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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3917

PROFESSIONAL PHOTOGRAPHY WEEK IN AMERICA

By the President of the United States of America

A Proclamation

Photography is one of the most versatile tools in the service of mankind.

In addition to photography's traditional role of memorializing the lives, the work, and the culture of our people, it plays an important part in education, industry, commerce, and the sciences.

More than 150,000 men and women are engaged in this profession, contributing over a billion dollars to our economy.

But photography is more than a pleasurable hobby or a commercial medium; it is a universal language which demonstrates that people throughout the world share many of the same problems and the same aspirations. As a means of communication, it makes a substantial contribution to world understanding and progress.

As a tribute to the importance of professional photography in American life, the Congress, by Senate Joint Resolution 77, has requested the President to issue a proclamation designating the period beginning June 8, 1969, and ending June 14, 1969, as Professional Photography Week in America.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of June 8 through June 14, 1969, as Professional Photography Week in America; and I call upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of June, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.

Richard Nixon

[F.R. Doc. 69-6928; Filed, June 9, 1969; 12:06 p.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-59]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dothan, Ala., control zone.

The Dothan control zone is described in § 71.171 (34 F.R. 4557). In the description, the Baker's Skytel Airport is included. Since this airport has been abandoned, it is necessary to alter the description by deleting the portion that pertains to this airport.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

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

In § 71.171 (34 F.R. 4557), the Dothan, Ala., control zone is amended to read:

DOTHAN, ALA.

Within a 5-mile radius of Dothan Airport (lat. 31°19'10" N., long. 85°27'30" W.); within 2 miles each side of the Dothan VORTAC 156° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC.

(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 May 29, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-6808; Filed, June 9, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1969

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (33 F.R. 19245), as amended, is to determine and prorate or allocate additional deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1969 findings were heretofore made (34 F.R. 5425, 6469, 7325) that Puerto Rico was unable to fill its quota by 700,000 short tons, raw value, and accordingly quota deficits were determined for Puerto Rico totaling 700,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to fill its quota by an additional 100,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1969 quota for Puerto Rico of 800,00 short tons, raw value. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

On the basis of information available to the Department it is herein determined that Haiti will be unable to fill its statutory share of any additional deficits from other areas during the calendar year 1969. Therefore, none of the additional deficit is herein prorated to Haiti nor is any prorated to the Republic of the Philippines and Peru since the Department has previously determined that they will be unable to supply during 1969 any sugar in excess of their quotas currently in effect. Pursuant to section 204(a) of the Act, 50,000 short tons, raw value, of the additional deficit is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, which are able to supply additional sugar. The remainder of the deficit equal to 50,000 short tons, raw value, is allocated herein to the Dominican Republic pursuant to the following determination issued by the President.

THE WHITE HOUSE

WASHINGTON

MAY 23, 1969.

Memorandum for: The Secretary of Agriculture.

Subject: Finding pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965.

In view of the restoration of stable political conditions in the Dominican Republic and the establishment of a democratically elected Government, in accordance with the recommendation of the Conference Report on the Sugar Act Amendments of 1965, that the President use his authority to assign deficits to provide additional quota for the Dominican Republic if the political situation in that Republic warrants such action, and pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965, I hereby determine that as an integral part of the continuing United States support for constitutional government and economic progress in the Dominican Republic in 1969 it would be in the national interest to give the Dominican Republic a special allocation of 50,000 short tons of sugar and its pro rata share of normal deficit allocations that might be declared in 1969.

You are directed to take the necessary steps to allocate deficits in accordance with this finding.

RICHARD M. NIXON.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.71, 811.72, and 811.73 as follows:

1. Section 811.71 is amended by amending paragraph (a)(2) to read as follows:

§ 811.71 Quotas for domestic areas.

(a) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1969 Puerto Rico and the Virgin Islands will be unable by 800,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

2. Section 811.72 is amended by adding a new subparagraph (a)(4) to read as follows:

§ 811.72 Proration and allocation of deficits and quotas in effect.

(a)(1) * * *

(4) The additional deficit in the Puerto Rican quota of 100,000 short tons, raw value, determined in paragraph (a)(2) of § 811.71 is hereby prorated and allocated, pursuant to section 204(a) of the Act to Western Hemisphere countries named in section 202(c)(3)(A) of the Act, which are able to supply such additional sugar. In accordance with a Presidential Memorandum dated May 23, 1969, 50,000 short tons, raw value, of the deficit proration is herein allocated to the Dominican Republic. The remainder of the deficit totaling 50,000 short tons, raw value, is prorated to Western Hemisphere countries on the basis of published quotas most recently in effect as established in Sugar Regulation 811 for 1969 (34 F.R. 7325).

3. Section 811.73 is amended by amending paragraph (c) to read as follows:

§ 811.73 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1969, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in Amendments 2, 3, and 4 of § 811.73 are shown in column (3). In column (4) the additional deficit in the quota for Puerto Rico amounting to 100,000 short tons, raw value, is herein prorated and allocated to Western Hemisphere countries listed in section 202 (c) (3) (A) of the Act, which are able to supply such additional sugar, as set forth in paragraph (a) (4) of § 811.72.

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficit prorations	New deficit prorations and allocation	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Mexico	226,331	242,117	144,737	11,502	624,687
Dominican Republic	221,353	236,793	141,554	61,249	660,949
Brazil	221,353	236,793	141,554	11,249	610,949
Peru	176,556	188,869	77,461	0	442,886
British West Indies	88,424	73,900	50,596	3,994	216,914
Ecuador	32,208	34,454	20,597	1,637	88,896
French West Indies	27,816	23,246	15,916	1,256	68,234
Argentina	27,230	29,130	17,413	1,384	75,157
Costa Rica	26,059	27,877	16,665	1,324	71,925
Nicaragua	26,059	27,877	16,665	1,324	71,925
Colombia	23,424	25,057	14,979	1,190	64,650
Guatemala	21,960	23,491	14,044	1,116	60,611
Panama	16,397	17,541	10,486	833	45,257
El Salvador	16,104	17,228	10,299	818	44,449
Haiti	12,297	13,155	7,864	0	33,316
Venezuela	11,126	11,902	7,115	565	30,708
British Honduras	6,441	5,383	3,685	291	15,800
Bolivia	2,635	2,818	1,685	134	7,272
Honduras	2,635	2,818	1,685	134	7,272
Australia	105,407	87,530			192,937
Republic of China	43,919	36,471			80,390
India	42,163	35,012			77,175
South Africa	31,636	25,772			56,808
Fiji Islands	23,131	19,208			42,339
Thailand	9,662	8,024			17,686
Mauritius	9,662	8,024			17,686
Malagasy Republic	4,978	4,133			9,111
Swaziland	3,806	3,161			6,967
Ireland	5,351	0			5,351
Bahamas	10,000	0			10,000
Total	1,475,523	1,467,784	715,000	100,000	3,758,307

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, 207, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended and 932; 7 U.S.C. 1111, 1112, 1114, 1117, 1153)

Effective date. This action establishes additional sugar quota deficits of 100,000 short tons, raw value, and prorates and allocates such deficits to Western Hemisphere countries. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on June 5, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-6790; Filed, June 5, 1969; 2:42 p.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Terminating Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), it is hereby found and determined that:

(a) The following provision of the order relating to the classification of milk delivered in bulk to a food product processing establishment no longer tends to effectuate the declared policy of the Act and is, therefore, revoked:

In § 1002.41(c)(2), the provision "in hermetically sealed containers".

As a result of this action, § 1002.41(c)(2) now reads as follows:

§ 1002.41 Classes of utilization.

* * * * *

(c) * * *

(2) Disposed of as a fluid milk product in bulk to any establishment (other than a plant defined in § 1002.8) at which food products are processed and packed and at which establishment there is no disposition of fluid milk products other than those received in consumer packages for consumption on the premises;

* * * * *

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) Effective July 1, 1968 (33 F.R. 8201) the New York-New Jersey order was amended to change the milk classification, pricing and accounting procedures to fit the New York State milk standardization law. In conjunction with the new accounting system (skim milk and butterfat accounting) changes were made to provide for two milk classes in lieu of the three classes then provided.

The present provisions of § 1002.41(c)(2) were initially adopted in the New York order (then Part 927) effective January 1, 1952, to accommodate a surplus use classification for butterfat leaving a plant in the form of bulk milk and moving to an establishment other than a plant for use by food processors under specified circumstances. No similar provision was necessary with respect to skim milk which was separated and so moved since classification of milk under such circumstances was conditioned on the dispostion of the butterfat only.

The conforming changes made in said § 1002.41(c)(2) to effect the new skim milk and butterfat accounting procedure would require a Class I classification on all skim milk and butterfat in fluid milk products moved to an establishment other than a plant for processing into food products unless there is some processing and packaging in hermetically sealed containers.

With respect to fluid milk products other than milk per se, this is a departure from the classification which would have applied under the former order. Such inadvertent classification change was not a matter of consideration at the hearing and was not necessary to effect the change in accounting procedure.

Such an application of the order would deter the use of certain traditional outlets for disposition of skim milk in excess of the market's fluid requirements and thus impede the orderly disposition of the market's reserve milk supply.

In light of these considerations, the reference in § 1002.41(c)(2) to "in hermetically sealed containers" no longer

tends to effectuate the declared policy of the Act, and is therefore revoked.

Therefore, good cause exists for making this order effective upon FEDERAL REGISTER publication.

It is therefore ordered, That the aforesaid provisions of the order is hereby terminated.

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

Effective date: Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on June 5, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69–6785; Filed, June 9, 1969; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

Contribution to Joint Venture as Extension of Credit

§ 207.104 Contribution to joint venture as extension of credit when the contribution is disproportionate to the contributor's share in the venture's profits or losses.

(a) The Board recently considered the question whether a joint venture, structured so that the amount of capital contribution to the venture would be disproportionate to the right of participation in profits or losses, constitutes an "extension of credit" for the purpose of Regulation G.

(b) An individual and a corporation plan to establish a joint venture to engage in the business of buying and selling securities, including registered equity securities. The individual would contribute 20 percent of the capital and receive 80 percent of the profits or losses; the corporate share would be the reverse. In computing profits or losses, each participant would first receive interest at the rate of 8 percent on his respective capital contribution. Although purchases and sales would be mutually agreed upon, the corporation could liquidate the joint portfolio if the individual's share of the losses equaled or exceeded his 20 percent contribution to the venture. The corporation would hold the securities, and upon termination of the venture, the assets would first be applied to repayment of capital contributions.

(c) In general, the relationship of joint venture is created when two or more persons combine their money, property, or time in the conduct of some particular line of trade or some particular business and agree to share jointly, or in proportion to capital contributed, the profits and losses of the undertaking.

(d) The incidents of the joint venture described above, however, closely parallel those of an extension of margin credit, with the corporation as lender and the individual as borrower. The corporation supplies 80 percent of the purchase price of securities in exchange for a net return of 8 percent of the amount advanced plus 20 percent of any gain. Like a lender of securities credit, the corporation is insulated against loss by retraining the right to liquidate the collateral before the securities decline in price below the amount of its contribution. Conversely, the individual—like a customer who borrows to purchase securities—puts up only 20 percent of their cost, is entitled to the principal portion of any appreciation in their value, bears the principal risk of loss should that value decline, and does not stand to gain or lose except through a change in value of the securities purchased.

(e) The Board is of the opinion that where the right of an individual to share in profits and losses of such a joint venture is disproportionate to his contribution to the venture:

(1) The joint venture involves an extension of credit by the corporation to the individual;

(2) The extension of credit is to purchase or carry registered equity securities, and is collateralized by such securities; and

(3) If the corporation is neither a bank subject to Regulation U nor a broker or dealer subject to Regulation T, the credit is of the kind described by § 207.1(a) of Regulation G.

(15 U.S.C. 78g. Interprets or applies 15 U.S.C. 78g)

Dated at Washington, D.C., this 13th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69–6772; Filed, June 9, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–113]

PART 16—LIQUIDATION OF DUTIES

Certain Steel Products From Italy; Correction

JUNE 2, 1969.

The first paragraph of the Bureau's notice on the above dated subject, which was published as T.D. 69–113 in the FEDERAL REGISTER for May 6, 1969 (34 F.R. 7328), is corrected to refer to the Tariff Act of 1930, as amended, and to delete the erroneous reference to "the Tariff Act, 1921."

The sixth paragraph of that notice is amended to read: The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for Italy the words "Certain Steel Products" in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounties declared—Rates" in the column headed "Action."

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69–6794; Filed, June 9, 1969; 8:47 a.m.]

[T.D. 69–33]

PART 16—LIQUIDATION OF DUTIES

Sugar Content of Certain Articles From Australia; Correction

MAY 29, 1969.

The third paragraph of T.D. 69–33, which was published in the FEDERAL REGISTER on January 24, 1969 (34 F.R. 1132), is hereby corrected to read:

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the No. 68–252 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69–6795; Filed, June 9, 1969; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER A—NATIONAL INSURANCE DEVELOPMENT PROGRAM

PART 1907—STATE REIMBURSEMENT REQUIREMENT

On April 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6245) to establish a new Part 1907 of Chapter VII of Title 24. Interested persons were given 30 days in which to submit written comments or suggestions on the proposed regulation. Due consideration has been given to all relevant material presented, and the Riot Reinsurance Advisory Board has been fully consulted pursuant to section 1237 of the National Housing Act (12 U.S.C. 1749bbb–17, added by the Urban Property Protection and Reinsurance Act of 1968). The proposed regulation is hereby adopted without change and as

set forth below. In accordance with the provision of 5 U.S.C. 553 permitting immediate effectiveness of interpretative rules and statements of policy, the rule is made effective upon publication.

Part 1907 of Chapter VII of Title 24 is established to read as follows:

Sec.
1907.1 State reimbursement requirement in general.
1907.2 Amount of State share.
1907.3 Timing of State legislation.
1907.4 Source of State share.
1907.5 Timing of State payments.
1907.6 Effect of failure to enact State legislation.
1907.7 Notification of enactment.

AUTHORITY: The provisions of this Part 1907 issued under title XII of National Housing Act, added by Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21; 5 U.S.C. 553; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968.

§ 1907.1 State reimbursement requirement in general.

(a) Section 1223(a)(1) of the National Housing Act (12 U.S.C. 1749bbb-9), added by the Urban Property Protection and Reinsurance Act of 1968, hereinafter referred to as the "Act," generally prohibits the Secretary of Housing and Urban Development from offering riot loss reinsurance with respect to any line of insurance in a State which does not by August 1, 1969, adopt legislation, retroactive to August 1, 1968, which enables it to reimburse him annually (to the extent necessary) for a portion of the claims he pays in connection with excessive losses which may occur in that State with respect to the line of insurance reinsured. While in many States no actual payment may be required, legislation providing for such payment, if needed, is required for the continued provision of Federal riot loss reinsurance.

(b) The minimum lines of insurance for which State reimbursement legislation is required as a condition of continued Federal reinsurance for any line are: (1) Fire and extended coverage, (2) vandalism and malicious mischief, (3) other allied lines of fire insurance, (4) burglary and theft, and (5) those portions of multiple peril policies covering similar perils to those provided in subparagraphs (1), (2), (3), and (4) of this paragraph. Optional lines of insurance for which State reimbursement legislation may be enacted on either a group basis or an individual basis are inland marine, glass, boiler and machinery, ocean marine, and aircraft physical damage. But no line of insurance will be eligible for Federal reinsurance in any State after the specified date unless it is included, either explicity or implicity, within the State reimbursement legislation.

§ 1907.2 Amount of State share.

(a) The actual State share is limited to the amount by which the Secretary's total reinsured losses in the State during the current year exceed the total reinsurance premiums received for the same year, and such State share is reduced by (1) any excess of net reinsurance premiums over reinsured losses realized from business in that State since the year for which reimbursement was last required, and (2) any assessments of reinsured companies made under the Federal Standard Reinsurance Contract with respect to the current year.

(b) The maximum State share in any 1 year is an amount equal to 5 percent of the aggregate or total property insurance premiums earned in the State during the preceding calendar year on all lines of insurance for which any reinsurance is provided by the Secretary in the State during the current year, regardless of the number of companies actually purchasing Federal reinsurance.

§ 1907.3 Timing of State legislation.

To enable companies doing business within a State to continue to participate in the Federal reinsurance program, the State must enact the necessary reimbursement legislation within a year after August 1, 1968, when the Federal Act became law. However, if the legislature of a particular State does not meet in regular session between August 1, 1968, and August 1, 1969, the deadline for enactment is extended until the end of the State's next regular legislative session commencing after August 1, 1969.

§ 1907.4 Source of State share.

Funds for the State share may be raised in any constitutional manner consistent with the intent of the Federal Act to place appropriate responsibility upon the State to share in property insurance losses resulting from riots or civil disorders. The Federal Act provides that the Secretary is to be reimbursed by the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law. Thus, the State share should be financed out of general revenues or in some other manner which broadly distributes the burden of property insurance losses resulting from riots or civil disorders.

§ 1907.5 Timing of State payments.

It is not required that funds for the State share be made available in advance of the year in which the losses occur. However, the State legislation must provide for a method of financing the State share which will assure timely reimbursement of the Secretary. It is anticipated that notification by the Secretary as to the amount of the State share due with respect to losses in any given year will not be made until the third quarter of the succeeding year. The State payment will be due and payable approximately 60 to 90 days thereafter.

§ 1907.6 Effect of failure to enact State legislation.

If appropriate legislation is not enacted in a given State within the time specified, no Federal reinsurance may thereafter be offered or made applicable to insurance policies written in that State until such legislation is enacted. However, Federal reinsurance on insurance policies written prior to the specified date for the enactment of the State's reimbursement legislation may be continued for the remainder of the current Federal contract year, which ends on April 30.

§ 1907.7 Notification of enactment.

In order to prevent unnecessary lapses in Federal reinsurance coverage, each State insurance authority is requested promptly to notify the Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. 20410, of the date on which the State's reimbursement legislation is effective and to provide him with a copy of the enacted legislation.

Effective date. This part shall be effective on publication in the FEDERAL REGISTER.

WILLIAM B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-6803; Filed, June 9, 1969; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Claims Collection

Pursuant to section 3 of the Federal Claims Collection Act of 1966 (80 Stat. 309, 31 U.S.C. 952), authorizing regulations in conformity with the Joint Regulations of the Attorney General and the Comptroller General (4 CFR Ch. II), Part 2 of Subtitle A in Title 29 of the Code of Federal Regulations is amended by adding a new § 2.6 to read as set forth below. Since this amendment concerns only a rule of agency procedure, neither notice of rule making and opportunity for public participation therein, nor delay in effective date are required by 5 U.S.C. 553. Also, it does not appear that such participation or delay would serve a useful purpose here. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

The new § 2.6 reads as follows:

§ 2.6 Claims collection.

(a) *Authority of Department; incorporation by reference.* The regulations in this section are issued under section 3 of the Federal Claims Collection Act of 1966, 31 U.S.C. 952. They incorporate herein and supplement as necessary for Department operation all provisions of the Joint Regulations of the Attorney General and the Comptroller General set forth in 4 CFR, Ch. II, which prescribe standards for administrative collection of civil claims by the Government for money or property, for the compromise, termination, or suspension of collection action, with respect to claims not exceeding $20,000, exclusive of interest, and for the referral of civil claims by the Government to the General Accounting Office, and to the Department of Justice for litigation.

(b) *Designation.* The Assistant Secretary for Administration, and such heads of the Administrations and Offices of the Department of Labor as he may designate for such purpose, is authorized to perform all of the duties and exercise all of the authority of the Secretary under the Federal Claims Collection Act of 1966, the aforementioned Joint Regulations of the Attorney General and the Comptroller General, and the regulations in this section.

(Sec. 3, 80 Stat. 309; 31 U.S.C. 952; and 4 CFR, Ch. II)

Signed at Washington, D.C., this 4th day of June 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-6779; Filed, June 9, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

PART 756—NONAPPROPRIATED FUND CLAIMS

Correction

The document amending Part 719 of Chapter VI of Title 32 of the Code of Federal Regulations, published in the FEDERAL REGISTER on May 22, 1969, at 34 F.R. 8022 is corrected by adding "Section 719.102 is amended as follows:" and "§ 719.102 Letters of Censure:" above paragraph (h) in § 719.101.

Such document is further corrected by changing the section number following § 719.111 in Part 719 from § 719.107 to § 719.112.

Finally such document, in so far as it amends Part 756 of Chapter VI of Title 32, is corrected by changing the section number following § 756.2 from § 753.3 to § 756.3.

Dated: June 2, 1969.

J. B. MCDEVITT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 69-6765; Filed, June 9, 1969; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 134—THIRD CLASS

Mailing of Merchandise Samples; Correction

In the daily issue of Saturday, June 7, 1969, the Department published a document announcing that the mandatory effective date for the detached label procedure respecting merchandise samples (39 CFR 134.4(d), 34 F.R. 255), would be January 1, 1970.

The effective date should have been stated as of July 1, 1970.

Accordingly, the document published in the issue of June 7, 1969, is hereby corrected by changing the date January 1, 1970, to July 1, 1970.

(5 U.S.C. 301, 39 U.S.C. 501, 4451-4453)

DAVID A. NELSON,
General Counsel.

JUNE 6, 1969.

[F.R. Doc. 69-6890; Filed, June 9, 1969; 9:10 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 911]

HANDLING OF LIMES GROWN IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Year

Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee, established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, during the period from April 1, 1969, through March 31, 1970, will amount to $12,900.

(2) That there be fixed, at $0.025 per bushel of limes, the rate of assessment payable by each handler in accordance with § 911.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 5, 1969.

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

[F.R. Doc. 69-6804; Filed, June 9, 1969; 8:48 a.m.]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1969–70 Fiscal Year

Consideration is being given to the following proposals submitted by the Florida Avocado Administrative Committee, established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, during the period April 1, 1969, through March 31, 1970, will amount to $12,900.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 915.41, be fixed at $0.04 per bushel of avocados.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 5, 1969.

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

[F.R. Doc. 69-6805; Filed, June 9, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 6]

TRADEMARK RULES OF PRACTICE

Classification of Goods and Services

On February 12, 1969, notice of proposed rule making regarding the revision of § 6.1 of Title 37, Code of Federal Regulations, relating to the classification of goods and services under the Trademark Act (15 U.S.C. 1112), was published in the FEDERAL REGISTER (34 F.R. 2052).

The proposed change would have established the "International Classification of Goods and Services to which Trademarks are Applied" (the subject of the "Agreement of Nice concerning the international classification of goods and services to which trademarks are applied. Done at Nice, on June 15, 1957" (550 U.N.T.S. 45), as revised at Stockholm, on July 14, 1967) as the primary and sole classification of goods and services for registration of trademarks and service marks beginning on July 1, 1969.

Notice is hereby given that, pending the completion of further studies, the proposed change will not take effect on July 1, 1969, as was previously announced.

The Patent Office will continue to mark all published applications and registrations with the appropriate international class as a subsidiary classification under the program which was started on March 5, 1968.

Dated: June 6, 1969.

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

Approved:

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69-6830; Filed, June 9, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69-EA-42]

AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive requiring modification of the main landing gear door and trolley lever on the Fairchild Hiller F-27 and FH-227 type airplanes.

There has been a report of a landing with the gear in the retracted position which has been attributed to a failure of the main landing gear door trolley mechanism to remain in a secured position, which in turn resulted in overtravel of the main landing gear doors. Since this is a deficiency which exists in other airplanes of the same type design, an airworthiness directive would be issued to provide additional spring loading of the trolley mechanism and modification of the gear doors.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, 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 taking action upon the proposed rule. The

proposals contained in this Notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

FAIRCHILD. Applies to F-27 airplanes Serial Nos. 1 through 128 and FH-227 airplanes Serial Nos. 501 through 518 and 520 through 578, certificated in all categories.

To prevent hazards associated with the spring loading of the main landing gear door trolley mechanism, and to prevent overtravel of the main landing gear doors during retraction, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the door trolley locking lever as described in Fairchild Hiller F-27 Service Bulletin 32-73 dated February 25, 1969, for F-27 aircraft, and Fairchild Hiller FH-227 Service Bulletin 32-15 dated February 25, 1969, for FH-227 aircraft or equivalent modifications approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the main landing gear doors as described in Fairchild Hiller F-27 Service Bulletin 32-74 dated April 10, 1969, for F-27 aircraft and Fairchild Hiller FH-227 Service Bulletin 32-17 dated April 10, 1969, for FH-227 aircraft or equivalent modifications approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, upon receipt of substantiating data submitted through an FAA maintenance inspector.

(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 Jamaica, N.Y., on May 27, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-6807; Filed, June 9, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 70, 150]

MATERIAL STATUS AND NUCLEAR MATERIAL TRANSFER

Reports

On June 27, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 9388) amendments of 10 CFR Part 70, "Special Nuclear Material," and 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States under section 274," which broadened the application of the Commission's regulations requiring transfer and status reports on special nuclear material. These reports provide information needed by the Commission in carrying out its responsibility for assuring that special nuclear material is adequately safeguarded in the interest of the common defense and security of the United States. The reports also provide the Commission information necessary in billing licensees for sales and for use or loss of, and related charges for, special nuclear material that is leased from the Commission.

In the notice of rule making published June 27, 1968, the Commission advised that it was considering the establishment of a uniform reporting system and development of new report forms for obtaining from licensees quantitative data concerning all special nuclear material received, transferred, consumed and produced, including material transferred to them as contractors and subcontractors of the AEC. Currently, licensees possessing special nuclear material distributed to them by the Commission for the performance of AEC contract work submit transfer and material balance reports—on Forms AEC-101 and AEC-577, respectively—to designated AEC Operations Offices. Special nuclear material which is AEC-leased or privately owned is required to be reported—on Forms AEC-388 and AEC-578, respectively—to the AEC Oak Ridge Operations Office.

The Commission believes that a uniform reporting system—applicable to all special nuclear material possessed by licensees, regardless of its origin or the authority under which the Commission may have distributed the material—will simplify reporting requirements for licensees and also will enable the Commission to achieve greater efficiency in the collection, analysis and use of the reported data in carrying out its responsibilities for safeguarding special nuclear material against unlawful diversion.

Accordingly, the Commission is proposing to amend § 70.53 of 10 CFR Part 70 to require AEC licensees to submit semiannually to the Commission material status reports concerning all special nuclear material received, produced, possessed, transferred, consumed, disposed of or lost, without regard to the origin of the material or the authority under which the Commission may have distributed the material. A new report Form AEC-742 has been developed for this purpose to replace the existing Forms AEC-577 and AEC-578. Similarly, the Commission is proposing to amend §§ 70.54 and 150.16 to require AEC and Agreement State licensees to inform the Commission of each transfer and receipt of special nuclear material involving more than 1 gram of contained uranium-235, uranium-233, or plutonium, regardless of its origin. A new report Form AEC-741 has been developed for this purpose to replace the existing Forms AEC-101 and AEC-388.

Most of the information called for on Forms AEC-741 and AEC-742 is needed by the Commission to carry out its responsibilities for assuring that special nuclear material is adequately safeguarded in the interest of the common defense and security of the United States. In appropriate cases, however, the forms also call for the identification of persons who are financially responsible for AEC-leased material. Submission of such information will be considered by the Commission to be pursuant to the reporting provisions of lease agreements, loan agreements, and other contractual arrangements entered into by the Commission in connection with the distribution of Government-owned special nuclear material. The use of a single form to report both safeguards and financial data will minimize the reporting effort on the part of licensees possessing Government-owned material.

Section 70.53 would be amended to change the reporting dates for material status reports. This change will conform these reporting dates to the reporting dates now in effect for those persons possessing special nuclear material under an AEC special nuclear material lease agreement.

The proposed amendments of Parts 70 and 150 which follow, would change §§ 70.53, 70.54 and 150.16 in certain other respects:

1. Section 70.53 would be revised to delete the requirement for submission by a licensee of status reports concerning special nuclear material not in his possession for which he is financially responsible to the Commission. Such reports, along with material transfer reports, will continue to be required by AEC as a matter of contract or lease administration, but not as a requirement of Part 70.

2. The exception now provided in § 70.53, to the requirement for filing June 30 material status reports under certain conditions, would be deleted, in order that the Commission may obtain positive confirmation every 6 months from licensees who are authorized to possess more than 350 grams of uranium-235, uranium-233, or plutonium, or any combination of these,, concerning their special nuclear material holdings.

3. Sections 70.54 and 150.16 would be revised to specify clearly that nuclear material transfer reports are to be submitted not only to the Commission, but also to the person to whom special nuclear material is transferred; reports reflecting receipt of material would be submitted to the Commission and also to the shipper of the material.

4. Sections 70.54 and 150.16 would be revised to specify that nuclear material transfer reports are not required for shipments involving fractional gram quantities of uranium-235, uranium-233, or plutonium, even if the combination thereof totals 1 gram or more.

5. Certain editorial changes of a clarifying nature would also be made.

Copies of Forms AEC-741 and AEC-742 and related printed instructions are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained by addressing a request to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

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 amendments of 10 CFR Parts 70

and 150 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary, U.S. Atomic Energy Commission, Washintgon, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of notice in the FEDERAL REGISTER. Comments after that period will be considered if it is practicable 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 rule may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 70.53 of 10 CFR Part 70 is revised to read as follows:

§ 70.53 Material Status Reports.

Each licensee who is authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall complete and submit to the Commission Material Status Reports on Form AEC–742, in accordance with printed instructions for completing the form, concerning special nuclear material received, produced, possessed, transferred, consumed, disposed of or lost by the licensee. All such reports shall be made as of March 31 and September 30 of each year and shall be filed with the Commission within thirty (30) days after the end of the period covered by the report. The Commission may permit a licensee to submit Material Status Reports at other times when good cause is shown.

2. Section 70.54 of 10 CFR Part 70 is revised to read as follows:

§ 70.54 Nuclear Material Transfer reports.

Each licensee who transfers and each licensee who receives special nuclear material shall complete and distribute Nuclear Material Transfer Reports on Form AEC–741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of one gram or more of contained uranium-235, uranium-233, or plutonium. Each licensee who transfers such material shall submit a copy of Form AEC–741 to the Commission and a copy to the receiver of the material promptly after the transfer takes place. Each licensee who receives special nuclear material shall submit a copy of Form AEC–741 to the Commission and to the shipper of the material within ten (10) days after the special nuclear material is received.

3. Section 150.16 of 10 CFR Part 150 is revised to read as follows:

§ 150.16 Submission to Commission of Nuclear Material Transfer reports.

Each person who transfers and each person who receives special nuclear material pursuant to an Agreement State license shall complete and distribute Nuclear Material Transfer Reports on Form AEC–741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of one gram or more of contained uranium-235, uranium-233, or plutonium. Each person who transfers such material shall submit a copy of Form AEC–741 to the Commission and a copy to the receiver of the material promptly after the transfer takes place. Each person who receives special nuclear material shall submit a copy of Form AEC–741 to the Commission and to the shipper of the material within ten (10) days after the special nuclear material is received.

(Secs. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 28th day of May 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69–6756; Filed, June 9, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 18556; FCC 69–581]

DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Memorandum Opinion and Order

In the matter of amendment of Part 21 of the rules and regulations applicable to the Domestic Public Radio Services (other than Maritime Mobile), Docket No. 18556, RM–1341.

1. Notice is hereby given of proposed rule making to amend Part 21 of the rules and regulations applicable to the Domestic Public Radio Services (other than Maritime Mobile).

2. The services included in Part 21 of the rules have for the past several years been growing at an accelerated rate. To accommodate the need for change occasioned by this growth, individual sections of the rules have been amended periodically. We believe now that an overall examination of Part 21 is warranted with a view toward making the processing of applications and handling of pleadings and proceedings more efficient and expeditious. Approximately 70 recommendations for change were submitted by wire line and nonwire line carriers and associations,[1] as well as a formal petition for rule making filed on August 22, 1968, by United Utilities, Inc. (RM–1341),[2] and made part of this proceeding, seeking an amendment to § 21.15(c)(4) of the rules.

3. As is evident from the material set forth below, we have attempted to accommodate most of the requests, whether for a minor editorial correction or a substantive change to the existing rules. We believe that adoption of the proposed changes will remove ambiguities by incorporating into the rules procedures which through repeated waiver or otherwise have become the accepted norm, and generally serve to update the rules by simplifying certain practices and procedures. Comments and views are requested. The same need not be limited to the changes reflected in the appendix, but may be extended as deemed pertinent.

4. On the basis of several suggestions, it is apparent that Subpart B—Applications and Licenses—requires reorganizing and renumbering. We appreciate that a change of this nature, even when kept at a minimum, could cause some inconvenience at the outset. To aid and facilitate in the transition we have included in the attached appendix a Table of Contents showing both the old and new section numbers. Where sections are used extensively, we have attempted to retain the existing section numbers.[4]

5. In order to eliminate any discrepancies between Part 17 and Part 21 sections, paraphrasing of the requirements detailed in Part 17 have been deleted and direct reference made to the appropriate Part 17 section. Similarly, references to obsolete Form 401–A have been eliminated and where possible the filing of a properly executed copy of Form 714 together with a copy of an antenna sketch substituted.

6. Requests were made for (a) modification of § 21.107 to provide a transmitter with 330 watt output in lieu of the present 250 watts, and (b) amendment to § 21.519(a) to permit rated power output of the transmitter to exceed 25 watts rather than the present 10 watts. Neither proposal is incorporated in the attached appendix since neither has been sufficiently supported to warrant such inclusion at this time. However, we are not foreclosing further consideration of either suggestion should interested parties come forward with a more adequate showing. Section 21.118 has likewise not been amended. The parties contend that

[1] Informal comments were submitted by: American Telephone & Telegraph (AT&T); Dr. Peter Allen Bakal; Communications Industries, Inc. (CI); Motorola Communications and Electronics Inc. (Motorola); National Association of Broadcasters (NAB); National Association of Radiotelephone Systems (NARS); and Clayton E. Niles.

[2] The following responsive pleadings are also before the Commission: Statements in support filed on Oct. 9, 1968, by GT&E Service Corp. and Mid-Continent Telephone Corp. and its subsidiaries operating landline telephone systems; opposition filed on Oct. 9, 1968, by Nicholas Mervos, Jr., Ben Farkas, and Joseph S. Miller, d.b.a. Allegheny Mobile Communications; reply filed Oct. 24, 1968, by United Utilities.

[4] Appropriate corrections in Commission forms will be made where necessary to conform with adopted rule changes.

paragraph (g)[6] of this section had been "unintentionally omitted from the revised rules" and should now be reinstated to permit the section to conform to the present practices for operating fixed radio stations. Paragraph (g) was deleted from Part 21 by order released June 24, 1957 (FCC 57-665, 22 F.R. 4502), because the equipment necessary for compliance therewith was found generally not to be available. In view of this previous Commission action, a separate rule making petition would appear to be the more appropriate vehicle and would afford a more thorough examination of the question of reinstatement or modification.

7. The operating licensees request that the rules be changed to permit (a) replacement of all equipment without prior authorization provided the effective radiated power for each radial does not increase more than 1 decibel or decrease more than 1.5 decibels from that shown in the application filed with the Commission and upon which the current authorization is based, and (b) the replacement of the transmitter within these limits with any transmitter on the Commission's list of transmitters acceptable for licensing in this service. They urge that at the present time for example, in order to institute the use of filters, cavities, or any like equipment to reduce multiple interference problems occasioned by the crowding of more and more stations into an area, or in order to replace an antenna or transmission line when the performance of either had been adversely affected by weather conditions, applications must first be filed evidencing the proposed change, fees must be paid, and correspondence had; and that the need to abide by these prerequisites adds up to unwarranted and unnecessary delays in improving or restoring service to the public.

8. The Commission is aware of the problems encountered by the licensees and/or permittees when changes are required in equipment either because of unforeseen circumstances necessitating remedial action to correct a problem or to take advantage of changes in technologies. We have therefore made some modification in §§ 21.109 and 21.121 as set forth below. These changes, although not completely in conformity with the requests will we believe establish a reasonable accommodation and balance between administrative convenience and the practicalities of a licensee's operation.

9. Several operating RCCs have requested that a new subsection be added to § 21.504 specifying the distribution of the burden of proof upon an applicant and an existing licensee with respect to the need for new service and, particularly, putting upon the applicant the specific burden of establishing that the existing facility is not meeting the needs adequately. They contend essentially that the additional requirement would afford the RCCs the necessary economic protection to strengthen their position, promote an improved service to the public, and reduce "drastically" the Commission's workload by discouraging applications for new facilities in areas where competent carriers are meeting the public need without requiring that they resort to the present remedy which they urge is costly and time consuming. The elements of proof and the burden upon the parties have been established in individual adjudicatory cases, and we do not believe on the basis of the information before us that it is desirable to treat this question on an overall basis in this proceeding by attempting a redefinition or reassignment of the burden of proof in the absence of a particular factual situation.

10. The RCCs seek an amendment to § 21.509(k) to permit (a) communication between a dispatch station and all mobile stations in a system, whether authorized to the particular dispatch station subscriber or another subscriber, and (b) interdispatch station communication where a subscriber has more than one such facility. It is contended essentially that the changes would be conducive to a highly efficient operation in certain interdependent types of businesses.

11. Fundamentally, the Domestic Public Land Mobile Radio Service is intended as a local type of service to permit mobile stations to communicate with and through base stations—or more basically stated, permit communication from or through base stations to mobile units. The base station licensee is authorized to install for a mobile station subscriber or a group of mobile station subscribers, a dispatch station using the mobile station frequency paired with the associated base station frequency but in each instance is required to maintain supervision and control at all times over the mobile and/or dispatch stations in its service. In order to insure the maintenance of station control, the rules provide that each dispatch station be maintained under continuous operational supervision of one or more control points and that each control point be appropriately equipped. It would appear that the instant request would first fragment the licensee's responsibility and would as well alter the basic concept of the Domestic Public Land Mobile Radio Service. However, in view of the crowded conditions of the spectrum and the lack of unlimited frequencies, we believe nevertheless that the dispatch station concept in communication in the mobile service as proposed warrants a thorough review. Since we are unable on the basis of the very limited information available to us to reach any meaningful conclusions, we suggest that the proposal be resubmitted for separate rule making so that the same may be afforded comprehensive consideration.

Rule-making petition. 12. United Utilities in its petition seeks to exclude from the procedural aspect of § 21.15(c)(4) of the rules, the requirement that applications for consent to assignment or transfer of control of licenses be accompanied by a copy of the franchise or other authorizations issued by appropriate regulatory authorities where required by applicable local law. In support, United Utilities contends that the reasonable precautionary measure of prior local authorization necessary at the time of an initial authorization, is not present at the time of transfer of control or assignment of licenses; that the outstanding license or permit establishes the public need and leaves only the question of the qualification of the assignee or permittee; that therefore, the additional delay of approximately 45 days occasioned by a 15-day administrative delay in processing an application prior to public notice and a 30-day wait as required by sections 309(d)(1) of the Act and 21.29 of the rules, is unnecessarily wasteful and contrary to the public interest; that the same could be eliminated if the rule were to be amended to permit the waiting period for local authorization and Commission authorizations to run concurrently. Mid-Continent and GT&E support United Utilities' position. Allegheny Mobile opposes urging that (1) no need has been demonstrated for the proposed amendment, and (2) abandonment of this procedurally sound provision would create rather than alleviate problems.

13. We are not persuaded by United Utilities' arguments that a relaxation of the rule is warranted. The issuance of a franchise is a prerequisite to a grant. It is incumbent on the State PUC to find in the first instance that the proposed service would be in the public interest. The issuance of such a franchise is not merely a ministerial function even in the case where the request is not for an initial grant. Therefore, a delay in the issuance of such a franchise could well result. The Commission would in the interim be processing the applications awaiting such State authorizing notwithstanding that they may remain in pending status for an inordinately long period of time, and in some instances never even reach fruition. At the same time the processing of application with no apparent difficulties or impediments would be unnecessarily delayed. We believe that under these circumstances the concurrent running of time is at best of private convenience to the applicant but at the

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[6] § 21.118 Transmitter construction and installation.

* * * * *

(g) Each station operating on frequencies above 500 Mc/s which is authorized to operate during the normal rendition of service without a licensed radio operator or permit holder on duty and in charge of its operation (see also § 21.205(l)), after June 30, 1957, shall be provided with automatic alarm facilities that announce and identify the following conditions to a specified attended alarm center responsible for immediately dispatching qualified service personnel to the station for correction of any unsatisfactory conditions:

(1) Instantaneous deviation (due to modulation plus carrier frequency instability) of transmitter frequency outside of the station's normal limits.

(2) Outage of the station.

(3) Automatic transfer of communications to standby facilities whenever such facilities are provided.

(4) Failure of any antenna obstruction marking light.

expense of the public. Hence, United Utilities' petition will be denied.[6]

Accordingly, it is ordered, That the petition for rule making filed on August 22, 1968, by United Utilities, Inc. (RM-1341), is hereby denied.

14. Authority for the rule amendments as proposed below is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 8, 1969, and reply comments on or before September 12, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the rules, an original and fourteen (14) copies of all comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: May 28, 1969.

Released: June 4, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[7]

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

I. Subpart A of Part 21 is amended as follows:

1. Section 21.1 is amended by the addition of the following definition in appropriate alphabetical sequence:

§ 21.1 Definitions.

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Drop point. A term used in the Point-to-Point Microwave Radio Service to designate a terminal point where service is rendered to a subscriber.

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II. Subpart B is revised to read as follows:

Subpart B—Applications and Licenses

GENERAL

Sec.		(*Derived from section*)
21.10	Eligibility for station license.	21.11
21.11	Station authorization required.	21.10
21.12	Formal and informal applications.	21.12 & 21.14
21.13	Place of filing applications, fees, and number of copies.	21.12
21.14	Forms to be used	21.29
21.15	Content of applications.	21.15
21.16	Who may sign applications.	21.13
21.17	Additional statements.	21.16
21.18	[Reserved]	
21.19	[Reserved]	
21.20	Defective applications.	21.20
21.21	Inconsistent or conflicting applications.	21.21
21.22	Repetitious applications.	21.22
21.23	Amendment of applications.	21.23 & 21.33
21.24	Form of amendments to applications.	21.17 & 21.18
21.25	Application for temporary authorizations.	21.19 & 21.27

PROCESSING OF APPLICATIONS

21.26	Receipt of application.	21.20
21.27	Processing of applications.	21.27
21.28	Dismissal and return of applications.	21.24
21.29	Partial grants.	21.25
21.30	Grants without hearing.	21.26
21.31	Conditional grants.	21.27
21.32	Transfer and assignment of station authorization.	21.28
21.33	Period of construction.	21.30
21.34	Forfeiture of station authorizations.	21.31
21.35	License period	21.32

Subpart B—Applications and Licenses

GENERAL

§ 21.10 Eligibility for station license.

A station license may not be granted to or held by:

(a) Any alien or the representative of any alien.

(b) Any foreign government or the representative thereof.

(c) Any corporation organized under the laws of any foreign government.

(d) Any corporation of which any officer or director is an alien.

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign country.

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

GENERAL FILING REQUIREMENTS

§ 21.11 Station authorization required.

No radio transmitter shall be operated in the Domestic Public Radio Services except under and in accordance with a station authorization granted by the Federal Communications Commission.

§ 21.12 Formal and informal applications.

(a) Formal applications. To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Domestic Public Radio Services (Other Than Maritime Mobile) are discussed within this subpart and may be obtained from the Secretary, Federal Communications Commission, Washington, D.C. 20554, or from any of the Commission's engineering field offices, the addresses of which are listed in § 0.121 of this chapter.

(b) Informal applications. An application not submitted on a standard form prescribed by the Commission is an informal application, and will be accepted only in those cases where standard forms are not applicable. Each informal application shall be submitted in duplicate, normally in letter form in the manner prescribed in § 21.14 (a), (b), (c), (d), and § 21.16. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 21.13 Place of filing applications, fees, and number of copies.

(a) Every application for a radio station authorization, except applications for stations located in Alaska, and all correspondence relating thereto, shall be submitted to the Commission's office at Washington, D.C. 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

(b) Applications for authorizations under this part for stations in Alaska shall be submitted to the Federal Communications Commission, Radio District No. 14, Room 802, Federal Office Building, Seattle, Wash. 98104, attention of the Engineer-in-Charge. Each such application shall be accompanied by the applicable nonrefundable fee set forth in paragraph (b) of this section.

(c) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

(d) Each application, including exhibits and attachments thereto, for station authorization in Alaska shall be filed with one copy more than the number of copies indicated in this part for stations located elsewhere.

§ 21.14 Forms to be used.

(a) *Application for construction permit for base, auxiliary test and fixed stations.* A separate application for construction permit shall be submitted for

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[6] Mid-Continent contends that the strict interpretation of the rule is of recent origin, with the previous prevailing practice being to give the parties to an assignment or transfer of control application a reasonable period of time within which to supply the State approval. Mid-Continent asks that the former more lenient approach now become the accepted rule. However, Mid-Continent's basic premise is not completely accurate—the Commission's previous action of leniency stemmed not from any intention or relaxing the rule, but was caused rather by the then existing backlog in the processing of applications which prevented immediate discernment of any defect in the application. A reduction in the backlog has since permitted the proper application of the rule.

[7] Commissioner Bartley absent; Commissioner Cox abstaining from voting.

each base, each auxiliary test, and each fixed station on FCC Form 401: *Provided, however,* That in the case of fixed stations to be installed at temporary locations, as set forth hereinafter in the applicable subparts of these rules, where the equipment utilized is of such design as to comprise a "packaged" unit which is ready for installation and use with only nominal construction, request may be made for waiver of the construction permit and for the immediate issuance of a license: *And provided further,* That an application for an auxiliary test station may be combined with that of the base station with which such auxiliary facility is to be associated when both are at the same location. Such applications shall be accompanied by the supplementary information set forth in § 21.15 as may be appropriate.

(b) *Application for license for mobile stations.* No construction permit is required for mobile stations. A separate application on FCC Form 401 shall be submitted for a license for the maximum number of mobile units expected to be placed in operation within the ensuing license period: *Provided, however,* In the Domestic Public Land Mobile Radio Service, an application for license for land mobile units to be licensed in the name of the base station licensee may be combined on the same application form with an application for the base station with which the land mobile units will be associated. In the preparation of such blanket applications, care should be exercised that data fursished therein in all particulars is clearly differentiated between the landmobile and base station installations. In any event, the mobile station license will be issued simultaneously with the issuance of the related base station license in the case of installations in the Domestic Public Land Mobile Radio Service. Applications for mobile stations in the Domestic Public Land Mobile Radio Service which are submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall be accompanied by the supplementary showing set forth in § 21.15(i).

(c) *Application for modification of construction permit.* Under circumstances requiring deviation from the terms of a construction permit, before such deviations are begun, application for modification of construction permit shall be submitted on FCC Form 401. No changes shall be effected until authorized by the Commission through issuance of an appropriate modified construction permit.

(d) *Application for extension of expiration date of construction permit.* Application for extension of time within which to complete construction of a station shall be filed on FCC Form 701 at least 30 days prior to the expiration date of such permit, if the facts supporting such application for extension are known to applicant in time to permit such filing. In other cases, such applications will be accepted upon a showing, satisfactory to the Commission, of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension (see also § 21.34(a)).

(e) *Application for station license.* Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit and upon satisfactory completion of equipment tests in accordance with § 21.212 (a), an application for license to operate the station should be filed on FCC Form 403 prior to the expiration date of the construction permit (see also § 21.34(a)).

(f) *Renewal of station license.* Unless otherwise directed or permitted by the Commission, each application for renewal of license other than special temporary authorizations shall be submitted on FCC Form 405 not less than 30 days nor more than 60 days prior to the expiration date of the license sought to be renewed. Expiring developmental authorizations may be renewed only upon a factual showing of need beyond the expiration date of the authorization sought to be renewed. A blanket application may be submitted for renewal of a group of station licenses in the same service in those cases where the renewal requested is in exact accordance with the terms of the previous authorizations. The individual stations covered by such application shall be clearly identified therein, and sufficient copies of such blanket application shall be filed so as to provide at least two copies thereof for each station affected. Special temporary authorizations may be extended upon informal written requests. (See §§ 21.405(b) and 21.511.)

(g) *Application for modification of station license.* An application for modification of any station license in these services may be filed at any time during the term of that license. Application for modification of a station license shall be made on FCC Form 403 and shall be submitted in duplicate not less than 60 days prior to the date contemplated for such modification, unless otherwise permitted.

(h) *Application for consent to assignment, or transfer of control of corporation holding radio station construction permit or license.* (1) An application on FCC Form 702 or FCC Form 704, as the circumstances require, shall be submitted to the Commission when a construction permit or license, or the control of a corporation holding such permit or license, is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a permit or station license, or by involuntary assignment of the physical property of the station pursuant to a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Applications filed on FCC Form 702 or FCC Form 704 shall be accompanied by a factual showing by the assignee of his legal, financial, technical, and other qualifications to be the licensee of the radio facilities described in such application. Upon completion of an approved transfer, written notification thereof shall be filed with the Commission.

(2) In the Point-to-Point Microwave Service, authorization for assignment from one operating company to another of only a part or portions of the facilities (transmitters) authorized under an existing construction permit or license (as distinguished from an assignment of the facilities in their entirety), shall be granted upon an application by the assignee on FCC Forms 401 or 403, as the situation requires, and by the assignor on FCC Form 403 for deletion of the assigned facilities, indicating concurrence in the request. Where the assigned facilities are to be incorporated into an existing license, the assignee shall only file an FCC Form 403; where a new station is to be established, FCC Forms 401 and 403 shall be submitted complete with a factual showing by the assignee of his legal, financial, technical, and other qualifications to be a licensee of the radio facilities described in the application. The assignment shall be completed within 60 days from the date of authorization.

(i) *Application for authority to operate mobile units of Canadian registry in the United States.* Applications for authority to operate mobile units of Canadian registry within the United States shall be made upon FCC Form 410 which shall be filed with the Secretary, Federal Communications Commission, Washington D.C. 20554. Forms may be obtained from the FCC Secretary or from the Director, Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, Canada.

(j) *Applications for authority to operate mobile units in Canada.* Applications for authority to operate mobile units, which have been licensed in this service by the Commission, shall be made upon proper form and be filed with the Director, Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, Canada, from whom the application forms are obtainable.

§ 21.15 Content of applications.

(a) Each application, unless otherwise authorized, shall be specific with regard to frequency or frequencies, transmitter power, hours of operation, equipment, antenna height, antenna gain and orientation, effective radiated power, points or areas of communication, location of the station (an application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined), full and complete disclosures with regard to the real party or parties in interest, and shall set forth all matters and things required to be disclosed or answered by the application forms and the Commission's rules.

(b) Each application for construction permit for new or additional radio facilities shall be accompanied by a showing

of the applicant's legal, financial, technical, and other qualifications to be a licensee in the Domestic Public Radio Services except that:

(1) When simultaneous request is made for a multiplicity of radio stations by a single applicant, a single showing of legal, financial, technical, and other qualifications may be made and incorporated by reference in the related applications.

(2) When any qualifications have once been established for an applicant, reference may be made thereto by specific identification and a statement indicating, if appropriate, that there has been no change in the reference facts or circumstances. If any material change has occurred, full disclosure thereof shall be made.

(c) Except in cases where such information is already on file with the Commission, applications in these services shall include a single copy of:

(1) The partnership agreement properly certified by each of the partners, if the applicant is a partnership.

(2) The acts or articles of incorporation (or charter) including any amendments thereto, certified by an officer of the corporation, if the applicant is a corporation. If it does not clearly appear on the charter that the corporation is authorized to operate as a communications common carrier, a statement of qualified legal counsel shall be furnished.

(3) The articles of association, including any amendments thereto, certified by an appropriate officer of the organization, if the applicant is an unincorporated association.

(4) Where required by applicable local law, a certified copy of the franchise or other authorization issued by appropriate regulatory authorities. If no such local requirement exists, a statement to that effect should be included in the application.

(5) Any agreement affecting applicant's ability to own, operate, use, or control the station facilities; and in the Rural Radio and Point-to-Point Microwave Radio Service, any lease arrangements at the receiving sites.

(d) In establishing financial qualifications, a copy of the applicant's current balance sheet (within 90 days of the date of the application) should be furnished. If a loan or other credit arrangement is to be consummated to finance the establishment and operation of the proposed facilities, full particulars relative thereto should be disclosed, including the identity of the creditor. Financing arrangements providing for a chattel mortgage of any transmitter or other equipment essential to the rendition of uninterrupted service to the public shall include provision for a minimum of 10 days prior written notification to the licensee or permittee, and to the Commission, before any such equipment may be repossessed under default provisions.

(e) In establishing technical qualifications, a showing should be made of the arrangements to ensure the rendition of good public communication service, including maintenance and repair facilities, number and description of technical personnel.

(f) Each application for construction permit for a radio station situated at a specified fixed location which involves new antenna construction or modification of an existing antenna structure, shall be accompanied by a properly executed FCC Form 714 and a sketch of the antenna structure prepared pursuant to paragraph (g) of this section. (Complete information as to rules concerning the construction, marking and lighting of antenna structure is contained in Part 17 of this chapter. See also § 21.111 for requirement for additional material in certain cases.)

(g) Each application for construction permit for a radio station situated at a specified fixed location which involves new antenna construction or modification of existing antenna construction shall be accompanied by a sketch showing the details of the proposed antenna installation, including its relationship to any existing antenna on the same supporting structure; its height above ground; the ground elevation in feet above mean sea level at the site of such structure; the height or length of the antenna installed upon such structure; and the overall height of the aggregate installation. The sketch shall be furnished in the same number of copies as required for the application form to which it pertains and, in addition, one extra copy shall be furnished in cases where FCC Form 714 and a copy of an antenna sketch is required. (See §§ 21.15 (f) and 21.111.)

(h) In cases where an applicant, permittee, or licensee desires to establish a receiving antenna or a passive reflector to be associated with the facilities for which authorization is required by this part of the rules, a copy of FCC Form 714 together with a sketch of the proposed antenna structure prepared pursuant to paragraph (g) of this section shall be submitted for the receiving antenna or passive reflector, and approval thereof shall be obtained from the Commission prior to its construction. In the microwave and rural radio services, no replacement or modification of such antenna, reflector, or supporting structure may be made without prior authority if it will change the height, directivity, or gain of the antenna system or overall height of the antenna structure above ground (see § 21.109(b)).

(i) An application for mobile units to be licensed in the name of a person who is not the licensee of the base station with which the mobile units will be associated in the Domestic Public Land Mobile Radio Service shall be accompanied by the information indicated in paragraph (b) of this section together with an affirmative showing that:

(1) The mobile units for which authorization is sought are for the applicant's own use; and

(2) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base stations specifically identified in the application; and

(3) Specific arrangements, the details of which should be set forth, have been made for installation, technical service and maintenance of the mobile units by licensed first or second class radio operators; and

(4) The mobile units will be operated primarily in the area and/or areas through the base stations specifically identified in the application and more particularly detailed in subparagraph (2) of this paragraph.

(j) Each application for construction permit for radio facilities which are to be used in rendering communication service for hire, if filed by an applicant not engaged in providing public wire line communication service, shall be accompanied by a statement showing the extent to which the applicant intends actively to participate in the day-to-day operation of the proposed facilities. In the event the applicant does not intend actively to participate in the day-to-day management and operation, he should state his reasons therefor and fully disclose the details of the proposed operations, including a showing of how control thereof will be retained by the applicant.

(k) Each application for construction permit for a developmental authorization shall be accompanied by pertinent supplemental information as required by § 21.405 in addition to such information as may be specifically required by this section.

(l) Each application for construction permit for a base station in the Domestic Public Land Mobile Radio Service which proposes to establish a new communication facility or make changes in the area of coverage of a station already authorized shall be accompanied by technical engineering information with respect to:

(1) Type of antenna polarization used.

(2) Type of antenna used, including type number and manufacturer thereof.

(3) Antenna power gain expressed in decibels.

(4) Antenna radiation pattern (on letter size polar coordinate paper) showing the antenna power gain distribution in the horizontal plane expressed in decibels.

(5) Orientation of directional antenna array, expressed in degrees of azimuth, with respect to true north.

(6) Antenna height above average terrain for each of the eight radials specified in subparagraph (8) (ii) of this section. (See also § 21.115.)

(7) Antenna transmission line type, length and radiofrequency power transmission losses, together with a description and power loss of all other devices in addition to the transmission line, between the output of the transmitter and the antenna radiating system expressed in decibels.

(8) Topographic maps (see also § 21.116) showing thereon:

(i) Exact station location.

(ii) Location of radials used in determining elevation of average terrain.

(9) Effective radiated power for all eight radials specified in subparagraph (8)(ii) of this section.

(m) In the Rural Radio Service and the Point-to-Point Microwave Radio Service, each application for initial installation of a radio station, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by the showing required by §§ 21.608 and 21.706, respectively.

(n) Each application requesting authority to establish operations on frequencies in the 72–76 Mc/s band shall be accompanied by:

(1) A showing that the applicant agrees to eliminate any harmful interference which may be caused by his operation to television reception on either Channel 4 or 5, and if said interference cannot be eliminated within 90 days of the time the matter is first brought to his attention by the Commission, operation of the interfering fixed station will be immediately discontinued.

(2) In cases where it is proposed to locate a 72–76 Mc/s fixed station less than 80, but more than 10, miles from the site of a television transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but not in operation, a showing shall be made as to the number of family dwelling units (as defined by the U.S. Bureau of Census) located within a circle centered at the location of the proposed fixed station (family dwelling units 70 or more miles distant from the television station antenna site are not to be counted) the radius of which shall be determined by use of the charts entitled, "Chart for Determining Radius From Fixed Station in 72–76 Mc/s Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed" (Charts for television Channels 4 and 5 are set forth in § 21.103).

(3) In cases where more than 100 family dwelling units are contained within the circle (determined according to paragraph (2) of this section), the number of dwelling units therein shall be stated and a factual showing made that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a definite plan, which should be disclosed, to control any interference that might develop to television reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in the television receivers affected as may be necessary to eliminate intereference caused by his operations.

(o) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, or temporary fixed seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south and 80°30′ W. on the west shall at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, W. Va. 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(p) Applicants proposing to construct or modify a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and follow the procedure prescribed by § 1.70 of this chapter.

(q) Each application for construction permit for a station in the Rural Radio or Point-to-Point Microwave Services which proposes to establish a new communication facility or make changes in the location of a station already authorized shall be accompanied by a topographic map (a U.S. Geological Survey Quadrangle or map of comparable detail and accuracy) with the exact location of the proposed station plotted and identified thereon. This map should not be cropped so as to delete pertinent border information and must be submitted in the same number of copies as the application it accompanies.

§ 21.16 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the application is a partnership; by an officer or duly authorized employee, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as States and Territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability, or in case the applicant does not reside in any of the contiguous 48 States of the United States or in the District of Columbia. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, United States Code, title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 21.17 Additional statements.

The Commission may require an applicant or grantee to submit such documents and signed written statements of fact, as in its judgment may be necessary.

§ 21.18 [Reserved]

§ 21.19 [Reserved]

§ 21.20 Defective applications.

(a) Applications which are defective with respect to completeness of answers to questions, execution or other matters of a formal character will not be accepted for filing by the Commission, unless the Commission shall otherwise permit, and will be returned to the applicant with a brief statement as to the omissions.

(b) Applications which are not in accordance with the Commission's rules, regulations, or other requirements will be considered effective and subject to return pursuant to paragraph (a) of this section unless accompanied by a request of the applicant for a waiver of, or an exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) If an applicant is requested by the Commission to file any documents

or information not specifically required in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

§ 21.21 Inconsistent or conflicting applications.

While an application is pending and undecided, no subsequent inconsistent or conflicting application may be filed by the same applicant, his successor or assignee, or on behalf or for the benefit of the same applicant, his successor or assignee.

§ 21.22 Repetitious applications.

(a) Where an applicant has been afforded an opportunity for a hearing with respect to a particular application for a new station, or for an extension or enlargement of a service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

(b) Where an appeal has been taken from the action of the Commission denying a particular application, another application for the same class of station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 21.23 Amendment of applications.

(a) Any application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of copies of the amendments. If a petition to deny has been filed or if the Commission has published a notice that the application appears to be mutually exclusive with another application, the amendment shall be served on the petitioner and on any such mutually exclusive applicant unless waiver of this requirement is granted in accordance with § 0.291(k) of this chapter.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown.

(c) An application amended by a major amendment thereto (as e.g., any amendment which will change or add a frequency; or improve the operating characteristics of an existing or proposed station; or enlarge the service contour or significantly change the location or points of communication of an existing or proposed station; or which will materially alter the nature of an existing or proposed service) is subject to the provisions of § 21.27.

(d) Amendments, other than major amendments within the meaning of paragraph (c) of this section, will be considered on a case-by-case basis and, if found to materially alter an existing or proposed station, will be deemed to be a major change and will thereafter be listed in a public notice and subject to the provisions of § 21.27.

§ 21.24 Form of amendments to applications.

Any amendment to an application shall be signed, and submitted in the same manner, and with the same number of copies, as was the original application: *Provided, however,* That amendments may be made in letter form, complying in all other respects with this rule. The Commission may, upon its own motion or upon the motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 21.25 Application for temporary authorizations.

(a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and/or operate new or modified equipment. Any such request may be submitted as an informal application in the manner set forth in § 21.12 and must contain full particulars as to the proposed operation including all facts sufficient to justify the temporary authority sought and the public interest therein. No such request will be considered unless the request is received by the Commission at least 10 days prior to the date of proposed construction or operation or, where an extension is sought, expiration date of the existing temporary authorization. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

(b) Special temporary authorizations may be granted without regard to the 30-day public notice requirement of § 21.27(c) when:

(1) the authorization is for a period not to exceed 30 days and no application for regular application is contemplated to be filed;

(2) the authorization is for a period not to exceed 60 days pending the filing of an application for such regular operation;

(3) the authorization is to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as previously authorized; or

(4) the authorization is made upon a finding that there are extraordinary circumstances requiring emergency operation in the public interest and that delay in the institution of such service would seriously prejudice the public interest.

(c) No special temporary authorization, except as provided for in paragraph (d) of this section, will be granted for a period to exceed 90 days or be extended for more than one additional period not to exceed 90 days.

(d) In cases of emergency found by the Commission, involving danger to life or property or due to damage of equipment, or during a national emergency proclaimed by the President or declared by the Congress or during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or safety or otherwise in furtherance of the war effort, or in cases of emergency where the Commission finds that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission will grant construction permits and station licenses, or modifications or renewals thereof, during the emergency found by the Commission or during the continuance of any such national emergency or war, as Special Temporary Licenses, only for the period of emergency or war requiring such action, without the filing of formal applications.

PROCESSING OF APPLICATIONS

§ 21.26 Receipt of application.

(a) Applications received for filing are given a file number. The assignment of a file number to an application is merely for administrative convenience and does not indicate the acceptance of the application for filing and processing. Such assignment of a file number will not preclude the subsequent return or dismissal of the application if it is found to be not in accordance with the Commission's rules.

(b) Acceptance of an application for filing merely means that it has been the subject of a preliminary review as to completeness. Such acceptance will not preclude the subsequent return or dismissal of the application if it is found to be defective or not in accordance with the Commission's rules. (See § 21.13 for additional information concerning filing of applications.)

(c) At regular intervals the Commission will issue a "Public Notice" listing applications and major amendments thereto which have been accepted for filing.

§ 21.27 Processing of applications.

(a) All applications for instruments of authorization covered by this part and major application amendments (as indicated in § 21.23) are subject to the provisions of this section, except applications for:

(1) A minor change in the facilities of an authorized station, as indicated in § 21.23;

(2) Consent to an involuntary assignment or transfer under section 310(b) of the Communications Act or to an assignment or transfer thereunder which does not involve a substantial change in ownership or control;

(3) A license under section 319(c) of the Communications Act or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such license;

(4) Extension of time to complete construction of authorized facilities;

(5) An authorization of facilities for remote pickups, studio links and similar facilities for use in the operation of a broadcast station;

(6) A temporary authorization pursuant to § 21.25(b);

(7) An authorization under any of the proviso clauses of section 308(a) of the Communications Act.

(b) No application acceptable for filing and subject to the provisions of this section shall be granted by the Commission earlier than 30 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any major amendment thereof.

(c) Any party in interest may file with the Commission a petition to deny any application (whether as originally filed or as amended) to which paragraph (a) of this section applies, no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or major amendment thereto. The petitioner shall serve a copy of such petition on the applicant no later than the date of filing thereof with the Commission. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with § 21.30. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such opposition (see § 1.45 of this chapter) and allegations of fact or denials thereof shall similarly be supported by affidavit. Unless the requirements are waived by the Commission, any petition not filed within the specified time or otherwise found defective with respect to formal requirements will be granted status only as an informal objection in accordance with § 21.30(c).

(d) [Reserved]

(e) If the Commission finds, on the basis of the application, the pleadings filed, or other matters which it may officially notice, that there are no substantial and material questions of fact and that a grant of the application would be consistent with § 21.30(a), it shall make the grant deny the petition, and issue a concise statement of the reasons for denying the petition, which statement shall dispose of all substantial issues raised by the petition. If a substantial and material question of fact is presented, or if the Commission, for any reason, is unable to find that grant of the application would be consistent with § 21.30(a), the Commission shall proceed as provided in paragraph (f) of this § 21.27.

(f) If, in the case of any application to which § 21.30(a) applies, a substantial and material question of fact is presented, or the Commission, for any reason, is unable to make the finding specified in that section, it shall formally designate the application for hearing on the grounds or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue, but not including issues or requirements phrased generally. Before an application may be considered to be mutually exclusive with the application or applications so designated for hearing, the filing of the later application must be consistent with § 21.30(b). When the Commission has so designated an application for hearing, any party in interest who is not notified by the Commission of such action, may acquire the status of a party to the proceeding thereon by filing a petition for intervention, showing the basis of his interest, at any time not more than 30 days after the publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that, with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

§ 21.28 Dismissal and return of applications.

(a) Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only before public notice of the issuance of a proposed decision proposing denial of the application, upon written petition properly served upon all parties of record, and will be granted only for good cause shown. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition.

(c) An applicant not desiring to prosecute his application may request the dismissal of same without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

(d) Any mutually exclusive application filed after the date prescribed in § 21.30(b) will be returned without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

§ 21.29 Partial grants.

Where the Commission, without a hearing, grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to the station if a designated application or applications are subsequently granted, the applicant will be informed of the reasons for such action and the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, return the instrument of authorization and file with the Commission a written statement rejecting the grant as made and setting forth the reasons why the application should be granted as originally requested. Upon receipt of such statement, the Commission will vacate its original action upon the application and reconsider the same. Upon such reconsideration, it will either grant or set the application for hearing in the same manner as other applications are set for hearing.

§ 21.30 Grants without hearing.

(a) Where an application for radio facilities is proper on its face and, where it appears from an examination of the application, supporting data, and such other matters as the Commission may officially notice, that (1) the applicant is legally, technically, financially, and otherwise qualified; (2) a grant of the application would not cause harmful interference to an existing station or stations for which a construction permit is outstanding within its service area; (3) a grant of the application would not preclude the grant of any pending applications; and (4) a grant of the application would serve the public interest, convenience, or necessity, the Commission will grant the application without a hearing.

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application, or any other application amended so as to constitute a major change therein (as defined in § 21.23), as being mutually exclusive with the application or applications under consideration unless such other application was substantially complete and tendered for filing by whichever date is earlier: (1) The close of business 1 business day preceding the day on which the Commission takes action with respect to the application under consideration; or (2) within 60 days after the date of the public notice listing the first prior application (with which the subsequent application is in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will, for the purposes of this section, be considered to be a newly filed application. Where major changes which do not relate to the mutually exclusive aspect of a proceeding are warranted, or in the case of multiple mutually exclusive issues where the warranted major changes

serve to resolve one or more of the issues but do not relate to the mutually exclusive aspect of the proceeding, such changes or amendments will not serve to alter the existing mutually exclusive status so long as new conflicts are not created. An application filed after the appointed date as specified herein will be subject to disposal in accordance with the provisions of § 21.28 of the rules. As an exception, however, in dealing with the frequency bands 3700–4200 and 5925–6425 Mc/s, which are shared on a coequal, primary basis by the Point-to-Point Microwave Radio Service under this part and the Communication Satellite Service under Part 25, the Commission may consider planned future expansion of existing communication-satellite earth stations as being mutually exclusive with the application under consideration if brought to the attention of the Commission by the close of business 1 business day preceding the day on which the Commission takes action with respect to the application under consideration. To qualify for such mutual consideration the earth station must lie within coordination distance of the site of the point-to-point station in question and the earth station licensee must be able to document his planed expansion to the satisfaction of the Commission. Reciprocal treatment shall be afforded stations in the Point-to-Point Microwave Service in Part 25 of this chapter.

(c) Before Commission action on any application for an instrument of authorization, other than a license pursuant to a construction permit, any person may file informal objections to a grant thereof. Such objections shall be signed by the objector. The limitation on pleadings provided in § 1.45 of this chapter shall not be applicable to any objections filed pursuant to this section. Such informal objections will be considered by the Commission but will not be accorded the formal status of petitions as set forth in § 21.27.

(d) If a petition to deny the application has been filed in accordance with § 21.27, and the Commission makes the grant in accordance with paragraph (a) of this section, the Commission will deny the petition and issue a concise statement setting forth the reasons for denial and disposing of all substantial issues raised by the petition.

§ 21.31 Conditional grants.

Where a grant of the application would preclude the grant of an application or applications mutually exclusive with it, the Commission may, if public interest will be served thereby, make a conditional grant of one or more of such mutually exclusive applications and designate all of the mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that it is subject to being withdrawn if, at the hearing, it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(a) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(b) That public interest requires the prompt establishment of radio service in a particular community or area; or

(c) The grant of one or more applications would be in the public interest and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of an international agreement to the use of the frequency in question; or

(d) That a grant of one application would be in the pulbic interest in that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the provisions of this chapter.

§ 21.32 Transfer and assignment of station authorization.

A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or disposed of in whole or in part, in any manner, voluntary or involuntary, directly or indirectly, or by transfer of control of any corporation holding such authorization, to any person, except upon application to the Commission and upon finding by the Commission that the public interest, convenience and necessity will be served thereby. Requests for authority of the type referred to herein shall be submitted on the forms prescribed by § 21.14(h) and shall be accompanied by the further showing required by § 21.14(h).

§ 21.33 Period of construction.

(a) Except for stations in the Point-to-Point Microwave Radio Service, and except as may be limited by § 21.35(b), each construction permit for a radio station in the Domestic Public Radio Services will specify the date of grant as the earliest date of commencement of construction, and a maximum of 8 months from the date of grant as the time within which construction will be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case (see §§ 21.14 (d) and 21.34(a)).

(b) For stations in the Point-to-Point Microwave Radio Service, and except as may be limited by § 21.35(b), the construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and a maximum of 18 months thereafter as the time within which construction shall be completed and the station be ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 21.34 Forfeiture of station authorizations.

(a) A construction permit shall be automatically forfeited if construction has not been commenced within the time specified therein or if the station is not ready for operation within the term of the construction permit, or within such additional time as the Commission may have allowed upon a proper showing, upon FCC Form 701 filed prior to the date sought to be extended, that failure to commence or complete construction was due to causes not under the control of the permittee (see §§ 21.14(d) and 21.33).

(b) A license or special temporary authorization shall be automatically forfeited upon the expiration date specified therein unless prior thereto an application for renewal of such license or authorization shall have been filed with the Commission (see § 21.14(f)).

§ 21.35 License period.

(a) Licenses for stations in the Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services will be issued for a period not to exceed 5 years; in the case of common carrier Television STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use such frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered; except that licenses for developmental stations will be issued for a period not to exceed 1 year. The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of July in the year of expiration; the expiration date of licenses in the Rural Radio Service shall be the first day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave Radio and Local Television Transmission Services shall be the first day of February in the year of expiration; and the expiration date of developmental licenses shall be 1 year from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

(b) The Commission reserves the right to grant or renew station licenses in these services for a shorter period of time than that generally prescribed for such stations if, in its judgment, public interest, convenience, or necessity would be served by such action.

(c) Upon the expiration or termination of any station license, any related construction permit, which bears a later expiration date, shall be automatically terminated concurrently with the related station license, unless it shall have been determined by the Commission that the public interest, convenience, or necessity would be served by continuing in effect said construction permit.

III. Subpart C of Part 21 is amended as follows:

1. Section 21.108(d) is amended by changing the final period to a comma and adding the following:

§ 21.108 Directional antennas.

* * * * *

(d) * * *, and the center of the major lobe of radiation from the passive reflector directed toward the receiving station with which it communicates.

2. In § 21.109, the headnote and paragraph (b) are amended to read:

§ 21.109 Antenna, tower, and transmitting systems changes.

* * * * *

(b) No replacement or change of antenna or antenna structure shall be effected, except as noted below, without prior authorization from the Commission if after such replacement or change, there would be an increase in the gain of the antenna in any direction or increase in the overall structure height: *Provided, however,* That changes may be made without prior authorization from the Commission where: The power gain in any direction is not decreased by more than 1.5 db below that specified in the application for which authorization was issued; antenna height changes or corrections do not vary more than 2 feet from the height authorized and do not increase the overall structure height; or antenna directivity changes do not vary more than one degree from the values authorized. Within 30 days after making any changes not requiring prior authorization, the licensee shall report the same to the Commission and to the Engineer in Charge of its district with complete technical details including a computation of the effective radiated power and all other pertinent information together with the certification of the person responsible for preparing the information (c.f. §§ 21.121(c) and 21.15(g)).

3. Section 21.110(d) is amended by the addition of the following sentence:

§ 21.110 Antenna polarization.

(d) * * * No change in polarization shall be made without prior authorization from the Commission.

4. Section 21.111 is amended by changing the reference at the end to read:

§ 21.111 Simultaneous use of common antenna structure.

* * * (see § 21.15(f) and § 21.109(b)).

5. Section 21.113 is amended by the addition of the following sentence:

* * * * *

§ 21.113 Description of station location.

* * * In the point-to-point service authorized under this part, the antenna site at each terminal receiving location shall be described in the same manner.

6. Section 21.114 is revised to read:

§ 21.114 Temporary fixed antenna height restrictions.

The overall antenna structure heights employed by mobile stations in the Local Television Transmission Service and by stations authorized to operate at temporary fixed locations shall not exceed the height criteria set forth in §17.7 of this chapter, unless, in each instance, authorization for use of a specific maximum antenna height (above ground and above mean sea level) for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall show the inclusive dates of the proposed operation. (Complete information as to rules concerning the construction, marking and lighting of antenna structures is contained in Part 17 of this chapter.)

§ 21.116 [Amended]

7. In the fifth sentence of § 21.116 the word "radically" is changed to "radially".

8. In § 21.118, paragraph (d) is amended to read:

§ 21.118 Transmitter construction and installation.

* * * * *

(d) Each station in these services, which is required to have a person on duty and in charge of the station's operations during the normal rendition of service, shall be provided with at least one control point (see § 21.205). Where a control point is authorized within the boundary of a city, borough, town or community, and dispatching is handled by the licensee's own employees, the licensee of a station may move the installation of such control point without prior authorization with the boundary of such city, borough, town or community, *Provided,* That the licensee promptly notify the Commission and the Engineer in Charge of the radio district in which the station is located of such change and indicate the change on the next application for renewal of license or in the next application for modification of license, whichever is filed first. Prior authorization, by first securing a modification of the license, must be obtained when a licensee desires to move the installation of any control point beyond the boundary of the city, borough, town, or community where the control point is authorized or when dispatching is being performed by persons other than the employees of the licensee.

* * * * *

9. In § 21.121, a new paragraph (d) is added to read:

§ 21.121 Replacement of equipment.

* * * * *

(d) The licensee of a station in this service may replace or change equipment, other than that specified in §§ 21.109(a) and 21.121(a) including the transmission line and other devices between the transmitter and antenna if, after such change or addition the effective radiated power of the station in any direction is not decreased by more than 1.5 db below that specified in the application for which authorization was issued. Prior authorization from the Commission is required if, after such changes the effective radiated power in any direction would be increased. Within 30 days after making any changes not requiring prior authorization, the licensee shall report the same to the Commission and to the Engineer in Charge of its district with complete technical details including a computation of the effective radiated power and all other pertinent information together with the certification of the person responsible for preparing the information (cf. §§ 21.121(c) and 21.15).

IV. Subpart D of Part 21 is amended as follows:

1. In § 21.201, paragraph (a) is amended to read:

§ 21.201 Posting of station authorization.

(a) The station permit, license, or other authorization shall be posted at the authorized control point of the station, or, if none, at the station location. A photocopy may be posted in lieu of the original authorization if it is certified as to authenticity by an officer or duly authorized employee of the licensee or permittee and if it is annotated with the location of the original. If not posted at the station or a control point, the original authorization shall be posted at the licensee's alarm center or maintenance facility responsible for the station. (See also § 1.62 of this chapter.)

* * * * *

2. The text of § 21.204 preceding the note is amended to read:

§ 21.204 FCC publication required for reference.

For reference purposes, the permittee or licensee of radio facilities in the Domestic Public Radio Services shall maintain and have available at the principal control point or at the transmitter location, a current copy of Part 21 of this chapter (available at the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402).

* * * * *

3. In § 21.205, paragraphs (d), (j), and the introductory text of paragraph (l) preceding subparagraph (1) are amended to read:

§ 21.205 Operator requirements.

* * * * *

(d) In all cases, except where manual radiotelegraph keying is employed, the person responsible for the technical installation, servicing, and maintenance of a radio station in these services shall hold a first- or second-class commercial radiotelephone or radiotelegraph license issued by the Commission.

* * * * *

(j) TV Pickup stations, Microwave Auxiliary stations, and Developmental stations shall be operated during the course of normal rendition of service under the effective operational control of a person holding a first- or second-class commercial radiotelephone or radiotelegraph operator license issued by the Commission.

* * * * *

(l) Except under the circumstances specified in paragraphs (g) through (j) of this section, during the course of normal rendition of service, no person is

required to be in attendance at a station installed at a specified fixed location provided * * *

* * * * *

4. Section 21.206 is revised to read:

§ 21.206 Inspection and maintenance of antenna structure marking and lighting, and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspection and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements set forth in Part 17 of this chapter.

5. In § 21.208, paragraph (f) is amended to read:

§ 21.208 Station records.

* * * * *

(f) For each station whose antenna structure is required to be illuminated, appropriate entries shall be made in the station's technical log in conformity with the requirements of Part 17 of this chapter.

* * * * *

6. In § 21.212, paragraph (f) is added to read:

§ 21.212 Equipment, service and maintenance tests.

* * * * *

(f) Where a facility is to be constructed and operated pursuant to a temporary authorization, the Commission and the Engineer in Charge of the district in which the facility is located shall be notified upon commencement of operation.

7. In § 21.213, the last sentence of paragraph (a) is amended and paragraph (b)(4) is deleted to read:

§ 21.213 Station identification.

(a) * * * In any such case, the identifying call sign shall be transmitted immediately following the conclusion of the message, radiophoto, or program: *Provided*, That the requirement for transmission of station identification is waived for fixed stations employing continuous radiation with multichannel or video transmission.

(b) * * *

(4) [Deleted]

* * * * *

V. Subpart E of Part 21 is amended as follows:

1. Section 21.300 is revised to read:

§ 21.300 Business records.

Each licensee of radio facilities authorized under the rules of this part is required to file FCC Form L or Form M (see § 1.785 of this chapter) and shall keep complete records of all phases of such operation distinctly separate and apart from any other business or activity conducted by the licensee.

2. Section 21.302 is revised to read:

§ 21.302 Answers to notices of violation.

Any person receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any other Federal statute or Executive order pertaining to radio or wire communications or any international radio or wire communications treaty or convention, or regulations annexed thereto to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 10 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent or an acknowledgment made within such 10-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacture, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given or, if a file number has not been assigned by the Commission, such identification as will permit ready reference thereto. If the notice of violation relates to inadequate maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given. If the notice of violation relates to some lack of attention to, or improper operation of, the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

3. In § 21.303, paragraphs (b) and (c) are amended by the deletion of the last sentence of each paragraph and the substitution therefor of the following new last sentences to read:

§ 21.303 Discontinuance, reduction, or impairment of service.

* * * * *

(b) * * * In the event that service is permanently discontinued the licensee shall give written notification thereof to the Commission's Engineer in Charge of the radio district in which the station is located and promptly send the station license to the Commission at Washington, D.C. 20554, for cancellation or make appropriate application for modification of the license, as applicable.

(c) * * * In the event that service is permanently discontinued the licensee shall give written notification thereof to the Commission's Engineer in Charge of the radio district in which the station is located and promptly send the station license to the Commission at Washington, D.C. 20554, for cancellation or make appropriate application for modification of the license, as applicable.

4. In § 21.305, the headnote is amended to read:

§ 21.305 Reports required concerning amendments to charters and partnership agreements.

* * * * *

5. In § 21.306, the second sentence is amended to commence as follows:

§ 21.306 Requirement that permittees and licensees respond to official communications.

* * * Failure to do so * * *

VI. Subpart F is amended as follows:

1. In § 21.401, paragraph (b) is redesignated paragraph (c) and a new paragraph (b) is added to read:

§ 21.401 Scope of service.

* * * * *

(b) In the Point-to-Point Microwave and Local Television Services, the testing of existing or authorized antennas, wave guides or transmission paths; or

* * * * *

VII. Subpart G is amended as follows:

1. In § 21.501, the introductory texts of paragraphs (a), (b), and (c), and paragraph (f) are amended to read:

§ 21.501 Frequencies.

* * * * *

(a) For assignment, in accordance with the Zone Allocation Plan, to stations of communication common carriers which are also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished on a secondary basis by any facility rendering such General or Dispatch service). The frequencies specified may be used in adjoining zones within moderate distances of the respective zone boundaries to permit continuous service to mobile units transiting such zone boundaries. * * *

(b) For assignment, to stations of communication common carriers engaged also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished on a secondary basis by any facility rendering such General or Dispatch Service): * * *

(c) For assignment to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service for General and Dispatch Communications (provided that Signaling Communications may also be furnished on a secondary basis by any facility rendering such General or Dispatch Service): * * *

* * * * *

(f) 72–76 Mc/s Band: [1]

Mc/s	Mc/s	Mc/s	Mc/s
72.02	72.42	72.82	75.62
72.04		72.84	75.64
72.06	72.46	72.86	72.66
72.08		72.88	72.68
72.10	72.50	72.90	75.70
72.12		72.92	75.72
72.14	72.54	72.94	75.74
72.16		72.96	75.76
72.18	72.58	72.98	75.78
72.20		75.42	75.80
72.22	72.62		75.82
72.24	72.64	75.46	75.84
72.26	72.66		75.86
72.28	72.68	75.50	75.88
72.30	72.70		75.90
72.32	72.72	75.54	
72.34	72.74		75.92
72.36	72.76	75.58	75.94
72.38	72.78		75.96
72.40	72.80		75.98

[1] Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or reception of television stations on Channel 4 or 5. (See § 21.103.) Existing stations authorized in the 73 to 74.6 Mc/s band as of Dec. 1, 1961, may continue to operate, are not required to afford protection to the radio astronomy service, and must comply with the following technical specifications:
Frequency Tolerance: 0.005 percent.
Frequency Deviation: ±15 kc/s.
Authorized Bandwidth: 40 kc/s.
Modulation Limiter: Required of transmitter authorized or installed after July 1, 1950.
Audio Low Pass Filter: Not required.

* * * * *

2. Section 21.507(b) is amended by the addition of the following footnote:

§ 21.507 Bandwidth and emission limitations.

* * * * *

(b) * * *

[2] In the frequency bands 72.0–73.0 and 75.4–76.0 Mc/s, radio facilities using frequency modulated or phase modulated emission will be authorized with maximum bandwidth of 20 kc/s and maximum frequency deviation of 5 kc/s. Radio facilities which were authorized for operation on Dec. 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue to be authorized without change and with bandwidth of 40 kc/s and frequency deviation of 15 kc/s. New or modified facilities in the frequency band 73.0–74.6 Mc/s will not be authorized.

* * * * *

3. In § 21.516, the headnote, the introductory text, the introductory text of paragraph (b) are amended, and new subparagraphs (4) and (5) added to paragraph (b) to read:

§ 21.516 Additional showing required with application for assignment of additional channel or channels.

An application requesting the assignment of an additional channel or channels at an existing Domestic Public Land Mobile radio station (other than control, dispatch, or repeater), in addition to the information required by other sections of the rules, shall include a showing of the following:

* * * * *

(b) Data showing the actual traffic loading on each channel assignment of the present radio systems during the busiest 12-hour periods on 3 days (within a 7-day period) having normal message traffic not more than 60 days prior to the date of filing. This information should be reported separately for each of the 3 days selected, which should be identified by dates, and should disclose the following:

* * * * *

(4) For systems that provide one way signaling as a primary service, (i) the number of mobile receivers in operation during the study period, (ii) the number of calls held, (iii) the total holding time, (iv) the total number of minutes the channel is utilized for transmission between the base station and the mobile receiver during each hour.

(5) Such other additional information which may more accurately reflect channel loading, and any further information which may be applicable and pertinent to the application.

4. In § 21.520(a), subparagraph (3) and (5) are amended to read:

§ 21.520 Notification of operation of dispatch station without specific authorization.

(a) * * *

(3) The name of the manufacturer, type number, and rated power output of transmitter to be installed.

* * * * *

(5) The overall height of the transmitting antenna structure in feet above ground and above mean sea level.

* * * * *

VIII. Subpart H is amended as follows:

1. In § 21.604, the table in paragraph (a) is amended by the addition of the following footnote.

§ 21.604 Emission limitations.

(a) * * *

[2] In the frequency bands 72.0–73.0 and 75.4–76.0 Mc/s, radio facilities using frequency modulated or phase modulated emission will be authorized with maximum bandwidth of 20 kc/s and maximum frequency deviation of 5 kc/s. Radio facilities which were authorized for operation on Dec. 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue to be authorized without change and with bandwidth of 40 kc/s and frequency deviation of 15 kc/s. New or modified facilities in the frequency band 73.0–74.6 Mc/s will not be authorized.

* * * * *

2. In § 21.610(a), subparagraphs (1) and (4) are amended to read:

§ 21.610 Rural subscriber, interoffice, and central office stations at temporary fixed locations.

(a) * * *

(1) When a fixed station is to remain at a single location for less than 6 months and the location is considered to be temporary. Services which are initially known to be for longer than 6-month duration shall not be provided under a temporary fixed authorization but rendered pursuant to a regular license.

* * * * *

(4) The antenna structure height employed at any location shall not exceed the criteria set forth in § 17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure height has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall be accompanied by FCC Form 714 and a sketch of the proposed antenna structure.

* * * * *

3. In § 21.611, the present paragraph (b) is redesignated (c) and a new paragraph (b) is added to read:

§ 21.611 Notification of station operation at temporary locations.

* * * * *

(b) Less than 2 days advance notice may be given when circumstances require shorter notice provided such notice is promptly given and the reasons in support of such shorter notice are stated.

* * * * *

IX. Subpart L is amended as follows:

1. Section 21.700 is revised to read:

§ 21.700 Eligibility.

Authorizations for stations in this service will be issued to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically, and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience, or necessity would be served by a grant thereof. In addition, applications proposing services other than public message service, must include a showing that at least 50 percent of the customers (on the microwave system involved), including customers of any interconnecting carrier(s) receiving applicant's service, are unrelated and unaffiliated with the applicant, and that the proposed usage by such customers, in terms of hours of use and channels delivered, constitutes at least 50 percent of the usage of applicant's microwave system. Applications which do not contain the showing required by this section will be returned as unacceptable for filing.

2. In § 21.701, paragraph (d) is amended and paragraph (g) is deleted and the word "Reserved" inserted to read:

§ 21.701 Frequencies.

* * * * *

(d) The following frequencies are allocated for assignment to control stations in this service on a shared with other radio services; upon a satisfactory showing that it is impracticable to use wire lines:

72–76 Mc/s BAND[1]

Mc/s	Mc/s	Mc/s	Mc/s
72.02	72.42	72.82	75.62
72.04		72.84	75.64
72.06	72.46	72.86	75.66
72.08		72.88	75.68
72.10	72.50	72.90	75.70
72.12		72.92	75.72
72.14	72.54	72.94	75.74
72.16		72.96	75.76
72.18	72.58	72.98	75.78
72.20		75.42	75.80
72.22	72.62		75.82
72.24	72.64	75.46	75.84
72.26	72.66		75.86
72.28	72.68	75.50	75.88
72.30	72.70		75.90
72.32	72.72	75.54	75.92
72.34	72.74		75.94
72.36	72.76	75.58	75.96
72.38	72.78		75.98
72.40	72.80		

[1] Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or reception of television stations on Channels 4 or 5 (see § 21.103).

* * * * *

(g) [Reserved]

* * * * *

3. In § 21.703, the following footnote is added to the table in paragraph (e) to read:

§ 21.703 Bandwidth and emission limitations.

* * * * *

(e) * * *

[2] In the frequency bands 72.0–73.0 and 75.4–76.0 Mc/s, radio facilities using frequency modulated or phase modulated emission will be authorized with maximum bandwidth of 20 kc/s and maximum frequency deviation of 5 kc/s. Radio facilities which were authorized for operation on Dec. 1, 1961, in the frequency band 73.0–74.6 Mc/s may continue to be authorized without change and with bandwidth of 40 kc/s and frequency deviation of 15 kc/s. New or modified facilities in the frequency band 73.0–74.6 Mc/s will not be authorized.

* * * * *

4. In § 21.705, the following sentence is added to read:

§ 21.705 Permissible communications.

* * * In authorizations classed as Fixed Video, the services permissible are limited to the carriage of video signals and their associated audio signals unless otherwise conditioned.

5. In § 21.707(a), subparagraphs (1) and (4) are amended to read:

§ 21.707 Stations at temporary fixed locations.

(a) * * *

(1) When a fixed station is to remain at a single location for less than 6 months, the location is considered to be temporary. Services which are initially known to be of longer than 6-month duration shall not be provided under a temporary fixed authorization but rendered pursuant to a regular license.

* * * * *

(4) The antenna structure height employed at any location shall not exceed the criteria set forth in §17.7 of Part 17 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure height for each location has been obtained from the Commission prior to erection of the antenna. See § 21.114.

* * * * *

6. In § 21.708, the introductory text, subparagraphs (1) and (2) are amended, and (8) added in paragraph (a); and paragraph (b) is amended to read:

§ 21.708 Notification of station operation at temporary fixed locations.

(a) The licensee of stations which are authorized pursuant to the provisions of § 21.707 shall notify the Commission, and its Engineer in Charge of the radio district wherein operation is to be conducted, at least 5 days prior to installation of the facilities, stating:

(1) The call sign, manufacturer's name, type or model number, output power, and specific location of the transmitter(s).

(2) The maintenance location for the transmitter.

* * * * *

(8) Where the notification contemplates initially a service which is to be rendered for a period longer than 90 days, the notification shall contain a showing as to why application should not be made for regular authorization.

(b) Less than 5 days advance notice may be given when circumstances require shorter notice provided such notice is promptly given and the reasons in support of such shorter notice are stated.

* * * * *

7. Section 21.709 is revised to read:

§ 21.709 Renewal of station licenses.

An application for renewal of a license of a station in the Domestic Public Point-to-Point Microwave Radio Service used for a wide band transmission service (e.g., relay of television signals) must include a showing that at least 50 percent of the customers (on the microwave system involved), including customers of any interconnecting carrier(s) receiving applicant's service, are unrelated and unaffiliated with the applicant, and that the usage of such customers, in terms of hours of use and channels delivered, constitutes at least 50 percent of the usage of applicant's microwave system. Applications which do not contain the showing required by this section will be returned as unacceptable for filing.

X. Subpart J is amended as follows:

1. Section 21.800 is revised to read:

§ 21.800 Eligibility.

Authorization for stations in this service will be granted to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience, or necessity would be served by a grant thereof. In addition, applications must include a showing that at least 50 percent of the customers (on the microwave system involved) including customers of any interconnecting carrier(s) receiving applicant's service, are unrelated and unaffiliated with the applicant, and that the proposed usage by such customers, in terms of hours of use and channels delivered, constitutes at least 50 precent of the usage of applicant's microwave system. Applications which do not contain the showing required by this section will be returned as unacceptable for filing.

2. In § 21.807(a), subparagraphs (1) and (4) are amended to read:

§ 21.807 Stations at temporary fixed locations.

(a) * * *

(1) When a fixed station is to remain at a single location for less than 6 months, the location is considered to be temporary. Services which are initially known to be of longer than 6 months duration shall not be provided under a temporary fixed authorization but rendered pursuant to a regular license.

* * * * *

(4) The antenna structure height employed at any location shall not exceed the criteria set forth in § 17.7 of Part 17 of the rules unless, in each instance, authorization for use of a specific maximum antenna structure height for each location has been obtained from the Commission prior to erection of the antenna. See § 21.114.

* * * * *

3. In § 21.808(a), the introductory text, subparagraphs (1) and (2) are amended and new subparagraph (7) is added to read:

§ 21.808 Notification of station operation at temporary locations.

(a) The licensee of stations which are authorized pursuant to the provisions of § 21.807 shall notify the Commission, and its Engineer in Charge of the radio district wherein operation is to be conducted, of each period of operation at least 5 days prior to installation of the facilities. This notification shall include:

(1) The call sign, manufacturer's name, type or model number, output power, and specific location of the transmitter(s).

(2) The maintenance location for the transmitter.

* * * * *

(7) Where the notification contemplates initially a service which is to be rendered for a period longer than 90 days, the notification shall contain a showing as to why application should not be made for regular authorization.

* * * * *

[F.R. Doc. 69-6802; Filed, June 9, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Forest Service

WEMINUCHE WILDERNESS

Hearing Announcement

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964, Public Law 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132) that a public hearing will be held beginning at 9 a.m. on October 6, 1969, at the La Plata County Courthouse, Durango, Colo., and continued at 9 a.m. on October 8, 1969, at the Vali Theatre, Monte Vista, Colo., on a proposal for recommendation to be made to the President of the United States by the Secretary of Agriculture that a recommendation be submitted to Congress for the establishment of the Weminuche Wilderness, comprised of approximately 334,252 acres within and contiguous to the San Juan and Upper Rio Grande Primitive Areas. Approximately 93,415 acres are located within the Rio Grande National Forest and approximately 240,837 acres are within the San Juan National Forest. The proposed Wilderness is located in Hinsdale, La Plata, Mineral, and San Juan Counties, all in the State of Colorado.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Rio Grande National Forest, Rural Route No. 2, Monte Vista, Colo. 81144, or the Forest Supervisor, San Juan National Forest, Post Office Box 341, Durango, Colo. 81301, or the Regional Forester, Building 85, Denver Federal Center, Denver, Colo. 80225.

Individuals or organizations may express their views by appearing at this hearing at either Durango or Monte Vista, Colo., or they may submit written comments for inclusion in the official record to the Regional Forester at the above address by November 10, 1969.

A. W. GREELEY,
Associate Chief, Forest Service.

[F.R. Doc. 69-6806; Filed, June 9, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colo. 0123127]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 2, 1969.

Notice of an application, Serial No. Colo. 0123127, for withdrawal and reservation of lands was published as F.R. Doc. No. 64-7197 on page 9806-07 of the issue for July 21, 1964. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands will be at 10 a.m. on July 8, 1969, relieved of the segregative effect of the above-mentioned application. The lands involved in this notice of termination are:

STATE HIGHWAY 133 ROADSIDE ZONE

Two strips of land 100 feet in width each lying outside of, contiguous to and parallel to a roadside strip 200 feet in width on each side of the center line of State Highway 133 as described in Public Land Order 4579, appearing in the FEDERAL REGISTER of January 24, 1969, pages 1141-1143, through the following sections:

6TH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 88 W.,
Secs. 9, 16, 20, 21, 29, 32, and 33.
T. 10 S., R. 88 W.,
Secs. 4, 8, 9, 30, and 31.
T. 11 S., R. 88 W.,
Sec. 6.
T. 11 S., R. 89 W.,
Secs. 1, 2, 3, 4, 9, 12, and 16.

ANDREW J. SENTI,
Acting Land Office Manager.

[F.R. Doc. 69-6782; Filed, June 9, 1969; 8:46 a.m.]

[Montana 12791]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 3, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application M 12791 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land to protect the campground and existing improvements of Red Top Campground.

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

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

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

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

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

The lands involved in the application are:

PRINCIPAL MERIDIAN MONTANA

KOOTENAI NATIONAL FOREST

Red Top Campground

T. 35 N., R. 33 W., unsurveyed, but which probably will be when surveyed:
Sec. 31, SW¼NW¼NW¼NE¼, W½SW¼NW¼NE¼, SE¼NE¼NE¼NW¼, and E½SE¼NE¼NW¼.

The area described aggregates 15 acres in Lincoln County, Mont.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69-6783; Filed, June 9, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (41-993V) has been filed by The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use in chicken feed of a combination drug containing clopidol, 3-nitro-4-hydroxyphenylarsonic acid, and penicillin (as procaine penicillin) for the prevention of coccidiosis caused by specified organisms, for growth promotion and

feed efficiency, and for improving pigmentation.

Dated: June 3, 1969.

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

[F.R. Doc. 69-6774; Filed, June 9, 1969; 8:46 a.m.]

SCHERING CORP.

Notice of Withdrawal of Petition for Food Additives

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Schering Corp., Bloomfield, N.J. 07003, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of October 19, 1967 (32 F.R. 14568), proposing that the food additive regulations be amended to provide for the safe use in chicken feed of a combination drug containing dienestrol diacetate, amprolium, and ethopabate for the prevention of coccidiosis and for the promotion of fat distribution for tenderness and bloom.

Dated: May 28, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-6775; Filed, June 9, 1969; 8:46 a.m.]

SCHERING CORP.

Notice of Withdrawal of Petition for Food Additives Dienestrol Diacetate, Amprolium, and Penicillin

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Schering Corp., Bloomfield, N.J. 07003, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of December 21, 1967 (32 F.R. 20670), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of dienestrol diacetate, amprolium, and penicillin in the feed of roaster chickens for growth promotion.

Dated: June 3, 1969.

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

[F.R. Doc. 69-6776; Filed, June 9, 1969; 8:46 a.m.]

[Docket No. FDC-D-111; NDA No. 14-241]

UNIMED, INC.

Serc Tablets: Notice of Scheduling of Hearing and Prehearing Conference

Notice is hereby given to Unimed, Inc., Morristown, N.J. 07960, that in accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and Part 130, the new-drug regulations (21 CFR Part 130), a hearing will be held in the matter of the proposal of the Commissioner of Food and Drugs to withdraw approval of new-drug application No. 14-241 for marketing the drug Serc Tablets. Said hearing will begin at 10 a.m., June 25, 1969, in Room G-751, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

Evidence and arguments may be produced at the hearing to show why the proposed order of the Commissioner to withdraw approval of said application on the grounds and for the reasons set forth in the Notice of Opportunity for Hearing published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10228), should not be issued. The Food and Drug Administration may also produce evidence and argument relevant and material to the subject matter of the hearing.

Notice is further given to Unimed, Inc. that, in accordance with § 130.18 *Prehearing and other conferences* (21 CFR 130.18), a prehearing conference in this matter will be held beginning at 10 a.m., June 18, 1969, in Room 3015, Federal Building 8, Department of Health, Education, and Welfare, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204. All documentary evidence to be offered at the hearing shall be marked for identification at this prehearing conference.

The hearing and prehearing conference will be open to the public, except that any portion thereof that concerns a method or process which the Commissioner of Food and Drugs finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specified otherwise in filing his appearance.

The undersigned, a duly appointed Hearing Examiner as provided in 5 U.S.C. 3105 (80 Stat. 415), has been designated to conduct the hearing and prehearing conference announced herein, with full authority to administer oaths, to take affirmations, and to do all other things appropriate to the conduct of said proceedings as set forth in Part 130 (21 CFR Part 130).

Dated: June 4, 1969.

WILLIAM E. BRENNAN,
Hearing Examiner.

[F.R. Doc. 69-6789; Filed, June 9, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6 to Facility License No. R-57 to Veterans Administration Hospital at Omaha, Nebr. The license, which authorizes the Veterans Administration Hospital to possess and operate a TRIGA nuclear reactor, has an expiration date of June 24, 1969. However, the licensee has filed an application for renewal of the license for a 10-year period. Accordingly, this amendment, set forth below, extends the expiration date of the license until June 24, 1979; all other conditions of the license remain the same.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the licensee's application for license renewal dated May 9, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of June 1969.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License R-57, Amdt. 6]

The Atomic Energy Commission has found that:

1. The Veterans Administration Hospital's application for license renewal dated May 9, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior public notice of proposed issuance of this amendment is not required, since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-57, as amended, is hereby further amended by revising paragraph number 5 thereof in its entirety to read as follows:

"5. This license is effective as of the date of issuance and shall expire at midnight, June 24, 1979."

Date of Issuance: June 2, 1969.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-6764; Filed, June 9, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20888]

PROFIT BY AIR, INC.

Notice of Proposed Approval of Control Relationships

Application of Profit By Air, Inc., for approval of control relationships under section 408 of the Federal Aviation Act of 1958, as amended, Docket 20888.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 4, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Issued under delegated authority.

Application of Profit By Air, Inc., for approval of control relationships under section 408 of the Federal Aviation Act of 1958, as amended; Docket 20888.

Order approving control relationships. By application filed May 1, 1969, Profit By Air, Inc. (PBA), requests approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act) of the control relationships resulting from its proposed acquisition of the fixed assets and operating rights of Astro Cargo, Inc. (Astro Cargo).[1] PBA is a domestic and international air freight forwarder. Astro Cargo is an intrastate common carrier by motor vehicle operating pursuant to authority issued by the Public Utilities Commission of the State of California.[2]

The application states that upon consummation of the transaction, PBA will transfer the assets and permits of Astro Cargo to a newly-formed, wholly owned subsidiary, Astro Trucking Corp. (Astro Trucking). Thereafter Astro Cargo will be liquidated, and Astro Trucking will perform the operations currently being conducted by Astro Cargo.

The applicant states that in addition to its intrastate common carrier activities, Astro Trucking will perform pickup and delivery services for PBA; that to the extent Astro Trucking will perform such services its ownership and control by PBA is in accord with a long line of Board precedent; and that such ownership and control, in view of Astro Cargo's restricted authority, does not give rise to any conflict of interest questions. In addition, the applicant summarily states that the transaction does not affect the control of an air carrier, does not result in a monopoly, will not tend to restrain competition, and is in the public interest.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that PBA is an air carrier and that its acquisition of Astro Cargo is subject to section 408 of the Act.[3] However, it is further concluded that such control relationships do not affect the control of a direct air carrier, do not result in creating a monopoly and do not tend to restrain competition.[4] Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[5] However, the Board believes that any expansion of the authority held by Astro Trucking may give rise to issues not present in the instant case. Consequently, the approval granted herein will extend only so long as the common carrier activities of Astro Trucking remain intrastate in nature.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

That the acquisition of Astro Cargo by PBA and the resultant control relationships be and they hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

By: A. M. Andrews, Director, Bureau of Operating Rights.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-6809; Filed, June 9, 1969; 8:48 a.m.]

[1] The application was originally filed Apr. 8, 1969, and supplemented May 1, 1969.

[2] PBA has authority to operate as a radial highway common carrier and as a contract common carrier within a radius of 60 miles of Los Angeles and also to operate as a city carrier to all incorporated cities within a radius of 60 miles of Los Angeles.

[3] Air Freight Forwarder Case, 9 CAB 473, 1948.

[4] It has been concluded that exceptional circumstances exist within the meaning of the Sherman Doctrine, to the extent that it is applicable, and that there is no impediment to the processing of the application on its merits.

[5] See Orders 68-9-24, Sept. 6, 1968, and 68-9-111, Sept. 24, 1968 (Drake Motor Lines et al.); and Order 68-10-134, Oct. 25, 1968 (Novo Industrial Corp. and Boss-Linco Lines).

[Docket No. 20928]

AMERICAN AIRLINES, INC., ET AL.

Notice of Postponement of Prehearing Conference Regarding Passenger Fare Revisions

American Airlines, Braniff Airways, Trans World Airlines, United Air Lines, and Western Air Lines are taking action to cancel all of the proposed fare revisions which were ordered investigated in this docket. Under these circumstances notice is hereby given that the prehearing conference now assigned to be held on June 11, 1969, is hereby postponed indefinitely.

Dated at Washington, D.C., June 6, 1969.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[F.R. Doc. 69-6844; Filed, June 9, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Title Change in Noncareer Executive Assignment

Correction

In F.R. Doc. 69-6488 appearing at page 8717 in the issue of Tuesday, June 3, 1969, the phrase "5 CFR 212.3301a" appearing in the seventh line should read "5 CFR 213.3301a."

FEDERAL MARITIME COMMISSION

M & H BROKERAGE, INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor; Notice of Applicants Licensed

Notice is hereby given that the following applicants have been licensed during 1969 by the Federal Maritime Commission as Independent Ocean Freight Forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (46 U.S.C. 814(b)).

M & H Brokerage, Inc., 5439 Northwest 36th Street, Miami Spring, Fla., FMC License No. 1229.

Fermin R. Morales, Inc., Post Office Box 4862, El Imparcial Building, San Juan, P.R., FMC License No. 1231.

Alfred L. Cohen, d.b.a. Mutual International Forwarding, 9027 Flatlands Avenue, Brooklyn, N.Y., FMC License No. 1232.

Gerald T. Boyle, d.b.a. Gerald T. Boyle & Associates, 2100 East Colfax Avenue, Denver, Colo., FMC License No. 1233.

Regis Francis Kramer, d.b.a. Regis F. Kramer & Co., 5420 West 104th Street, Los Angeles, Calif., FMC License No. 1238.

Margarita T. Kuyoomjian, 3705 West 62d Street, Los Angeles, Calif., FMC License No. 1234.

Columbia Van Lines, Inc., of California, 2805 Columbia Street, Torrance, Calif., FMC License No. 1236.

Container Services International, Inc., 233 Broadway, New York, N.Y., FMC License No. 1237.

International Sea Van, Inc., 1212 St. George Road, Evansville, Ind., FMC License No. 79.
Everett W. Fleisig, d.b.a. Everett W. Fleisig Co., 24 Stone Street, New York, N.Y., FMC License No. 1230.
Freeslate International Corp., 11 Broadway, New York, N.Y., FMC License No. 1240.
Pegasus Freight Forwarding Co., Inc., 112 John Street, New York, N.Y., FMC License No. 1235.
A.O.K. Shipping Service, Inc., Pier No. 3, Municipal Docks, Post Office Box 2798, Miami, Fla., FMC License No. 1239.
Monumental-Security Storage Co., 3006 Druid Park Drive, Baltimore, Md., FMC License No. 1245.
Intermodal Forwarding, Inc., 29 Broadway, New York, N.Y., FMC License No. 1242.
Randy International, Ltd., 11 Broadway, New York, N.Y., FMC License No. 1241.
Arthur Jacobs, d.b.a., Artmar Shipping Co., 1216 Burke Avenue, Bronx, N.Y., FMC License No. 1243.
New York International Customs Service, Inc., Post Office Box 90310, LAX International Airport, Los Angeles, Calif., FMC License No. 1244.
E. Allen Brown, 1935 East Beaver Street, Post Office Box 22, Station G, Jacksonville, Fla., FMC License No. 1246.

Dated: June 5, 1969.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6797; Filed, June 9, 1969; 8:47 a.m.]

ATLANTIC COAST DISTRICT OFFICE

Notice of Relocation

The new address of the Commission's Atlantic Coast District Office is:

Federal Maritime Commission, Atlantic Coast District Office, 26 Federal Plaza, Room 4012, New York, N.Y. 10007.

Dated: June 5, 1969.

JOHN HARLLEE,
Rear Admiral,
U.S. Navy (Retired), Chairman.

[F.R. Doc. 69-6796; Filed, June 9, 1969; 8:47 a.m.]

[Docket No. 69-10]

ATLANTIC LINE, LTD.—GENERAL INCREASES IN RATES IN U.S. ATLANTIC/VIRGIN ISLANDS TRADE

Postponement of Hearing and Vacation of Suspension

By order dated March 19, 1969, we ordered an investigation into a general increase by Atlantic Line, Ltd., of rates in the U.S.-Virgin Islands trade. By First Supplemental Order, dated April 7, 1969, we ordered the investigation and the suspension of 50 additional increases in rates. The Government of the Virgin Islands, Hearing Counsel, and respondent Atlantic Line are parties to the investigation.

On May 21, 1969 a joint motion to postpone the hearing and to vacate the suspension was filed by all the parties to this proceeding. The motion is precipitated by Atlantic Line's recent conversion of its Virgin Islands service into an exclusive trailership operation with direct turn around voyage. All parties agree that in light of the completely different type of service to be offered it would be exceedingly difficult to derive projected results with any reasonable accuracy until there has been some minimum period of actual operation in the new type service. Accordingly, the parties request a postponement of hearing until the first week of February 1970.

The parties also seek immediate use of the suspended rates. Atlantic Line agrees that if the suspension is lifted it will voluntarily maintain the rates on certain basic foodstuff items at the level in effect prior to the suspended increases. Atlantic Line agrees to maintain such rates until we finally resolve the question of reasonableness of the carrier's general rate level.

We are disposed to grant the motion to postpone hearing and to vacate suspension. The suspension will be vacated upon the filing by Atlantic Line of an appropriate tariff setting forth the rates to be maintained on basic foodstuff items. The granting of the motion will be conditioned by the agreement and stipulation of the parties that during the period until the hearings resume Atlantic Line will furnish periodic reports to the Commission of its operational results; that the Government of the Virgin Islands will have access to such financial data upon its request; that the reported data will include monthly voyage summaries, supplemented by quarterly reports which include administrative and general and other pertinent expense items; that all allocation methods employed in this quarterly report will be clearly explained; and that the Commission shall have the right to request supplemental filings, if needed, and the right to audit all reports.

Therefore, it is ordered, That the motion to postpone hearings is hereby granted, conditioned on the above-mentioned agreement and stipulation of the parties to this proceeding. An order vacating suspension will be issued upon the filing of the tariff setting forth the rates to be maintained on basic foodstuff items.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6798; Filed, June 9, 1969; 8:47 a.m.]

[Docket No. 69-26; Second Supplemental Order and Special Permission 5050]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

Change matter held in effect by reason of suspension waive Rule 20(c) Domestic Tariff Circular No. 3.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a 10 percent general rate increase of the subject carrier, and suspended to and including September 17, 1969, Supplement No. 51 to Tariff FMC-F No. 3 (Pan-Atlantic Steamship Corp. FMC-F Series) and Supplement No. 15 to Tariff FMC-F No. 2 (Pan-Atlantic Steamship Corp. FMC-F Series), among other tariff matters. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

The Commission has determined that no useful regulatory purpose would be served in this proceeding by enforcing the "freeze" insofar as the statutory filing of rate reductions is concerned.

Now, therefore it is Ordered, That:

1. Authority is granted to Sea-Land Service, Inc., to depart from the terms of Rule 20(c) of the Commission's Domestic Tariff Circular No. 3 and the terms of the original order in I&S Docket No. 69-26 to make changes in rates and provisions held in effect by reason of suspension in said docket, upon lawful notice, but only to the extent that such changes will result in a reduction in rates or charges, unless otherwise authorized by the Commission. This authority extends to and including September 17, 1969.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Second Supplemental Order in Docket No. 69-26 and Federal Maritime Commission Special Permission No. 5050."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of reduced rates.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 69-6799; Filed, June 9, 1969; 8:47 a.m.]

[Docket No. 69-24; Second Supplemental Order and Special Permission 5050]

SEATRAIN LINES, INC.

General Increases in Rates in U.S. Atlantic/Puerto Rico Trade

Change matter held in effect by reason of suspension waive Rule 20(c) Domestic Tariff Circular No. 3.

By original order in this proceeding served May 14, 1969, the Commission placed under investigation a 10 percent general rate increase of the subject carrier, and suspended to and including September 15, 1969, Supplement No. 47 to Tariff FMC-F No. 1 and Supplement No. 22 to Tariff FMC-F No. 3. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission. The Commission has determined that no useful regulatory purpose

would be served by enforcing the "freeze" insofar as the statutory filing of rate reductions is concerned.

Now, therefore it is ordered, That:

1. Authority is granted to Seatrain Lines, Inc., to depart from the terms of Rule 20(c) of the Commission's Domestic Tariff Circular No. 3 and the terms of the original order in I&S Docket No. 69–24 to make changes in rates and provisions held in effect by reason of suspension in said docket, upon lawful notice, but only to the extent that such changes will result in a reduction in rates or charges, unless otherwise authorized by the Commission. This authority extends to and including September 15, 1969.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Second Supplemental Order in Docket No. 69–24 and Federal Maritime Commission Special Permission No. 5050."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of reduced rates.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-6800; Filed, June 9, 1969; 8:47 a.m.]

[Docket No. 69-25; First Supplemental Order and Special Permission 5050]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Temporary Strike Surcharge in U.S. North Atlantic/Puerto Rico Trade

Change matter held in effect by reason of suspension waive Rule 20(c) Domestic Tariff Circular No. 3.

By the original order in this proceeding served May 14, 1969, the Commission placed under investigation a temporary "Strike Surcharge" designed to increase rates and charges of the subject carrier by 10 percent during the period from May 17, 1969 to April 10, 1970; and suspended to and including September 16, 1969, Original, First and Second Revised Pages 10–A to Freight Tariff FMC–F No. 1. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission. The Commission has determined that no useful regulatory purpose would be served by enforcing the "freeze" insofar as the statutory filing of rate reductions is concerned

Now therefore it is ordered, That:

1. Authority is granted to Transamerican Trailer Transport, Inc., to depart from the terms of Rule 20(c) of the Commission's Domestic Tariff Circular No. 3 and the terms of the original order in I&S Docket No. 69–25 to make changes in rates and provisions held in effect by reason of suspension in said docket, upon lawful notice, but only to the extent that such changes will result in a reduction in rates or charges, unless otherwise authorized by the Commission. This authority extends to and including September 16, 1969.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of Second Supplemental Order in Docket No. 69–25 and Federal Maritime Commission Special Permission No. 5050."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of reduced rates.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Assistant Secretary.*

[F.R. Doc. 69-6801; Filed, June 9, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-103]

COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend

JUNE 3, 1969.

Take notice that on May 26, 1969, Columbia Gulf Transmission Co. (Petitioner), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP69–103 a petition to amend the order issued in said docket on March 17, 1969, by authorizing an increase in the amount of the expenditures for the offshore "budget-type" facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order, Petitioner was authorized to construct during 1969 and operate "budget-type" gathering facilities at a total estimated cost of $600,000, with no single project to exceed a cost of $150,000. Petitioner states that it is now necessary to construct facilities to connect offshore gas reserves to offshore transmission facilities and that the costs for offshore construction are much higher than for comparable onshore construction.

Therefore, Petitioner requests that the Commission waive the applicability of § 157.7(b)(1) of its regulations insofar as it restricts the cost of any single project to 25 percent of the total budget amount and that the certificate issued March 17, 1969, be amended so as to authorize Petitioner to construct any single gas supply project during 1969 at a cost not to exceed $250,000, with the aggregate cost of all such projects not to exceed $600,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-6766; Filed, June 9, 1969; 8:45 a.m.]

[Docket No. CP69-321]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 3, 1969.

Take notice that on May 27, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69–321 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate facilities for the sale and delivery of natural gas to Columbia Gas Co. (Columbia) for resale and distribution in the community of Connell, Wash., and environs. In order to render such service, Applicant proposes to construct and operate approximately 3.9 miles of 6⅝-inch O.D. lateral pipeline and a measuring and regulating station adjacent to such pipeline.

The estimated peak day and annual natural gas requirements of Columbia during the third full year of the proposed service are 31,718 therms and 6,744,460 therms, respectively. Applicant's proposed sales and deliveries to Columbia will be initiated on a firm basis in accordance with and at rates contained in Applicant's Rate Schedule DI–1, FPC Gas Tariff, Original Volume No. 3.

The total estimated cost of Applicant's facilities is $79,096, which will be financed from working funds supplemented, as necessary, by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6767; Filed, June 9, 1969; 8:45 a.m.]

[Docket No. CP69-316]

MIDWEST NATURAL GAS CO., AND NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 3, 1969.

Take notice that on May 23, 1969, Midwest Natural Gas Co. (Applicant), 600 Denver Club Building, Denver, Colo. 80202, filed in Docket No. CP69-316 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for distribution and resale in 14 communities situated in North and South Dakota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system serving 14 communities in North and South Dakota. The facilities to be constructed by Applicant consist of the distribution systems in the several communities, approximately 136.9 miles of 6⅝-inch and 0.5 mile of 30-inch O.D. lateral transmission line, and a compressor station with appurtenant facilities.

Applicant seeks an order of the Commission directing Respondent to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver the volumes of natural gas necessary to serve Applicant's needs for the new distribution systems.

The estimated third year peak day and annual natural gas requirements of Applicant for the new distribution systems are 6,521 Mcf and 1,628,403 Mcf, respectively.

The total estimated cost of Applicant's proposed facilities is $6,010,000, which will be financed by the issuance of common stock and convertible subordinated debentures.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6768; Filed, June 9, 1969; 8:45 a.m.]

[Docket No. RP69-36]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Proposed Changes in Rates and Charges

JUNE 3, 1969.

Take notice that on May 29, 1969, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on July 1, 1969. The proposed rate changes would increase charges for jurisdictional sales and services by $44,471,857 annually, based on sales for the 12-month period ending February 28, 1969, as adjusted. Rates would be increased under all sales rate schedules except Rate Schedules I-1 and I-2 (Rate Schedule I-1 would be subject to adjustment for changes in cost of purchased gas).

Natural states that the principal reason for the proposed rate increases is an increase in revenue requirements not limited to any category of expense or allowance, but reflecting a general increase in cost levels in the nation and in the natural gas industry. The proposed rates include a claimed 8.5 percent rate of return.

Natural's filing consists of two alternative sets of revised tariff sheets, the first of which contains a proposed new paragraph, to be included in the General Terms and Conditions of the Tariff, providing that Natural would be permitted, or required, to revise its rates periodically to reflect increases or decreases in its cost of purchased gas. Natural requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38 (d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Natural's filing, the Commission accepts for filing the alternative set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Copies of the filing were served on customers and interested state regulatory agencies.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6769; Filed, June 9, 1969; 8:45 a.m.]

[Docket No. E-7423]

OTTER TAIL POWER CO.

Notice of Application

JUNE 4, 1969.

Take notice that on June 28, 1968, the Federal Power Commission issued an order pursuant to section 204 of the Federal Power Act authorizing Otter Tail Power Co. to issue short-term promissory notes to banks in an aggregate principle amount not to exceed $12 million outstanding at any one time. The notes were to be issued on or before December 31, 1970, with a final maturity date of not later than December 31, 1971.

On May 26, 1969, Otter Tail Power Co. (Applicant) filed an application requesting that the Commission order of June 28, 1968, be modified to the extent that the Applicant be authorized to issue notes in the form of commercial paper as well as notes to banks and that the final dates of issuances be extended from December 31, 1970, to December 31, 1971.

All other terms and conditions of the Commission's order are to remain the same.

The notes to be issued in the form of commercial paper would have maturity dates of no later than 9 months from the date of issuance and would bear interest dependent upon the terms of the notes and the money market conditions at the time of issuance. The proceeds from the notes will be used to provide general funds for the company's 1969, 1970, and 1971 construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6770; Filed, June 9, 1969; 8:45 a.m.]

[Dockets Nos. CS69-46, etc.]

TEXAS CRUDE OIL CO. ET AL

Notice of Applications for "Small Producer" Certificates [1]

JUNE 3, 1969.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 30, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS69-46....	5-13-69	Texas Crude Oil Co., 2601 Ridgmar Plaza, Post Office Box 12405, Fort Worth, Tex. 76116.
CS69-48....	5-12-69	Estate of William Wade Meeker, 6000 Camp Bowie Blvd., Fort Worth, Tex. 76116.
CS69-49....	5-12-69	William A. Davidson, 42 Wall St., New York, N.Y. 10005.
CS69-50....	5-12-69	Albert Francke, III, 63 Wall St., New York, N.Y. 10005.
CS69-51....	5-12-69	Rainer E. Gut, 44 Wall St., New York, N.Y. 10005.
CS69-52....	5-12-69	Edwin A. Dean, 2 Wall St., New York, N.Y. 10005.
CS69-53....	5-12-69	Ted Penner, 1502 East Lancaster, Fort Worth, Tex. 76102.
CS69-54....	5-12-69	L. H. Meeker, 6000 Camp Bowie Blvd., Fort Worth, Tex. 76116.
CS69-55....	5-12-69	J. J. Meeker, 6000 Camp Bowie Blvd., Fort Worth, Tex. 76116.
CS69-56 [1]...	5-16-69	MWJ Producing Co. (Operator), Agent, [1] 413 First National Bank Bldg., Midland, Tex. 79701.
CS69-57....	5-22-69	Solar Oil Co., Post Office Box 5506, Midland, Tex. 79701.
CS69-58....	5-26-69	Imperial-American Management Co., 777 The Main Bldg., Houston, Tex. 77002.

[1] Applicant requests that its sales heretofore authorized in Dockets Nos. G-15116, G-17633, G-17803, G-18491, G-19802, G-20318, CI65-1306, CI66-749, CI66-766, CI67-1681, G-15992, CI68-61, CI68-600, CI68-925, CI68-997, and CI68-1050 to be made pursuant to its FPC Gas Rate Schedules Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16 and 17, respectively, not be covered by a small producer certificate.

[F.R. Doc. 69-6771; Filed, June 9, 1969; 8:45 a.m.]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

FEDERAL RESERVE SYSTEM

BANK OF LAS VEGAS

Order Approving Merger of Banks

In the matter of the application of Bank of Las Vegas for approval of merger with Valley Bank of Nevada.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by the Bank of Las Vegas, Las Vegas, Nev., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Valley Bank of Nevada, Reno, Nev., under the charter of the former and under the name, Valley Bank of Las Vegas. As an incident to the merger, the four offices of Valley Bank of Nevada would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 23d day of May, 1969.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-6773; Filed, June 9, 1969; 8:45 a.m.]

FOREIGN-TRADE ZONES BOARD

FOREIGN-TRADE SUBZONE NO. 2-B NEW ORLEANS, LA.

Notice of Filing and Investigation Regarding Application for Contiguous Expansion

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the Board of Commissioners of the Port of New Orleans, Grantee of Foreign-Trade Zone No. 2, and Subzones 2-A and 2-B, for permission to modify the boundaries of Subzone 2-B, New Orleans, La., Customs District No. 20 of the United States, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u). The grant for Subzone 2-B was issued on November 19, 1968 (Board Order No. 78; 33 F.R. 17378, 11-23-68), covering an area of 3.47 acres. The requested modification involves adjustments to the southeastern and southern

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

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

boundaries of the subzone which would result in an expansion in subzone area of slightly more than 1 acre.

The Acting Executive Secretary of the Foreign-Trade Zones Board, pursuant to the Foreign-Trade Zones Board Regulations (15 CFR Part 400) has designated Sidney R. Donner, Office of Policy Development, Business and Defense Services Administration, U.S. Department of Commerce, as Examiner to investigate the application for compliance with said Regulations. The application was found to be in order on May 28, 1969. Accordingly, the Acting Executive Secretary has appointed an Examiners Committee composed of: Sidney R. Donner, Chairman; Charles W. Fisher, District Director of Customs, New Orleans, La.; and, Colonel Herbert R. Haar, Jr., U.S. Army District Engineer, New Orleans, La., to conduct an investigation of the application and report thereon to the Foreign-Trade Zones Board.

A copy of the application and accompanying exhibits is available for public examination at the office of the District Director, U.S. Customs House, New Orleans, La., and at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3325, U.S. Department of Commerce, Washington, D.C.

Notice is hereby given that, in connection with its consideration of the application, the Examiners Committee invites interested persons to submit their written views regarding the application. Such views must be submitted in writing to Mr. Sidney R. Bonner, Chairman of the Examiners Committee (N.O. 2-B—Contiguous Expansion), Foreign-Trade Zones Board, Room 3325, U.S. Department of Commerce, Washington, D.C. 20230, to be received not later than 21 calendar days from the publication of this notice in the FEDERAL REGISTER.

Dated: June 5, 1969.

JOHN J. DA PONTE, Jr.,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[F.R. Doc. 69-6831; Filed, June 9, 1969; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Regulation F-49]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a natural gas service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the New Mexico Public Service Commission in a proceeding involving natural gas rates of the Southern Union Gas Co. (Case No. 937).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 3, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-6788; Filed, June 9, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

JUNE 4, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 5, 1969, through June 14, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-6777; Filed, June 9, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

J & M INVESTMENT CORP.

Notice of Issuance of Small Business Investment Company License

On April 9, 1969, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (34 F.R. 6307) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for a license as a small business investment company by J & M Investment Corp., 712 Mill Street, Reno, Nev. 89502.

Interested parties were given 15 days from the date of publication to submit their comments to SBA.

No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 12/12-0148 to J & M Investment Corp. to operate as a small business investment company.

The license was issued in Washington, D.C., on May 28, 1969.

Dated: May 28, 1969.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator
for investment.

[F.R. Doc. 69-6791; Filed, June 9, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 100]

WILLAMETTE TARIFF BUREAU, INC. APPLICATION FOR APPROVAL OF AGREEMENT

JUNE 5, 1969.

Notice. The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: May 19, 1969, by: J. L. Stewart, Attorney-in-fact, 1444 Southeast Hawthorne Boulevard, Portland, Oreg. 97214.

Agreement involves: Agreement between and among common carriers by motor vehicle, railroad, or water, participants in tariffs published by Willamette Tariff Bureau, Inc., relating to joint consideration, initiation, change, and publication of rates, rules, regulations, and practices governing the transportation of property, in intrastate, interstate, and foreign commerce from, to and between points, to the extent specified, in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and the Provinces of Alberta, British Columbia, and Saskatchewan, Canada.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicant should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its

discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-6792; Filed, June 9, 1969; 8:47 a.m.]

[Notice 845]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 5, 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 340), 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 protest 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 the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 189 TA), filed June 2, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from Cambridge, Md., to points in Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Bumble Bee Seafoods, a division of Castle & Cooke, Inc., Cambridge, Md. 21613. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 44913 (Sub-No. 8 TA), filed May 27, 1969. Applicant: E. ROSCOE WILLEY, INC., 915 Race Street, Cambridge, Md. 21613. Applicant's representative: Francis N. Koski, 915 Race Street, Cambridge, Md. 21613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, in containers, from Plant and Warehouse Site, Cambridge, Md., to Greensboro, Raleigh, and Wilmington, N.C., Washington, D.C. and points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and those in Pennsylvania on and east of a line beginning at Maryland-Pennsylvania line and extending along U.S. Highway 111 to Harrisburg, Pa., thence along U.S. Highway 15 to Pennsylvania-New York State line, and those in Virginia on and east of U.S. Highway 1, for 180 days. Supporting shipper: Bumble Bee Seafoods, Cambridge, Md. 21613, O. D. Howell, Assistant Plant Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 85465 (Sub-No. 19 TA), filed May 29, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beef hearts*, from Denison, Iowa, and Dakota City and West Point, Nebr., to Scottsbluff, Nebr. (Authority is sought to pick up at all three origin points on the same truck and deliver to destination, thus interstate authority is sought to load at the two Nebraska origins), for 180 days. Supporting shipper: Great Western Packing Co. of Nebraska, Post Office Box 675, Scottsbluff, Nebr. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 113828 (Sub-No. 159 TA), filed June 2, 1969. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Greensboro, N.C., to points in North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Sun Chemical Corp., 750 Third Avenue, New York, N.Y. 10017. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 114737 (Sub-No. 7 TA), filed May 28, 1969. Applicant: O. A. WOODY, doing business as O. & A. FILM LINES, 1310 Avenue G, Lubbock, Tex. 79401. Applicant's representative: Warren A. Goff, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and livestock, restricted so that no service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location on any one day, between points located in an area bounded by a line beginning at the Texas-New Mexico State line near Farwell, Tex., extending along U.S. Highway 84 to Sweetwater, Tex., thence southerly along Texas Highway 70 to the junction of U.S. Highway 277; thence along U.S. Highway 277 to San Angelo, Tex., thence along U.S. Highway 67 to Barnhart, Tex., thence along Texas Highway 163 to Ozona, Tex., thence westerly along U.S. Highway 290 to junction U.S. Highway 80 (east of Kent, Tex.); thence along U.S. Highway 80 (through El Paso, Tex.) to the New Mexico-Texas State line (near Anthony, N. Mex.); thence along a line bounded by the counties of Curry, De Baca, Roosevelt, Lincoln, Chaves, Dona Ana, Eddy, and Lea, N. Mex., and all points on U.S. Highway 80 from Sweetwater, Tex., to Dallas, and Forth Worth, Tex., for 180 days. NOTE: Applicant desires the right to interline with other motor common carriers. Supporting shippers: There are approximately 40 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: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 116063 (Sub-No. 115 TA), filed June 2, 1969. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid dextrine and adhesives*, in bulk, in tank vehicles, from Grand Prairie, Tex., to Fort Smith, Ark., for 180 days. Supporting shipper: National Starch & Chemical Corp., Box 50, Grand Central Post Office, New York, N.Y. 10017. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commisison, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 117883 (Sub-No. 125 TA), filed May 29, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Post Office Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., to points in Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, District of Columbia, and St. Louis, Mo., for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119880 (Sub-No. 31 TA), filed June 2, 1969. Applicant: DRUM TRANSPORT, INC., Box 2056, East Peoria, Ill. Applicant's representative: B. N. Drum

(same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Pekin, Ill., to New Orleans, La., for 180 days. Supporting shipper: The American Distilling Co., South Front Street and Distillery Road, Pekin, Ill. 61554. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123067 (Sub-No. 84 TA), filed May 29, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Chatham County, Ga., to points in Georgia, for 150 days. Supporting shippers: Georgia Ports Authority, Post Office Box 2406, Savannah, Ga. 31402; Hohenstein Shipping Co., 24 Drayton Street, Savannah, Ga. 31402; Anderson Shipping Co., Post Office Box 794, Savannah, Ga. 31402; E. L. Mobley Custom House Broker and Freight Forwarder, Post Office Box 686, Savannah, Ga. 31402. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 124078 (Sub-No. 383 TA), filed June 2, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Wilder, Ky., to points in Illinois, Indiana, Michigan, and Ohio, for 150 days. Supporting shipper: Vistron Corp., Midland Building, Cleveland, Ohio, 44115 (I. W. Peterson, Motor Carrier Coordinator). 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 124078 (Sub-No. 384 TA), filed June 2, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer materials*, in bulk, from the plantsites of Occidental Chemical Co. at Kenton and Mount Victory, Ohio, to points in Indiana, for 150 days. Supporting shipper: Occidental Chemical Co., Post Office Box 1185, Houston, Tex. 77001 (Mike Gonzales, Transportation Analyst). 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 124652 (Sub-No. 6 TA), filed May 29, 1969. Applicant: JULIAN F. DUNCAN, doing business as DUNCAN TRANSFER, Post Office Box 1, Riverton, Va. 22651. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Masonry or mortar cement*, from Riverton, Va., to points in Connecticut, for 150 days. Supporting shipper: Riverton Lime & Stone Co., Inc., Riverton, Va. 22651. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 125506 (Sub-No. 11 TA), filed May 29, 1969. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. 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: *Merchandise dealt in by retail specialty shops* (except new furniture and appliance items), from New York, N.Y., Bala-Cynwyd, Pa., and from Bala-Cynwyd, Pa., to New York, N.Y., for 180 days. Supporting shipper: Saks Fifth Avenue, 611 Fifth Avenue, New York N.Y. 10022. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 126320 (Sub-No. 4 TA), filed May 29, 1969. Applicant: HAROLD V. DETTINBURN, doing business as DETTINBURN TRUCKING, Petersburg, W. Va. 26847. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, in tank, hopper or dump truck equipment, from Greer, W. Va., to Bridgeville, Pa., for 180 days. Supporting shipper: Greer Limestone Co., Greer Building, Morgantown, W. Va. 26505. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 128539 (Sub-No. 2 TA), filed May 29, 1969. Applicant: H & P TRANSIT COMPANY, INC., Post Office Box 2508, Rocky Mount, N.C. 27801. Applicant's representative: Roland Rice, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Henderson, N.C., to points in North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Morton Salt Co., 110 North Wacker Drive, Chicago, Ill. 60608. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 133495 (Sub-No. 1 TA), filed June 2, 1969. Applicant: JOHN M. AKIKI, Rural Route No. 1, Box 9, Imperial, Mo. 63052. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Chicago, Ill., and Evansville, Ind. (the plantsites of Associated Brewing), to St. Louis and Joplin, Mo., *empty bottles*, on return, for 180 days. Supporting shipper: Peoples Liquor, Inc., 5080 Delmar, St. Louis, Mo. 63108. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 133686 (Sub-No. 1 TA), filed May 29, 1969. Applicant: TOM SAWYER, Box 3, Kingston, Idaho 83839. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Spokane, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Fargo, N. Dak., to Seattle and Spokane, Wash., and Portland, Oreg., for 150 days. Supporting shipper: North Star Dairy, 350 Endicott on Fourth Building, St. Paul, Minn. 55101. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 133718 (Sub-No. 1 TA), filed May 29, 1969. Applicant: W. H. RAMSEY, doing business as W. H. RAMSEY & SONS, 4790 Mission Boulevard, Ontario, Calif. 91762. Applicant's representative: Floyd C. Ellis, Suite 757, Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile, clay or earthenware and tile quarries*, from Pomona, Calif., to Mesa, Ariz., and Phoenix, Ariz., for 180 days. Supporting shipper: Pomona Tile Co., 216 South Reservoir Street, Post Office Box 2249, Pomona, Calif. 91766. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133723 (Sub-No. 5 TA), filed June 2, 1969. Applicant: JOHN H. SMITH, INC., 18709 Ecorse Road, Allen Park, Mich. 48101. Applicant's representative: William B. Elmer, Kaiser Building, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal briquets*, from Detroit, Mich., to points in Ohio located in and west of Ohio Highway 61 and on and north of U.S. Highway 36, and *coke*, from Toledo, Ohio, to Detroit, Mich., for 150 days. Supporting shipper: Johnson Coal Cubing Co., 9309 Hubbell Avenue, Detroit, Mich. 48228. Send protests to: District Supervisor Gerald J. Davis, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 133761 TA, filed May 29, 1969. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica,

N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, containers and chassis*, from Middletown, N.Y., to Fairless Hills and Philadelphia, Pa.; Norfolk, Va.; Baltimore, Md.; Port Jervis, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Interstate Commerce Commission in 53 M.C.C. 451, within which local operations may be conducted under the exemption provision provided by section 203(b)(8); (2) *trailers and trailer parts*, from Fairless Hills, Pa., to Middletown, N.Y., for 150 days. Supporting shipper: Strick Corp., U.S. Highway 1, Fairless Hills, Pa. 19030. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 138 TA), filed May 29, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations only, between the junction of Interstate Highway 40 (U.S. Highway 66) and an unnumbered highway at the northern entrance to Petrified Forest National Park, Ariz., and Holbrook, Ariz., from junction Interstate Highway 40 (U.S. Highway 66) and unnumbered highway, over unnumbered highway through the Petrified Forest National Park to junction U.S. Highway 180, thence over U.S. Highway 180 to junction Interstate Highway 40 (U.S. Highway 66) at Holbrook, for 180 days. NOTE: Applicant intends to tack this authority, if granted, with its Sub No. 7. Supported by: Shanly International Corp., 305 Dun Building, Buffalo, N.Y. 14202. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 67629 (Sub-No. 5 TA), filed May 29, 1969. Applicant: NORTHERN TRANSPORTATION CO., 218 North Fifth Avenue, Virginia, Minn. 55792. Applicant's representative: Joseph J. Dudley, West 1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, newspapers, and U.S. Mail*; (1) between Duluth, Minn., and the Minnesota-Canadian border at Grand Portage, Minn., from Duluth over U.S. Highway 61 to Grand Portage, and return over the same route, serving all intermediate points, and the off-route point of Knife River, Minn., over unnumbered highway; and (2) between Duluth, Minn., and Motley, Minn., from Duluth over U.S. Highway 61 to its junction with Minnesota Highway 45, thence over Minnesota Highway 45 to Cloquet, Minn., thence over Minnesota Highway 33 to its junction with U.S. Highway 210, thence over U.S. Highway 210 to Motley, and return over the same route, serving all intermediate points, for 150 days. NOTE: Applicant states it will tack this authority to MC 67629 and interline at Duluth, Aitkin, and Motley, Minn. Supported by: Nick Lagarther, Minnesota Public Service Commission, Fred H. Petersen, village of Aitkin, Minn., Kenneth Ohlund, Two Harbors, Minn., George Peet, village of Grand Marais, Minn., and Thomas Scheurer, Brainerd, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128823 (Sub-No. 2 TA), filed May 29, 1969. Applicant: ROBERT C. BELL, doing business as N.J. & N.Y. AIRPORT LIMOUSINE, 130–20 Horace Harding Boulevard, Flushing, N.Y. 11367. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and pets*, between New Jersey Highway 27 and the New Jersey Turnpike on New Jersey Highway 18, and between Interchange 9 and Interchange 18 on the New Jersey Turnpike, including access roads and ramps to and from the said New Jersey Turnpike and New Jersey Highway 18, and also between U.S. Highway 1 and U.S. Highway 206 on New Jersey Highway 546 in Lawrence, N.J., and on Alexander Street and University Place in Princeton, N.J., for 150 days. NOTE: Applicant intends to tack MC 128823 and Sub 1 TA. Supporting by: Applicant has attached to the application his own letter supporting same. Send protests to: District Supervisor Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

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

[F.R. Doc. 69-6793; Filed, June 9, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS

Issuance

JUNE 4, 1969.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of DOT Special Permits upon which Board action was completed during May 1969:

Special Permit No.	Issued to—Subject	Mode or modes of transportation
5949	Allied Chemical Corp. for the shipment of inhibited gaseous tetrafluoroethylene in DOT-3AAX2400 cylinders.	Highway and rail.
5950	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the Model BCL-2, BCL-3, or BCL-4 shipping casks.	Cargo-only aircraft, highway, and rail.
5962	Terra Chemicals International Inc., for the shipment of anhydrous ammonia in proposed DOT-120A300W tank car tanks.	Rail.
5966	Universal Oil Products Co. for the shipment of gaseous oxygen in a small manifolded pressure unit.	Cargo-only aircraft and highway.
5967	Rocket Research Corp. for the shipment of liquefied monochlorodifluoromethane in three sizes of cool gas generators.	Cargo-only aircraft, highway, and rail.
5970	West Coast Welders Supply & Junk Co. for the shipment of oxygen, nitrogen, argon, and hydrogen in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
5971	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the GE Model 200 Shipping Cask.	Water, highway, and rail.
5972	Grace Line, Inc., for the shipment of specified flammable liquids, combustible liquids and hazardous articles, in MC-306 or 307 type portable tanks.	Water and highway.
5976	Chemagro Corp. for the shipment of liquid organic phosphate compounds in DOT-105A300W tank car tanks.	Rail.
5979	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in the ICN Teletherapy Source Shipping Container.	Water and highway.
5980	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials in the GE Model 600 or 1600 Shielded Container.	Highway.
5983	Shippers upon specific registration with this Board, for the shipment of anhydrous ammonia or liquefied petroleum gas in DOT-114A340W tank cars constructed of AAR-M-128B steel, and on the basis of E=1.0 under 49 CFR 179.100-6.	Rail.
5984	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials in a DOT-55 container having a wooden overcoat (J. L. Shepherd Cask).	Highway.
5986	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive material in the Picker Model 592 Teletherapy Source Head Shipping Container.	Water, highway, and rail.
5987	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials, special form, incorporated in the SNAP-7C radioisotope-fueled thermoelectric generator.	Highway.
5988	Department of Defense for the shipment of explosive bombs in wooden or metal boxes having a gross weight in excess of 1,400 pounds but not exceeding 2,200 pounds.	Highway and rail.
5990	McDonnell Douglas Corp. for shipment of gaseous helium, hydrogen, or nitrogen in certain DOT-3AA cylinders which have not been retested in accordance with 49 CFR 173.34(e).	Highway.
5991	Hamilton Standard, for the shipment of small quantities of white phosphorus inerted in gaseous helium in an instrument.	Highway and rail.
5992	Olson Laboratories, Inc., for the shipment of nonflammable nonliquefied gas mixtures in DOT-2P packaging.	Do.

Special Permit No.	Issued to—Subject	Mode or modes of transportation
5994	Shippers upon specific registration with this Board, for the shipment of hazardous materials, currently authorized in DOT-4BA cylinders, in DOT-4BW cylinders.	Highway and rail.
5997	Woodland Oxygen Supply Co., Inc., for the shipment of oxygen, nitrogen, argon, hydrogen, helium, compressed air, and mixtures thereof, in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Do.
5999	Atcor, Inc., for one shipment of Type B quantities of radioactive material, special form, consisting of 38 irradiated flow channels from the Dresden BWR nuclear power plant.	Highway.
6004	Oak Ridge National Laboratory, for one shipment of fissile radioactive material in the Sodium Fluoride Absorber Shipping Container.	Do.

WILLIAM C. JENNINGS,
Chairman,
Hazardous Materials Regulations Board.

[F.R. Doc. 69-6778; Filed, June 9, 1969; 8:46 a.m.]

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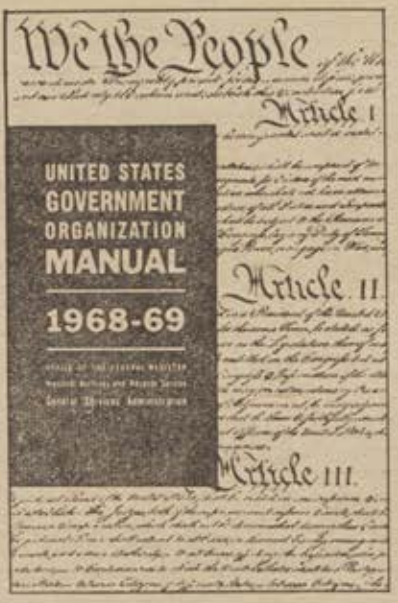

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