-6887 et al., and to take all evidence necessary to a determination of the issue reserved by the ruling herein

[1] The dockets in William G. Webb et al., are not consolidated with Docket No. RP69-6.

[2] By letter dated Nov. 25, 1969, El Paso, apparently deeming its appeal denied pursuant to the operation of § 1.12(e) of our rules, transmitted certain cost information to the Commission purportedly in response to Staff Counsel's request. However, in light of our disposition of the appeal from the Examiner's ruling herein, we do not find it necessary to pass upon either the relevancy or adequacy of such information at this time.

set forth and the issues raised by the applications in Docket No. G–6887 et al. The presiding examiner shall control proceedings subsequent to the prehearing conference in his discretion after considering the recommendations presented by counsel for the parties.

(D) The issue pertaining to the proper allowance to be included in El Paso Natural Gas Co.'s cost of service in RP69–6 for its production of natural gas from the properties which are presently subject to proceedings in Docket No. G–6887 et al., is reserved for hearing and determination in the Webb proceedings.

(E) El Paso Natural Gas Co. will be obligated in Docket No. RP69–6 to make appropriate refunds with interest and rate reductions for the period beginning March 7, 1969, in the event such adjustments are required as a result of a final order of the Commission in Docket No. G–6887 et al.

(F) Pacific Gas and Electric Co. is hereby permitted to intervene in the proceedings in Docket No. G–6887 et al., subject to the rules and regulations of the Commission: *Provided, however,* That its participation shall be limited to matters relating to rights and interests expressly asserted in the petition to intervene; and provided further, that permission to intervene shall not be construed as recognition by the Commission that the intervener might be aggrieved by any order entered in these proceedings.

(G) El Paso Natural Gas Co. is directed to file an application for certificate pursuant to section 7(c) of the act and §§ 157.15–157.16 of the regulations under the Natural Gas Act in Docket No. CP70–146 within 30 days of the date of issuance of this order, for authorization to acquire and operate the facilities of the producers listed above, and said docket is consolidated for hearing and decision with the proceedings at Docket No. G–6887 et al.

By the Commission.

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

[F.R. Doc. 69–14746; Filed, Dec. 11, 1969; 8:46 a.m.]

[Docket No. CP70–140]

LONE STAR GAS CO.

Notice of Application

DECEMBER 8, 1969.

Take notice that on November 25, 1969, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP70–140 an application pursuant to section 7(b) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for budget-type permission and approval to abandon direct sales measuring, regulating, and related minor facilities during the calendar year 1970, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of said application is to enable Applicant to act with reasonable dispatch to remove direct sales facilities in the States of Texas and Oklahoma, as they become required no longer, without the delay incident to the filing and processing of numerous minor individual applications.

Applicant states that the deliveries to any one customer from the facilities proposed to be abandoned would not have exceeded 100,000 Mcf during the last year of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 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. 69–14758; Filed, Dec. 11, 1969; 8:47 a.m.]

[Docket No. RP70–20]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges and of Gas Supply Cost Tracking Agreement

DECEMBER 5, 1969.

Take notice that on December 2, 1969, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on January 2, 1970, together with a request that it be authorized to track, without suspension, purchase gas increases and decreases up to a net total amount of 1 cent per Mcf, as incurred during the period ending December 31, 1970. The proposed rate changes, would increase Panhandle's jurisdictional rates by approximately $1,577,000 based upon sales for the 12-month period ending February 28, 1969, as adjusted. The proposed increase would be applicable to Rate Schedules: G–1, 2, 3; SG–1, 2, 3; LS–1, 2; S–1; SS–1; CS–1; and I–1, 2, 3.

Panhandle states that the proposed increased rates are being filed to track increased gas supply costs incurred since its rate increase filing in Docket No. RP69–35, and that since these costs will be incurred by January 1, 1970, it requests its proposed tariff sheets be permitted to become effective without suspension. In view of its request that the rates not be suspended, Panhandle suggests that this new filing be consolidated with Docket No. RP69–35 and subject to the Commission's order, issued December 4, 1969, making rates effective on November 20, 1969, in that proceeding.

Copies of the proposed tariff changes were served on all of Panhandle's customers and interested State commissions.

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, 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 participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–14741; Filed, Dec. 11, 1969; 8:46 a.m.]

[Docket No. RP70–13]

UNITED GAS PIPE LINE CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing Hearing Procedures

DECEMBER 5, 1969.

United Gas Pipe Line Co. (United) on October 31, 1969, tendered for filing proposed changes in its presently effective FPC Gas Tariff, First Revised Volume

No. 1.[1] The proposed changes would result in an estimated increase in jurisdictional revenues of $33,100,000 annually based on estimated sales for the 12 months ending July 31, 1969, as adjusted. The changes are proposed to become effective on December 16, 1969.

United states that the principal reasons for the proposed rate increases are: (1) Increases in purchased gas costs; (2) increases in underground storage and transmission expenses; (3) the proposed reversion from the use of liberalized depreciation to the straight line method of computing depreciation for tax purposes; and (4) the need for a rate of return of 9 percent.

A review of the filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in United's FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing January 13, 1970, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in United's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, United's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until May 16, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on January 13, 1970, United's prepared testimony (Statement P) filed and served on November 14, 1969, together with its entire rate filing as submitted and served on October 31, 1969, shall be admitted to the record as United's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike this or other evidence.

(D) Following admission of United's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and intervenor's evidence and United's rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) Presiding Examiner Ewing G. Simpson, or any other designated for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

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

[F.R. Doc. 69-14742; Filed, Dec. 11, 1969; 8:46 a.m.]

[1] Proposed Revised Tariff Sheets: First Revised Sheets Nos. 11, 13, 15, 46, 49, 52, 53, 61, 62, 63, 66, 69, 72, 73, 76, 78, 80, 83; Second Revised Sheets Nos. 5, 7, 9, 24, 67; Third Revised Sheets Nos. 22, 26; Sixth Revised Sheet No. 3; Eighth Revised Sheets Nos. 44, 45; Ninth Revised Sheet No. 99; 10th Revised Sheets Nos. 4, 6, 10, 12, 21, 23, 25, 27, 30, 32; 12th Revised Sheets Nos. 8, 14, 102; 14th Revised Sheets Nos. 103, 104; 15th Revised Sheet No. 100; 16th Revised Sheet No. 101; and Original Sheet No. 105.

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 2 of the Committee's Authorization for System Foreign Currency Operations. The amendment was adopted by vote of all available members (a majority) on August 27, 1969, effective September 2, 1969, and ratified by action of the Committee at its meeting on September 9, 1969.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under § 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	*Amount of arrangement (millions of dollars equivalent)*
Austrian National Bank	100
National Bank of Belgium	500
Bank of Canada	1,000
National Bank of Denmark	100
Bank of England	2,000
Bank of France	1,000
German Federal Bank	1,000
Bank of Italy	1,000
Bank of Japan	1,000
Bank of Mexico	130
Netherlands Bank	300
Bank of Norway	100
Bank of Sweden	250
Swiss National Bank	600
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against authorized European currencies other than Swiss francs	1,000

NOTE: For paragraph 1 of the authorization, see 34 F.R. 9044; for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.

By order of the Federal Open Market Committee, December 3, 1969.

ARTHUR L. BROIDA, *Deputy Secretary.*

[F.R. Doc. 69-14730; Filed, Dec. 11, 1969; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 2 of the Committee's Continuing Authority Directive with respect to Domestic Open Market Operations, which by action of the Committee on September 9, 1969, was in effect from such date until the close of business on October 7, 1969.

2. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York to purchase directly from the Treasury for the account of the Federal Reserve Bank of New York (with discretion, in cases where it seems desirable, to issue participations to one or more Federal Reserve Banks) such amounts of special short-term certificates of indebtedness as may be necessary from time to time for the temporary accommodation of the Treasury; provided that the rate charged on such certificates shall be a rate one-fourth of 1 percent below the discount rate of the Federal Reserve Bank of New York at the time of such purchases, and provided further that the total amount of such certificates held at any one time by the Federal Reserve Banks shall not exceed $2 billion.

NOTE: For the remainder of the directive see 32 F.R. 9584.

By order of the Federal Open Market Committee, December 3, 1969.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-14731; Filed, Dec. 11, 1969; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of September 9, 1969

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on September 9, 1969.[1]

The information reviewed at this meeting indicates that expansion in real economic activity slowed somewhat in the first half of 1969 and some further moderation during the second half is projected. Substantial upward pressures on prices and costs are persisting. Long-term interest rates recently have risen to new peaks, while short-term rates have changed little on balance. In August the money supply decreased while U.S. Government deposits rose somewhat; bank credit declined further on average; the run-off of large-denomination CD's continued without abatement; and there were further net outflows from consumer-type time and savings accounts at banks. The U.S. foreign trade surplus was very small in July. The overall balance of payments deficit on the liquidity basis remained very large in both July and August, while the balance on the official settlements basis shifted into deficit in August as U.S. banks' borrowings of Eurodollars leveled off. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging sustainable economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of the forthcoming Treasury refunding, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in money and short-term credit markets; *Provided, however,* That operations shall be modified, to the extent permitted by the Treasury refunding, if bank credit appears to be deviating significantly from current projections or if pressures arise in connection with foreign exchange developments or with bank regulatory changes.

By order of the Federal Open Market Committee, December 3, 1969.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 69-14732; Filed, Dec. 11, 1969; 8:45 a.m.]

[1] The record of Policy Actions of the Committee for the meeting of Sept. 9, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Reg. D-20]

CHRISTMAS TREES IN GOVERNMENT BUILDINGS

To: Heads of Federal agencies.

1. *Purpose.* This temporary regulation establishes exceptions to size and location limitations on natural Christmas trees prescribed by FPMR 101-19.109-6.

2. *Effective date.* These regulations are effective on the date of issuance.

3. *Expiration date.* This temporary regulation expires June 1, 1970.

4. *General requirements.* FPMR 101-19.109-6 provides that Christmas trees will not interfere with exitways, exit lobbies, or the access to any exit; that noncombustible artificial Christmas trees are not limited by size; and that natural Christmas trees will not exceed 4 feet in height, shall stand in water, and will not remain in the building for more than 2 weeks.

5. *Exceptions.* GSA will permit a limited number of natural Christmas trees up to the heights listed below where it is determined that there are no other combustibles in the area likely to be ignited by fire in the tree. Such trees may be in building lobbies if the position of any tree is clear of exit routes by a distance equal to at least the height of the tree plus 6 feet. Such installations shall otherwise conform to FPMR 101-19.109-6.

Narrowest dimension of space (ceiling height or width of space)	*Maximum height of natural Christmas tree*
Less than 12 feet	4 feet
12 to 16 feet	9 feet
16 to 20 feet	12 feet
Over 20 feet	15 feet

6. *Availability of safe artificial trees.* For areas in which the display of large trees is desired, the use of Underwriters' Laboratories labeled artificial Christmas trees should be considered. Such trees are now available in a number of species and in heights up to 18 feet.

Dated: December 11, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-14854; Filed, Dec. 11, 1969; 12:07 p.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 9, 1969.

On October 10, 1969, the U.S. Government requested the Government of Malaysia to enter into consultations concerning exports to the United States of cotton textile products in Category 26 (other than duck), produced or manufactured in Malaysia. In that request the U.S. Government indicated the specific level at which it considered that exports in this category from Malaysia should be restrained for the 12-month period beginning October 10, 1969, and extending through October 9, 1970. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing restraint at the level indicated in that request for the 12-month period beginning October 10, 1969, and extending through October 9, 1970. This restraint does not apply to cotton textile products in Category 26 (other than duck), produced or manufactured in Malaysia and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of December 9, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 26 (other than duck), produced or manufactured in Malaysia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 10, 1969, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 9, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including

Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning October 10, 1969, and extending through October 9, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 26 (other than duck),[1] produced or manufactured in Malaysia, in excess of a level of restraint for the period of 1,675,207 square yards.[2]

In carrying out this directive, entries of cotton textile products in Category 26 (other than duck), produced or manufactured in Malaysia and which have been exported to the United States from Malaysia prior to October 10, 1969, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 26 (other than duck), in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisoy Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–14795; Filed, Dec. 11, 1969; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALTA

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 9, 1969.

On June 14, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Government of Malta concerning exports of cotton textiles and cotton textile products from Malta to the United States. Under this agreement the Government of Malta has undertaken to limit its exports to the United States of cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement are those applying specific export limitations to Categories 43, 51, and 60, for the fourth agreement year beginning January 1, 1970.

Accordingly, there is published below a letter of December 9, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1970, and extending through December 31, 1970, be limited to designated levels.

This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DECEMBER 9, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 14, 1967, between the Governments of the United States and Malta, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1970, and for the 12-month period extending through December 31, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, in excess of the following designated levels of restraint:

Category	12-Month level of restraint
43	dozen 73,625
51	do 26,046
60	do 44,568

In carrying out this directive entries of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which have been exported to the United States from Malta prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 14, 1967, between the Governments of the United States and Malta which provide in part that within the aggregate and applicable group limit for apparel, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malta and with respect to imports of cotton textiles and cotton textile products from Malta have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69–14794; Filed, Dec. 11, 1969; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN YUGOSLAVIA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 9, 1969.

On September 26, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Government of the Socialist Federal Republic of Yugoslavia, concerning exports of cotton textiles and cotton textile products from Yugoslavia to the United States. Under this agreement the Government of the Socialist Republic of Yugoslavia has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 20,671,875 square yards equivalent for the third agreement year beginning January 1, 1970. Among the provisions of the agreement are those applying specific export limitations to Categories 9, 18–19, 22, 26 (duck), 26 (other than duck), 28–29, 31, 34–35, 45–46–50–51, 48, and 49.

[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

[2] This level has not been adjusted to reflect any entries made on or after Oct. 10, 1969.

Accordingly, there is published below a letter of December 9, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the period beginning January 1, 1970, and extending through December 31, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 18–19, 22, 26 (duck), 26 (other than duck), 28–29, 31, 34–35, 48, and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States on or after January 1, 1970, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 9, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 26, 1967, between the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1970, and for the 12-month period extending through December 31, 1970, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 18–19, 22, 26 (duck only[1]), 26 (other than duck), 28–29, 31, 34–35, 48 and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia, in excess of the following levels of restraint:

Category		12-month level of restraint
9	square yards	7,717,500
18–19	do	1,102,500
22	do	1,764,000
26 (duck[1])	do	2,205,000
26 (other than duck)	do	1,653,750
28–29	pieces	559,386
31	do	522,751
34–35	do	355,644
48	dozen	3,766
49	do	16,961

[1] T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

Entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Yugoslavia, and exported to the United States prior to January 1, 1970, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period January 1, 1969, through December 31, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 26, 1967, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-14796; Filed, Dec. 11, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

DECEMBER 8, 1969.

The common stock, $1 par value, of Commonwealth United Corp., a California corporation, being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for $1 par common stock and the $1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 9, 1969 through December 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14751; Filed, Dec. 11, 1969; 8:46 a.m.]

[812-2610]

COMPASS GROWTH FUND, INC., ET AL.

Notice of Application

DECEMBER 8, 1969.

In the matter of Compass Growth Fund, Inc., Compass Income Fund, Inc., 20 Exchange Place, New York, N.Y. 10005; E. I. Sales, Inc., 604 Locust Street, Des Moines, Iowa 50306; Glicoa Associates, Inc., 201 Park Avenue South, New York, N.Y. 10003; The O. N. Equity Sales Co., 237 William Howard Taft Road, Cincinnati, Ohio 45219; North Star Equities Co., Victory Square, St. Paul, Minn. 55101; 812-2610.

Notice is hereby given that the Compass Growth Fund, Inc., Compass Income Fund, Inc., (the "Funds"), E. I. Sales, Inc., Glicoa Associates, Inc., The O. N. Equity Sales Co., and North Star Equities Co., the principal underwriters for shares of the Funds ("Distributors") (herein collectively "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of section 22(d) of the Act. The Funds are open-end diversified management investment companies registered under the Act. The Distributors are affiliated with life insurance companies in the following manners. E. I. Sales, Inc., is a wholly owned subsidiary of Equity Insurance Company of Iowa, which in turn is a wholly owned subsidiary of Equitable Life Insurance Company of Iowa. The O. N. Equity Sales Co. and North Star Equities Co. are wholly owned subsidiaries of The Ohio National Life Insurance Co. and The Minnesota Mutual Life Insurance Co., respectively.

Glicoa Associates, Inc., is a wholly owned subsidiary of the Guardian Life Insurance Company of America, a New York insurance company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Section 22(d) provides, in relevant part, that an open-end investment company is prohibited from selling a redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in sales load except on a uniform basis.

The offering price of shares of the Funds is currently the net asset value per share plus a sales charge, as described in the Fund's prospectus. Applicants propose that each Fund sell its shares at net aset value without sales charges to persons in the following categories: Officers, directors, and bona fide full-time employees and full-time sales representatives who have acted as such for not less than 90 days, and to any trust, pension, profit-sharing or other benefit plan for such persons and to the spouse or children under the age of 21 of any of such persons, of the particular life insurance company, and its subsidiaries, with which the Distributor is so affiliated.

All sales will be made pursuant to a uniform offer described in the prospectus and on the written assurance that the purchases were made for investment purposes and that the shares would not be resold except upon repurchase or redemption on behalf of the Fund.

Applicants assert that the requested exemption to permit sales of the Funds' shares at no-load to the classes of persons described above would not be inconsistent with the purposes underlying section 22(d) of the Act. In addition, the application states that customary selling expenses would not be incurred by the Fund or the Distributor in connection with these sales.

Section 6(c) of the Act authorizes the Commission by order, upon application, to exempt, conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission 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 29, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the persons being served are 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 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 the 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. 69–14752; Filed, Dec. 11, 1969; 8:46 a.m.]

[70–4818]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage and Collateral Trust Bonds at Competitive Bidding

DECEMBER 8, 1969.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company and a public utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30 million principal amount of First Mortgage and Collateral Trust Bonds, ____ percent Series due January 1, 2000. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price to Delmarva, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) for the bonds will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust, dated October 1, 1943, between Delmarva and The New York Trust Co., Trustee (Chemical Bank New York Trust Co., Successor Trustee), as heretofore supplemented and as to be further supplemented by a 38th Supplemental Indenture to be dated January 1, 1970, and includes a prohibition until January 1, 1975, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

Delmarva will apply the proceeds from the sale of bonds toward the cost of its own construction program and that of its subsidiary companies including the retirement of short-term notes and commercial paper issued prior to such sale, which notes and paper amounted to $9,500,000 on November 21, 1968. The system construction program for the fourth quarter 1969 and the year 1970 is estimated at $120,990,000.

The filing states that the issuance of the bonds is subject to the approval of The Public Service Commission of Delaware and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred by Delmarva in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than January 2, 1970, 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 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 declarant 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 filed or as it may be 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] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–14753; Filed, Dec. 11, 1969; 8:47 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, 29 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.

Ann & Hope Factory Outlet, Inc., department store; Mill Street, Cumberland, R.I.; 9-18-69 to 9-17-70.

Eagle Stores Co., Inc., variety stores: 222 Sunset Avenue, Asheboro, N.C., 9-15-69 to 9-14-70; 181 West Main Avenue, Gastonia, N.C., 9-15-69 to 8-9-70.

Glosser Brothers, Inc., department store; Franklin and Locust Streets, Johnstown, Pa.; 9-14-69 to 9-13-70.

W. T. Grant Co., variety-department stores: No. 647, Jacksonville, Fla., 9-12-69 to 9-11-70; No. 849, Jacksonville, Fla., 9-11-69 to 9-2-70; No. 683, Zion, Ill., 9-18-69 to 9-17-70; No. 793, Hazlet, N.J., 9-14-69 to 9-13-70; No. 463, Bridgeville, Pa., 9-15-69 to 9-14-70; No. 187, Lansdale, Pa., 9-18-69 to 9-17-70; No. 841, Pittsburgh, Pa., 9-16-69 to 9-15-70.

Hometown Super Market, foodstore; 6850 Bank Expressway, Marrero, La.; 9-16-69 to 8-15-70.

Jitney Jungle Food Store, foodstore; 134 Montgomery Street, Villa Rica, Ga.; 9-18-69 to 9-17-70.

S. S. Kresge Co., variety-department stores: No. 651, New London, Conn., 9-15-69 to 9-14-70; No. 497, Mattoon, Ill., 9-3-69 to 9-2-70; No. 576, Baltimore, Md., 9-18-69 to 9-17-70; No. 26, Springfield, Mass., 9-15-69 to 9-14-70; No. 550, Detroit, Mich., 9-16-69 to 9-15-70; Nos. 12 and 272, Flint, Mich., 9-15-69 to 9-14-70; No. 214, Flint, Mich., 9-16-69 to 9-15-70; No. 549, Lansing, Mich., 9-14-69 to 9-13-70; No. 2, Port Huron, Mich., 9-17-69 to 9-16-70; No. 315, Sault Ste. Marie, Mich., 9-15-69 to 9-14-70; No. 499, Traverse City, Mich., 9-13-69 to 9-12-70; No. 658, Barberton, Ohio, 9-16-69 to 9-15-70; No. 240, Cleveland, Ohio, 9-19-69 to 9-18-70; No. 4567, Cleveland, Ohio, 9-16-69 to 9-15-70; No. 362, Marion, Ohio, 9-19-69 to 9-18-70; No. 543, Monroeville, Pa., 9-13-69 to 9-12-70; No. 378, Oil City, Pa., 9-16-69 to 9-15-70; No. 4504, Reading, Pa., 9-16-69 to 9-15-70.

S. H. Kress and Co., variety-department store; 218 West Main Street, Oklahoma City, Okla.; 9-18-69 to 9-17-70.

Latonia 5/1.00 Store, variety-store; 3925 Winston Avenue, Covington, Ky.; 9-18-69 to 9-17-70.

McCrory-McLellan-Green Stores, variety-department stores: No. 329, Titusville, Fla., 9-18-69 to 9-17-70; No. 428, Dalton, Ga., 9-19-69 to 9-18-70; No. 1121, Macon, Ga., 9-15-69 to 9-8-70; No. 1305, Savannah, Ga., 9-19-69 to 9-18-70; No. 209, Valdosta, Ga., 9-12-69 to 9-11-70; No. 1202, Baltimore, Md., 9-16-69 to 9-15-70; No. 542, Albuquerque, N. Mex., 9-13-69 to 9-12-70; No. 565, Albuquerque, N. Mex., 9-12-69 to 9-11-70; No. 566, Farmington, N. Mex., 9-20-69 to 9-19-70; No. 45, Chambersburg, Pa., 9-15-69 to 9-14-70; No. 325, Fairless Hills, Pa., 9-14-69 to 9-13-70; No. 1066, Lancaster, Pa., 9-12-69 to 9-11-70; No. 317, York, Pa., 9-14-69 to 9-13-70; No. 161, Chester, S.C., 9-13-69 to 9-17-70; No. 322, Dallas, Tex., 9-15-69 to 9-14-70.

G. C. Murphy Co., variety-department stores from 9-12-69 to 9-11-70 except as otherwise indicated: Nos. 134, 147, 238, and 267, Baltimore, Md.; No. 268, Glen Burnie, Md.; No. 271, Bethlehem, Pa.; No. 108, Mercer, Pa. (9-13-69 to 9-12-70).

J. J. Newberry Co., variety-department stores from 9-13-69 to 9-12-70 except as otherwise indicated: No. 360, Alma, Mich. (9-12-69 to 9-11-70); No. 394, Columbia, Mo.; No. 226, Kennett Square, Pa.; No. 5, Shamokin, Pa. (9-11-69 to 9-10-70).

Rose's Stores Inc., variety-department stores: No. 139, Wilmington, N.C., 9-16-69 to 9-4-70; No. 42, Hartsville, S.C., 9-12-69 to 9-11-70.

Roth's Department Store, department store; Third and Locust Streets, Boonville, Ind.; 9-20-69 to 9-19-70.

Sunshine Department Store, department store; 795 Marietta Street NW., Atlanta, Ga.; 9-15-69 to 9-14-70.

Super Duper Food Center, foodstore; South Third and Sayles Boulevard, Abilene, Tex.; 9-15-69 to 9-14-70.

Sutherland Hospital and Nursing Home, hospital and nursing home; 344 Hickory Street, Sutherland, Nebr.; 9-15-69 to 9-14-70.

Tynes and McPherson, Inc., variety store; Monticello, Miss.; 9-12-69 to 8-11-70.

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.

Ann & Hope Factory Outlet, Inc., department store; 1689 Post Road, Warwick, R.I.; bagger; 2 to 3 percent; 9-18-69 to 9-17-70.

W. T. Grant Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, cashier except as otherwise indicated, 7 to 10 percent except as otherwise indicated, 9-18-69 to 9-17-70 except as otherwise indicated: No. 1157, Evansville, Ind. (4 to 24 percent, 9-3-69 to 9-2-70); No. 189, Baltimore, Md.; No. 1131, Baltimore, Md. (9-12-69 to 9-11-70); No. 564, Milwaukee, Wis. (salesclerk, office clerk, 8 to 10 percent).

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service, food preparation except as otherwise indicated: No. 4088, Colorado Springs, Colo., 9 to 16 percent, 9-20-69 to 9-19-70 (salesclerk, stock clerk, office clerk, checker-cashier); No. 4222, Merriam, Kans., 5 to 10 percent, 9-13-69 to 9-12-70 (salesclerk, stock cleck, office clerk, checker-cashier); No. 433, Saginaw, Mich., 10 percent, 9-14-69 to 9-13-70; No. 4021, Southgate, Mich., 10 percent, 9-14-69 to 9-13-70; No. 4053, Charlotte, N.C., 11 to 22 percent, 9-15-69 to 9-2-70 (salesclerk); No. 4266, Cleveland, Ohio, 10 percent, 9-12-69 to 9-11-70; No. 4013, Baytown, Tex., 7 to 27 percent, 9-12-69 to 9-11-70 (salesclerk); No. 4104, Roanoke, Va., 14 to 25 percent, 9-18-69 to 9-17-70 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service).

S. H. Kress and Co., variety-department stores for the occupations of salesclerk, stock clerk: 1999 Aloma Avenue, Winter Park, Fla., 1 to 10 percent, 9-18-69 to 9-17-70; 1012 Peachtree Street NE., Atlanta, Ga., 0.08 to 19 percent, 9-12-69 to 9-11-70.

Lerner Shops, apparel store; No. 291, Cincinnati, Ohio; salesclerk, cashier, credit clerk; 4 to 11 percent; 9-12-69 to 9-11-70.

McCall's Greenleaf Grocery, foodstore; Norman, Okla.; bagger, checker, clerk, carry-out; 19 to 31 percent; 9-18-69 to 9-17-70.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated: No. 709, Sierra Vista, Ariz., 4 to 17 percent, 9-14-69 to 9-13-70; No. 350, Deerfield Beach, Fla., 13 to 27 percent, 9-11-69 to 9-10-70 (salesclerk, office clerk); No. 359, Dalton, Ga., 7 to 24 percent, 9-19-69 to 9-18-70; No. 557, Thomson, Ga., 7 to 28 percent, 9-20-69 to 9-19-70; No. 354, Salisbury, Md., 1 to 10 percent, 9-14-69 to 9-13-70 (salesclerk); No. 1072, Succasunna, N.J., 11 to 32 percent, 9-15-69 to 9-14-70; No. 90, Bristol, Pa., 14 to 30 percent, 9-20-69 to 9-19-70.

M. E. Moses Co., variety store; No. 37, Dallas, Tex.; salesclerk, checker, stock clerk; 19 to 50 percent; 9-17-69 to 9-16-70.

G. C. Murphy Co., variety-department store; No. 309, Oxon Hill, Md.; salesclerk, office clerk, stock clerk, janitorial; 9 to 25 percent; 9-12-69 to 9-11-70.

Neisner Brothers, Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 9-19-69 to 9-18-70 except as otherwise indicated: No. 135, Arcadia, Fla., 10 to 29 percent (9-16-69 to 9-15-70); No. 80, Deltona, Fla., 8 to 17 percent; No. 79, South Miami, Fla., 17 to 29 percent.

Pleezing Food Store of West Florida, foodstore; No. 3, Pensacola, Fla.; bagger, stock clerk, checker, market counter helper; 8 to 18 percent; 9-14-69 to 9-13-70.

Raylass Department Store; variety-department store; 119-121 Main Street, High Point, N.C.; office clerk, salesclerk, stock clerk, marker, janitorial; 9 to 31 percent; 9-12-69 to 9-11-70.

Rose's Stores, Inc., variety-department stores for the occupation of salesclerk except as otherwise indicated: No. 91, Winder, Ga., 13 to 33 percent, 9-18-69 to 9-17-70 (salesclerk, stock clerk, checker, window trimmer, marker, order writer); No. 64, Durham, N.C., 7 to 13 percent, 9-12-69 to 9-11-70; No. 118, Jacksonville, N.C., 16 to 26 percent, 9-5-69 to 9-4-70 (salesclerk, office clerk, stock clerk, checker); No. 179, Monroe, N.C., 11 to 27 percent, 9-18-69 to 9-17-70 (salesclerk, checker); No. 136, Clarksville, Tenn., 3 to 16 percent,

9–17–69 to 9–16–70; No. 55, Radford, Va., 3 to 16 percent, 9–17–69 to 9–16–70.

Seltner Brothers, Inc., department store; 302 Federal Street, Saginaw, Mich.; salesclerk, stock clerk, marker, office clerk; 2 to 8 percent; 9–13–69 to 9–12–70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 9–18–69 to 9–17–70 except as otherwise indicated: No. 780, Inverness, Fla., 2 to 17 percent; No. 786, Orlando, Fla., 2 to 17 percent; No. 152, Parkville, Mo., 22 to 31 percent (9–12–69 to 9–11–70); No. 765, Memphis, Tenn., 8 to 30 percent (9–17–69 to 9–16–70); No. 819, Lubbock, Tex., 7 to 21 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 30 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 5th day of December 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69–14766; Filed, Dec. 11, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 9, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41817—*Boxes, fiberboard from Roydale, Colo., and Oshkosh, Wis.* Filed by Southwestern Freight Bureau, agent (No. B–101), for interested rail carriers. Rates on boxes, fiberboard in carloads, as described in the application, from Roydale, Colo., and Oshkosh, Wis., to specified points in southwestern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 21, to Southwestern Freight Bureau, agent, tariff ICC 4848.

FSA No. 41818—*Cement from Atco and Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–113), for interested rail carriers. Rates on cement, white portland or white masonry, in carloads, as described in the application, from Atco and Houston, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Grounds for relief—Market competition.

Tariff—Supplement 28 to Southwestern Freight Bureau, agent, tariff ICC 4825.

FSA No. 41819—*Sodium (soda) chlorate to Courtland and Robertson, Ala.* Filed by Southwestern Freight Bureau, agent (No. B–108), for interested rail carriers. Rates on sodium (soda) chlorate, in shipper-owned covered hopper cars, in carloads, as described in the application, from Lake Charles, La., to Courtland and Robertson, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 187 to Southwestern Freight Bureau, agent, tariff ICC 4668.

FSA No. 41820—*Soda ash from Wyoming to points in southwestern and western trunkline territories.* Filed by Western Trunk Line Committee, agent (No. A–2606), for interested rail carriers. Rates on soda ash, in carloads, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in Illinois, Iowa, Louisiana, Minnesota, Missouri, and Texas.

Grounds for relief—Rate relationship.

Tariffs—Supplements 304 and 111 to Western Trunk Line Committee, agent, tariffs ICC A–4411, and A–4374, respectively, and Supplement 30 to Southwestern Freight Bureau, agent, tariff ICC 4832.

FSA No. 41821—*Fresh meats and packinghouse products from Liberal, Kans.* Filed by Western Trunk Line Committee, agent (No. A–2067), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, as described in the application, from Liberal, Kans., to specified points in southern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 53 to Western Trunk Line Committee, agent, tariff ICC A–4660.

FSA No. 41822—*Phosphatic fertilizer solution to Hedges, Wash.* Filed by North Pacific Coast Freight Bureau, agent (No. 69–7), for and on behalf of Union Pacific Railroad Co. Rates on phosphatic fertilizer solution in tank carloads, as described in the application from Silver Bow, Mont., to Hedges, Wash.

Grounds for relief—Rate relationship.

FSA No. 41823—*Methylene chloride from Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B–111) for and on behalf of Chicago & Eastern Illinois Railroad Co. and other carriers named in the application. Rates on methylene chloride, in tank carloads, as described in the application, from specified points in Louisiana and Texas to Chicago, Ill., and points taking same rates, also Lemont, Ill.

Grounds for relief—Related commodity relationship.

Tariffs—Supplements 187 and 249 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–14553; Filed, Dec. 11, 1969; 8:45 a.m.]

[Notice 956]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 8, 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 730 (Sub-No. 318 TA), filed November 28, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Earl J. Brooks, Post Office Box 958, Oakland, Calif. 94604. 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, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the National Lead Co. plantsite, approximately 12 miles north of Timpie, Tooele County, Utah, as an off-route point in connection with carrier's regular-route operations to and from Salt Lake City, Utah, for 180 days. NOTE: Applicant intends to tack with MC 730, at Oakland and Los Angeles, Calif., and Denver, Colo., and points east thereof, among other points. Supporting shipper: National Lead Co., Traffic Department, 111 Broadway, New York, N.Y. 10006. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of

Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 30844 (Sub-No. 304 TA), filed December 2, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, from* Quakertown, Pa., to Waterloo, Iowa, and points in Missouri, for 180 days. Supporting shipper: E. W. Knauss & Sons, Inc., Quakertown, Pa. 18951. Send protests to: District Supervisor Chas. C. Biggers, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 51146 (Sub-No. 152 TA), filed December 1, 1969. Applicant: SCHEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. J. Scheider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Marine propulsion equipment*, (2) *snow vehicles*, (3) *accessories, equipment, components, parts and related articles* for the commodities described in (1) and (2) above, and (4) *advertising material and premiums, and materials, equipment, supplies and paraphernalia* used in or in connection with the manufacture, sale, and distribution of the commodities described in (1), (2), and (3), above from the plant and warehouse sites of the Kiekhaefer Mercury Division of Brunswick Corp. near Fond du Lac., Wis., to points in the United States, except Alaska and Hawaii, (1) *return shipments* of the commodities described above, and *materials, equipment and supplies* used in or in connection with the manufacture, sale and distribution of the commodities described in paragraphs (1), (2), and (3) above, and in plant construction, from points in the United States, except Alaska and Hawaii to the plant and warehouse sites of the Keikhaefer Mercury Division of Brunswick Corp. at Cedarburg and Oshkosh, Wis., and near Fond du Lac, Wis., for 180 days. Supporting shipper: Kiekhaefer Corp., Fond du Lac, Wis. (Robert C. Anderegg, Controller). 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 113267 (Sub-No. 224 TA), filed December 2, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 & 766, except commodities in bulk, in tank vehicles, and hides, from Omaha, Nebr.-Council Bluffs, Iowa, commercial zone to points in Louisiana, for 180 days. Supporting shipper: Beefland International, Inc., Council Bluffs, Iowa 55501. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113678 (Sub-No. 368) (Correction), filed November 20, 1969, published in the FEDERAL REGISTER issue of December 4, 1969, and republished in part, as corrected this issue. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). NOTE: The purpose of this partial republication is solely to include the States of Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, and New York, to the destination territory, which States were inadvertently omitted in the previous publications. The rest of the application remains as previously published.

No. MC 115181 (Sub 15 TA), filed December 1, 1969. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry units, including glazed concrete masonry units, on vehicles equipped with mechanical unloading devices*, from the township of Limerick, Montgomery County, Pa., to points in Connecticut, Delaware, Maryland, Rhode Island, Massachusetts, New Jersey, New York, Virginia, and the District of Columbia, for 150 days. Supporting shipper: Universal Concrete Products Co., Ridge Pike, Route 422, Limerick, Pa. Send protests to: Paul J. Kenworth, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 117565 (Sub-No. 23 TA), filed December 1, 1969. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Module and/or modular units*, from the plantsite of Designed Facilities Corp. located in Delaware County, Ohio, to points in Pennsylvania, New Jersey, New York, and Michigan, and *special purpose carriers* used in the transportation of module and/or modular units, from points in Pennsylvania, New Jersey, New York, and Michigan to the plantsite of Designed Facilities Corp. located in Delaware County, Ohio, for 180 days. Supporting shipper: Designed Facilities Corp., South 26th Street and Buckeye Avenue, Newark, Ohio. Supporting shipper: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 119988 (Sub-No. 28 TA), filed December 2, 1969. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, Tex. 75901. Applicant's representative: Bennie Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from points in Angelina County, Tex., to points in Kansas and Oklahoma City, Tulsa and Sapulpa, Okla., and points in their respective commercial zones, and points on U.S. Highway 77 (Interstate 35), between the Texas-Oklahoma State line and Oklahoma City, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Southland Paper Mills, Inc., Post Office Box 149 (A. Q. Elliott, Traffic Manager), Lufkin, Tex. 75901. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 134112 (Sub-No. 1 TA), filed December 1, 1969. Applicant: ALLEN & SPITTLER, INC., 3204 South 121 Street, Omaha, Nebr. 68144. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, skins, switches or tails, and pieces thereof*, from the plantsite and warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., to points in the United States in, east and north of the States of Michigan, Ohio, West Virginia, and Virginia, and to points in Wisconsin, and Chicago, Ill., New Orleans, La., and San Francisco, Calif.; (2) *Such commodities* as are used by or dealt in by processors and distributors of commodities named in "(1)" above, (a) from destinations named in "(1)" above, to the plantsite or warehouse facilities of Lackawanna of Omaha, Inc., for 150 days. Supporting shipper: Lackawanna of Omaha, Inc., 2420 Z Street, Omaha, Nebr. 68107. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134174 TA, filed November 26, 1969. Applicant: CARL EDWIN CLOUD, JR., doing business as DAISY TRANSPORT, 2488 Ridgeway Drive, Doraville, Ga. 30040. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road, N.E., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities consisting primarily of radio and television sets and equipment, amplifying, audio, and recording devices, electrical appliances and batteries, and related electronic articles and components*, between railroad loading and unloading ramps in Atlanta, Ga., on the one hand, and, on the other, the site of the warehouse of the Panasonic Division of Matsushita Electric Corp. of America located near Beaver Ruin Road, Gwinnett County, Duluth, Ga., limited to shipments in trailers or empty trailers having a prior or subsequent movement in interstate or foreign commerce by

railroad in TOFC or piggyback service, for 180 days. NOTE: Applicant states that the above-described commodities are manufactured or distributed by or for Matsushita Electric Corp. of America and affiliated corporations and suppliers, and imported into the United States, and shipped from the points of importation by TOFC or piggyback service to Atlanta, Ga., for transshipment to the warehouse in Gwinnett County, Ga., and for the reverse movement of the empty trailers to Atlanta, Ga. Supporting shipper: The Panasonic Division, Matsushita Electric Corp. of America, 1 Meca Way, Duluth, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

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

[F.R. Doc. 69-14761; Filed, Dec. 11, 1969; 8:47 a.m.]

[Notice 459]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 9, 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-71712. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Brubaker Transfer, Inc., Eureka, Ill., of the operating rights in permits Nos. MC-123379 (Sub-No. 1) and MC-123379 (Sub-No. 3) issued November 8, 1961, and May 16, 1969, respectively, to Denver Richard Brubaker, doing business as Brubaker Transfer, Eureka, Ill., authorizing the transportation, over irregular routes, of machined wooden component parts for store-display fixtures, from Center, Tex., to Metamora, Ill., and new display cases and store fixtures from Metamora, Ill., to points in Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Colorado, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin for a named shipper or consignee. Samuel G. Harrod, 106½ East Centre Street, Eureka, Ill. 61530, attorney for applicants.

No. MC-FC-71723. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Larry's Express, Inc., Tomah, Wis., of permit No. MC-128860 issued October 11, 1967, to Ben Larry, doing business as Larry's Express, Tomah, Wis., authorizing the transportation of malt beverages and related advertising materials, and premiums, and malt beverages dispensing equipment, in mixed loads with malt beverages, from Denver, Colo.; St. Louis, Mo.; La Crosse, Wis.; Chicago, Ill.; South Bend, Ind.; Detroit, Mich.; New York, N.Y.; and Newark, N.J.; to Minneapolis, Minn., and from Denver, Colo.; St. Louis, Mo.; La Crosse, Wis.; South Bend, Ind.; Detroit, Mich.; New York, N.Y.; and Newark, N.J., to Long Lake, Minn. Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705, attorney for applicants.

No. MC-FC-71742. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Robert D. Melton, doing business as Hopkins Bus Lines, Wichita, Kans., of the certificate in No. MC-107071 issued May 6, 1947, to Roy M. Hopkins, doing business as Roy M. Hopkins Bus Line, Anthony, Kans. 67003, authorizing the transportation of passengers and their baggage and express, mail, and newspapers, in the same vehicle with passengers over regular routes between Wichita, Kans., and Weatherford, Okla., serving all intermediate points. Patrick L. Dougherty, 444 North Market Street, Wichita, Kans. 67201, attorney for transferee.

No. MC-FC-71745. By order of November 28, 1969, the Motor Carrier Board approved the transfer to Central Stone Co., a corporation, Huntington, Mo., of the operating rights in certificate No. MC-123803 issued March 20, 1962, to Leonard Cullifer, Shelbina, Mo., authorizing the transportation of road construction materials and buildings supplies, in bulk, in dump vehicles, excluding cement originating at points of production, between points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and points in Adams (except Quincy, Ill., and points in the commercial zone thereof), Hancock and Pike Counties, Ill., and between points in Lee County, Iowa, on the one hand, and, on the other, points in Adams, Hancock, and Pike Counties, Ill. Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101, attorney for applicants.

No. MC-FC-71746. By order of November 28, 1969, the Motor Carrier Board approved the transfer to H & S Warehouse, Inc., Fairbanks, Alaska, of the operating rights in certificate No. MC-118475 (Sub-No. 2) issued May 5, 1964, to Everett W. Hepp and Francis X. Chapados, a partnership, doing business as H & S Warehouse Association, Fairbanks, Alaska, authorizing the transportation of general commodities, with usual exceptions, between Valdez and Fairbanks, Alaska, on the one hand, and, on the other, points in Alaska, except points on the Kenai Peninsula south of an imaginary line running east-west through Girdwood, Alaska, and except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canadian (Yukon Territory) boundary line, other than Haines, Alaska, and household goods, as defined by the Commission, between points in Alaska, except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canadian (Yukon Territory) boundary line, other than Haines and Juneau, Alaska. Lloyd I. Hoppner, Post Office Box 516, Fairbanks, Alaska 99701, attorney for applicants.

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

[F.R. Doc. 69-14762; Filed, Dec. 11, 1969; 8:47 a.m.]

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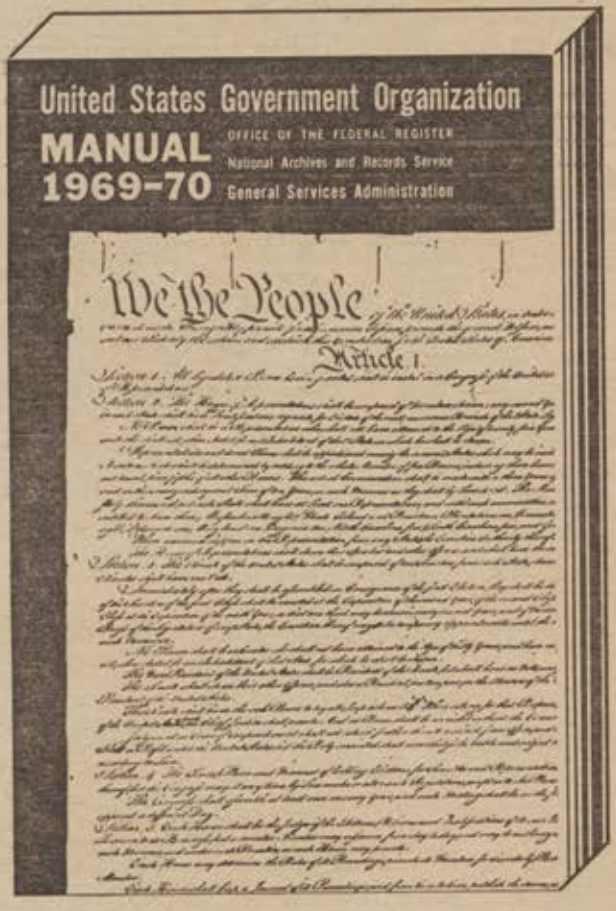

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