FEDERAL REGISTER

VOLUME 34 • NUMBER 247

Thursday, December 25, 1969 • Washington, D.C.

Pages 20259–20293

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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Contents

List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to show that positions at GS–15 and below are excepted under Schedule A when filled for not to exceed 2 years by persons identified as Interchange Executives under the Executive Interchange Program developed by the President's Commission on Personnel Interchange, pursuant to Executive Order 11451. Effective on publication in the FEDERAL REGISTER, paragraph (cc) is added under § 213.3102 as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(cc) Positions at GS–15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

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

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

[F.R. Doc. 69–15347; Filed, Dec. 24, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

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

COUNTY PROJECTED YIELD

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et. seq.) for the purpose of revising the 1970 county projected yield for upland cotton for Aransas County, Texas, as established under section 301(b)(13)(L) of the act. The revision is necessary because of corrections in official yield estimates for the years 1964, 1965, 1966, and 1967.

It is essential that this amendment become effective as soon as possible in order that farmers may be notified of their revised projected yields without delay. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impractical and contrary to the public interest, and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 722.484 (34 F.R. 18803) is amended by changing the county projected yield for Aransas County, Texas, as listed under column 6 of the table, from 271 pounds per acre to 293 pounds per acre.

(Sec. 301(b)(13)(L), 79 Stat. 1197; 7 U.S.C. 1301(b)(13)(L))

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

Signed at Washington, D.C., on December 22, 1969.

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

[F.R. Doc. 69–15296; Filed, Dec. 22, 1969; 10:26 a.m.]

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

[Navel Orange Reg. 189]

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

Limitation of Handling

§ 907.489 Navel Orange Regulation 189.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 23, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 26, 1969, through January 1, 1970, are hereby fixed as follows:

(i) District 1: 522,000 cartons;
(ii) District 2: 60,000 cartons;
(iii) District 3: 28,000 cartons.

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

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

Dated: December 23, 1969.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–15405; Filed, Dec. 24, 1969; 11:24 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Oklahoma, and paragraph (e)(14) is added to read:

(14) *Oklahoma.* Comanche County.

2. In § 76.2, paragraph (e)(4) relating to Massachusetts is amended by adding thereto the name of Bristol County.

3. In § 76.2, paragraph (e)(11) relating to Texas is amended by adding thereto the name of Wilson County.

4. In § 76.2, paragraph (f) is amended by deleting the State of Oklahoma from the States listed therein.

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

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

The amendments quarantine certain counties in the States of Massachusetts, Oklahoma, and Texas because of the existence of hog cholera and delete the State of Oklahoma from the list of hog cholera eradication States. These actions are deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, apply to such counties; and the special provisions pertaining to the interstate movement of swine from and to the eradication States under Part 76 no longer apply to Oklahoma.

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

Done at Washington, D.C., this 19th day of December 1969.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 69–15298; Filed, Dec. 24, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,625]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certain Certificate Accounts

DECEMBER 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) for the purpose of permitting member institutions to pay a higher rate of return on certain certificate accounts, hereby amends Part 526 as follows, effective December 19, 1969:

1. Subparagraph (2) of § 526.2(b) is amended to read as follows:

§ 526.2 **Maximum rate of return.**

* * * * *

(b) *Exceptions.* * * *

(2) Notwithstanding any change in the prescribed maximum rate, a member institution may continue to pay the announced rate of return on all certificate accounts outstanding on the date such prescribed maximum rate became effective as to the institution, so long as such certificate accounts remain outstanding or are renewed on the same terms.

2. Part 526 is amended by adding after § 526.4 a new § 526.4–1 to read as follows:

§ 526.4–1 **Maximum rate of return payable on certain fixed-rate, fixed-term certificates.**

(a) *Maximum rate of return.* A member institution which has an announced rate of return on regular accounts not in excess of 5 percent per annum may pay a return on certificate accounts which are maintained in a minimum amount of $10,000 for a period of from 2 to 5 years, at a rate not in excess of 6 percent per annum: *Provided,* That certificates paying such a rate shall not be issued after July 31, 1970. Such certificates shall be issued only to holders of savings accounts of record as of December 15, 1969, in exchange for such savings account or accounts, or portions thereof, plus accrued earnings to the date such certificate is issued.

(b) *Percentage of savings accounts.* (1) The total outstanding balance of such certificate accounts in such institution shall not exceed 20 percent of the total outstanding balance of savings accounts in the institution on November 30, 1969.

(2) The total outstanding balance of such certificate accounts in such institution maturing in any calendar semiannual period shall not exceed 5 percent of the total outstanding balance of savings accounts in the institution on November 30, 1969: *Provided,* That with respect to the period ending June 30, 1972, this limitation shall be 10 percent.

(3) For the purposes of this section, regardless of the accounting periods used by the institution, a "calendar semiannual period" shall be either January 1 through June 30 or July 1 through December 31.

(c) *Advertising.* No member institution shall advertise a rate of return in excess of 5.25 percent per annum on certificate accounts issued pursuant to the authority contained in this section unless such advertising clearly states that such certificates are to be issued only in exchange for savings accounts of record on December 15, 1969.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69–15395; Filed, Dec. 24, 1969; 8:47 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,623]

PART 545—OPERATIONS

Savings Deposits and Variable Rate Certificates

DECEMBER 19, 1969.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the following purposes:

1. To expand the authority of Federal savings and loan associations to issue certain fixed-rate, fixed-term certificates paying a rate of return in excess of 5.25 percent per annum under § 545.1–4(f) of such regulations (12 CFR 545.1–4(f)); and,

2. With respect to certificate accounts issued by Federal savings and loan associations under § 545.3–1 of such regulations (12 CFR 545.3–1), to expand the authority of Federal savings and loan associations to issue such certificates paying a rate of earnings in excess of 5.25 percent per annum.

On the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Part 545 as follows, effective December 19, 1969:

1. Section 545.1–4 is amended by revising paragraph (f) thereof to read as follows:

§ 545.1–4 Other savings deposits.

* * * * *

(f) *Withdrawal prior to expiration of term.* (1) In an emergency where it is necessary to prevent great hardship to the holder of a fixed-term savings deposit, a Federal association may pay, prior to the expiration of the term, such savings deposit or the portion thereof necessary to meet such emergency: *Provided*, That before such payment may be made, the depositor must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (i) approved by an officer of the association who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (ii) retained by the association for a period of not less than 2 years.

(2) In the event of an emergency withdrawal as provided in this paragraph, (i) the depositor holding a fixed-term savings deposit on which a rate of return not in excess of 5.25 percent per annum is authorized to be paid pursuant to Part 569 of Subchapter D of this chapter shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the depositor shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months; and (ii) the depositor holding a fixed-term savings deposit on which a rate of return in excess of 5.25 percent per annum is authorized to be paid pursuant to Part 569 of Subchapter D of this chapter shall forfeit interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the depositor shall forfeit all interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months.

(3) In the case of emergency withdrawal of only a portion of any savings deposit issued under this section, the certificate evidencing such savings deposit shall be canceled unless the minimum balance requirements of this section continue to be met. If such requirements continue to be met, appropriate notation indicating the amount and date of withdrawal and the remaining balance may be made on the certificate or a new certificate may be issued for the remaining portion of the savings deposit with the same term, rate, and dates as the original savings deposit.

2. Section 545.3–1 is amended by adding, at the end thereof, a new subparagraph (h) to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

* * * * *

(h) *Provisions applicable to certain accounts.* Notwithstanding the provisions of § 545.3–1(b), accounts issued under this section which (1) are maintained for a period of at least 2 years and in a minimum amount of $10,000, and (2) contain a penalty provision in accordance with the provisions of § 545.1–4(f)(2), may be issued for a maximum period of 60 months.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay them from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendments become effective without delay, the Board hereby finds that notice and public procedure on the amendments are contrary to the public interest under the provisions of § 508.11 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and since the amendments relieve restriction, publication for the 30-day period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69–15396; Filed, Dec. 24, 1969; 8:47 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 23,624]

PART 563—OPERATIONS

Fixed-Rate, Fixed-Term Accounts

DECEMBER 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) for the purpose of expanding the authority of insured institutions to issue fixed-rate, fixed-term accounts, hereby amends Part 563 as follows, effective December 19, 1969:

Paragraph (d) of § 563.3–1 is amended to read as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

* * * * *

(d) *Withdrawal prior to expiration of term.* (1) A certificate issued by an insured institution may provide that, in an emergency where it is necessary to prevent great hardship to the holder of a fixed-rate, fixed-term account, the institution may pay, prior to the expiration of the term, such fixed-rate, fixed-term account, or the portion thereof necessary to meet such emergency: *Provided*, That before such payment may be made, the holder must sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be (i) approved by an officer of the institution who shall certify that, to the best of his knowledge and belief, the statements in such application are true and (ii) retained by the institution for a period of not less than 2 years.

(2) In the event of emergency withdrawal as provided in this paragraph, (i) the holder of a fixed-rate, fixed-term account on which a rate of return not in excess of 5.25 percent per annum is authorized to be paid pursuant to Part 569 of this subchapter, the holder shall forfeit accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the holder shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months; and (ii) the holder of a fixed-rate, fixed-term account on which a rate of return in excess of 5.25 percent per annum is authorized to be paid pursuant to Part 569 of this subchapter, shall forfeit interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit 3 months or more, and the holder shall forfeit all interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than 3 months.

(3) In the case of emergency withdrawal of only a portion of any fixed-rate, fixed-term account, the certificate evidencing such fixed-rate, fixed-term account shall be cancelled unless the

minimum balance requirements of this section continue to be met. If such requirements continue to be met, appropriate notation indicating the amount and date of withdrawal and the remaining balance may be made on the certificate or a new certificate may be issued for the remaining portion of the fixed-rate, fixed-term account with the same term, rate, and dates as the original fixed-rate, fixed-term account.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in this amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553 (b), and publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-15397; Filed, Dec. 24, 1969; 8:47 a.m.]

[No. 23,626]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certain Certificate Accounts

DECEMBER 19, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending Part 569 of the rules and regulations for Insurance of Accounts (12 CFR Part 569) for the purpose of permitting insured institutions to pay a higher rate of return on certain certificate accounts hereby amends Part 569 as follows, effective December 19, 1969:

1. Paragraph (b) of § 569.2 is amended by revising subparagraph (2) thereof to read as follows:

§ 569.2 Maximum rate of return.

* * * * *

(b) *Exceptions.* * * *

(2) Notwithstanding any change in the prescribed maximum rate, an insured institution may continue to pay the announced rate of return on all certificate accounts outstanding on the date such prescribed maximum rate became effective as to the institution, so long as such certificate accounts remain outstanding or are renewed on the same terms.

2. Part 569 is amended by adding after § 569.4 a new § 569.4–1 which reads as follows:

§ 569.4–1 Maximum rate of return payable on certain fixed-rate, fixed-term certificates.

(a) *Maximum rate of return.* An insured institution which has an announced rate of return on regular accounts not in excess of 5 percent per annum may pay a return on certificate accounts which are maintained in a minimum amount of $10,000 for a period of from 2 to 5 years, at a rate not in excess of 6 percent per annum: *Provided,* That certificates paying such a rate shall not be issued after July 31, 1970. Such certificates shall be issued only to holders of savings accounts of record as of December 15, 1969, in exchange for such savings account or accounts, or portions thereof, plus accrued earnings to the date such certificate is issued.

(b) *Percentage of savings accounts.* (1) The total outstanding balance of such certificate accounts in such institution shall not exceed 20 percent of the total outstanding balance of savings accounts in the institution on November 30, 1969.

(2) The total outstanding balance of such certificate accounts in such institution maturing in any calendar semi-annual period shall not exceed 5 percent of the total outstanding balance of savings accounts in the institution on November 30, 1960: *Provided,* That with respect to the period ending June 30, 1972, this limitation shall be 10 percent.

(3) For the purposes of this section, regardless of the accounting periods used by the institution, a "calendar semi-annual period" shall be either January 1 through June 30 or July 1 through December 31.

(c) *Advertising.* No insured institution shall advertise a rate of return in excess of 5.25 percent per annum on certificate accounts issued pursuant to the authority contained in this section unless such advertising clearly states that such certificates are to be issued only in exchange for savings accounts of record on December 15, 1969.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; 12 U.S.C. 1425b, 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-15398; Filed, Dec. 24, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-CE-28-AD; Amdt. 39-897]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 278 Propellers Installed on Beech Models H35, J35, K35, M35, N35, P35, A45 (T34A), B45 and D45 (T34B) Airplanes

There have been reports of failures of the blade pitch control bolts on Beech Model 278 propellers installed on certain Beech Model airplanes which can result in loss of propeller control.

Since this condition is likely to exist or develop in other propellers of the same type design, an airworthiness directive is being issued requiring within 25 hours' time in service after the effective date of this AD, a visual inspection of the pitch control bolt's hex adjusting flats for numerical marking to determine that the bolts are Beech P/N 278–336 bolts. As a result of this inspection, all bolts which cannot be so identified must be replaced before further flight with Beech P/N 278–336 bolts. The AD will further require within 25 hours' time in service after the effective date of this AD, on all Beech P/N 278–336 bolts which have accumulated 75 or more hours' time in service since new or last overhaul, an inspection using dye penetrant procedures for evidence of cracks in the exposed thread runout area between the hex flats and aft pitch setting nut. This inspection is to be repeated at intervals not to exceed 100 hours' time in service since the date of the last inspection.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (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 is amended by adding the following new AD.

BEECH. Applies to Model 278 propellers installed on Models H35, J35, K35, M35, N35, P35, A45 (T34A), B45 and D45 (T34B) Airplanes.

Compliance: Required as indicated unless already accomplished.

To prevent loss of propeller control, accomplish the following:

A. Within 25 hours' time in service after the effective date of this AD accomplish the following:

1. Remove the propeller spinner and rotate blades to the high pitch position and accomplish the following inspections:

a. Visually inspect the pitch control bolt's hex adjusting flats for numerical marking to determine if the bolts are Beech P/N 278-336 bolts. If the bolts cannot be identified as Beech P/N 278-336 bolts, prior to further flight replace the bolts with serviceable Beech P/N 278-336 bolts.

b. Inspect, using dye penetrant procedures, Beech P/N 278-336 bolts having 75 or more hours' time in service since new or last overhaul for evidence of cracks in the exposed thread runout area between the hex flats and the aft pitch setting nut. Repeat this inspection at intervals not to exceed 100 hours' time in service since the last inspection. If a crack is detected during these inspections, replace the bolt before further flight with serviceable Beech P/N 278-336 bolt. Replacement should be accomplished in accordance with Model 278 Propeller Manual P/N 115090-19-1 revised May 1, 1963. Notification in writing must be given the Chief, Engineering & Manufacturing Branch, FAA, Central Region, of all cracks found on inspections pursuant to this AD. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

B. Any alternate equivalent inspections to those provided in Paragraph A of this AD must be approved by the Chief, Engineering & Manufacturing Branch, FAA, Central Region.

(Beech Service Instruction No. 0302-248 pertains to this subject.)

This amendment becomes effective December 27, 1969.

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

Issued in Kansas City, Mo., on December 17, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-15353; Filed, Dec. 24, 1969; 8:47 a.m.]

[Docket No. 10003; Amdt. 39-898]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 Airplanes; Correction

Item (2) of Amendment 39-898 to AD 69-25-9, appearing in the FEDERAL REGISTER issue for Friday, December 19, 1969, page 19871, is corrected by inserting the word "not" between the words "panel" and "modified".

Issued in Washington, D.C., on December 19, 1969.

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

[F.R. Doc. 69-15354; Filed, Dec. 24, 1969; 8:47 a.m.]

[Docket No. 69-EA-157; Amdt. 39-896]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revise AD 69-24-4, Amdt. 39-878, and issue a revised airworthiness directive on the same matter applicable to Piper PA-30 type aircraft.

AD 69-24-4 was served originally on all owners of PA-30 aircraft by airmail distribution, effective upon receipt and required immediate replacement of the Vmc placard which raised the minimum single engine control speed from 80 mph to 90 mph. The AD was subsequently published in the FEDERAL REGISTER. The increased Vmc resulted from a reinvestigation by FAA of Vmc for all takeoff flap settings.

Since the promulgation of AD 69-24-4 of November 5, 1969, the manufacturer, Piper Aircraft Corp., has available for dissemination Service Bulletin 301A. The purpose of this amendment is to place this service bulletin information on the AD itself to assure its knowledge by all owners.

Since the amendment is primarily a revision to insert additional information which is not more restrictive, notice and public procedure 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, 14 CFR 11.85 (31 F.R. 13697), AD 69-24-4, § 39.13 of Part 39 of the Federal Aviation Regulations is revised as follows:

PIPER. Applies to Piper PA-30 type airplanes certificated in all categories.

Compliance required before further flight, unless already accomplished, as follows:

Change the existing Vmc placard to state the following:

"Minimum Single Engine Control Speed 90 mph CAS."

[Piper Service Bulletin 301A dated November 25, 1969 pertains to this subject.]

This amendment becomes effective Deber 16, 1969.

Issued in Jamaica, N.Y., on December 16, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-15355; Filed, Dec. 24, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-98]

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

Redesignation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Monroe, N.C., transition area.

The Monroe transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the 117° bearing from WMAP commercial broadcast station reference point.

This transition area presently provides controlled airspace protection for IFR operations at Shute Airport. A new airport (Monroe Airport), has been constructed approximately 4.5 miles west of Shute Airport and an instrument approach procedure to this airport, utilizing the Fort Mill, S.C. VOR, has been developed. Concurrently with the effective date of this instrument approach procedure, the instrument approach procedure to Shute Airport, utilizing the WMAP commercial broadcast station, will be canceled; thus, controlled airspace protection for this approach is no longer required. However, controlled airspace for the Monroe Airport is required for the protection of IFR operations. Current criteria applicable to Monroe Airport requires the designation of a 5-mile basic radius circle. This permits revocation of the present 4-mile basic radius circle and the extension predicated on the 117° bearing from WMAP commercial broadcast station reference point, thereby resulting in an overall reduction of approximately 1-square mile of controlled airspace. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to redesignate the Monroe transition area.

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

In § 71.181 (35 F.R. 2134), the Monroe, N.C., transition area is amended to read:

MONROE, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe Airport (lat. 35°01'15" N., long. 80°38'00" W.).

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

Issued in East Point, Ga., on December 16, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-15357; Filed, Dec. 24, 1969; 8:47 a.m.]

[Docket No. 9974; Amdt. 93-19]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports

The purpose of this amendment to the Federal Aviation Regulations is to continue in effect special air traffic rules for high density traffic airports which expire on December 31, 1969.

The amendment was proposed in Notice 69-51 and published in the FEDERAL REGISTER on November 15, 1969 (34 F.R. 18312). In the notice the FAA proposed to continue the rules for a period of 9 to 12 months. In this connection, the public was advised that during the 4-month period the rules have been in effect, the FAA has determined that the congestion problem has improved and delays substantially reduced as compared

to the situation a year ago, but that because there still has not been any substantial change made to the National Airspace system, the restraining influence of these rules is still necessary.

In response to this notice, 42 public comments were received from segments of the aviation industry, public officials and other interested persons. In general, the comments from industry representatives for the scheduled air carrier class of user supported the proposed extension. On the other hand, the preponderance of the comments from organizations and individuals from general aviation or "other" class of user opposed any extension of the rules. More specifically, the objections from the latter group can be cataloged as falling into five types:

1. The rules are ineffective.
2. The rules discriminate against private and corporate airspace users.
3. The rules have an adverse impact upon general aviation and fixed base operators.
4. The rules impose rigidity upon operations that must be inherently flexible.
5. Congestion is caused by airline overscheduling.

Each of these objections was extensively argued by individuals, organizations and representatives of various corporations during the public hearing held in connection with this rule on September 25 and 26, and October 3, 1968. Also, these various objections were the subject of written comments to the notice of proposed rule making as well as the subject of many letters received and answered by the FAA since issuance of the original notice on September 3, 1968 (Notice 68-20). In view of this, further discourse to answer each objection appears unnecessary. The FAA experience, as indicated by statistical study covering the 4-month period subsequent to the issuance of the rules has shown that none of the users have been deprived of the use of any of the five high density traffic airports, except on infrequent occasions, and only during the early evening hours. These factors indicate that based upon actual experience, the present rule appears to be operating satisfactorily.

The comments from the scheduled air carriers and other groups associated with that segment of the industry, supported an extension of the rule. Significantly, only two comments from this group dealt with the length of the proposed extension. In both cases, the Port of New York Authority and the Air Transport Association agreed that an extension up to 1 year was acceptable.

Several other commentators from this group individually suggested that the rules should be made effective only during the summertime or during hours when jet operations are permitted at a particular airport. We cannot adopt either of these two recommendations at this time because we lack sufficient statistical and operational air traffic support to permit deviation from the present uniform application of these rules. However, we will continue to study this aspect of the rules to the end that, if circumstances permit, we will accordingly modify the rules.

In the rules issued on December 2, 1968 (Amdt. 93-13), we advised the public that the FAA would continue making procedural improvements in order to increase the ATC capability and to alleviate, as much as possible, the inconvenience that may be sustained by certain aircraft operators. In consonance with this pledge, the FAA order outlining operational procedure is being revised and will provide a longer lead time for securing IFR reservations and provide extra time in advance of holidays. VFR reservation procedures will also be simplified. These changes should eliminate some of the inconvenience to general aviation pilots operating to and from the high density airports.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the amendment is adopted as prescribed herein.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended effective January 1, 1970, as follows:

§ 93.131 Termination date.

The provisions of §§ 93.121—93.129 terminate October 25, 1970.

(Secs. 103, 307 (a), (b), and (c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), and (c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1665(c)); § 1.4(b), Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(b)))

Issued in Washington, D.C., on December 22, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69-15356; Filed, Dec. 24, 1969; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-363; Order 393]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Nuclear Fuel; Accounting and Reporting

DECEMBER 18, 1969.

On July 1, 1969, the Commission issued a notice of proposed rule making in this proceeding (34 F.R. 11382, July 9, 1969), proposing to amend certain accounts in its Uniform System of Accounts for Class A and Class B Public Utilities and Licensees and certain schedules of FPC Form No. 1 used by public utilities and licensees for annual reporting of data relating to nuclear fuel.

Comments were invited from interested persons to be submitted by August 15, 1969. In response to this notice, the Commission received comments from 31 respondents.[1]

The purpose of the new accounting and reporting requirements is to account for each process of the fuel cycle and for the salvage value of the byproduct materials, which either may be sold at the time of reprocessing or kept by the utility for sale at a future time.

The present Uniform System of Accounts was designed at a time when nuclear materials could not be privately owned and related to enriched materials leased from the Atomic Energy Commission (AEC). Between January 1, 1969, and January 1, 1971, utilities may lease AEC-owned enriched uranium, but alternatively may purchase natural uranium, which then can be enriched by the AEC on a toll basis. After the latter date the AEC no longer will lease enriched uranium, although previously leased material can remain under lease until June 30, 1973. The proposed accounting changes are designed to reflect this contemporary treatment of the ownership of nuclear materials. The staff, following discussions with representatives of the utility industry as well as conferences with members of the National Association of Regulatory Utility Commissioners Subcommittee of Staff Experts on Accounting, proposed the accounts contained in the rulemaking notice.

The enrichment, refinement, conversion, and fabrication of nuclear materials stage commences the nuclear fuel cycle. After nuclear fuel has been fabricated into fuel elements, the elements either are inserted in a reactor or kept as stock on hand awaiting insertion into the reactor. It is estimated that nuclear fuel in a reactor has a life of approximately 3 to 6 years. Nuclear fuel elements in the reactor gradually lose enrichment until it becomes necessary to remove them from the reactor as spent fuel. That spent fuel contains not only quantities of uranium that may be reenriched and reprocessed to a usable form but also plutonium, thorium, and

[1] Alabama Power Co., American Electric Power Service Corp., Commonwealth Edison Co., Consolidated Edison Co. of New York, Inc., Consumers Power Co., Florida Power Corp., General Public Utilities Corp., Georgia Power Co., Gulf Power Co., Iowa-Illinois Gas and Electric Co., Iowa Power and Light Co., Los Angeles Water and Power Department, Maine Yankee Atomic Energy Co., Middle South Utilities, Inc., Minnesota Power and Light Co., Mississippi Power Co., New England Electric System, Northeast Utilities, Northern States Power Co., Pacific Gas and Electric Co., Pennsylvania Power and Light Co., Philadelphia Electric Co., Public Service Electric and Gas Co., San Diego Gas and Electric Co., Virginia Electric and Power Co., Yankee Atomic Electric Co., Arthur Andersen and Co., Atomic Energy Commission, Atomic Industrial Forum, Inc., Edison Electric Institute, and National Association of Regulatory Utility Commissioners.

various other nuclear byproducts which are recoverable during the reprocessing period.

The principal changes to the Uniform System of Accounts proposed by our notice consist of adding a new electric plant instruction and certain nuclear fuel accounts and subaccounts. The Form 1 changes proposed include a new Nuclear Fuel Materials schedule and modification of certain current schedules.

The responses to our rulemaking notice generally show agreement with the basic objectives sought therein and urge the adoption of the proposed changes. They indicate that the proposed reclassification of nuclear fuel into the utility plant section of the balance sheet recognizes the distinction of this type of asset as opposed to the conventional fuels and also enhances the ability of companies to finance nuclear fuel under the provisions of their general mortgage.

Many suggestions relate to changes of an editorial or clarifying nature, and we have adopted most of them. We shall discuss certain of the more significant changes suggested in these comments.

We agree with the argument of many respondents that the last sentence of Paragraph A of Account 120.1, Nuclear fuel in process of refinement, conversion, enrichment and fabrication, should be deleted to prevent allowance for write-ups caused by market price increases occurring in periods subsequent to the production period of the fuel assemblies from which the nuclear material that can be reprocessed was obtained. There is merit in the contention by a considerable number of respondents that the recording of gains from increases in market prices as to nuclear materials held for sale pursuant to the proposed wording of paragraph D of Account 518, Nuclear fuel expense, results in recognizing gains before their realization and requires immediate adjustments through expense for significant changes in nuclear byproduct values inconsistent with the apparent meaning of preceding paragraph A. Hence, we have restated paragraph D to reflect more clearly consistency with paragraph A and to eliminate the requirement of recording gains until they are actually realized. We further agree with the view of several respondents that it is appropriate to change the proposed title of Account 157, Nuclear byproduct materials, to "Nuclear Materials Held for Sale."

Two respondents contend that a new subheading such as "2. Nuclear Fuel" should be added to the chart of Balance Sheet Accounts in our Uniform System of Accounts to identify this category of assets. This suggestion must be rejected as inconsistent with our objective of classifying nuclear fuel as a component of utility plant. However, we shall continue to include the nuclear fuel accounts as separate balance sheet items rather than in the plant accounts subdivision for disclosure purposes.

We agree with the comment that instruction number 2 to the Nuclear Fuel Materials schedule on schedule page 200 of Form 1 is not consistent with the definition of spent nuclear fuel in Account 120.4 and therefore should be deleted.

Other respondents have requested minor changes primarily of an editorial or clarifying nature, and we have adopted those proposed changes that are consistent with appropriate accounting for the costs of nuclear materials.

In view of the date of issuance of this order, we conclude that the amendments to FPC Form No. 1 should be made applicable commencing with the reporting year 1970.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5 of the United States Code.

(2) The amendments of the Commission's Uniform System of Accounts and Annual Report Form schedules herein prescribed are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments prescribed herein which were not included in the notice in this proceeding are of a minor nature, and further notice thereof is therefore unnecessary.

(4) Since these schedules are being prescribed for inclusion in FPC Form No. 1 for the reporting year 1970, good cause exists for making these amendments to our Uniform System of Accounts applicable to such schedules and to § 141.1 of the Commission's regulations under the Federal Power Act, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, effective January 1, 1970.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 301, 304, 309 and 311 thereof (49 Stat. 854, 855, 858, 859; 16 U.S.C. secs. 825, 825c, 825h, 825j), orders:

(A) Effective January 1, 1970, the Uniform System of Accounts prescribed for Class A and Class B Public Utilities and Licensees by Part 101, Subchapter C, Chapter I, Title 18, CFR is hereby amended by the deletion of the present Accounts 157, 158, and 159 from the chart of Balance Sheet Accounts and from the text of prescribed Commission accounts; the deletion of the present Account 518 from the chart of Operation and Maintenance Expense Accounts and the text of Commission accounts; and the addition of a new Electric Plant Instruction number 16, new Subaccounts 120.1, 120.2, 120.3, 120.4 and 120.5, and new Accounts 157 and 518 (new accounts and subaccounts to be inserted in appropriate chart of accounts and the text of accounts) all as set forth in Attachment A hereto.

(B) Effective January 1, 1970, paragraph (d) of § 141.1 of the Commission's Regulations under the Federal Power Act, Subchapter D, Chapter I, Title 18, CFR, is amended by adding the following new schedule title:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(d) * * *

Nuclear Fuel Materials (Accounts 120.1 through 120.5 and 157)

* * * * *

(C) Effective for the reporting year 1970 and thereafter, one report form schedule is added to FPC Form No. 1, Annual Report for Electric Utilities and Licensees, Class A and Class B, prescribed by § 141.1, Subchapter D, Chapter I, Title 18, CFR and certain other schedules therein are revised, all as set forth in Attachment B hereto.[1]

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

ATTACHMENT A

REVISIONS TO THE UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES, CLASS A AND CLASS B

[Secs. 301, 304, 309, 311 (49 Stat. 854, 855, 858, 859, 16 U.S.C. Secs. 825, 825c, 825h, 825j)]

Electric Plant Instructions

* * * * *

16. *Nuclear Fuel Records Required.*

Each utility shall keep all the necessary records to support the entries to the various nuclear fuel plant accounts classified under "Assets and Other Debits," Utility Plant 120.1 through 120.5, inclusive, account 518, Nuclear Fuel Expense and account 157, Nuclear Materials Held for Sale. These records shall be so kept as to readily furnish the basis of the computation of the net nuclear fuel costs.

* * * * *

Balance Sheet Accounts

* * * * *

1. UTILITY PLANT

* * * * *

120.1 Nuclear fuel in process of refinement, conversion, enrichment and fabrication.
120.2 Nuclear fuel materials and assemblies—Stock account.
120.3 Nuclear fuel assemblies in reactor.
120.4 Spent nuclear fuel.
120.5 Accumulated provision for amortization of nuclear fuel assemblies.

* * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * *

157 Nuclear Materials held for sale.

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Balance Sheet Accounts

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1. UTILITY PLANT

* * * * *

120.1 Nuclear fuel in process of refinement, conversion, enrichment and fabrication.

A. This account shall include the original cost to the utility of nuclear fuel

[1] Filed as part of the original document.

materials while in process of refinement, conversion, enrichment, and fabrication into nuclear fuel assemblies and components, including processing, fabrication, and necessary shipping costs. This account shall also include the salvage value of nuclear materials which are actually being reprocessed for use and were transferred from account 120.5, Accumulated Provision for Amortization of Nuclear Fuel Assemblies. (See definition 20.)

B. This account shall be credited and account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, shall be debited for the cost of completed fuel assemblies delivered for use in refueling or to be held as spares. In the case of the initial core loading, the transfer shall be made directly to account 120.3, Nuclear Fuel Assemblies in Reactor, upon the conclusion of the experimental or test period of the plant prior to its becoming available for service.

ITEMS

1. Cost of natural uranium, uranium ores concentrates or other nuclear fuel sources, such as thorium, plutonium, and U-233.
2. Value of recovered nuclear materials not in process of fabrication.
3. Milling process costs.
4. Sampling and weighing, and assaying costs.
5. Purification and conversion process costs.
6. Costs of enrichment by gaseous diffusion or other methods.
7. Costs of fabrication into fuel forms suitable for insertion in the reactor.
8. All shipping costs of materials and components, including shipping of fabricated fuel assemblies to the reactor site.
9. Use charges on leased nuclear materials while in process of refinement, conversion, enrichment, and fabrication.

120.2 Nuclear fuel materials and assemblies—Stock account.

A. This account shall be debited and account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication, shall be credited with the cost of fabricated fuel assemblies delivered for use in refueling or to be carried in stock as spares. It shall also include the original cost of fabricated fuel assemblies purchased in completed form. This account shall also include the original cost of partially irradiated fuel assemblies being held in stock for reinsertion in a reactor which had been transferred from account 120.3, Nuclear Fuel Assemblies in Reactor.

B. When fuel assemblies included in this account are inserted in a reactor, this account shall be credited and account 120.3, Nuclear Fuel Assemblies in Reactor, debited for the cost of such assemblies.

C. This account shall also include the cost of nuclear materials and byproduct materials being held for future use and not actually in process in account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication.

120.3 Nuclear fuel assemblies in reactor.

A. This account shall include the cost of nuclear fuel assemblies when inserted in a reactor for the production of electricity. The amounts included herein shall be transferred from account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, except for the initial core loading which will be transferred directly from account 120.1.

B. Upon removal of fuel assemblies from a reactor, the original cost of the assemblies removed shall be transferred to account 120.4, Spent Nuclear Fuel or account 120.2, Nuclear Fuel Materials and Assemblies—Stock Account, as appropriate.

120.4 Spent nuclear fuel.

A. This account shall include the original cost of nuclear fuel assemblies, in the process of cooling, transferred from account 120.3, Nuclear Fuel Assemblies in Reactor, upon removal from a reactor pending reprocessing.

B. This account shall be credited and account 120.5, Accumulated Provision for Amortization of Nuclear Fuel Assemblies, debited for fuel assemblies, after the cooling period is over, at the cost recorded in this account.

120.5 Accumulated provision for amortization of nuclear fuel assemblies.

A. This account shall be credited and account 518, Nuclear Fuel, shall be debited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the original cost of nuclear fuel assemblies, plus or less the expected net salvage value of uranium, plutonium, and other by-products.

B. This account shall be credited with the net salvage value of uranium, plutonium, and other nuclear by-products when such items are sold, transferred or otherwise disposed of. Account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication, shall be debited with the net salvage value of nuclear materials to be reprocessed. Account 157, Nuclear Materials Held for Sale shall be debited for the net salvage value of nuclear materials not to be reprocessed but to be sold or otherwise disposed of and account 120.2, will be debited with the net salvage value of nuclear materials that will be held for future use and not actually in process, in account 120.1, Nuclear Fuel in Process of Refinement, Conversion, Enrichment, and Fabrication.

C. This account shall be debited and account 120.4, Spent Nuclear Fuel, shall be credited with the cost of fuel assemblies at the end of the cooling period.

* * * * *

3. CURRENT AND ACCRUED ASSETS

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157 Nuclear Materials held for sale.

This account shall include the net salvage value of uranium, plutonium and other nuclear materials held by the company for sale or other disposition and that are not to be reused by the company in its electric utility operations. This account shall be debited and account 120.5, Accumulated Provision for Amortization of Nuclear Fuel Assemblies, credited for such net salvage value. Any difference between the amount recorded in this account and the actual amount realized from the sale of materials shall be debited or credited, as appropriate, to account 518, Nuclear Fuel, at the time of such sale.

* * * * *

Operation and Maintenance Expense Accounts

1. POWER PRODUCTION EXPENSES

* * * * *

518 Nuclear fuel expense.

* * * * *

Operation and Maintenance Expense Accounts

1. POWER PRODUCTION EXPENSES

* * * * *

518 Nuclear fuel expense.

A. This account shall be debited and account 120.5, Accumulated Provision for Amortization of Nuclear Fuel Assemblies, credited for the amortization of the net cost of nuclear fuel assemblies used in the production of energy. The net cost of nuclear fuel assemblies subject to amortization shall be the cost of nuclear fuel assemblies plus or less the expected net salvage of uranium, plutonium, and other byproducts and unburned fuel. The utility shall adopt the necessary procedures to assure that charges to this account are distributed according to the thermal energy produced in such periods.

B. This account shall also include the costs involved when fuel is leased.

C. This account shall also include the cost of other fuels, used for ancillary steam facilities, including superheat.

D. This account shall be debited or credited as appropriate for significant changes in the amounts estimated as the net salvage value of uranium, plutonium, and other byproducts contained in account 157, Nuclear Materials Held for Sale and the amount realized upon the final disposition of the materials. Significant declines in the estimated realizable value of items carried in account 157 may be recognized at the time of market price declines by charging this account and crediting account 157. When the declining change occurs while the fuel is recorded in account 120.3, Nuclear Fuel Assemblies in Reactor, the effect shall be amortized over the remaining life of the fuel.

* * * * *

[F.R. Doc. 69-15307; Filed, Dec. 24, 1969; 8:45 a.m.]

[Docket No. R-366; Order 392]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report Forms for 1969

DECEMBER 18, 1969.

On August 14, 1969, the Commission issued a notice of proposed rule making

in this proceeding (34 F.R. 13481, Aug. 21, 1969), proposing to modify a number of the schedules contained in its Annual Report Forms Nos. 1 and 2.

Pursuant to the invitation contained in the notice herein to submit comments by September 5, 1969, the Commission received comments from 37 respondents.[1]

The principal revisions in FPC Form No. 1 proposed in our notice included a requirement of additional information in the Important Changes During the Year schedule, on electric generating units placed in service, elimination of the Prepayments schedule, a change in the Rents Charged to Electric Operating Expenses schedule to obtain information on all rents including those allocated to construction work in progress, an increase in the reporting limit from $10,000 to $25,000 in the Franchise Requirements schedule, a change increasing the capacity from 5,000 KVA to 10,000 KVA in grouping for reporting purposes in the Substations schedule, and deletion of the Conduit, Underground Cable, and Submarine Cable schedule. The principal revisions in FPC Form No. 2 proposed were a change in reporting requirements concerning several categories of property from a producing area basis to a state basis, a change of the title of the Rents Charged to Gas Operating Expenses schedule to obtain information on all rents except those allocated to construction work in progress, a merger of the Natural Gas Land Acreage and Natural Gas Reserves schedules into one schedule, and the deletion of the Natural Gas Production Statistics schedule. Certain minor changes were proposed in schedules and the cover sheet that are identical in both FPC Forms Nos. 1 and 2.

The existing schedules affected by the proposed changes in the annual report forms are as follows:

FPC Form No. 1—Schedule Heading:	Page
Important Changes During the Year	108
Prepayments	Deleted
Investment Tax Credits Generated and Utilized	228
Electric Operating Revenues	409
Rents Charged to Electric Operating Expenses (Changed to "Rents Charged")	421
Interchange Power	424
Franchise Requirements	426
Substations	445
Conduit, Underground Cable, and Submarine Cable	Deleted

FPC Form No. 2—Schedule Heading:	Page
Nonutility Property	201
Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights	509
Accumulated Provision for Amortization of Underground Storage Land and Land Rights	510
Gas Operating Revenues	514
Rents Charged to Gas Operating Expenses (Changed to "Rents Charged")	533
Exchange Gas Accounting	538
Natural Gas Land Acreage	547
Natural Gas Reserves (Merged with schedule above)	548
Natural Gas Production Statistics	Deleted
Number of Gas and Oil Wells	558
Field and Storage Lines	559

FPC Forms Nos. 1 and 2 schedule headings	New page	Old page
General Information	101	101
Materials and Supplies	207	207
Plant Materials and Operating Supplies	207	208 Deleted
Production Fuel and Oil Stocks	209	209
Clearing Accounts	Deleted	213
Miscellaneous Deferred Debits	214	214
Cover Page		

Most of the schedules were accepted without comment as initially proposed. Suggestions by respondents were directed only to a portion of the report form schedules included in the notice. We have considered carefully all of these comments, and adopt several of the changes suggested therein.

Respondents' opposition to the proposed additional reporting of residential customers with electric space heating on schedule page 409 of Form No. 1 on the ground that utilities have no accurate means of designating such customers has validity. We therefore are modifying that schedule to require only a listing of the total number of "all electric" customers, which can be estimated where not known. Additionally, we adopt the suggestion of changing instruction 1 to schedule page 421 of Form 1 to exclude all accounts in connection with construction work in progress. Also, there is merit in the contention that enlargement of the Clearing Accounts schedule on schedule page 213 of FPC Forms Nos. 1 and 2 to require reporting accounts charged for credits to clearing accounts is too burdensome. Accordingly, we shall delete this schedule since this information essentially can be obtained from the balance sheet of both report forms.

Although objection has been made to the loss of summary data resulting from deletion of shedule pages 552–553 of FPC Form No. 2 on Natural Gas Production Statistics, we believe that such should be deleted because of the considerable reporting burden caused by the gathering plant details that must be reported for individual production areas where the company purchases but does not produce any gas. Moreover, a future modified schedule likely will be necessary to achieve the necessary division of costs between new lease gas and other gas production as set forth in our Opinion No. 568, Statement of Policy as to Pricing for New Gas Produced by Pipelines and Pipeline Affiliates, issued October 7, 1969, ____ FPC ____.

One respondent contends that requiring information as to new electric generating units in the Important Changes During the Year schedule on schedule page 108 of Form 1 duplicates data contained in other schedules. However, we are of the view that highlighting new generating units in the front of the report form serves a useful purpose while adding little, if any, burden upon reporting utilities.

In response to other comments received, we are inserting "of account" following "other corporate books" in the proposed addition to instruction 1 and are withdrawing proposed instruction 5 on schedule page 101 of Forms 1 and 2. We are also withdrawing the minor wording change contained in our notice in instruction 2 of schedule page 445 of the Form 1. We have concluded that Part B of the Exchange Gas Accounting schedule on schedule page 538 should be clarified by adding instruction 3 and a footnote relating to net gas transactions during the year. It does not appear that the Prepayments and Conduit, Underground Cable and Submarine Cable schedules on schedule pages 210 and 446, respectively, proposed to be deleted from Form 1 have sufficient usefulness at present to warrant their retention.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5, United States Code.

(2) The revision of the Commission's Annual Report Forms herein prescribed is necessary and appropriate to the administration of the Federal Power and Natural Gas Acts.

(3) Since these schedules as revised are being prescribed for inclusion in FPC Forms Nos. 1 and 2 for the reporting year 1969, good cause exists for making the amendments thereof effective forthwith.

(4) Since amendments herein which were not included in the notice in this proceeding are of a minor nature further notice thereof is unnecessary.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 301, 304 and 309 (49 Stat. 854, 855, 858; 16 U.S.C. sections 825, 825c, 825h) and the provisions of the Natural Gas

[1] American Electric Power Service Corp., Carolina Power and Light Co., Central Maine Power Co., Cincinnati Gas and Electric Co., Cleveland Electric Illuminating Co., Consumers Power Co., Florida Power Corp., Iowa-Illinois Gas and Electric Co., Iowa Public Service Co., Kansas Power and Light Co., Nevada Power Co., Oklahoma Gas and Electric Co., Pacific Gas and Electric Co., Pacific Power and Light Co., Pennsylvania Power and Light Co., Public Service Electric and Gas Co., Public Service Indiana, Rochester Gas and Electric Corp., Southern California Edison Co., Southern Services, Inc., Union Electric Co., Washington Water Power Co., West Texas Utilities Co., Wisconsin Electric Power Co., Colorado Interstate Gas Co., Consolidated Natural Gas Co., Lone Star Gas Co., Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Panhandle Eastern Pipeline Co., Southern Natural Gas Co., Tennessee Gas Pipeline Co., Texas Gas Transmission Corp., Transcontinental Gas Pipe Line Corp., Washington Gas Light Co., Public Utilities Commission of California, and Van Scoyoc and Wiskup, Inc.

Act, as amended, particularly sections 8, 9(b), 10 and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. sections 717g, 717h (b), 717i, and 717o), orders:

(A) Effective for the reporting year 1969 and thereafter, certain schedules of FPC Form No. 1, Annual Report for Electric Utilities and Licensees Class A and Class B, prescribed by § 141.1, Subchapter D, Chapter I, Title 18, CFR and of FPC Form No. 2, Annual Report for Natural Gas Companies, Class A and Class B, prescribed by § 260.1, Subchapter G, Chapter I, Title 18, CFR, together with certain schedules identical in both FPC Forms Nos. 1 and 2, are hereby amended as set forth in Attachments A, B, and C hereto.[3]

(B) Effective upon the issuance of this order, paragraph (d) of § 141.1 of the Commission's regulations under the Federal Power Act, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is revised by changing the title of one schedule and deleting four schedules as follows:

Title Change: Change title of "Rents Charged to Electric Operating Expenses" to "Rents Charged"

Schedule Deletions: Delete the following schedules:

Plant Materials and Operating Supplies; Prepayments; Clearing Accounts; Conduit, Underground Cable, and Submarine Cable.

(C) Effective upon the issuance of this order, paragraph (c) of § 260.1 of the regulations under the Natural Gas Act, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, is revised by changing the title of one schedule, merging two schedules, and deleting three schedules as follows:

Title change: Change title of "Rents Charged to Gas Operating Expenses" to "Rents Charged."

Merger of schedules: Merge the schedules entitled "Natural Gas Land Acreage" and "Natural Gas Reserves" into a new two-page schedule entitled "Natural Gas Reserves and Land Acreage."

Schedule deletions: Delete the following schedules:

Plant Materials and Operating Supplies; Clearing Accounts; Natural Gas Production Statistics.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 69-15308; Filed, Dec. 24, 1969; 8:45 a.m.]

[3] Attachments filed as part of the original document.

Title 21—FOOD AND DRUGS

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

EDITORIAL CHANGES

Effective upon publication hereof in the FEDERAL REGISTER, the following corrections and editorial changes are made in Title 21, Chapter I:

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

1. In § 19.585, the portion reading "not less than 44 percent" is in error and is changed to "more than 44 percent." As changed, the section reads as follows:

§ 19.585 High-moisture jack cheese; identity; label statement of optional ingredients.

High-moisture jack cheese conforms to the definition and standard of identity and is subject to the requirement for label statement of optional ingredients prescribed for monterey cheese by § 19.580, except that its moisture content is more than 44 percent but less than 50 percent.

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

§ 120.239 [Amended]

2. In § 120.239, "residues of phosphamidon" in the first sentence is changed to read "residues of the insecticide phosphamidon".

PART 121—FOOD ADDITIVES

§ 121.266 [Amended]

3. In § 121.266, "residues of amiben" is changed to read "residues of the herbicide amiben".

§ 121.280 [Amended]

4. In § 121.280(b), tables 1, 2, 3, and 4, the phrase under limitations "for sale by or on the order of a licensed veterinarian," which occurs six times, is changed to read "for use by or on the order of a licensed veterinarian." The statement is similarly changed in the table in § 121.293 where it occurs once under limitations.

§ 121.331 [Amended]

5. In § 121.331, "raw agricultural commodity" is changed to read "growing raw agricultural commodity".

SUBCHAPTER C—DRUGS

PART 148q—GENTAMICIN

6. An order published July 1, 1969 (34 F.R. 11091), deleted subparagraph (4) from § 148q.2(a) whereas it should have deleted subparagraph (5). The section is hereby amended by deleting subparagraph (5) from paragraph (a) and restoring subparagraph (4) reading as follows:

§ 148q.2 Gentamicin sulfate ointment.

(a) * * *

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, moisture, pH, specific rotation, invariance quotient, and identity.

(*b*) The batch for gentamicin potency and moisture.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing not less than 5 grams.

(5) [Deleted]

* * * * *

PART 148x—LINCOMYCIN

7. Said order also deleted subparagraph (4) from § 148x.4 instead of subparagraph (5). The section is hereby amended by deleting subparagraph (5) from paragraph (a) and restoring subparagraph (4) reading as follows:

§ 148x.4 Lincomycin hydrochloride monohydrate diagnostic sensitivity powder.

(a) * * *

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch for potency, moisture, pH, and specific rotation.

(*b*) The batch for potency, sterility, moisture, and identity.

(ii) Samples required:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 30 immediate containers.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(5) [Deleted]

* * * * *

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: December 8, 1969.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 69-15322; Filed, Dec. 24, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 9B2353) filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, concludes that § 121.2566 of the food additive regulations should be amended to revise the limitation on octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate so that it may be used in olefin polymers that contact fatty food. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by changing the use limitation for the subject substance to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

List of substances	*Limitations*
* * *	* * *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.	For use only at levels not exceeding 0.25 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4. Also such polymers shall be used in contact with fatty food only under conditions of use E, F, or G, described in table 2 of § 121.2526(c) and the average thickness of such polymers in the form in which they contact fatty food under condition of use E shall not exceed 0.010 inch.
* * *	* * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 15, 1969.

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

[F.R. Doc. 69-15323; Filed, Dec. 24, 1969; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER B—PERSONNEL

PART 21—COMMISSIONED OFFICERS

Leave and Training

Part 21 of Chapter I of Title 42 of the Code of Federal Regulations is amended as follows:

Subpart F—Leave

§ 21.84 [Amended]

1. Section 21.84 is amended by changing the first sentence thereof to read as follows: "An officer shall accrue annual leave at the rate of 30 days for each full year of active service with the Service, and for any portion of a year at the rate of 2½ days for each month of such service."

(Sec. 219, 64 Stat. 426, as amended; 42 U.S.C. 210-1. E.O. 11140, Feb. 1, 1964, 29 F.R. 1637)

This amendment shall become effective January 1, 1970.

Subpart K—Training

2. Section 21.202 is revised to read as follows:

§ 21.202 Assignment of officers to educational institutions for training.

After considering the needs of the Service for officers with knowledge, skill, and experience in the specialties required by Service activities, the Secretary may assign an officer, with his consent, to an approved educational institution or training program for purposes of training.

(Sec. 218(a), 62 Stat. 47, as amended; 42 U.S.C. 218a(a). E.O. 11140, Feb. 1, 1964, 29 F.R. 1637)

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

Approved: December 18, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-15283; Filed, Dec. 24, 1969; 8:47 a.m.]

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 78—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Performance Standard for Television Receivers

On October 16, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16557) to amend Part 78 by prescribing a performance standard applicable to the emission of x-radiation from television receivers. Also proposed were certain general labeling and certification requirements for any electronic product subject to a performance standard prescribed under the Radiation Control for Health and Safety Act of 1968.

Interested persons were given the opportunity to participate in the rule making through the submission of comments. Pursuant to the notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant material presented.

In light of the comments, a number of changes have been made in the amendments as proposed. The requirements for warnings on critical components of television receivers have been

revised, and the certification and labeling sections have been revised to permit inscription on the product.

The Commissioner has determined, therefore, that this standard is necessary for the protection of the public health and safety and further finds that the need for such protection, together with the ability of the industry to meet the standard constitutes good cause for an immediate effective date. Accordingly, the amendments to Part 78, as set forth below, are hereby adopted effective on the date of publication and will be applicable to television receivers manufactured after January 15, 1970.

Subpart C—Performance Standards for Electronic Products

GENERAL PROVISIONS

Sec.
78.200 Scope.
78.201 Certification.
78.202 Labeling.
78.203 Special test procedures.
78.204 Electronic products intended for export.

PERFORMANCE STANDARD

Sec.
78.210 Performance standard for television receivers.

AUTHORITY: The provisions of this Subpart C issued under sec. 358, 82 Stat. 1177; 42 U.S.C. 263f.

Subpart C—Performance Standards for Electronic Products

GENERAL PROVISIONS

§ 78.200 Scope.

The standards listed in this subpart are prescribed pursuant to section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f) and are applicable to electronic products as specified herein, to control electronic product radiation from such products. Standards so prescribed are subject to amendment or revocation and additional standards may be prescribed as are determined necessary for the protection of the public health and safety.

§ 78.201 Certification.

(a) Every manufacturer of an electronic product to which an applicable standard is in effect under this subpart, shall furnish to the dealer or distributor at the time of delivery of such product, the certification that such product conforms to all applicable standards under this subpart.

(b) The certification shall be in the form of a label or tag permanently affixed to, or inscribed on such product. In the case of products to which it is not feasible to affix or inscribe the label or tag, upon application therefor, the Secretary may approve other means by which a manufacturer may provide the certification required by this section.

(c) Such certification shall be based upon a test, in accordance with the standard, of the individual article to which it is attached or upon a testing program which is in accordance with good manufacturing practices. The Secretary may disapprove such a testing program on the grounds that it does not assure the adequacy of safeguards against hazardous electronic product radiation or that it does not assure that electronic products comply with the standard prescribed under this subpart.

(d) The certification tag or label or inscription shall be located on the product so as to be legible when the product is fully assembled for use.

§ 78.202 Labeling.

Every manufacturer of an electronic product to which is applicable a standard under this subpart shall, by a label or tag permanently affixed to or inscribed on such product, set forth:

(a) The full name and address of the manufacturer of the product: Abbreviations such as "Co.," "Inc.," or their foreign equivalents and the first and middle initials of individuals may be used. Where products are sold under a name other than that of the manufacturer of the product, the label may set forth the name of the individual or company under whose name the product was sold, provided such individual or company has previously supplied the Secretary with sufficient information to identify the manufacturer of the product.

(b) The month, year, and place of manufacture: This information may be expressed in code provided the manufacturer has previously supplied the Secretary with the key to such codes.

(c) The tag or label shall be located on the product so as to be legible when the product is fully assembled for use.

§ 78.203 Special test procedures.

The Secretary may, on the basis of a written application by a manufacturer, authorize test programs other than those set forth in the standard for an electronic product if he determines that such products are not susceptible to satisfactory testing by the procedures set forth in the standard and that the alternative test procedures assure compliance with the standard.

§ 78.204 Electronic products intended for export.

The performance standard prescribed in this subpart shall not apply to any electronic product which is intended solely for export if (a) such product and the outside of any shipping container used in the export of such product are labeled or tagged to show that such product is intended for export, and (b) such product meets all the applicable requirements of the country to which such product is intended for export.

PERFORMANCE STANDARD

§ 78.210 Performance standard for television receivers.

(a) *Applicability.* The provisions of this section are applicable to television receivers manufactured subsequent to January 15, 1970.

(b) *Definitions.* (1) "External surface" means the cabinet or enclosure provided by the manufacturer as part of the receiver. If a cabinet or enclosure is not provided as part of the receiver, the external surface shall be considered to be a hypothetical cabinet, the plane surfaces of which are located at those minimum distances from the chassis sufficient to enclose all components of the receiver except that portion of the neck and socket of the cathode-ray tube which normally extends beyond the plane surfaces of the enclosure.

(2) "Maximum test voltage" means 130 root mean square volts if the receiver is designed to operate from nominal 110 to 120 root mean square volt power sources. If the receiver is designed to operate from a power source having some voltage other than from nominal 110 to 120 root mean square volts, maximum test voltage means 110 percent of the nominal root mean square voltage specified by the manufacturer for the power source.

(3) "Service controls" means all of those controls on a television receiver provided by the manufacturer for purposes of adjustment which, under normal usage, are not accessible to the user.

(4) "Television receiver" means an electronic product designed to receive and display a television picture through broadcast, cable, or closed circuit television.

(5) "Usable picture" means a picture in synchronization and transmitting viewable intelligence.

(6) "User controls" means all of those controls on a television receiver, provided by the manufacturer for purposes of adjustment, which on a fully assembled receiver under normal usage, are accessible to the user.

(c) *Requirements*—(1) *Exposure rate limit.* Radiation exposure rates produced by a television receiver shall not exceed 0.5 milliroentgens per hour at a distance of five (5) centimeters from any point on the external surface of the receiver, as measured in accordance with this section.

(2) *Measurements.* Compliance with the exposure rate limit defined in subparagraph (1) of this paragraph shall be determined by measurements made with an instrument, the radiation sensitive volume of which shall have a cross section parallel to the external surface of the receiver with an area of ten (10) square centimeters and no dimension larger than five (5) centimeters. Measurements made with instruments having other areas must be corrected for spatial nonuniformity of the radiation field to obtain the exposure rate average over a ten (10) square centimeter area.

(3) *Test conditions.* All measurements shall be made with the receiver displaying a usable picture and with the power source operated at supply voltages up to the maximum text voltage of the receiver and, as applicable, under the following specific conditions:

(i) On television receivers manufactured subsequent to January 15, 1970, measurements shall be made with all user controls adjusted so as to produce maximum x-radiation emissions from the receiver.

(ii) On television receivers manufactured subsequent to June 1, 1970, measurements shall be made with all user controls and all service controls adjusted to combinations which result in the

production of maximum x-radiation emissions.

(iii) On television receivers manufactured subsequent to June 1, 1971, measurements shall be made under the conditions described in subdivision (ii) of this subparagraph, together with conditions identical to those which result from that component or circuit failure which maximizes x-radiation emissions.

(4) *Critical component warning.* The manufacturer shall permanently affix or inscribe a warning label, clearly legible under conditions of service, on all television receivers which could produce radiation exposure rates in excess of the requirements of this § 78.210 as a result of failure or improper adjustment or improper replacement of a circuit or shield component. The warning label shall include the specification of operating high voltage and an instruction for adjusting the high voltage to the specified value.

Dated: December 22, 1969.

CHRIS A. HANSEN,
Assistant Surgeon General, Commissioner, Environmental Control Administration.

[F.R. Doc. 69-15297; Filed, Dec. 24, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS RETAINED FOR SEED

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department proposes to amend § 729.44 (e) of the regulations for determination of acreage allotments and marketing quotas for 1969 and subsequent crops of peanuts (33 F.R. 18351, 18981, 34 F.R. 14201).

The regulations provide that peanuts produced on excess farms and retained for seed or other purposes will be considered as marketed and therefore subject to the marketing quota penalty if such peanuts are used for seed or other purposes on another farm, unless the operator of the excess farm proves to the satisfaction of the county committee that the person producing the peanuts that are used on another farm is the same person and has an identical interest in the crop that will be produced from the seed.

It is proposed to amend this provision to consider peanuts produced on excess farms as marketed and therefore subject to marketing quota penalties if such peanuts are used for seed or other purposes on another farm regardless of who produced the peanuts. This change is considered necessary for a more orderly operation of the peanut marketing quota program. The current provision has caused difficult administrative problems. Growers form pooling arrangements to produce seed peanuts on excess farms for use on their own respective farms. It is extremely difficult for county ASCS offices to administer this provision to insure that no excess peanuts get into the channels of trade without payment of marketing quota penalties.

Prior to the issuance of this amendment, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

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

It is proposed that § 729.44(e) be revised to read as follows:

§ 729.44 Amount of penalty due from farms with excess acreage.

* * * * *

(e) *Peanuts retained for seed.* Peanuts produced on excess farms and retained for seed or other purposes will be considered as marketed and therefore subject to the marketing quota penalty if such peanuts are used for seed or other purposes on another farm. The amount of penalty on any such peanuts which are considered marketed shall be determined by multiplying the quantity by the converted penalty rate for the farm.

Signed at Washington D.C., on December 19, 1969.

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

[F.R. Doc. 69-15340; Filed, Dec. 24, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

TRITIUM

Exemption of Microwave Receiver Protector Tubes

By letter dated May 20, 1969, Westinghouse Electric Corp. of Pittsburgh, Pa., filed a petition (PRM 30-44) with the Atomic Energy Commission requesting amendment of the Commission's regulation, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 30, to exempt from licensing requirements electron tubes (special purpose) containing no more than 150 millicuries of tritium.

The special purpose electron tubes described by the petitioner are hermetically sealed vacuum tubes (gas-discharge devices) in which the ignitor stage filler gas is kept in an ionized state by beta radiation from tritium adsorbed on a pair of metallic tabs which are spot-welded in a central location within the ignitor stage. Such tubes, designated as either "TR-type" or "anti-TR-type", are employed primarily in high-speed transmit-receiver switches that electronically protect microwave receivers in radars. The incorporation of tritium in microwave receiver protector tubes results in significant lengthening of the life and reliability of critical components that: (1) Short circuit the connection to a radar's sensitive microwave receiver during the extremely brief periods of time the high-power outgoing pulses of microwave radiation are being transmitted, and (2) isolate the transmitter from the receiver the balance of the time.

Various quantities of tritium up to 150 millicuries are required in production models of microwave receiver protector tubes to provide essential reliability and electronic characteristics.

The Commission is considering a finding that exemption from licensing requirements for the receipt, possession, use, transfer, export, ownership, and acquisition of microwave receiver protector tubes containing not more than 150 millicuries of tritium under the conditions set forth below will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public. The proposed amendment which follows would exempt the receipt, possession, use, transfer, export, ownership, and acquisition of such microwave receiver protector tubes by amending § 30.15(a)(8)(1) of 10 CFR Part 30.

The proposed exemption would not apply to the manufacture or import of the microwave receiver protector tubes. Certain criteria for the issuance of a specific license to conduct such activities and certain quality control and reporting requirements are presently set forth in §§ 32.14, 32.15, 32.16, and 32.110, 10 CFR Part 32, "Specific Licenses To Manufacture, Distribute or Import Exempted and Generally Licensed Items Containing Byproduct Material."

The Commission considers that no significant radiation safety problem is associated with the possession and use of microwave receiver protector tubes containing tritium. Since tritium emits only a very low energy beta particle which is completely shielded by the walls of the envelope in which the tritiated-metal tabs are contained, there is no external radiation hazard. So long as the tritium is adsorbed on the metallic tabs and confined in the vacuum-tight envelope of the electron tube, there could be no uptake into the body. In the event of severe damage to the tube, however, the glass windows of the ignitor stage might be ruptured and tritium slowly desorbing from the metallic tabs might be dispersed in the air. The types of tubes under consideration are typically installed in radar in aircraft or aboard ships. The rapid dilution of the dispersed tritium under such open-air conditions assures that the radiation exposure which might be received as a result of damage to a microwave receiver protector tube containing tritium would be very small.

A credible condition could be the storage of a severely damaged tube with a ruptured window in a small, closed room. If the highest recorded tritium escape rate (20 microcuries per 8 hours per curie of adsorbed tritium) is assumed for a 150-millicurie tube stored in a room of 800 cubic foot capacity ventilated at the rate of one room change per hour, an individual in the room would be exposed to airborne radioactive material in concentrations about 10 percent of the limits for unrestricted areas as set forth in Appendix B, Table II, Column I, 10 CFR Part 20 (about 2.5 percent of the limits

when averaged over the working hours in a year). Taking into consideration variations in tritium escape rates, storage room sizes, room ventilation rates, and occupancy times, it is estimated that doses to individuals expected to be most highly exposed to radioactive material from such severely damaged tubes would not exceed more than a few hundredths of the dose limits recommended by the Federal Radiation Council, the National Council on Radiation Protection and Measurements, and the International Commission on Radiological Protection.

In the event of a fire in a storage depot (35,000 cubic foot capacity) containing ten 150-millicurie tubes, the number considered likely to accumulate in one location, the maximum dose commitment to an individual present in the depot for the first hour would, under conservative assumptions of intake, be about 0.4 rem from retention in the body of tritium.

The electron tubes under consideration have a design life of 8 years. About one-third of the tritium would decay during the life of the tube and more would decay within the tube after its disposal as trash. The materials of construction of microwave receiver protector tubes are glass and metals such as stainless steel and nickel that have relatively low scrap value. Even if discarded tubes were to be processed to reclaim metallic components, contamination of scrap and reprocessed metal is not a significant consideration. Tritium adsorbed on metallic surfaces would be driven off during melting or other high-temperature purification processes.

The proposed exemption would be limited to microwave receiver protector tubes containing no more than 150 millicuries of tritium, which is considered to be the lowest practical tritium quantity limit in an exemption for microwave receiver protector tubes. Each tube would be distributed by a specific licensee in accordance with a specific license issued by the Commission pursuant to § 32.14 of 10 CFR Part 32. The subsequent possession, use, transfer, and disposal by all other persons would be exempt from licensing and regulatory requirements of the Commission.

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," the transfer of possession or control by the manufacturer, processor, or producer of microwave receiver protector tubes distributed for use under the exemption would be subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an Agreement State license.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendment may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

In § 30.15 of 10 CFR Part 30, § 30.15(a)(8)(i) is amended to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) Except for persons who apply byproduct material to, or persons who incorporate byproduct material into, the following products, or persons who import for sale or distribution the following products containing byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires the following products:

* * * * *

(8) Electron tubes: *Provided*, That each tube does not contain more than one of the following specified quantities of byproduct material:

(i) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

* * * * *

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 18th day of December 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-15331; Filed, Dec. 24, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10035]

AIRWORTHINESS DIRECTIVE

Hawker Siddeley Heron Model D.H. 114 Airplanes

Amendment 157 (25 F.R. 4542) AD 60-12-2, requires periodic inspections of the wing-to-fuselage lower main root joint on Hawker Siddeley Heron Model D.H. 114 airplanes. Based on the information gained from these inspections, the Federal Aviation Administration considers that a need exists to reduce the first reinspection period to ensure that unsafe corrosion, fretting, or fatigue damage does not develop; to require corrective action if corrosion, fretting, or fatigue damage has developed; and to replace certain obsolete fuselage lower main attachment bolts which may still be installed. It is therefore proposed to supersede Amendment 157 with a new AD that requires cleaning and inspecting the main spar lower pick up fittings, the center section lower boom lugs, and the wing-to-fuselage lower main attachment bolts; reworking damaged areas or replacing damaged parts; replacing obsoleted fuselage lower main attachment bolts with replacement bolts; and cleaning, protecting, and sealing the wing-to-fuselage lower joint upon reassembly of the wing to the fuselage.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 26, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to Heron Model D.H. 114 Airplanes.

Compliance is required as indicated.

To reduce the possibility of fatigue failure of the wing-to-fuselage lower main root joint assembly, accomplish the following:

(a) Within the next 6 months after the effective date of this AD unless already accomplished within the last 4 years and 6 months, once thereafter within 5 years since the last inspection, and thereafter at intervals not to exceed 6,750 hours' time in service or 7 years since the last inspection, whichever occurs first, remove the wings, clean and inspect the main spar lower pick up fittings, the center section spar lower boom lugs, and the wing-to-fuselage lower main attachment bolts for corrosion, fretting, and fatigue cracks. Rework the damaged areas as necessary or replace the damaged parts with serviceable parts of the same part number except for the obsolete fuselage lower main attachment bolts noted in paragraphs (b), (c), and (d). The requirements of this paragraph must be accomplished in accordance with Hawker Siddeley Technical News Sheet Heron (114) No. W.9, dated 24 February 1969, or an FAA-approved equivalent, except that magnetic particle and dye penetrant inspection methods may be employed in lieu of the crack testing method called for in that Technical News Sheet.

(b) For airplanes which have had installed the obsolete fuselage lower main attachment bolts listed in table (1) below, at the next wing removal after the effective date of this

AD, replace the obsolete bolts with the replacement bolts listed in table (2) below:

(1) Obsolete Bolt P/Ns	(2) Replacement Bolts P/Ns
14.FS.15	14FS.6669
14.FS.3985	14FS.6669
14.FS.6399	14FS.6669
14.2FS.1555	14.2FS.575
RD.14W.173ND	RD.14FS.274
RD.14W.175ND	RD.14FS.275
RD.14FS.262	RD.14FS.271
RD.14FS.259	RD.14FS.272
RD.14FS.260	RD.14FS.273
RD.14FS.165	RD.14FS.273

(c) For airplanes which have had installed the obsolete fuselage lower main attachment bolts listed in table (1) below, at the next wing removal after the effective date of this AD ream the wing center section spar boom lugs and main spar lower pick up fittings in accordance with Hawker-Siddeley repair drawings RD.14FS.263 and RD.14FS.270, and replace the obsolete bolts with the replacement bolts listed in table (2) below:

(1) Obsolete Bolt P/Ns	(2) Replacement Bolt P/ns
RD.14FS.254	RD.14FS.271
RD.14FS.232	RD.14FS.272
RD.14FS.223	RD.14FS.273

(d) For airplanes which have had installed fuselage lower main attachment bolts other than those listed as either obsolete or replacement bolts in paragraphs (b) and (c), at the next wing removal after the effective date of this AD report the part number of the installed bolts to the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region to obtain the identification of the required replacement bolts (reporting approved under Bureau of Budget No. 04.R0174). Upon receipt of notice giving the part numbers of the required replacement bolts, and prior to re-assembling the wing to the fuselage, install the replacement bolts specified in the notification.

(e) Upon re-assembly of the wing to the fuselage following completion of the actions required by paragraph (a) through (d), clean, protect, and seal the wing-to-fuselage lower joint in accordance with Hawker Siddeley Technical News Sheet Heron (114) No. W.9, Issue 4, dated 24 February 1969, or an FAA-approved equivalent.

(f) For purposes of computing the compliance times for this AD, the inspection, rework, replacement of defective parts, and protection and sealing accomplished in accordance with AD 60-12-2 before the effective date of this AD may be considered the last prior accomplishment of paragraph (a) of this AD.

This supersedes Amendent 157 (25 F.R. 4542) AD 60-12-2.

Issued in Washington, D.C., on December 18, 1969.

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

[F.R. Doc. 69-15358; Filed, Dec. 24, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-153]

TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 Federal Aviation Regulations so as to alter the Berlin, N.H., transition area (34 F.R. 4651) and revoke the Errol, N.H., transition area (34 F.R. 9853, 17178).

The U.S. Standard for Terminal Instrument Approach Procedures became effective November 18, 1967, and changed the criteria for the establishment of instrument approach procedures. This criteria requires the alteration of the Berlin, N.H. 700-foot floor transition area to provide airspace protection for aircraft executing the changed instrument approach procedures.

In turn, this alteration permits the revocation of the Errol, N.H., 700-foot transition area since the alteration will provide the necessary airspace protection for aircraft executing the instrument approach procedure established for Errol Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Berlin, N.H., and Errol, N.H., proposed the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Berlin, N.H., 700-foot transition area and insert the following in lieu thereof: "that airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 44°34'35" N., 71°10'40" W. of Berlin Municipal Airport, Berlin, N.H.; within 2 miles each side of the Berlin Municipal Airport Runway 18 centerline, extended from the 8.5-mile radius area to 12 miles south of the end of the runway; within 2 miles each side of the Berlin Municipal Airport Runway 36 centerline, extended from the 8.5-mile radius area to 20.5 miles north of the end of the runway and within 4.5 miles west and 9.5 miles east of the Berlin N.H. VOR (44°38'05" N., 71°11'12" W.) 355° radial, extending from the 8.5-mile radius area to 18.5 miles north of the VOR".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Errol, N.H., transition area.

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

Issued in Jamaica, N.Y., on December 10, 1969.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 69-15359, Filed, Dec. 24, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-3273]

NEVADA

Notice of Public Sale

DECEMBER 18, 1969.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 9 a.m., local time, on Wednesday, February 4, 1970, at the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108. The land is described as follows:

MOUNT DIABLO MERIDIAN

T. 14 S., R. 65 E.,
Sec. 8, SW¼NW¼.

The area described contains 40 acres. The appraised value of the tract is $4,000 and the publication costs to be assessed are estimated at $12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108, prior to 4 p.m., on Tuesday, February 3, 1970. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-3273, February 4, 1970".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale.

If no bids are received for the sale tract on Wednesday, February 4, 1970, the tract will be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning March 4, 1970.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 69-15324; Filed, Dec. 24, 1969; 8:45 a.m.]

[Wyoming 20650]

WYOMING

Rescission of Order Providing for Opening of Public Lands

DECEMBER 19, 1969.

The order providing for the opening of certain public lands which was published in F.R. Doc. 69-12427 on pages 16631 and 16632 of the issue for Friday, October 17, 1969, was unnecessary, is of no effect, and is hereby rescinded.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 69-15325; Filed, Dec. 24, 1969; 8:45 a.m.]

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK NORTH CAROLINA-TENNESSEE

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 Cades Cove Riding Stables, Inc. authorizing it to provide horse rental service for the public at Cades Cove, 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 16, 1969.

KEITH NEILSON,
Superintendent.

[F.R. Doc. 69-15326; Filed, Dec. 24, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

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

MISSISSIPPI

Calhoun.	Yalobusha.
Claiborne.	

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

Done at Washington, D.C., this 20th day of December 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-15343; Filed, Dec. 24, 1969; 8:46 a.m.]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

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

SOUTH CAROLINA

Clarendon. Sumter.

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

Done at Washington, D.C., this 20th day of December 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-15344; Filed, Dec. 24, 1969; 8:46 a.m.]

Packers and Stockyards Administration

JACKSON COUNTY LIVESTOCK CO. INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

ALABAMA

Jackson County Livestock Co. Inc., Scottsboro, Nov. 21, 1969.

GEORGIA

Gainesville Livestock Auction, Gainesville, Dec. 12, 1969.

LOUISIANA

Kentwood Livestock Sales Inc., Kentwood, Dec. 9, 1969.

MISSOURI

Montgomery County Livestock Auction Co., Montgomery City, Dec. 4, 1969.

VIRGINIA

Tri-State Livestock Market, Inc., Abingdon, Nov. 28, 1969.

Done at Washington, D.C., this 19th day of December, 1969.

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

[F.R. Doc. 69-15341; Filed, Dec. 24, 1969; 8:46 a.m.]

ROGERS LIVESTOCK SALE ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Rogers Livestock Sale, LaGrange, Ga., Apr. 23, 1962.
Tallman Bros. Auction, Columbus, N.J., Dec. 22, 1959.
Florence Auction Market, Florence, S.C., Feb. 2, 1960.
Magness-Huron Livestock Exchange, Inc., Huron, S. Dak., Sept. 26, 1955.
Farmers Live Stock Market, Bristol, Va., Jan. 13, 1938.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 19th day of December 1969.

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

[F.R. Doc. 69-15342; Filed, Dec. 24, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-140]

PEORIA, ILL.

Proposed Revocation of Designation as Port of Documentation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designation of Peoria, Ill., as a port of documentation and to conduct at and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, 10101 South Ewing Avenue, Chicago, Ill., and the office of the Commander, 2d Coast Guard District, 1520 Market Street, Federal Building, St. Louis, Mo., such documentation activities as have been performed at Peoria.

2. By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designation of Peoria, Ill., as a port of documentation; and

(b) Transfer the documentation records at Peoria of those owners residing in the 9th Coast Guard District to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, 10101 South Ewing Avenue, Chicago, Ill., and the documentation records of those residing in the 2d Coast Guard District to the office of the Commander, 2d Coast Guard District, St. Louis, Mo.; and

(c) Make Chicago the home port of all vessels whose owners reside in the 9th Coast Guard District and St. Louis the home port of all vessels whose owners reside in the 2d Coast Guard District now having Peoria as home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before January 30, 1970, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (Jan. 30, 1970). The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine Council, Room 4211, Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that it may become part of the record.

Dated: December 19, 1969.

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

[F.R. Doc. 69-15352; Filed, Dec. 24, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21101]

CHICAGO-BALTIMORE NONSTOP SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on January 13, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Prehearing Conference Report served October 16, 1969, the Supplemental Prehearing Conference Report served October 28, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 18, 1969.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[F.R. Doc. 69-15346; Filed, Dec. 24, 1969; 8:46 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, Business & Defense Services Administration. (Temporary, N.T.E. 1/31/70).

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

[F.R. Doc. 69-15348; Filed, Dec. 24, 1969; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18673-18676; FCC 69-522]

ROCHESTER RADIO CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of David H. Polinger, Richard G. Greener, and Michael J. Sears, doing business as Rochester Radio Co., Rochester, N.Y., Docket No. 18673, File No. BPH-6221, Auburn Publishing Co., Rochester, N.Y., Docket No. 18674, File No. BPH-6280, What the Bible Says, Inc., Henrietta, N.Y., Docket No. 18675, File No. BPH-6392, Monroe County Broadcasting Co., Inc., Rochester, N.Y., Docket No. 18676, File No. BPH-6397, for construction permits.

1. The above-captioned mutually exclusive applications for FM broadcast stations were designated for hearing by Commission order, FCC 69-1027, released September 29, 1969, on issues which included, among others, a financial qualifications issue as to each of the applicants. Auburn Publishing Co. (Auburn) filed the instant petition to enlarge issues on October 17, 1969.[1]

2. In support of its petition to enlarge, Auburn states that Monroe County Broadcasting Co., Inc. (Monroe) proposes to employ primarily a talk format, featuring news, discussion, and public affairs with entertainment constituting only 25 percent of its total broadcast time. Petitioner notes that Monroe proposes 42 hours per week of news, 13¾ hours of public affairs and 46⅔ hours of other programing exclusive of entertainment and sports. Monroe's entertainment programing, petitioner points out, will consist entirely of music; local news of interest to the Negro community will be broadcast every one-half hour; and Monroe's public srevice programing will include, among others, a job locator program, an ethnic community calendar and a community talent search. To accomplish this extensive local programing in 126 hours of operation each week, petitioner states, Monroe has proposed only six full-time employees with some assistance from the principals of the corporation. Auburn argues that it is impossible for the six-man staff proposed by Monroe to man the station during all the hours of operation. Moreover, petitioner argues that it will be impossible for Monroe to collect, write, and present the local news and other local public interest programs with the limited staff available to it. Auburn also argues that since all of the principals of Monroe are fully occupied by other activities, their participation will provide no solution to the problem. In further support of its position, Auburn submits the affidavit of Floyd J. Kessee, general manager of its AM station. Kessee, after noting a number of problems with respect to Monroe's proposed operation concludes: "I just don't think Monroe's proposal is feasible." Therefore, Auburn argues, an issue to determine whether the staff proposed by Monroe is adequate to effectuate its proposed operation is warranted. The Broadcast Bureau, in its statement, supports the requested issue.

3. With its opposition, Monroe submits a staffing plan in which it attempts to show that it can man its operation with the employees proposed. According to the plan, there will be an engineer-announcer or an announcer on duty for all the hours of the proposed station's operation. However, to accomplish this, one employee, the general manager—program director—sales manager will be on duty at the studio for 26 hours each week with 14 hours remaining to devote to his other activities. The chief engineer will be on duty as an announcer-engineer 36 hours each week with 4 hours remaining for other duties, and one announcer-engineer will have duty at the transmitter 29 hours each week with 11 hours remaining for other duties. Monroe notes that all of its principals will devote at least 1 day each week to the station and contends that, since each of them is a prominent local businessman, they will be in a position to provide program input to the station by virtue of their other activities. Monroe also notes that it expects a substantial amount of news and other information to be supplied by telephone. By way of further explanation, Monroe notes that some of its programs would be pretaped and that it would probably subscribe to a news service. However, in order to avoid any further question, Monroe states, it has submitted an amendment to its proposal to provide for three additional full-time employees, thus making available a total staff of nine.

4. Monroe's proposal envisions extensive public service activities on the part of its proposed station. To carry out this proposal substantial staff work will be necessary. While Monroe submitted a work schedule which adequately establishes that its station can be manned with six employees, the schedule does not demonstrate how, in addition, this limited number of employees can collect, write, produce, edit, and direct the ambitious programing it has proposed to undertake. Even assuming that three additional employees will be available to effectuate the programing, we are unable, in the absence of a more specific description of the plans envisioned, to conclude that Monroe's proposal can be accomplished. The very general explanation given by Monroe leaves unanswered many questions. For example, can its general manager-program director-sales manager, accomplish the innumerable tasks of management, program directing and sales, and work 26 of his 40 hours each week as an announcer-engineer? Even assuming there will be sufficient local program input from the principals, who will write and edit such

[1] The Board also has before it the Broadcast Bureau's statement in support of the petition to enlarge issues, filed Oct. 30, 1969; Monroe's opposition to the petition to enlarge issues, filed Nov. 17, 1969; and Auburn's reply to the opposition, filed Dec. 5, 1969.

material and coordinate the various public affairs programs? These questions, and others, cannot be answered on the basis of the pleadings before the Review Board. Accordingly, the issues will be enlarged to afford Monroe a further opportunity to justify its proposal.[2]

5. *Accordingly, it is ordered,* That the petition to enlarge issues filed by Auburn Publishing Co. on October 17, 1969, is granted and the following issue is included in the proceeding: To determine whether the staff purposed by Monroe County Broadcasting Co., Inc., is adequate to effectuate its proposed operation.

6. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under the issue added herein will be on Monroe County Broadcasting Co., Inc.

Adopted: December 18, 1969.

Released: December 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-15334; Filed, Dec. 24, 1969; 8:46 a.m.]

[Docket No. 18774; FCC 69-1402]

ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

Notice of Inquiry

In the matter of Primer on Ascertainment of Community Problems by Broadcast Applicants, Part I, section IV-A and IV-B of FCC forms.

1. The Commission has under consideration Part I, section IV-A and IV-B of FCC forms, concerning ascertainment of community problems by broadcast applicants.

2. The Federal Communications Bar Association has requested clarification of the requirements of Part I, pointing to differences in interpretations by applicants, members of the said Bar Association and the Commission's staff.

3. The Commission has developed the attached Primer to assist in clarifying those requirements. The Primer, with answers to commonly-raised questions, sets forth interpretations which the Commission proposes to follow.

4. Applicants whose showings in Part I, section IV-A and IV-B are deficient can amend as a matter of right prior to designation for hearing; and, if in hearing, petitions for leave to amend may be granted where it is shown that the particular deficiency was due to lack of clarity in policy remedied by the Primer.

5. Before finalizing the questions and answers in the Primer, the Commission invites comments by interested parties, including consideration as to better phrasing of, and additions to, the questions and answers therein.

6. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this notice of inquiry may file comments on or before January 30, 1970. An original and 14 copies of each response must be filed as required by § 1.419 of the Commission's rules.

Adopted: December 19, 1969.

Released: December 19, 1969.

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

FEDERAL COMMUNICATIONS COMMISSION

PREMIER ON PART I—SECTION IVA-A AND IV-B OF APPLICATIONS FORMS CONCERNING ASCERTAINMENT OF COMMUNITY PROBLEMS AND BROADCAST MATTER TO DEAL WITH THOSE PROBLEMS

A. General

1. *Question.* With what applications must Part I, section IV (A or B) be submitted?

Answer. With applications for:

a. Construction permit for new broadcast stations (except for operation on noncommercial educational FM and TV channels).

b. Construction permit for major change in authorized facilities when the area within the station's service contour (Grade B contour for TV, 1 mV/m contour for FM, and 0.5 mV/m for AM) is increased by 50 percent.

c. Construction permit or modification of license to change station location.

d. Construction permit for new nighttime service by an AM station.

e. Construction permit for satellite television station (including 100 percent satellite).

f. Renewal of broadcast license.

g. Assignment of broadcast license or transfer of control (except in pro forma cases where Form 316 is appropriate).

2. *Question.* What if section IV (A or B) has already been recently submitted?

Answer. Needless duplication of effort will not be required. Prior filings by the same applicant will generally be acceptable if filed within the previous year.

3. *Question.* What is the general purpose of Part I, Section IV-A or B?

Answer. To show what the applicant has done to ascertain the needs and interests of the people in his community of license and the adjacent areas he undertakes to serve as stated by the applicant in answer to Question 1(a) of section IV-A and IV-B (see also Question 6, below), and what programs and services he proposes in order to meet those needs and interests as evaluated. "Needs and interests" are to be considered generally synonymous with "community problems", and the word problems will be used hereinafter in this primer. However, there may be "needs" of the community (e.g., stated needs for more local news or religious programing) apart from community problems, and such needs should not be overlooked or disregarded. Report and Statement of Policy Re: Commission En Banc Programing Inquiry, F.C.C. 60-970, July 29, 1960, 20 R.R. 1901, 1915.

4. *Question.* How should ascertainment of community problems be made?

Answer. By consultations with leaders of a representative range of groups in the community to be served as to the problems of the community from the standpoint of the group which each represents. To know what would constitute a "representative range of groups", the applicant should determine the composition of the community, i.e., what kinds of groups are involved in the total make-up of the community. The applicant should also consult with a representative range of members of the general public who may not be officials of such organizations. The applicant should indicate, by cross-sectional survey, statistically reliable sampling, or other valid method, that the range of groups, leaders and individuals consulted is truly representative of the economic, social, political, cultural, and other elements of the community.

5. *Question.* Can an applicant rely upon long-time residency in, or familiarity with, the area instead of making a showing that he has ascertained community problems?

Answer. No. Such an ascertainment is mandatory.

6. *Question.* Is an applicant expected to ascertain community problems outside the community of license?

Answer. Yes. Of course, an applicant's principal obligation is to ascertain the community problems of his community of license. But he should also ascertain the needs and interests of other communities which he has stated that he undertakes to serve. (See, for example, his answer to Part I, Question 1, A. (2) of section IV-A and IV-B of the FCC Form.) Stations or applicants for multiple, hyphenated cities, or SMSA metropolitan areas, are expected to ascertain problems in each of the cities.

7. *Question.* Must the ascertainment of community problems for the outlying areas be as extensive as for the city of license?

Answer. No. However, it should be adequate to indicate that the applicant has determined whether problems exist there with which he should deal in fulfilling his responsibility to the area which he is licensed to serve.

8. *Question.* Should an applicant for a major change in facilities make a new ascertainment of community problems for the entire service area or just the additional area to be served?

Answer. No ascertainment need be undertaken unless the new area will increase by 50 percent the total coverage area. Only the additional area to be served need be subjected to a new ascertainment of community problems. Only communities or areas covered by Question 6 need be ascertained.

9. *Question.* How does an applicant determine the composition of the city of license and the area he is licensed to serve in order to know that the community leaders and members of the general public consulted in ascertaining community problems are representative of the community or area?

Answer. There is no pat answer. The applicant may use any valid method he chooses. To be valid, the method must rest upon good faith efforts and sound principles. Guesswork or estimates based on alleged area familiarity are inadequate. Data from the U.S. Census Bureau, Chamber of Commerce, and other reliable studies or reports are acceptable, as are statistically reliable samplings and cross-sectional surveys. (See generally Question and Answer 4.)

10. *Question.* If the applicant shows consultations with leaders of groups and organizations which constitute a cross-section of an average community, e.g., economic, social, political, cultural and other elements of the community such as government, education, religion, agricultural, business, labor, the professions, racial and ethnic groups, and eleemosynary organizations, is the applicant still required to submit a showing in support of its determination of the composition of the community or area?

Answer. A showing of consultations with leaders from the above-enumerated cross-section of groups would be a prima facie

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[2] Cf. News-Sun Broadcasting Co., 8 FCC 2d 540, 10 RR 2d 218 (1967).

[3] Review Board Member Slone absent.

[1] Commissioners Burch, chairman; Robert E. Lee, and Wells concurring in the result.

indication that those consulted are a representative range. The showing would be subject to question, however, on an allegation that the particular community differs from the average and that, therefore, the groups were not truly representative. Such attacks on the showing by petitions to deny, or to enlarge issues, etc., would be judged on their individual merits.

B. Consultations with Community Leaders and Members of the General Public.

11.a. *Question.* Who should conduct the consultations with community leaders?

Answer. Principals or top-level employees or prospective employees of the applicant.

11.b. *Question.* Who should conduct consultations with members of the general public?

Answer. The applicant may, in addition, rely on persons not in the above categories to conduct consultations with the general public. The applicant will be considered responsible for the reliability of such "outside" services.

12. *Question.* May a professional research or survey service be used to conduct the consultations?

Answer. A professional service, by itself, does not effectuate a dialogue between responsible parties in the applicant and community leaders and members of the general public. Thus, it is inadequate. A professional service, however, could be used to provide the applicant with background data for actual consultations by the applicant. The consultations should establish a dialogue so that the applicant will have a better understanding of the needs of the area to be served in the public interest.

13.a. *Question.* With what community leaders should the consultations be held?

Answer. With leaders in community life—such as government, education, religion, agriculture, business, labor, the professions, racial and ethnic groups, and eleemosynary organizations.

13.b. *Question.* With what members of the general public should consultations be held?

Answer. Consultations with members of the general public should be held with a representative range (see Question and Answer 4) and should be designed to solicit information on community problems which may not have been revealed by consultations with officials or formal organizations. Groups with the greatest problems and needs may be the least organized and have the fewest recognized spokesmen; thus, additional effort may be necessary to ascertain their needs and problems.

14. *Question.* How many should be consulted?

Answer. A sufficient number to constitute a representative range of groups and leaders and members of the general public to give the applicant a valid basis for determining the problems of the community. The number of consultations will vary, of course, with the size of the city in question and the number of distinct groups or organizations. No formula has been adopted as to the number of consultations in the city of license compared to other communities falling within the station's service contours. Applicants for stations licensed to relatively small communities which are near large communities are reminded that an ascertainment of community problems concerned primarily with the larger city raises a question as to whether the station will realistically serve the smaller city, or whether a station has abandoned its obligation to its city of license.

15. *Question.* When should the consultations be held?

Answer. While licensees are expected to remain conversant with, and attentive to, community problems throughout the license period, a new ascertainment should be made within six (6) months of filing the renewal application. The applicant for new facilities, a major change, or the party filing the assignee or transferee portion of an application for assignment and transfer would be expected to hold his consultations within six (6) months of the filing of the application.

16. *Question.* Is a showing on ascertainment of community needs defective if one of the groups in the composition of the community, as disclosed by the applicant's study, is not consulted?

Answer. It is defective if omission of that group would leave the applicant without "a representative range of groups and leaders" consulted (See Public Notice, August 22, 1968, F.C.C. 68-847). Moreover, omission of consultation with a significant group in the composition of the community would leave the process of group selection subject to question. (See Question and Answer 13.)

17. *Question.* May consultation be omitted if information as to community problems is elicited by notices placed in newspapers or broadcast over the air, by "open mike" programs, by talk programs, by letters to the station, by advisory groups, etc.?

Answer. No. Such methods may be useful but are inadequate to replace consultations with community leaders and the general public. (See Answer to Question 4, above.)

18. *Question.* In consultations to ascertain community problems, may a preprinted form or questionnaire be used?

Answer. Its use is not precluded as a basis for the consultations. It would serve as a useful guide for the consultations. If used by the applicant, a copy of the form should be submitted with the application. If such a form or questionnaire is mailed to community leaders, and no consultations are held, the showing would be considered deficient as to ascertainment of community problems through community leaders. A form letter or questionnaire could be used, in conjunction with other methods, for consulting the General Public.

19. *Question.* In consulting with leaders to ascertain community problems, should an applicant also elicit their opinion on what programs the applicant should broadcast?

Answer. It is not the purpose of the consultations to elicit program suggestions. (See Question and Answer 3.) The purpose is to ascertain what the person consulted believes to be the problems of the community from the standpoint of his particular group or organization. Thus, a leader in the educational field would be a useful source for information as to educational matters; a labor leader, on labor matters; a business leader, on business matters, etc. The applicant, the broadcaster, is considered to have expertise in programing, and he has the responsibility for determining what broadcast matter he believes should be presented to provide information on the community problems as he has ascertained them and evaluated them.

20. *Question.* If, in consulting with community leaders, an applicant gets little information as to the existence of community problems, can he safely assume that only a few problems actually exist?

Answer. No. The assumption is not a safe one. The applicant should reexamine his efforts to determine whether the scope and depth of his consultations have been meaningful and adequate.

21. *Question.* In responding to Part I of Section IV–A and IV–B, how should the applicant identify the community leaders who were consulted?

Answer. By name, position and organization of each.

22. *Question.* Should his information as to community problems from the standpoint of the group which he represents be set forth after his name?

Answer. It is not required, but the applicant may find it desirable. The information can be set forth in a general list of all community problems. (See Question and Answer 23.)

C. Suggestions Received.

23. *Question.* Must information as to all community problems which were revealed by the consultations, be included in the applicant's showing?

Answer. All significant community problems should be listed, whether or not he proposes to treat them through his broadcast matter.

D. Applicant's Evaluation.

24. *Question.* What is meant by an "applicant's evaluation" of the information received as to problems of the community?

Answer. The applicant is to evaluate the relative importance of the problems for consideration in formulating the station's overall program service.

25. *Question.* Is the applicant's evaluation to be included in his application?

Answer. It is not required. Where the applicant's programing proposals do not appear responsive to the community problems disclosed by his consultations, the applicant may be asked by letter of inquiry from the Commission to explain.

26. *Question.* Must an applicant plan broadcast matter to deal with all community problems disclosed by his consultations?

Answer. Not necessarily. However, he is expected to determine on a good faith basis which of such problems merit treatment by the station and how, i.e., by what kind of broadcast matter.

27. *Question.* If an applicant lists several suggestions as to community problems but in his evaluation determines that he will broadcast programs to treat only one or two problems, would the proposal be defective?

Answer. A prima facie question would arise as to how the proposal would serve the public interest, and the applicant would have the burden of establishing that his evaluation was valid and his proposal satisfactory.

28. *Question.* As a result of the evaluation process, is an applicant expected to propose broadcast matter to meet community problems in proportion to the number of people involved in the problem?

Answer. No. The evaluation process is for the purpose of determining the relative importance of suggestions as to community problems, the timeliness of the various suggestions, and the extent to which the applicant can furnish broadcast matter to meet the problems. It could be that a suggested problem for a beautification program affecting nearly all of the people would not have the relative importance and immediacy of a problem relating to inadequate hospital facilities affecting only a small percentage of the community but in a life-or-death way.

E. Broadcast Matter Proposed to Meet the Problems as Evaluated.

29. *Question.* What is meant by "broadcast matter"?

Answer. Programs and public service announcements.

30. *Question.* In the application, must there be a showing as to what program the applicant is proposing to meet what problem?

Answer. Yes. F.C.C. Public Notice, F.C.C. 68-847, August 22, 1968, page 2. The applicant should give the title, time segment, duration, frequency of broadcast and description of the program and the community problem which is to be treated by it. One appropriate way would be to list the programing service and, after it, the particular problem which the programing service is

being proposed to meet. If announcements are proposed, instead of a program, they should be identified with the community problem which they are to meet.

31. *Question.* Can an applicant specify only announcements and no programs to deal with community problems?

Answer. A proposal to present announcements only would raise a question as to the adequacy of the proposal. The applicant would have the burden of establishing that announcements would be the most effective method for providing information on the community problems he proposes to treat. If the burden is not met by the showing in the application, it is subject to further inquiry.

32. *Question.* What is meant by devoting a "significant proportion" of a station's programing to dealing with community problems (*City of Camden et al.*, 18 FCC 2d 412, 421)?

Answer. There is no single answer for all stations. The time required to deal with public problems can vary from community to community and from time to time within a community. Initially, this is a matter for the good faith judgment of the applicant. The judgment must be supportable and valid.

33. *Question.* Is it sufficient to state in the application that "programs will be broadcast from time to time to help meet community problems", or "news, talk and discussion programs will be used to meet community problems"?

Answer. No. Such statements are too general. As indicated above, the application must show what program (by title, time segment, duration, frequency and description) is proposed to meet what problem. If announcements are proposed, they must be identified with the problem they are to meet, and their length, duration and frequency of proposed use must be given.

34. *Question.* Can station editorials be used to discuss and present information on community problems?

Answer. Yes.

35. *Question.* Can news programs be considered as programing to present information on community problems?

Answer. Yes. However, they cannot be relied upon exclusively. Most broadcast stations, of course, carry news programs regardless of community problems. News programs are usually considered by the people to be a factual report of events and matters—to keep the public informed—and, therefore, are not designed primarily for dealing with community problems.

36. *Question.* If the station has a specialized format (all news, rock and roll, religious, etc.), must it present programing service dealing with community problems?

Answer. Yes. The programs and public service announcements can be fitted into the format of the station.

37. *Question.* May an applicant rely upon activities other than programming in dealing with community problems?

Answer. No. Many broadcasters do participate personally in civic activities, but the Commission's concern must be with the licensee's stewardship of his broadcast time in serving the public interest.

38. *Question.* Are there any requirements as to when broadcast matter dealing with community problems should be presented?

Answer. No. The licensee is expected to schedule the time of presentation on a good faith judgment as to when it could reasonably be expected to be effective.

[F.R. Doc. 69-15335; Filed, Dec. 24, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

FLOTA MERCANTE GRANCOLOMBIANA, S.A., AND GRACE LINE, INC.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Arthur C. Novacek, President, Grace Line Inc., Three Hanover Square, New York, N.Y. 10004.

Agreement No. 9833, between Flota Mercante Grancolombiana, S.A., and Grace Line Inc., provides for the establishment of a pooling agreement between the parties on all cargo (except mail, passenger baggage, automobiles accompanying passengers, bananas, explosives, livestock and bullion) carried in the trade between the U.S. ports of New York, Philadelphia, Baltimore, and Jacksonville and the Colombian ports of Santa Marta, Barranquilla, Cartagena, and Buenaventura.

The parties have agreed to provide a minimum number of sailings southbound and northbound, such minimum to vary based upon the port(s) from which sailings are made. Separate southbound and northbound pools shall be established and each pool shall be computed on a calendar year basis. The agreement also provides that each party will use its best efforts to secure for the other party the benefit of its nation's decrees, legislation and/or administrative rules and regulations regarding the reservation of cargo to its nation's merchant marine.

Dated: December 22, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15349; Filed, Dec. 24, 1969; 8:46 a.m.]

FRENCH NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mrs. M. Lambert, Secretary, French North Atlantic Westbound Freight Conference, 85, Rue de la Republique—D-4, 92—Meudon, France.

Agreement No. 7810-6, between the member lines of the French North Atlantic Westbound Freight Conference, provides for the deletion of Article 14 which excepted cargo within the scope of the Swiss/North Atlantic Freight Conference from the application of the basic agreement. In consequence, Articles 15 and 16 are renumbered "14" and "15," respectively.

Dated: December 22, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15350; Filed, Dec. 24, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-828, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 17, 1969.

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 4, 1970.

By the Commission.

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

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-828	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	205	6	Phillips Petroleum Co.[3] (Fradean Field, Upton County, Tex.) (R.R. District No. 7-C).	$1,200	11-19-69	[4] 12-20-69	[5] 12-21-69	13.0	[6] [7] 14.0	
RI70-829	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	50	19	Northern Utilities, Inc., and Kansas-Nebraska Natural Gas Co., Inc., (Riverton Dome Field, Fremont County, Wyo.).	6,768	11-17-69	[4] 12-18-69	[5] 12-19-69	[10] 16.0	[8] [11] 16.24	RI68-477.
	do	277	7	do	8,046	11-17-69	[4] 12-18-69	[5] 12-19-69	18.0	[8] [11] 18.18	RI69-200.
	do	291	2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	16	11-17-69	[4] 12-18-69	[5] 12-19-69	13.0	[8] [11] 13.13	
	do	298	2	Montana-Dakota Utilities Co. (Indian Butte Field, Fremont County, Wyo.).	[12]	11-17-69	[4] 12-18-69	[5] 12-19-69	15.384	[8] [11] 15.53784	
	do	559	2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	7	11-17-69	[4] 12-18-69	[5] 12-19-69	13.0	[8] [11] 13.13	
	do	590	1	El Paso Natural Gas Co. (Mickelson Creek Unit, Sublette County, Wyo.).	4	11-17-69	[4] 12-18-69	[5] 12-19-69	14.0	[8] [11] 14.21	
RI70-830	Atlantic Richfield Co. (Operator) et al.	476	2	Kansas-Nebraska Natural Gas Co., Inc., (Castle Garden Field, Fremont County, Wyo.).	475	11-17-69	[4] 12-18-69	[5] 12-19-69	16.0	[8] [11] 16.24	RI69-143.
	do	612	1	Montana-Dakota Utilities Co. (Gillett Gas Plant, Campbell County, Wyo.).	3,090	11-17-69	[4] 12-18-69	[5] 12-19-69	15.384	[13] 15.507	
RI70-831	J. M. Huber Corp., 2300 West Loop, Houston, Tex. 77027.	[9] 67	1	Cities Service Gas Co. (Northwest Boggs Field, Barber County, Kans.).	703	11-19-69	[4] 12-22-69	[5] 12-23-69	[14] 14.0	[8] [14] 15.0	

[3] Resold to El Paso Natural Gas Co. under Phillips Petroleum Co. (Operator) Rate Schedule No. 9.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] Tax reimbursement increase. Reflects two times the normal contract rate of severance tax reimbursement applicable to calendar year 1968 and thereafter, until recoupment of amount due for past payment.
[10] Prior rate of 14 cents effective subject to refund in Docket No. RI68-90.
[11] Pressure base is 15.025 p.s.i.a.
[12] No current sales.
[13] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and increased rate does not exceed initial area rate ceiling of 16 cents per Mcf.
[14] Subject to a downward B.t.u. adjustment.

Atlantic Richfield Co. and Atlantic Richfield Co. (Operator) et al. (Atlantic), request that their proposed rate increases be permitted to become effective as of December 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Atlantic's rate filings and such requests are denied.

Gulf Oil Corp. (Gulf) proposes a rate increase to 14 cents for a sale of gas to Phillips Petroleum Co. (Phillips) in the Permian Basin Area of Texas. Although the proposed rate is below the applicable area ceiling rate of 17.952 cents per Mcf, the related contract contains a provision that in the event Phillips' resale rate to El Paso Natural Gas Co. (El Paso) is reduced below 13.25 cents per Mcf by the Commission, Gulf's rate shall be reduced by an amount equal to the amount Phillips' rate falls below 13.25 cents. Phillips is currently collecting a rate of 14.8767 cents per Mcf subject to refund in Docket No. RI68-529. The applicable area ceiling rate for Phillips' resale to El Paso is 11.59 cents per Mcf. In view of the contractual refund possibility by Gulf to Phillips, we believe that Gulf's proposed rate increase should be suspended for 1 day from December 20, 1969, the proposed effective date.

The contract related to J. M. Huber Corp.'s (Huber) rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed 15 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas but does not exceed the initial service ceiling of 16 cents per Mcf for the area involved. We believe, in this situation, Huber's proposed rate increase should be suspended for 1 day from December 22, 1969, the proposed effective date.

Atlantic's proposed increases reflect partial reimbursement of a severance tax recently enacted by the State of Wyoming. The proposed increases reflect a double amount of the contractually entitled tax reimbursement to provide reimbursement taxes applicable to future production as well as reimbursement for taxes applicable to past production back to January 1, 1968. Accordingly, we shall suspend the proposed increases for one day from December 18, 1969, the expiration date of the statutory notice.

After the amounts of tax reimbursement applicable to past production have been recovered, Atlantic shall file appropriate decreases under its FPC Gas Rate Schedules suspended above to reduce the rates proposed herein so as to provide for tax reimbursement for future production only. Atlantic will also be required to refund any reimbursement relating to the Wyoming tax collected in these proceedings in the event the tax is for any reason held invalid upon judicial review.

[F.R. Doc. 69-15312; Filed, Dec. 24, 1969; 8:45 a.m.]

[Project 2704]

OHIO POWER CO.

Notice of Application for Preliminary Permit for Unconstructed Project

DECEMBER 18, 1969.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Ohio Power Co. (correspondence to: H. B. Cohn, Vice President, Ohio Power Co., Post Office Box 18, Bowling Green Station, New York, N.Y. 10004) for unconstructed Project No. 2704, known as the Greenup Locks and Dam Project, to be located on the Ohio side of the Ohio River at the U.S. Corps of Engineers' Greenup Dam, in the County of Scioto, State of Ohio, and in the region of the towns of Ironton and Portsmouth, Ohio, and the town of Greenup, Ky., and would affect lands of the United States under the supervision of the U.S. Corps of Engineers and would utilize water from the Government dam.

According to the application, the proposed project would consist of an installation of low-head hydroelectric generating units. The number, size, preferable type and total capacity of the units are as yet undetermined.

The city of Vanceburg, Ky., was issued a preliminary permit for unconstructed Project No. 2614, to consist of hydroelectric facilities at the U.S. Corps of Engineers' Greenup Dam. (38 FPC 881). The permit was issued for a period of 24 months, effective as of October 1, 1967. On September 30, 1969, the city filed application for a 60-day extension of the period of the permit from October 1, 1969, and on October 10, 1969, the city filed for an extension of 6 months from October 1, 1969. The application was denied by Commision order issued December 15, 1969.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1970, 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15309; Filed, Dec. 24, 1969; 8:45 a.m.]

[Project 135]

PORTLAND GENERAL ELECTRIC CO.

Notice of Application for Amendment of License for Partly Constructed Project

DECEMBER 17, 1969.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Portland General Electric Co. (correspondence to: Waldemar Seton, Vice President, Portland General Electric Co., Electric Building, Portland, Oreg. 97205) for partly constructed Project No. 135, located on Oak Grove Fork of Clackamas River in Clackamas County, Oreg., some 20 miles from the town of Estacada, and affecting lands of the United States within Mount Hood National Forest.

The application seeks to eliminate from the license a once-proposed addition to the project known as the Big Bottom Diversion, the construction of which had been authorized in part by the license for the project. During the years 1931 and 1932, construction work proceeded on the initial stages of the Big Bottom Diversion and 3,600 lineal feet of the tunnel were driven. However, the Diversion, which was never completed, was to have consisted of a low diversion dam on the main fork of Clackamas River, a 19,600-foot tunnel and a 2,800-foot wood flume to divert water from the main stem of Clackamas River to the Oak Grove Fork, and a second generating unit in the powerhouse. The application for amendment states that construction of the Big Bottom Diversion would not provide an appreciable amount of power at a competitive cost and could have a detrimental effect on the fish and wildlife resources in the area in that the approximately 100 acres required for the diversion pond would inundate some river gravel beds which are potential spawning areas for anadramous fish and would reduce the winter forage area for herds of elk and deer which frequent the area.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15310; Filed, Dec. 24, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Order

DECEMBER 18, 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 19, 1969, through December 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15327; Filed, Dec. 24, 1969; 8:45 p.m.]

[812-2660]

FIRST SECURITY GROWTH FUND, INC.

Notice of Application for Exemption

DECEMBER 22, 1969.

Notice is hereby given that First Security Growth Fund, Inc. ("First Security"), 100 Continental Building, Omaha, Nebr. 68102, an open-end management investment company organized under the laws of Delaware and registered under the Investment Company Act of 1940 ("Act"), and Fund Management, Inc. ("Management"), which acts as investment adviser to and principal underwriter for First Security ("Applicants"), have filed an application pursuant to section 6(c) of the Act, requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the sale by Applicants of redeemable Securities of First Security at a price other than the current offering price described in the prospectus to the 21 persons currently purchasing shares of First Security under Letters of Intent executed prior to November 17, 1969.

Shares of First Security are currently offered to the general public at a price which is the net asset value per share at the time of purchase plus a sales charge which varies from a maximum of 6⅞ percent for purchases of less than $5,000 to a minimum of 1 percent for purchases of $500,000 and over. First Security has obtained shareholder approval of a new schedule of volume discount levels and higher sales charges to be incorporated in its underwriting agreement with Management. The increased sales charges will be effective January 1, 1970.

Section 22(d) of the Act provides in substance that no registered investment company shall sell any redeemable security issued by it, and no principal underwriter of such security shall sell any such security except at a current public offering price described in the prospectus. Rule 22d-1(a) permits a purchaser under a Letter of Intent to purchase a specified aggregate dollar amount of Fund shares over a 13-period at the price which would have been applicable to a single purchase of the specified amount provided that the scale of reducing sales load and the method of computation utilized shall be specifically described in the prospectus and shall be applicable to all persons.

Applicants state that the purpose of the Letter of Intent procedure in Rule 22d-1(a) is to allow a purchaser to make periodic fund share purchases as if he were purchasing in a single transaction. If each of the 21 persons described above had purchased the amount designated in his Letter of Intent at the time he signed the Letter, he would have received the benefits of the pre-January 1, 1970 schedule of charges and volume discounts. Applicants further state that in order to implement the purpose of Rule 22d-1(a) the persons mentioned above should be allowed to complete their Letters of Intent under the old schedule of charges and volume discounts.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 31, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-15330; Filed, Dec. 24, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 22, 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. 41830—*Livestock from and to points on the Union Pacific Railroad Co.* Filed by the Union Pacific Railroad Co. (No. 137), for and on behalf of itself. Rates on livestock, ordinary, also feeder or stocker, in carloads, as described in the application, from points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming, to Denver, Colo.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

FSA No. 41831—*Rubber—Louisiana and Texas to the East.* Filed by Waterways Freight Bureau for and on behalf of carriers parties to Agent Wesley A. Rogers tariff ICC No. 12 and Union Barge Line Corp. tariff ICC No. 30. Rates on rubber as described in the application, from points in Louisiana and Texas, to points in the East.

Grounds for relief—Different basis of rates.

By the Commission.

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

[F.R. Doc. 69-15337; Filed, Dec. 24, 1969; 8:46 a.m.]

[Notice 964]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 19, 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 33641 (Sub-No. 92 TA), filed December 9, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, 2175 South 3270 West Street, Salt Lake City, Utah 84110. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite and facilities of National Lead Co. at or near Rowley, Utah, as an off-route point in connection with applicant's presently authorized regular routes, for 180 days. NOTE: Applicant intends to tack the authority here applied for to other authority held by it, or to interline with other carriers, with MC-33641 and subs. Supporting shipper: National Lead Co., Traffic Department, 111 Broadway, New York, N.Y. 10006 (Robert S. Vonnahme, General Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 97275 (Sub-No. 22 TA), filed December 9, 1969. Applicant: ESTES EXPRESS LINES, a corporation, 1405 Gordon Avenue, Richmond, Va. 23224. Applicant's representative: Robey W. Estes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular 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 commodities requiring special equipment), between Conway, N.C., and Boykins, Va., serving all intermediate points, from Conway over North Carolina Highway 35 to the North Carolina-Virginia line, thence over Virginia Highway 35 to Boykins, and return over the same route, for 180 days. NOTE: Applicant intends to tack with existing authorities at both Conway, N.C., and Boykins, Va. Applicant also states that tacking is desired in order to interline with other common motor carriers at North Carolina gateways such as Charlotte and Greensboro, and Virginia gateway of Norfolk. Plus, providing the ability to deliver to the Tidewater Area of Virginia, including Suffolk and Franklin, without the circuitry of a now existing Richmond, Va., gateway. The North Carolina gateways would enable applicant to provide service between the proposed area and the Southeastern States of Alabama, Florida, Georgia, and South Carolina.

Supporting shipper: Johnson Manufacturing Co., Inc., Post Office Box 49, Pendleton, N.C. 27862. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 116763 (Sub-No. 157 TA), filed December 9, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet;* and (2) *commodities used in the installation and distribution of carpet*, from Lakeland, Fla., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Florida Tile Industries, Inc., 608 Prospect Street, Lakeland, Fla. 33802. Send protests to: Emil P. Schwab, District Supervisior, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 127657 (Sub-No. 2 TA), filed December 9, 1969. Applicant: HAWAIIAN PACKING AND CRATING COMPANY, LTD., 611 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square S., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods, as defined by the Commission ordinarily transported in dump trucks, between points in the State of Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii, for 180 days. NOTE: Applicant proposes to enter into joint through motor-water-motor rates under section 216(c) of the Act. Supporting shippers: United Premium Supply Corp., 727 Waiakamilo Road, Honolulu, Hawaii 96817; Kuni Dry Goods, Ltd., 2575 South King Street, Honolulu, Hawaii 96814; Precision Radio, Ltd., Post Office Box 2573, Honolulu, Hawaii 96803; Chloro Guard, 1481 South King Street, Suite 427, Honolulu, Hawaii 96814. 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 133453 (Sub-No. 5 TA), filed December 10, 1969. Applicant: M. MILESTONE, INC., Delaware Avenue and Jackson Street, Philadelphia, Pa. 19105. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, Pa. 19038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, in containers, between Pennsauken, N.J., Darby, Pa., and Wilmington, Del., for 180 days. Supporting shipper: Pepsi-Cola Bottling Co. of Pennsauken, N.J., 8191 U.S. Route 130, Pennsauken, N.J. 08110. Send protests to: Peter R. Guman, District Supervisor, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 134195 TA, filed December 10, 1969. Applicant: C. H. B. GRAIN CO., INC., 116 Ruhlin Court, Post Office Box 21, El Paso, Tex. 79940. Applicant's representative: J. Sam Moore, Jr., 11th Floor, El Paso National Bank Building, El Paso, Tex. 79901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed or mixed agricultural and dairy feed*, between El Paso, Tex., and Albuquerque, N. Mex., in Bernalillo County, N. Mex., for 180 days. Supporting shipper: Price's El Paso Dairy, 7345 North Loop Road, Post Office Box 26339, El Paso, Tex. 79926. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 134196 TA, filed December 10, 1969. Applicant: LUGOFF CONSTRUCTION COMPANY, Route No. 1, Box 341, Lugoff, S.C. 29078. Applicant's representative: J. Clator Arrants, Post Office Box 213, Camden, S.C. 29020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canvas footwear*, in trailers having subsequent movement by rail, from the plant and warehouse site of B. F. Goodrich Footwear Co., Elgin, S.C., to railroad loading site, Camden, S.C.; empty trailers, from Camden Footwear Co., Elgin, S.C., for 180 days. Supporting shipper: B. F. Goodrich Footwear Co., U.S. Highway No. 1, Elgin, S.C. 29045. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 134199 TA, filed December 11, 1969. Applicant: CRAIG D. CARROLL, doing business as CARROLL TRUCKING, 3314 Second Avenue N., Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from Great Falls, Mont., to Pocatello, Idaho, for 180 days. Supporting shipper: Eddy Bakeries Co., 16 Edwards, Helena, Mont. 59601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

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

[F.R. Doc. 69-15339; Filed, Dec. 24, 1969; 8:46 a.m.]

[Notice 965]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 22, 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 263 (Sub-No. 191 TA), filed December 12, 1969. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission commodities of unusual value, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the National Lead Co., plantsite at Rowley, Utah, as an off-route point in connection with carriers authorized regular-route operations, for 180 days. NOTE: Applicant intends to tack with MC-263 (base certificate) and also subs 20 and 72. Supporting shipper: National Lead Co., Traffic Department, 111 Broadway, New York, N.Y. 10006. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Court House, 550 West Fort Street, Boise, Idaho 83702.

No. MC 2202 (Sub-No. 384 TA), filed December 9, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: W. F. Stiegele (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; (1) serving points within 20 miles of Erie, Pa., as off-route points in connection with applicant's present authority to serve Erie, Pa.; (2) serving Sharon, Pa., as an off-route point in connection with applicant's present regular-route authority, for 180 days. NOTE: Roadway Express, Inc. presently holds regular route authority to serve Erie, Pa., and points within its commercial zone of 5 miles of the city limits. Applicant also will tack with authority in MC-2202 and all subs thereto and will effect interchange at all service points. Supporting shippers: There are approximately 38 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, Ohio 44199.

No. MC 51146 (Sub-No. 153 TA), filed December 8, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products and materials, equipment and supplies used in the manufacture and distribution of paper and paper products*, when moving with paper and paper products, from Marshall, Mich., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacture and distribution of paper and paper products and *return shipments of paper and paper products*, from points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Marshall, Mich.; restricted against the transportation of commodities in bulk and is restricted to traffic originating at the plant and warehouse sites of St. Regis Paper Company at Marshall, Mich., for 180 days. Supporting shipper: St. Regis Paper Co., 1514 East Thomas Avenue, Milwaukee, Wis. 53201 (J. T. Williams, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 55889 (Sub-No. 32 TA) (Correction), filed December 4, 1969, published FEDERAL REGISTER, issue of December 19, 1969, and republished as corrected this date. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426. Applicant's representative: G. Mack Dove (same address as above). The purpose of this republication is to correct U.S. Highway 299 to read U.S. Highway 29. The remainder of the previous publication reads correctly.

No. MC 133123 (Sub-No. 2 TA), filed December 10, 1969. Applicant: RUJAC TRUCKING CORP., 43-30 24th Street, Long Island City, N.Y. 11101. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods*, from Arbutus (Baltimore, Md.), to points in Delaware, Virginia, West Virginia, and District of Columbia, for 180 days. Supporting shipper: Panasonic New York, Division of Matsushita Electric Corp. of America, 43-30 24th Street, Long Island City, N.Y. 11101. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133668 (Sub-No. 1 TA), filed December 12, 1969. Applicant: PIELEMEIER TRANSPORTATION, 1920 Vista Avenue, Sierra Madre, Calif. 91024. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green and preripened bananas, in mixed shipments with exempt commodities*, as described in section 203(b)(6) of the Interstate Commerce Act, from points in the Los Angeles Harbor commercial zone, California, to points within a radius of 10 air miles of Phoenix and Tucson, Ariz., for 180 days. Supporting shipper: Associated Grocers, 624 South 25th Avenue, Post Office Box 20511, Phoenix, Ariz. 85036. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133928 (Sub-No. 2 TA), filed December 11, 1969. Applicant: ANTHONY H. OSTERKAMP, JR., doing business as OSTERKAMP TRUCKING, 764 North Cypress Street, Orange, Calif. 92666. Applicant's representative: Donald Murchison, Suite 211 Paris Building, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural field equipment or harvesting equipment, or* (2) *parts thereof* and (3) *materials and supplies used in the harvesting or distribution of agricultural commodities*, on Flatbed Vehicles, between points in California, on the one hand, on the other, points in Arizona, under contract with Bud Antle, Inc., for 150 days. Supporting shipper: Bud Antle, Inc., Post Office Box 1759, Salinas, Calif. 93901. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134202 (Sub-No. 1 TA), filed December 12, 1969. Applicant: GERALD AMUNDSON, doing business as AMUNDSON TRUCKING, Route 2, Bemidji, Minn. 56601. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt*

beverages, from St. Louis, Mo., to Bemidji, Minn., for 180 days. Supporting shipper: Big North Distributing Co., Post Office Box 216, Bemidji, Minn. 56601. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 657 Second Avenue N., Room 268, Fargo, N. Dak. 58102.

No. MC 134211 TA, filed December 12, 1969. Applicant: CRAIG HENDERSON, doing business as C. H. TRANSPORT, Route 1, Box 11, Walton, W. Va. 25286. Applicant's representative: John M. Friedman, 410 Lawson Street, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipe or metal pipe fittings, and materials, and supplies* used in the manufacture of plastic pipe and pipe fittings, between the plantsite of the 4-D Manufacturing Co., Glenville, W. Va., and points in Pennsylvania, Ohio, Kentucky, Indiana, and Illinois, for 180 days. Supporting shipper: 4-D Manufacturing Company, Post Office Box No. 397, Glenville, W. Va. 26351, Attention: Mr. Ronald Parsons, Distribution Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

By the Commission.

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

[F.R. Doc. 69-15338; Filed, Dec. 24, 1969; 8:46 a.m.]

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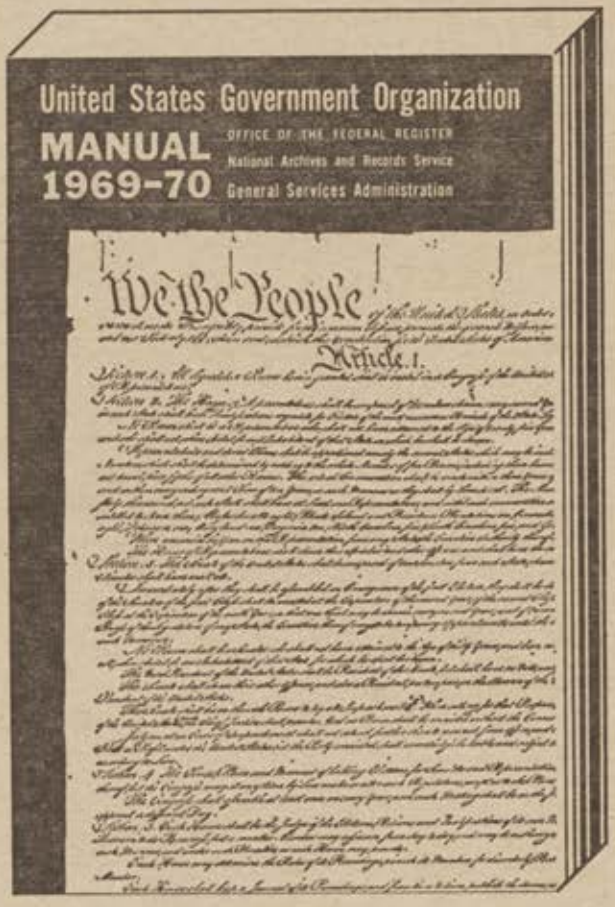

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